

The Planning Board of the Town of Cicero held a meeting on **Wednesday, October 6, 2010** at **7:00 p.m.** in the Cicero Town Hall at 8236 South Main Street, Cicero, New York 13039.

Agenda:

- Approval of the September 20, 2010 meeting minutes (**approved**)
- Site Plan, Cafua Management (Dunkin Donuts), 5865 Route 31, Proposed drive thru and site improvements, CHA (**approved**)
- Site Plan, Whittaker's Trophy Auto Sales, 5500 Bartel Road, Proposed used car dealership, Wm. Whittaker (**to return**)
- Discussion: the County's proposed sewer law

Board Members Present: Mark Marzullo (Chairman), Greg Card, Pat Honors, Chuck Abbey, Robert Smith, Scott Harris (Ad Hoc Board Member) and Sharon May

Absent: Richard Cushman

Others Present: Judy Boyke (Town Supervisor), Vern Conway (Town Board Liaison), Wayne Dean (Director of Planning & Development), Neal Germain (Esquire, Germain & Germain), Mark Parrish (P.E., O'Brien & Gere) and Tonia Mosley (Planning Board Clerk)

The meeting opened with the Pledge of Allegiance. Mr. Marzullo pointed out the three emergency exits and welcomed the Planning Board's new Town Board liaison, Vern Conway.

APPROVAL OF THE 9/20/10 PLANNING BOARD MEETING MINUTES

Mrs. May noted a correction on page 7 in paragraph 9. The word doe should be does. **Mr. Smith made a motion** to approve the September 20, 2010 Planning Board meeting minutes with the correction stated previously. **Mrs. May seconded the motion.** The motion was **approved** with the following vote:

Mr. Card:	Yes
Mr. Honors:	Yes
Mr. Abbey:	Yes
Mr. Smith:	Yes
Mr. Harris:	Abstained
Mrs. May:	Yes

Mr. Marzullo: Yes

**SITE PLAN, CAFUA MANAGEMENT (DUNKIN DONUTS)
5865 ROUTE 31, PROPOSED DRIVE THRU AND SITE IMPROVEMENTS, CHA**

Representative: Brian Bouchard, CHA

Mr. Bouchard introduced himself giving a brief recap of the proposal. I believe the only comment we had to address was signage. We talked about the 64 square feet that would be allowed. The pylon sign is 32 sq. ft. There would be a 17 sq. ft. sign over the vestibule and a 15 sq. ft. building sign facing Route 31. Per the Board's request we have removed the DD and coffee graphics from the awnings.

Mr. Parrish agreed that the signage the applicant proposed at the last meeting was okay, but the issue was the additional graphics on the awnings which could be considered signs. As requested, those have been removed.

Mr. Smith noted the 15' drive thru and building work currently happening on the site.

Mr. Parrish reviewed the County's comments. They talk about developing an access management plan in that area. That is something that our comprehensive plan suggests, but is not in place at this point in time. The applicant has made provisions for access to the Pardee property behind this site. That width appears to be fine. There is a shared access point through there.

There are grade changes to the Arrow Auto Glass site to the west, so you really can not have an inner connection there. I believe there is also a fairly significant grade change to the McDonald's site as well so I don't think that can be made either.

The DOT has approved this entrance configuration. I think that the applicant has done what they can do to provide access management at this time.

Mr. Smith asked if the site's zoning was appropriate for the use. The Board agreed that it was.

Mrs. May made a motion regarding SEQR. She read: Be it further resolved that the Planning Board of the Town of Cicero hereby determines that the proposed action will not have a significant effect on the environment and that this resolution shall constitute a negative declaration for the purposes of Article 8 of the Environmental Conservation Law of the State of New York. **Mr. Smith seconded the motion.** The motion was **approved** with the following vote:

Mr. Card:	Yes
Mr. Honors:	Yes
Mr. Abbey:	Yes
Mr. Smith:	Yes
Mr. Harris:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

Mr. Smith made a motion to approve the site plan for Cafua Management's Dunkin Donuts as presented with a last revision date of September 13, 2010. **Mrs. May seconded the motion.** The motion was **approved** with the following vote:

Mr. Card:	Yes
Mr. Honors:	Yes
Mr. Abbey:	Yes
Mr. Smith:	Yes
Mr. Harris:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

**SITE PLAN, WHITTAKER'S TROPHY AUTO SALES
5500 BARTELL ROAD, PROPOSED USED CAR DEALERSHIP
WILLIAM WHITTAKER**

Representative: William Whittaker

Mr. Whittaker introduced himself. I run a professional, organized auto dealership in Central Square two miles north of the proposed location. Our place of business is always clean and organized. I have been in operation for 13 years and employ 7 full time and 2 part time people.

I am proposing an automotive sales dealership at the 5500 Bartell Road location in the Brewerton Plaza where there is currently a boat dealership. As far as I can tell landscaping, etc. will not be changed. We would have a display area in the parking lot.

Mr. Abbey: Will this be in addition to your present location?

Mr. Whittaker: Yes. We would be adding three new employees at this location.

Mrs. May: What do you do with old tires?

Mr. Whittaker: There will be no parts or repairs done at this location. It is strictly an automotive display area, no detailing and no accessories. We would do everything else at our other location. We service and detail there.

Mr. Smith: How would you delineate the display area?

Mr. Whittaker: It would really be the cars parked in an orderly fashion. I don't think that how the area is roped off now is very attractive, but I would do whatever the Board wanted.

Mr. Smith: We are just trying to find out what you would be doing there. Not doing anything would be an acceptable answer. You would be removing what is there now?

Mr. Whittaker: Absolutely. We have talked with the owner about sealing or paving to clean up the area. We want a professional, clean look at all times. We would utilize existing office space in the Plaza as a sales office---at the end of the Plaza. Our business hours would be 9 to 7 Monday through Friday and 10 to 6 on Saturday. We would not need any additional lighting. Basically, we would use the property as it currently exists.

Mr. Smith asked about signage. Would you use any tenants or a-frame signs?

Mr. Whittaker: There is an existing 4 x 8 sign. We would use something like that making it nicer, semi-permanent along the front row of the cars as located on the site plan. But it is not very appealing as it is set up now. Typically, we would maybe use balloons for a sale or antenna flags.

Mrs. May: I see a spot for seven vehicles around the green area. Is that for display vehicles?

Mr. Whittaker: Correct. That is the front of the property.

Mrs. May: You show an additional 26 display vehicles for a total of 33?

Mr. Whittaker: We might not do the two cars along the side. The number of cars displayed would depend upon the weather. It could vary between 35-45 cars.

Mrs. May: What is the most you can get on this property?

Mr. Whittaker: And make it look half way decent? I am going to say about 55. It would vary.

Mrs. May: Do you understand that there would be no parking in the green area? If you do have a dumpster on site it would need to be enclosed.

Mr. Whittaker: Absolutely. I am hoping we will not have to do anything to the property except make it look better.

Mr. Marzullo asked about drive width and on site traffic flow.

Mr. Smith asked if the location was zoned for a car dealership.

Mr. Dean: It is zoned General Commercial. One of the uses allowed in a GC zone is auto sales and service.

Mr. Card asked for clarification on the application. Are you requesting a zone change?

Mr. Whittaker: No, it probably does not need it.

Mr. Parrish suggested that the vehicles displayed adjacent to the front property line create an issue with traffic circulation through the site. If you are coming from the west you would need to zigzag through the site. I think that it might be better to keep that area along the front as a drive isle, moving your signage and display vehicles back for a straighter shot through the site.

It would make it less difficult to move through.

Mr. Marzullo agreed with Mr. Parrish's suggestion.

Mr. Whittaker: I know that the previous owner had an agreement with Burger King to leave that area open. Obviously, they are not there anymore.

Mr. Marzullo: Hopefully something will go there. We would want those cross connections. It is important to us.

Mrs. May: Would your signs be lit internally? Would there be a reader board?

Mr. Whittaker: When you say reader board, do you mean changeable letters? No reader board. I am not sure if the signs on the building are internally lit, but I think that they are. We would just change the faces.

More discussion occurred regarding signage. The Board requested that the applicant bring in signage details.

Mr. Smith: Are you adding any paving?

Mr. Whittaker responded no. But if we can come to some agreement there would be some re-paving of existing paved areas.

Mr. Card: If you lease that whole area how will we know that the 25' drive isle stays open? Is there some type of agreement between you and the property's owner? As to Mr. Marzullo's point, if you block that off we have no cross connection.

Mr. Whittaker stated that he would like to keep a vehicle display area as close to the road as possible.

More discussion occurred as the Board made further suggestions regarding on site traffic circulation.

Mr. Parrish added to maintain good circulation through the site you should have something along the front and the back.

Mr. Whittaker agreed if that is what the Board required, that is what he would do.

Mr. Abbey: Is there a regulation about the number of cars a dealer can have per square foot? Some dealers might plan on having 25 cars on display but end up having 75.

Mr. Dean responded no, but I would certainly like that number fixed by Board approval. It is easier for me to go to a site, count the number of cars displayed and compare that to the number that was approved.

Mr. Whittaker: I believe that the most cars this site would have would be 55. It is hard to say because cars vary in size.

Mr. Smith: Without some delineation, how do we keep this from taking over the whole parking lot?

Mr. Dean: It is fixed here. There are some dimensions on the plan.

Mr. Parrish agreed. Essentially, you would have to tape it off if you were concerned that the site was expanding beyond its limits.

Mr. Whittaker: We could mark it on the pavement, etc. if the Board would like to see that done.

Mr. Dean: Another alternative is to leave the 25' wide drive where it is now and re-configure the painted island over by Burger King. You could push that back for a direct route along the front of the Plaza, even where the tree and existing sign is located.

More discussion occurred.

Mr. Card: There is a 50' setback for a building or structure. Are we going to allow cars in front within that 50'?

Mr. Parrish: In the corridors along Routes 11 and 31, the Board typically requests a 20' green area, or no display area, outside of the right-of-way boundaries to keep it looking better and uncluttered. This does not comply with that in a couple of respects. One is the green area. But it is already paved and I don't think you are going to change that.

The green area that is already there is within the right-of-way. According to this map, pavement goes right up to the right-of-way line. So, the display area is directly adjacent to the right-of-way line.

Again, I don't think that there is anything that you can do to get additional green area. The question is whether or not the Board wants the display area to come right up to the edge of the property.

Mr. Smith: It would be a hardship to do that.

The Board reviewed what was needed for the next meeting: movement of the drive isle area, signage details including setbacks, the maximum number of display cars on site, dimensions of the drive isle on the west side, etc.

Mr. Dean noted that this application has not been sent to the County for review. Mr. Marzullo recommended that it be sent. An updated plan should be available by the 25th to be ready for Board review the first meeting in November.

DISCUSSION: COUNTY'S PROPOSED NEW SEWER LAW

Mr. Smith noted the Board's mail included information from Legislator William Meyer. Mr. Meyer's letter contained information regarding the County's local law establishing a program to promote capacity management, maintenance and operation of the public sewers and related purposes and to repeal local law No. 13 of 1989.

Ms. Boyke noted that the Town Board had just received this information as well. It is a concern. The plan is a lot better than it was as far as requirements and possible hardships for residents. It affects commercial properties too. I would ask that this Board review the information and provide your comments so that along with the Town Board, we can present the appropriate

response to Mr. Meyer.

More discussion occurred.

Mr. Marzullo made a motion to adjourn. **Mr. Harris seconded the motion.** The motion was **approved** unanimously.

IN AS MUCH AS THERE WAS NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS AJOURNED AT 7:36 P.M.

Date: October 12, 2010

Tonia Mosley, Clerk

