

The Planning Board of the Town of Cicero held a meeting on **Wednesday, November 15, 2010** at **7:00 p.m.** in the Town Hall at 8236 South Main Street, Cicero, New York 13039.

Agenda:

- Approval of the Planning Board minutes from November 3, 2010 **(approved)**
- Site Plan, Whittaker's Trophy Auto Sales, 5500 Bartel Road, Proposed used car dealership, Wm. Whittaker **(approved)**
- Site Plan, Cicero Family Dental Care, 8382 Elta Drive, Proposed dental building, J.S. Hagan Architect, P.C. **(to return)**
- Site Plan Amendment, Cafua (Dunkin Donuts), Route 31, Clough Harbour **(approved)**
- Discussion: County Sewers
- Discussion: Lawton Road, Town of Clay
- Discussion: SMTC/Sidewalks

Board Members Present: Mark Marzullo (Chairman), Patrick Honors, Chuck Abbey, Robert Smith, Richard Cushman and Sharon May

Board Members Absent: Greg Card and Scott Harris (Ad Hoc Board Member)

Others Present: Wayne R. 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 was opened with the Pledge of Allegiance.

APPROVAL OF THE NOVEMBER 3, 2010 PLANNING BOARD MINUTES

Mr. Smith made a motion to approve the November 3, 2010 Planning Board minutes. **Mr. Marzullo seconded the motion.** The motion was **approved** with the following vote:

Mr. Honors:	Yes
Mr. Abbey:	Yes
Mr. Smith:	Yes
Mr. Cushman:	Abstain
Mrs. May:	Abstain
Mr. Marzullo:	Yes

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

Representative: William Whittaker

Mr. Whittaker stated one issue we had at the last meeting was how we were going to put up boundaries for the car lot. Since then we have sealed the property. This shows exactly where the leased property is. Now there are distinct in-bound and out-bound lanes.

Another issue was the amount of cars on the lot. We took the survey over to the site and parked cars to figure out what we could realistically and professionally put there. We found out that we could put in a lot more cars than we originally thought that we could.

Mr. Marzullo: So this is the scaled layout?

Mr. Whittaker responded yes. We could comfortably park 80 cars. Whether I get that amount someday, I am not sure. The other changes were the drive through the property off of the ATM. It is as close as we can get to a direct drive because of the two light poles. Eliminating the Burger King parking spaces was no problem for the landlord.

Signage includes two existing signs on the building. They are internally lit signs that would have their faces replaced. The road frontage sign is not lit. We have moved the location of that 4 x 8 sign.

Mr. Parrish noted that sign needs to be 20' back from the property line.

Mr. Whittaker: From where the grass starts?

Mr. Parrish: Yes, it looks like the pavement is the same as the property line, so I would say yes. That is code. Otherwise that sign would require a variance.

Mr. Cushman: It looks like the 24 vehicles that are crosswise parallel to Bartel Road would be right up against the property line.

Mr. Smith: Is the road line the property line?

Mr. Parrish: Yes.

Mrs. May: Is it possible to drive the cars along the front row into the green area?

Mr. Whittaker: No, I would not do that.

Mr. Abbey: Were you planning on any striping to delineate the drive so that it does not fill up with cars?

Mr. Whittaker: I could do that. It would not be a problem.

Mr. Smith: Are we all set with the County?

Mr. Parrish: Yes, we have the referral back.

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. Honors:	Yes
Mr. Abbey:	Yes
Mr. Smith:	Yes
Mr. Cushman:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

Mr. Smith made a motion to approve the site plan as presented with a last revised date of October 18th for Whittaker's Trophy Auto in the Brewerton Plaza. The Board added the following conditions for approval:

1. The road sign is setback 20' from the property/street line.

2. Drive isles will be delineated.
3. 80 is the maximum number of display cars.

Mrs. May seconded the motion. The motion was **approved** with the following vote:

Mr. Honors:	Yes
Mr. Abbey:	Yes
Mr. Smith:	Yes
Mr. Cushman:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

Mr. Whittaker asked if he would need to come back before the Board for the amendments. The Board responded no, noting that the amended site plan would need to be submitted to the Zoning Office.

Mr. Whittaker thanked the Board.

**SITE PLAN, CICERO FAMILY DENTAL CARE
8382 ELTA DRIVE, PROPOSED ONE-STORY DENTAL OFFICE BUILDING
J.S. HAGAN ARCHITECT, P.C.**

Representative: J.S. Hagan, Architect, P.C.

Mr. Hagan introduced himself noting that the plan has changed. He noted that his client does receive medical deliveries, for example tanks of gas, which are brought in by fairly large trucks. The office would also receive daily UPS and/or FEDEX deliveries. The last plan contained two entrances, one which would require a variance. The new plan narrows one of the drives down to 14'. It is an entrance only drive. We anticipate including signage there which would state no exit. Patients would be able to enter from Elta Drive and park in front. Delivery trucks would pull in and deliver to the rear door. They would have the means to backup safely and exit out. UPS and/or FEDEX trucks could come in, park in front and then circle back out.

I also have an alternative plan where we would eliminate the north-end drive. The whole point of access would be here in the cul-de-sac. It is inconvenient for patients. Also, large delivery

trucks might not have enough space to turn around if the parking spaces located here were filled. We could pave more area to provide a truck turn-around, but that is counter to what we are trying to do with this type of subdivision. It would lead to more problems.

Mr. Marzullo: Even with that front drive that comes in, trucks making deliveries to the back would have to back up.

Mr. Hagan agreed that the truck would still have to back up. But it is a straight shot coming in. The truck would not have to make additional turning movements.

Mr. Smith: Are these tractor trailers?

Mr. Hagan: No, they would be large straight trucks. Those are our concerns. We don't want to create a problem out on Elta Drive. We feel that the incorporation of the one-way drive as shown on Drawing B, would address a number of our concerns.

The purpose of tonight's meeting was to give the Board an opportunity to think about this and then based upon your responses; we would proceed accordingly with the rest of the application.

Mr. Marzullo: You know that you would need to get a variance.

Mr. Hagan: We understand that.

Mr. Marzullo: From my prospective I really don't see a huge advantage with the extra drive. Trucks would still have to back-up. The concern is having an entrance so close to Route 31 with cars slowing down and the cars coming behind them. It could be a stacking problem.

Mr. Honors asked if it was more of a concern with exiting then entering. If it is only entering, they are going into the parking lot.

Mr. Marzullo explained. If you have two cars coming into the subdivision at one time and one wants to slow down to use the enter-only drive, cars behind it might get stacked on Elta or Route 31. There is not a lot of room there. That is why it is not allowed and why the applicant

would need a variance.

Mr. Honors: What is the distance between the edge of the first entrance and the edge of Route 31?

Mr. Hagan measured it as 65 feet from the edge of the travel line to the closest edge of the radius on the entrance drive.

Mr. Smith: You are proposing an additional building in the future. Do you contemplate hooking this into the future drive?

Mr. Hagan: The future drive for the property to the west? Honestly, I have not addressed that with this sketch plan. I was more interested in the Phase 1 development.

More discussion occurred regarding vehicles entering and exiting the site and the cul-de-sac.

Mr. Hagan: Is there a problem with the driveway as we show it on Drawing C? Or would you prefer to have that further north, outside of the cul-de-sac? Right now it comes in almost directly opposite the drive that enters into the daycare center. We are also a considerable distance away from that future drive to the property to the west.

Mr. Marzullo: In my opinion, further north would be better, getting it out of the cul-de-sac just past the 150 mark.

Mr. Hagan: So what you are saying is that we would still only have one direct access from this property to Elta Drive. We would have a shared access back here and one entrance point here.

Mr. Marzullo: Correct, mainly for snow removal. I am not as hung up on that as I am about the second entrance. It seems to make better planning sense to move that north.

Mr. Hagan: At that point a variance would not be required.

Mr. Marzullo: Correct.

Mr. Smith: Realistically, you are probably going to build a future building. There is no reason not to have your second entrance off of the shared entrance.

More discussion occurred.

Mr. Hagan: I received SOCPA's referral. I wanted to get your opinion regarding sidewalks. Evidently the County has spoken with the NYSDOT and they would prefer to have the sidewalk that runs along Route 31 within the state's right-of-way. Does this Board have a preference?

Mr. Smith: When we had the childcare facility put in their sidewalk, we did not think that the State wanted sidewalks in their right-of-way. We currently have a code for sidewalks. Wayne, does it have to be in the right-of-way?

Mr. Dean: The State has asked for it to be in their right-of-way. They do not want it on private property so that a property owner could keep people from using it.

Mr. Germain: It is not a mandate.

Mr. Hagan: Either way there is a sign that we would need to go around. We would also need to align it with the existing sidewalk. I have it shown on the applicant's property.

Mr. Smith expressed his concerns about making this issue a hardship for the applicant.

Mr. Hagan: I will revise the plan to move the sidewalk out and revise the driveways. I have some minor details to discuss with your engineer, for example does the gutter comply with the ADA, but I think that we are 90% there.

Mr. Smith: We have some language in the County's referral that Dick and I don't remember coming up before---regarding sewer capacity and fire flow.

Mr. Parrish: I think that those are things that you are going to see more of in the County's referrals. I believe that it will be fairly standard. The County has issues with I & I getting into their system. They are concerned about additional development and the impacts on sewer overflows. It may or may not be an issue in this particular case. Again, I think that you will see

this more consistently in County referrals.

Mr. Smith: You start to wonder if this is an attempt to control the process more.

Mr. Cushman: That would not affect the approval of the site plan. It is something that the applicant would have to apply for. It would not affect our site plan process would it?

Mr. Smith: It is a request and recommendation.

Mr. Parrish: You have the authority to overrule it with a majority plus one vote. If Mr. Hagan wants to send a letter to the County asking for that approval or whatever it is that the County is giving, he can do that.

Mr. Smith: But we do not have to require it.

Mr. Germain: No.

More discussion occurred.

**CAFUA (DUNKIN DONUTS), ROUTE 31
SITE PLAN AMENDMENT**

Representative: James Trasher, CHA

Mr. Trasher thanked the Board for adding this project to the agenda. One of the requests as Cafua Management was going through the construction process was for a change in the dumpster enclosure. Typically, they use a chain link fence with beige slats around their dumpster enclosures to match the color of the building. When I asked Wayne about this he noted that a fence along the property line on the western side of the site was not discussed during site plan. He asked if a fence could be placed in that location to block headlights from the neighboring apartment buildings. Our client is willing to put a cedar, board on board, stockade fence along that property line if there was the ability to convert the dumpster enclosure to chain link with beige slats. The biggest reason for doing that is the amount of trucks that come in and go out taking trash. It is more cost effective to repair chain link fencing than stockade fencing.

Mr. Marzullo: Are you telling us you will not do one if you can't do the other? The fence was on the site originally, and you showed that it would be removed on your plan. I really don't want to tie the two together. It doesn't feel right to me.

(There was general laughter in the room regarding blackmail.)

Mr. Dean: My conversation with Mr. Nolan indicated that he would put up the fence. Then he asked me about the dumpster.

Mr. Trasher: I think that he would do it as well. Cafua wants to be good neighbors to the apartment complex. Hopefully those people would be customers.

Mr. Parrish noted realistically you would not see the dumpster unless you are on the site, especially if the fence along the property line is added. I don't think that you will see it from Route 31.

More discussion occurred regarding the location of the replacement fence.

Mr. Smith made a motion as stated by Mr. Germain below:

Mr. Germain: **You could make your motion** to allow an amendment of the current site plan to provide for a change in the dumpster enclosure to a vinyl chain link fence with beige slats. The applicant will also install a cedar, board-on-board fence along the western perimeter of the property from the point shown on C4, the beginning of C4 all the way to the tree line. Said fence location is to be reviewed and approved by the engineer and chairman for completeness. You would be approving a type of stockade fence along the western border and you are approving a change in the configuration of the dumpster enclosure. **Mrs. May seconded the motion.** The motion was **approved** by the following vote:

Mr. Honors:	Yes
Mr. Abbey:	Yes
Mr. Smith:	Yes
Mr. Cushman:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

Mr. Trasher thanked the Board.

DISCUSSION: COUNTY SEWERS

Mr. Marzullo: I received an email from Tony Rivizzigno, the town attorney, regarding county sewers. I forwarded it to you. If you have any input please bring it to the next meeting. The Town Board would welcome that.

DISCUSSION: LAWTON ROAD, TOWN OF CLAY

Mr. Dean: They are bringing Lawton Road out to Route 31. They have an acceleration lane.

Mr. Smith: They put in a right-in, right-out on the parcel where they were originally talking about Tocco Villagio. Do you think that they are preparing to build?

Mr. Dean: I don't know. When I talked to Mark he did not indicate that was moving forward or that anything had been approved there.

Mr. Trasher: Currently, we are going through the PUD process. In Clay it is broken into sections and so section one would be doing a concept plan. We recently received concept plan approval on the PUD from the Planning Board. Now it is getting pushed back to the Town Board and will be on the December 6th agenda. Our office can contact their Planning Office asking them to notify Cicero and to make Cicero party to the project.

Alberici owns land in the Town of Cicero where they want to put some apartments on the section of Legionnaire Drive. Clay should also co-ordinate that project with the Town of Cicero.

To answer your question on the right-in, right-out, that was a part of the highway work permit with the Department of Transportation where they are doing the signal. That process took five years starting with Mr. Tobin and Mr. Alberici. The day after they got the permit for the highway work, Alberici & Sons started the work. Now J.K. Tobin is working on the improvements to Route 31 for Lawton Road, Legionnaire and a signalized intersection.

Lawton and Route 31 will be a signalized access. Barcaldine will become a right-in right-out as

well, probably by May of next year.

We will be back to talk about sanitary sewers and storm water.

Mr. Smith: Will they be using any of our sewer capacity?

Mr. Trasher: They have two points of connection, one in front of the post office by the senior apartments. All of the apartments that Alberici would build in the Town of Cicero would connect to that. There is the ability to connect to a sewer across and under Route 31 off Barcaldine. Ultimately, they both go to the same point of connection down Lawton Road and that is what the County is looking at as far as sewer capacity.

Mr. Smith: From a planning prospective for the Cicero community, sewer capacity is a tangible asset. We would want to have some discussion or notification of a project that is almost adjacent to our border. Can we relay those concerns officially to the Town of Clay?

Mr. Germain: You should have been notified. I would guess that you have been notified.

Mr. Smith: Can you check on that Wayne?

Mr. Dean stated that he would.

DISCUSSION: SMTC MEETING/SIDEWALKS

Mr. Dean: I was at a SMTC meeting this morning to discuss future planning by their agency and what was done on the Route 31 Corridor study. They were looking for new studies to begin.

Mr. Marzullo: They wanted to do Route 11 and we gave them the go ahead on that.

Mr. Dean: They put that study off and decided not to do it. I brought up the sidewalk issue since going green, saving energy and pedestrian walk-ability are hot topics. The County would like to discuss the global issue of sidewalks---maintenance, replacement, who puts them in, construction guidelines, etc. They wanted a study area so I suggested Routes 11 or 31. How far along these Routes would you suggest? I am asking the Board for their input.

Mr. Smith suggested including the Thompson Road and the South Bay Road intersections.

More discussion occurred regarding doing studies in general.

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

IN AS MUCH AS THERE WAS NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS
ADJOURNED AT 7:55 P.M.

Date: November 30, 2010

Tonia Mosley, PB Clerk

