

The Planning Board of the Town of Cicero held a meeting on **Monday, November 28, 2011** at **7:00 pm**, in the Town Hall at 8236 Brewerton Road, Cicero, New York 13039.

Agenda:

- Pledge of Allegiance
- Approval of the minutes from the October 24, 2011 meeting (**approved with clarifications**)
- Site Plan, South Shore Veterinary Hospital, Lot 7 Elta Drive, Proposed Veterinarian Hospital/Clinic, Napierala Consulting (**approved**)
- Site Plan, McDonald's, 7911 Brewerton Road, Proposed Restaurant & Drive thru, Bohler Engineering (**to return**)
- Discussion: Planning Board Professionals for 2012

Board Members Present: Mark Marzullo (Chairman), Joe Ruscitto, Greg Card, Pat Honors, Chuck Abbey, Bob Smith and Sharon May

Others Present: Wayne Dean (Director of Planning & Development), Neal Germain (Esquire, Germain & Germain), Mark Parrish (P.E., O'Brien & Gere) and Tonia Mosley (Clerk)

The meeting opened with the Pledge of Allegiance. The Chairman noted the emergency exits in the room and asked that cell phones be silenced.

**APPROVAL OF THE OCTOBER 24, 2011 MEETING MINUTES**

The Clerk asked the Board to clarify the record for Kildare's Meadow. **Mr. Smith made a motion** to approve the Planning Board meeting minutes from October 24, 2011 noting the following clarifications:

1. The amended final subdivision for Kildare's Meadows should be noted as the amended final subdivision for Kildare's Meadows Section 1.
2. The approval motion to Kildare's Meadows Section 1 should be clarified as Mr. Smith made a motion to approve the amended final subdivision for Kildare's Meadows Section 1. There are 33 lots in this section. Park fees are to be accepted in lieu of land for those lots.

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

Mr. Ruscitto: Yes

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

**SITE PLAN, SOUTH SHORE VETERINARY HOSPITAL  
LOT 7 ELTA DRIVE, PROPOSED VETERINARIAN HOSPITAL/CLINIC  
NAPIERALA CONSULTING  
(SEE ATTACHMENT A: O'BRIEN & GERE LETTER DATED 11.28.11)**

Representative: Neal Zinsmeyer, P.E., Napierala Consulting

Mr. Zinsmeyer introduced himself noting he was here tonight for the proposed veterinarian hospital/clinic to be located at 8663 Elta Drive. The site plan contains the few modifications requested by the Board and by your engineer. The building's size remains the same at 6,448 square feet with 32 parking spaces.

We have added some landscape screening to the back of the screening wall, similar to what we have done in the dumpster pad area. Per your request you should now have a color rendering of the building. It is all earth tones with hardy board siding.

Mr. Smith asked if the masonry was fabricated or actual masonry.

Mr. Honors: Rock-On Masonry did the work on the dentist office next door. They were referred to this site and have this job as well.

Mr. Zinsmeyer: I will make sure that gets noted on the architectural plans. We have added a note to the plan stating the 8 inch sewer lateral will now be 6 inches.

Our last proposal had two light poles at 30 feet. We have reduced those to 20. We have also added a third light pole to obtain a uniform spread across the parking lot for visibility and safety.

We have a sign package that includes 105 square feet of signage. We were entitled to 106. There is a monument sign and 3 building signs.

Mr. Marzullo had a comment on the retaining wall. When I mentioned breaking up that wall a little bit I had something more decorative in mind. I am not looking for you to spend more money.

Mr. Zinsmeyer: I may have misunderstood. If you had something more ornamental in mind, we could do that.

Mr. Smith: At the last meeting we asked how long it would be before construction started. There shouldn't be any problems if we add a sunset clause in our approval of two years? That should give you enough time to work through any issues that you might have, correct?

Mr. Zinsmeyer: The goal is to break ground this spring. We could agree to the two year clause if that is acceptable to the Board.

Mr. Dean agreed that a sunset clause would be good. Sometimes these things can hang on forever.

Mr. Marzullo asked if there were any other comments from the Board or the Board's professionals. There were none.

**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. Ruscitto:	Yes
Mr. Card:	Yes
Mr. Honors:	Yes
Mr. Abbey:	Yes
Mr. Smith:	Yes

Mrs. May: Yes  
Mr. Marzullo: Yes

**Mr. Smith made a motion** to approve the South Shore Veterinary Hospital drawings with a last revision date of November 17, 2011 with the following conditions:

1. Masonry product will be used where it is put on the elevations.
2. There is a sunset clause. Mr. Germain noted which would mean that a building permit for the project would have to be issued within two years from this date. Mr. Dean noted that building permits also have an expiration date.
3. Mr. Marzullo added the developer will include more decorative landscaping in back of the retaining wall.

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

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

Mr. Zinsmeyer thanked the Board.

**SITE PLAN, MCDONALD'S**  
**7911 BREWERTON ROAD, PROPOSED RESTAURANT & DRIVE THRU**  
**BOHLER ENGINEERING**  
(SEE ATTACHMENT B: O'BRIEN & GERE LETTER DATED 11.22.11)

Representative: William D. Goebel, P.E., Bohler Engineering

Mr. Goebel introduced himself, noting that he was the engineer who signs and seals the drawings for the project. We made some revisions to the plan based upon comments made by the Board and Mr. Parrish.

The first item we modified was the by-pass lane towards the rear of the property to 15 feet.

That is the lane that has the most curvature. We added two signs to the two parking spaces in this southern corner. Those would be holding spots for customers if, for example, they have large orders.

Mr. Smith: That is a good location. Cars would not be backing across the drive-thru lane.

Mr. Goebel: We have modified the signage, getting rid of one of the McDonald's signs. We are now at 108.25 square feet. 45 square feet is what is allowed based upon the building's frontage. We are respectfully requesting a little bit of relief there. I know that there is a comment in Mr. Parrish's review letter that at times you may go to approximately twice the area.

We modified the lighting plan to model the specific fixtures we would use and show the correct light level information.

Atlantic Traffic prepared a traffic memo. It compared some of the trip generation, driveway activity and level of service for what was originally planned here. It looks at the overall center and individual uses.

Mr. Smith: We have not seen that information. I stopped by the Town Hall today to review the file because that was a concern. The Zoning Office does not have a copy of this study for the Town's file. I was wondering how that happened. We have to review that and vote.

Mr. Marzullo: Mark, you received it, correct?

Mr. Parrish: Yes I did.

Mr. Marzullo: Did it come directly to you?

Mr. Parrish: I believe I received it by email. Honestly, I did not notice if the Town had been copied.

Mr. Smith: Traffic was a big concern. I would like an opportunity to review your information.

Mr. Goebel: I don't have an answer as to why it is not in the Town's file. I know that we had it prepared. It should have been submitted to the Town. It is not that we did not address it. Somewhere along the way the distribution broke down. I have a copy here.

Mr. Germain: It is the Board's standing policy to not allow information to be submitted at a meeting.

Mr. Goebel: Can you suggest how to continue from here?

Mr. Marzullo: You can continue with your review. Mark, will you be able to provide a copy to the Board?

Mr. Parrish responded yes.

Mr. Goebel noted he could send copies to whomever the Board wanted. It is not a complicated document. Since it is a previously studied site with an existing signalized light, it is about a 3 page memorandum. We compared the changes to the original report looking at it two ways— as an overall center with less square footage and reduced trip generations, and, as the specific uses that are different from the original proposed plan. We looked at the bank versus Starbucks and at a McDonald's versus a Ruby Tuesday's. There was a slight increase in trip generation. But, ultimately it did not have any effect on the level of service at the intersection.

Mr. Marzullo: I think that Bob's question was whether or not a left-hand signalized turn was warranted.

Mr. Card asked Mr. Parrish for his comments on the traffic study.

Mr. Parrish: Our review letter does cover a shortened summary of the study.

Mr. Card: I remember reading it and it was not significant.

Mr. Parrish: Right. As mentioned there is an increase in the number of trips that will be generated based on the previously proposed uses and the currently proposed uses. Again, that increase is not going to significantly impact the level of service at the intersection.

Mr. Card: So you saw the traffic study and you commented on it in your report to us?

Mr. Parrish: Yes.

Mr. Marzullo: What are your thoughts on having a turn signal for the north bound traffic coming out of there?

Mr. Parrish: I don't know that this study addresses that directly. The study looks at the intersection as it is, with the current configuration as far as the signalization and the lane distribution. The best I can say is that the study doesn't include that.

Mr. Honors: Bob, is your concern leaving the McDonald's and jamming up traffic if there was no turn signal for people trying to go north?

Mr. Smith: Back when we approved this originally, that is why the lamps are there. Things are in the road because we were concerned about them. Most of Starbuck's customers would be there in the morning. People could come down, continue thru Starbuck's and move south. A good portion of McDonald's customers are going to be the suburban community. When those people come out of there at night, they are going to be looking to turn left to continue on home. There will be a lot more of those. Hogan Road does not have a green arrow. It is set up for one. That driveway does not have one. And there is no green arrow to turn into the plaza if you are going north. I don't know why we wouldn't want to correct that situation now.

More discussion occurred.

Mr. Goebel: I understand your point. To give your concerns a little more insight and/or feedback, ultimately this is the New York State Department of Transportation's (NYSDOT) intersection. Even if we wanted to do something, they decide what they will or will not allow. We could not just walk in and decide to do it. They have jurisdiction over the signalization. The impact of adding left turn signals could wind up slowing down or delaying through movements for the overall corridor.

More discussion occurred.

Mr. Parrish: What you really need to do is go back to the original study, which I would be happy to electronically forward to you along with the new study tomorrow. I did not go back and look at the old study in too much detail, but we can go back and look to see what the configuration of the light and intersection was in that study. It might be a dangerous assumption that what was in that study is what got constructed.

It is something that is a concern, so we can take a look at that.

Mr. Smith: Mark, you have done a lot of traffic studies. My concern is the increased opportunity for conflict.

Mr. Parrish: I don't think that is an unreasonable concern. I would just say that the original study should have addressed the traffic volumes at least within a noted level of error and the conflicts that could potentially occur.

I will forward that information on to you, take a look at it and maybe give you a few comments on what it shows. Then you will have that information. I think that is what I need to do at this time. Is there anything that you would like the applicant to do relative to traffic?

The Board noted they would review the information that would be forwarded by Mr. Parrish, and go on from there. They asked Mr. Parrish to send the original report, etc, to Bohler Engineering also.

Mr. Parrish: If the applicants are looking for approval at the next meeting, I would like to bring up a couple of items. They are proposing 108.5 square feet of signage, with 45 feet of frontage. If I were the applicant I would want to know if that is acceptable or if further modifications to the sign package were necessary.

Mr. Marzullo: Typically we have allowed double. I think recently we went above that.

Most Board members did not have an issue with the square footage.

Mr. Parrish: The other issue I mentioned in the letter was the lighting around the building.

We do get up into the 40 foot candle range which exceeds the lighting level over at the Burdick site. The State's banking law only requires 12 foot candles in the area of an ATM. Usually, applicants try to go a little higher. We have been accepting 20 or so. My suggestion would be to reduce that lighting some what. 30 is certainly too high. I think that once you get above 10-15 it is not really for safety purposes.

Mr. Smith: Would the glare affect road traffic?

Mr. Parrish: No. One good thing that I will say is that those levels are really concentrated close to the building, within 5-10' from the building because it is wall and/or canopy lighting.

Mr. Smith: Will it cause a halo?

Mr. Goebel: Basically those are 100 watt fixtures that are completely enclosed and recessed. They help with pedestrian and transaction safety.

More discussion occurred.

Mr. Goebel: It is not a uniform 40 foot candles around the building. If I was to take an average around the building along the two sidewalks you are probably in the 20 foot candle range. Along the south side drive thru area it might be around 25-30. Again, those fall off as you get around 10 feet from the building to 1-2.

Mr. Smith: Mark's point is well taken. From my perspective, you should come back with some very strong reasons why we have to have that strong lamp. Or come back with a plan that modifies it.

Mr. Goebel offered to take a look at it and provide more information to help define it better.

#### **DISCUSSION: BOARD PROFESSIONALS FOR 2012**

Mr. Marzullo: At the next meeting we should probably do appointments for the engineers and attorneys. I just want to throw that out there and get it on the agenda like we did last year.

Mr. Smith: When we did the requests for proposals (RFP) last time we advertised them in October or November. There was an interview period.

Mr. Germain: Normally you would advertise and then interview whoever was interested.

Mr. Smith: Unless people want to start the RFP process, I personally don't see the need. We don't have enough time.

Mr. Marzullo asked when appointments were made.

Mr. Germain: At the Board's organizational meeting.

Mrs. May: We would appoint the attorneys, the engineers, the co-chair and the secretary at that meeting.

Mr. Marzullo: That would be the first meeting in January, after the Town Board's organizational meeting. Does anyone think there is a need for requests for proposals?

Board members responded no.

**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 7:50 P.M.

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Tonia Mosley, Clerk

ATTACHMENT A

November 23, 2011

**Planning Board**

Town of Cicero  
P.O. Box 1517  
Cicero, New York 13039-1517  
Attention: Mark Marzullo, Chairman

RE: South Shore Veterinary Hospital/Elta Business Park Site Plan Review  
FILE: 0101/25439.414

Dear Board Members:

We have reviewed the following materials in regard to the above referenced project for compliance with Town Code requirements relative to Site Plans and effect on Town utilities and roads:

- 1) Topographic Map dated July 11, 2011
- 2) Layout and Landscape Plan dated October 12, 2011 revised November 14, 2011
- 3) Grading and Erosion Control Plan dated October 12, 2011 revised November 14, 2011
- 4) Utility and Lighting Plan dated October 12, 2011 revised November 14, 2011
- 5) Details (2 sheets) dated October 12, 2011 revised November 14, 2011
- 6) Sign Details dated October 12, 2011 revised November 14, 2011.

Ianuzi & Romans, P.C. prepared Item 1 and Napierala Consulting, P.C. prepared Items 2 to 6.

The 0.95-acre site is located at the on the south side of New York State Route 31 approximately 200 feet west of Elta Drive and is a lot in the Elta Business Park. The lot is currently vacant. It is proposed to construct an approximately 6,488 square feet building for a veterinary hospital along with associated parking, landscaping and other site improvements. The site is zoned GC, General Commercial. Our comments on the Site Plan are as follows:

- 1) The site has frontage on New York State Route 31, which is a State highway under the jurisdiction of the New York State Department of Transportation (NYSDOT). Access to the site is proposed from an entrance onto Elta Drive via an ingress/egress easement across the adjacent lot with no direct access to Route 31. The Board should review the access, parking and site circulation with the Applicant. The Plan shows a sidewalk is to be provided across the Route 31 frontage.
- 2) Stormwater runoff from the site is tributary to a stormwater management area constructed as part of the development of Marra Meadows Section No. 1. The stormwater management area was designed to accept stormwater from this site and provide the required water quantity and quality mitigation. As the project results in the disturbance of less than 1-acre of land a NYSDEC SPDES Permit for Stormwater Discharges from Construction Activities is not necessary for the project but appropriate erosion and sediment control measures should be implemented for the site.
- 3) The Board should review the landscaping, lighting, signage and architectural elevations with the Developer. The following are comments regarding these issues:
  - a) The proposed lighting appears reasonable for a site of this type.
  - b) Signage is to consist of three building mounted signs and a monument sign with a total area of 105 square feet. For the Board's information the frontage of the building along Elta Drive, which is the site

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address, is 106 feet. Additional signage will also be provided on the common subdivision sign located in the northeast corner of the site.

- 4) The site is located within the Cicero Sewer District Extension No. 3. Sanitary sewer service is to be provided by a lateral from the 8-inch Town sanitary sewer constructed as part of Elta Business Park. It is recommended the entire length of the lateral be 6-inch diameter to reduce the potential for the lateral being considered a Town facility. A note has been placed on the Plan directing the contractor to contact the Town of Cicero to coordinate installation of the lateral within the Town easement by the Town Sewer Contractor.
- 5) The site is located within the Cicero-Oneida Lake Water District Extension No. 5. Water service is provided by a water service from an 8-inch water main located along the south side of New York State Route 31. The Applicant should contact OCWA to coordinate provision of the water service.
- 6) The site does not contain a State Wetland as identified on the New York State Freshwater Wetland Map or a Federal Wetland as identified on the National Wetland Inventory Map.
- 7) The site is not located within a 100-year floodplain as identified on the 1994 FEMA Flood Insurance Rate Maps.

If you have any questions or comments, please do not hesitate to contact us.

Very truly yours,

O'BRIEN & GERE ENGINEERS, INC.



Mark C. Parrish, P.E.  
Managing Engineer

ATTACHMENT B

November 22, 2011

**Planning Board**

Town of Cicero  
P.O. Box 1517  
Cicero, New York 13039-1517  
Attention: Mark Marzullo, Chairman

RE: McDonald's 7911 Brewerton Road  
FILE: 0101/25439.415

Dear Board Members:

We have reviewed the following materials in regard to the above referenced project for compliance with Town Code requirements relative to Site Plans and effect on Town utilities and roads:

1. Site Plan dated September 26, 2011 last revised November 17, 2011
  2. General Notes dated September 26, 2011 last revised November 17, 2011
  3. Existing Conditions and Demolition Plan dated September 26, 2011 last revised November 17, 2011
  4. Grading and Drainage Plan dated September 26, 2011 last revised November 17, 2011
  5. Utility Plan dated September 26, 2011 last revised November 17, 2011
  6. Erosion and Sediment Control Plan dated September 26, 2011 last revised November 17, 2011
  7. Landscape Plan dated September 26, 2011 last revised November 17, 2011
  8. Site Details (2 sheets) dated September 26, 2011 last revised November 17, 2011
  9. Barrier Free Details dated September 26, 2011 last revised November 17, 2011
  10. Drive-Thru Details dated September 26, 2011 last revised November 17, 2011
  11. Landscape Notes and Details dated September 26, 2011 last revised November 17, 2011
  12. Lighting Plan dated September 26, 2011 last revised November 17, 2011
  13. Trip Generation Assessment dated November 21, 2011.
- Bohler Engineering prepared Items 1 to 12 and Atlantic Traffic and Design Engineers, Inc, prepared Item 13.

The 11.1-acre site is located on the west side of U.S. Route 11 across from the intersection of Hogan Drive. The site received Site Plan approval in 2006 to construct a 5,200 square feet Ruby Tuesday restaurant and a 1,825 square feet Starbucks restaurant with associated parking, landscaping and other site improvements. The Starbucks has since been converted to a bank and the Ruby Tuesday building was never constructed although many of the site improvements were completed. It is proposed to utilize the area designated for the Ruby Tuesday for a 3,900 square feet McDonald's restaurant with a drive-through window. The site is zoned General Commercial. Our comments are as follows:

1. The main access to the site is to be from an entrance located at the signal at the intersection of U.S. Route 11 and Hogan Drive, which are State and Town highways, respectively. Access to the properties located north and south of the site, all of which are owned by the Applicant, is also present. Improvements to the signals and highway striping at the entrance were made with the previous site improvements. The Trip Generation Assessment (TGA) indicates the currently proposed uses (McDonald's with drive through and Solvay Bank with ATM) is greater than the original uses (Starbucks with drive through and Ruby Tuesday restaurant) by 61 vehicles per hour (vph) in the evening peak hour and by 70 vehicles for the Saturday midday peak hour. However, the TGA concludes these increases are not significant and the intersection will continue to operate at a Level of Service D. The Board should review with the Applicant the parking and onsite traffic

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circulation, which are generally consistent with the previous Site Plan with the exception of the addition of the drive-through operation for the McDonald's.

2. Stormwater runoff from the site is generally tributary to a stormwater management area located west of the site. The stormwater management area provides the stormwater quantity and quality measures for the site in accordance with the requirements of the NYSDEC SPDES Permit for Stormwater Discharges from Construction Activities. As only minor modifications to the site are to be made additional stormwater management facilities are not required.
3. The site is located within the Cicero Sewer District. Sanitary sewer service will be provided by an existing sewer lateral from an 8-inch Town sanitary sewer located along Route 11 for the former Ruby Tuesday site.
4. The site is within the Cicero Water District. Water service for the buildings will be provided by a water service extended from an 8-inch OCWA water main along Route 11 for the former Ruby Tuesday building.
5. The Board should review the landscaping, lighting and signage with the Developer. The following are some comments regarding these issues:
  - a. The total area of the signage is 108.25 square feet. The Town Code allows for 1 square feet per linear foot of building frontage, which is approximately 45 feet. The Planning Board has the discretion to vary from this requirement and has generally allowed twice the amount stated in the Code. It is recommended the area of the signage be reduced to be consistent with the typical Planning Board practice.
  - b. The lighting for the site is generally consistent with the previously approved lighting plan with the exception of the building mounted lighting. As light levels up to 40 FC are shown in this area it is recommended the intensity of this lighting be reduced.
6. The majority of the west side of the site contains a State Wetland as identified on the New York State Freshwater Wetland Map and a Federal Wetland as identified on the National Wetland Inventory Map. The current project will not impact these wetlands.
7. A 100-year floodplain as identified on the 1994 FEMA Flood Insurance Rate Maps is located on the west side of the site. The limits of the floodplain are outside of the current project area.

If you have any questions or comments, please do not hesitate to contact us.

Very truly yours,

O'BRIEN & GERE ENGINEERS, INC.



Mark C. Parrish, P.E.  
Managing Engineer