

The Planning Board of the Town of Cicero held a meeting on Monday, February 22, 2010 at 7:00 p.m., in the Town Hall at 8236 South Main Street, Cicero, New York 13039.

Agenda:

- Approval of the 2.3.10 meeting minutes (approved)
- Site Plan, Design Shop Signs, 5676 Route 31, Proposed Addition, Ianuzi & Romans (to return)
- Major Subdivision Preliminary Plan, Island Road Business Park, 6364 Island Road, 6 Lots, Island Road Associates/Stephen Buechner (to return)
- Audience Questions: Loretto Project, PB Minutes Distribution

Board Members Present:

Mark Marzullo, Chairman  
William Purdy  
Jason Mott  
Robert Smith  
Christopher Rowe  
Richard Cushman  
Sharon May

Absent:

Scott Harris, Ad Hoc Board Member

Others Present:

Wayne Dean, Director of Planning & Development  
Neal Germain, Esq., Germain & Germain LLP  
Mark Parrish, P.E., O'Brien & Gere  
Douglas Whitman, P.E., C&S Companies  
Jessica Zambrano, Town Board Liaison  
Tonia Mosley, Clerk

The meeting was opened with the Pledge of Allegiance.

The Chairman stated that the Cicero Planning Board acknowledges the importance of full public participation in all public meetings and urges all who wish to address the Board to utilize the microphone in the front of the room. He noted the locations of the three emergency exits.

APPROVAL OF THE PLANNING BOARD MINUTES FROM FEBRUARY 3, 2010

Mr. Smith made a motion to approve the Planning Board minutes from February 3, 2010. Mrs.

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

Mr. Purdy:	Yes
Mr. Mott:	Yes
Mr. Smith:	Yes
Mr. Rowe:	Yes
Mr. Cushman:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

SITE PLAN, DESIGN SHOP SIGNS  
5676 ROUTE 31, PROPOSED ADDITION  
IANUZI & ROMANS

Representative: Hal Romans, Surveyor, Ianuzi & Romans

(Mr. Dean distributed a copy of the original site plan containing the two buildings to Board members before the meeting.)

Mr. Romans introduced himself stating this is an existing, less than one acre site on the south side of Route 31. There is an existing 3500 sq. ft. building with an existing curb cut. The intent is to do an additional expansion on the property of 4884 sq. ft.

We would modify the parking lot to accommodate the additional square footage and additional parking spaces. We are putting the addition on the west side of the property. Parking has been modified around the back of the existing building and on the east side of the property. Parking would be extended across the front of the property. The existing curb cut would be modified to meet NYSDOT requirements.

We have 43 parking spaces for the site. The proposed dumpster location is near the proposed addition. The existing drainage patterns would be maintained but modified slightly. I have modified the grading plan. The intent would be to not take out any more asphalt than we have to, but to build off that and do an over lay on it.

The existing sign is in the sanitary sewer easement. It would be re-located to the correct

setback. The asphalt area is not encroaching any further towards Route 31.

The business is growing and the applicants need the space. They expect to take over most of the addition right away. Delivery trucks could have access from the back of the building. We show new landscaping around the building here and around the re-located sign. I will check to see if the sign will be lit. We do show a sign detail and realize that a sign permit is required.

Mr. Smith: This is significantly different from the site plan that was approved. There were cross easements between Parcel B and Parcel C. The Planning Board was told that the building that was built was supposed to be 8400 sq. ft.

Mr. Romans: The only thing I can tell you is that when Greg and Cathi Sutton bought the lot, they intended to build a portion of the building first and then doing an addition later. The problem is the way the existing building was built. Now, the only place to put the addition is here, on the right side. The setback is 15 feet on that side and we are going right to 15 feet there.

Mr. Cushman noted the combined square footage from the existing building (3500) and the addition's square footage (4884) almost equals the approved square footage (8400) for the site.

Mr. Romans agreed that the square footage was about the same. I could not get the building to work the way the original one was planned. It meets all of the setback requirements.

Mr. Smith asked about having a cross easement down the road. Currently, there isn't anything on Parcel C. The Suttons have a great business there. They are an asset to the community. It is wonderful to see a building grow. Maybe we could at least get easements on this side so that we would be able to connect the two parcels if it was warranted with a future site plan. Apparently, we were supposed to do it here but the developer chose not to do them.

Mr. Romans stated he would speak with the applicants noting an easement would allow them to have some control over where it ends up along the east property line.

Mr. Smith: If we get those easements now from this parcel and a future Planning Board has a project coming in that is a compatible use, they would only have to insist on easements on the

side that is up for site plan review.

Mr. Romans agreed to speak with the applicants. An easement would probably take up three parking spaces. We wanted to make sure that the site had enough parking. If for some reason they out grew this site and had to move someplace else, they could sell it to a viable business.

Mrs. May asked about the material for the proposed fence.

Mr. Romans believed it might be stockade fencing. He showed the Board where the fence would be located along the property line.

Mr. Dean asked Mr. Romans for clarity about cross easements. There was some confusion relative to the number of easements and if easements were granted.

Mr. Romans noted that there might be something about easements in the abstract.

Mr. Marzullo agreed that a cross easement was needed, but felt one should be sufficient. He added one that could handle two-way traffic would be fine.

Mr. Parrish noted he had not had a chance to look at the site plan in detail. He noted the approved site plan did provide for an inter-connection between the parcels. I looked back at some previous minutes from when this plan was approved. There was some discussion about the connection. When they came in for approval there was some uncertainty as to how Parcels B and C came into existence. I looks like when the plan was initially approved this was all one parcel. I don't think that the Planning Board approved the subdivision. If the Planning Board had approved it I am sure that they would have asked for these reciprocal access easements.

There was some discussion about connection between the two sites. The site plan clearly shows that there is supposed to be a connection between the two sites. We will have to look a little closer into this.

More discussion occurred.

Mr. Marzullo asked if there was pavement right to the building.

Mr. Romans responded currently there is pavement up to the building. The existing building still has the concrete entranceway and walkway. The pavement will be taken out here and given landscaping. There will be a concrete walk here with landscaping in front of the building here.

Mr. Cushman: Is the footprint of the new building currently paved?

Mr. Smith responded giving details.

Mr. Romans: The applicants do not intend to take over the full addition. They will probably have a tenant. That is why the sign shows different businesses.

Mr. Smith asked if the other business would be similar in traffic generation.

Mr. Romans: It would have to be something small.

Mr. Dean: They indicated to me that it would be something like a realtor, accountant, etc. Something with minor traffic needs.

Mr. Romans: The intent is to make the addition blend in with the existing building which has more of a residential/commercial look than a strict box commercial look.

Mrs. May asked about the façade.

Mr. Romans was unsure, adding grading details. He noted that the dumpster had some landscaping around it. He added the only new proposed lighting was on the back of the building for the emergency exit—wall pack, fully shielded. We will make sure that spill over does not go onto the storage place. The existing lighting will light up the whole parking area. There are existing wall packs on the back of the building, and on the left side of the building.

Mr. Dean noted that the application had been sent to the County.

Mr. Purdy asked for the building's height.

Mr. Romans: I will check with the architect. It looks like 12' to the roof and a 5-on-12 pitch.

Mr. Purdy stated the back of the building was higher than the front.

Mr. Romans: That makes sense. The existing building is only 50' deep. The proposed addition has to be 70. The intent was to try and follow the original site plan, keeping the two buildings the same depth. But, square footage became important with the need to meet the originally approved square footage allowed on the site. We were able to make the addition deeper but that caused the roof's pitch to change.

Mr. Purdy: My only concern is the sign. The sign says that it does not exceed the height of the building. Cicero says that you can only go 25' with a sign.

Mr. Romans: I will verify that.

Mr. Mott asked for color renderings and material types for the building.

Mr. Romans agreed to supply those.

Mr. Smith: Do they plan to keep the design and color scheme the same as they have it now?

Mr. Romans: Yes

Mr. Smith: Maybe a color photo that we could put up on the screen would be sufficient. What they have is pretty attractive.

Mr. Romans: I will get a couple of photographs for the next meeting. I will also verify the height of the sign and talk to my clients about the cross easement.

The Board agreed that one cross easement was fine.

Mr. Dean: Is it only important for them to get the agreement at this time? Or, it is necessary for them to put that in at this time?

Mr. Germain: You would want the agreement of the easement in place so that you could take effect of it. If it is in place at the beginning and we are okay, then if it gets built on the ground you will have the easement in place to go along with it. Either way the easement would be there.

Mr. Smith: This time we should make sure that it actually gets filed.

Mr. Germain: We don't know that it was not filed. All a deed says is subject to easements of record. It could have been filed previous to or after that. The only way you would know for sure is if you did a full title search. If it was filed you will see two spots. The initial focus should be whether or not one was ever filed. If not the Board can figure out what it wants and then get an easement. You may already have an easement but it might not be the easement that you want anymore.

More discussion occurred.

MAJOR SUBDIVISION PRELIMINARY PLAN  
ISLAND ROAD BUSINESS PARK, 6364 ISLAND ROAD, 6 LOTS  
ISLAND ROAD ASSOCIATES/STEPHEN BUECHNER

Representatives: Richard Anderson, Island Road Associates  
Stephen Buechner, Landscape Architect, Associate Vice President, Barton &  
Loguidice, PC  
Mike Parker, Engineer, Barton & Loguidice, PC

Mr. Anderson introduced himself. This is a 26 acre parcel off Island Road, east of Michael Bragman's property. We have owned the property since approximately '93. We also own a bridge construction company, Vector Construction. Vector Construction rents the property from Island Road Associates. We use approximately 12 acres of the 26 acres. My father has always wanted to develop out front. I will let Steve discuss our proposal.

Mr. Buechner introduced himself and Mike Parker noting Mr. Parker would review water and sewer plans for the site. The site is about 12.45 acres, 6 lots that would be industrial. The

site is currently zoned Industrial. The lots would be anywhere from 73,000-89,000 square feet. They would be used for fabrication, inside storage, warehousing, administration, etc.

Mr. Anderson Sr. has spoken with a number of suppliers over the years who would like to be in a nice industrial park, located in front of the Vector Corporation. These could be businesses that currently do business with Vector.

We spoke with the Island Hollow developers, the owners of the property to the west, and the folks from J.J. Lane--the property owners on the opposite side of Island Road. The eastern property owners are various members of the Anderson family. They had positive responses to what we are showing on this plan.

We tried to make the site a little more exciting than the normal industrial park. The prototypical buildings range from 2,000-6,800 square feet. Parking is shown behind the buildings. The amount of parking depends upon the number of employees. Instead of lining all of the buildings up at the setback, we moved them so that they have various setbacks. The streetscape has a modulating effect. There is a cul-de-sac at the end with various driveways off of the public road.

The present road goes all the way through and is Vector's main road. We decided to separate the Vector entrance road. The new Vector entrance road is here. We didn't want the heavy equipment to use the public road going in and out—it would be disruptive to the road. Basically, we would use the existing road alignment with a cul-de-sac. Originally we had plantings here and an island here with plantings to compliment the berms and plantings along Island Road but the Highway Superintendent asked us to take those out. We would still like to have further discussion about putting those back in so that we do not have this large sea of asphalt.

The green area is part of the 40% area where we can have further coverage of the site. Those might be pole barns, other fabrication buildings, storage, etc.

We do show some planting and buffering. We want to be a good neighbor to the proposed apartments over here, so there will be some plantings along this boundary line. Those plantings will separate Island Hollow from this project.

We tried to meet with the Police Chief, the Highway Superintendent and the Fire Chief. We have sent plans to the Fire Chief along with a letter asking for comments. We have not heard from him to date. The Police Chief requested some lighting on the site, so we will probably have lighting on the buildings. There is a gateway that is closed at night. The Police Chief asked us to locate this over here so they do not have to police that area at night. There will not be a gate where one currently exists. We will also have trees along the new Vector road.

Mr. Parker discussed sewers and public water. There are existing gravity sewers out to the west on Island Road. We are proposing to put in 600' of gravity main on the cul-de-sac with 4 manholes. There would be a pump station at the intersection of the cul-de-sac and Island Road along with 1500' of 6" force main to tie in with the existing manhole. The existing manhole is on the north side of Island Road. We are proposing to put the 6" force main on the south side of the road and crossing the road. Once we get up to the manhole there is existing water on the north side a well.

We have had discussions with the owner of this site here about possibly doing a combined pump station for both sites. We have some manhole depths on here. They are deep enough that the entire site to the west could come into this system. The only issue is that they have a berm/peak ridge running through here for the highpoint. So, they would have to put in some pretty deep gravity sewers to make that happen or a second pump station.

Mr. Smith: Haven't we already approved a pump station?

Mr. Parrish: Yes. I think that this issue has to be looked at to determine the best way to provide sewer service to the site. There is a ridge in that area but the design for the Island Hollow project did have a pump station to provide service to the entire parcel and could have been designed to take in a good portion of Northern Blvd. I think with the pump station in this location you will not have that opportunity. So, you might end up with an extra pump station in this area that is not necessarily needed. But again, we need to look at this a little closer.

Mr. Rowe asked for the length of the cul-de-sac.

Mr. Parrish responded it looks like it is slightly over 500 feet total.

Mr. Smith: What is the traffic count of the heavy vehicles that use the existing road?

Mr. Buechner: We have not calculated that. We are still doing the market studies to see what type person would locate their company here.

Mr. Anderson: We might see 10 loaded trucks per day.

Mr. Smith: In consideration of stormwater management, when you build this there will be a lot of shedding water in an area that is somewhat sensitive already. Your buildings, storage will shed water. If you are going to add a new road, it will add a ton of shedding stormwater, to get into Vector. It would seem that we could do a little better as a stormwater concern, to not add another road and to try to cut down the amount of shedded water. It is an environmentally sensitive area for stormwater.

Mr. Parrish: It is very flat. There are areas downstream that have issues.

Mr. Buechner: Some of the concerns that prospective tenants had were the major trucks that roll in and out of Vector during the day. It would be disruptive. We have put together a grading plan for the whole project. We are planning to plug in green technology. We will have water gardens in front of the buildings in the setback areas to reduce runoff. We might look at permeable pavement on driveways, etc. ---things that reduce runoff. We might put green roofs on some of these buildings to reduce runoff. As a landscape architect I am very concerned about stormwater runoff.

Mr. Anderson Sr. is hoping, as soon as the plan is approved and construction drawings are finished, to build the first prototype building and lease and/or sell it to get the project underway.

Mr. Smith: As a part of mitigation, we should ask for more in depth discussion about proposed or green technologies you plan to employ here.

Mr. Buechner: We would be happy to supply that.

Mr. Marzullo: It is a beautiful design. You mentioned the market analysis that determined that the extra roadway would be required. We will look for clarification on why that was justified. You stated you had 10 heavy vehicles on the road per day. How does that justify a new road?

Mr. Buechner agreed to provide that information.

Mr. Smith: As discussed, each of these sites would come in for site plan approval. These are just prototypes.

Mr. Marzullo: This would be part of a subdivision, right?

Mr. Parrish: I assume this is basically a sketch plan review tonight. As the project moves forward we will get a preliminary plan for the site along with the other things needed that go along with the site---road profiles, cross sections, etc. We should get stormwater reports indicating how stormwater would be taken care of in ways that conform to Town and DEC SPEDES requirements. I think that the Board is generally okay with the layout of the road. You have expressed some concerns over the second access road that the applicant needs to address. The cul-de-sac might need to go through some refinement. There is a wider access entrance at the north end which may or may not be needed. We will continue to look at those types of issues.

We did talk about buffering. Again, there is an approved plan for apartments to the west of the site. We discussed whether buffering should be provided to that area. The Board would determine if that was needed. It needs to be determined whether that should be a part of the subdivision or whether you are going to try and address that on an individual lot bases as each parcel comes in. You could take care of that either way. If you take care of it up front then you are not trying to fight with the issue as each lot comes in. It would be known what is required and what is there; it would be a part of the subdivision improvements for the project.

Mr. Marzullo: My intention would be to address the buffering now.

Mr. Parker discussed the plan for water. There is 1800' of water main running on the opposite side of the cul-de-sac and opposite the north side of Island Road to connect to the existing water main. We have three hydrants showing.

Mr. Smith: We discussed getting some landscaping in the cul-de-sac to avoid the sea of asphalt. There was some discussion regarding how the snowplowing could be done.

Mr. Buechner: I think that is something we have to work out between the Planning Board, the Highway Department and us.

Mr. Marzullo: What is your intent with the existing drive, the entrance? Would you utilize that or rip it up and start over?

Mr. Buechner: That would be torn out from where the cul-de-sac ends on the south side to the Vector property.

Mr. Marzullo clarified. I mean the entrance off of Island Road.

Mr. Buechner: The existing Vector road is here. The new road is going over that. The existing Vector road from the south of the cul-de-sac to the cross road here, will come out. The current private Vector road will become the new public road. A new privately owned Vector road will come through here.

Mr. Parrish: I am sure that it is a solid road, but it will have to be looked at.

Mr. Smith: Is that a Town Board consideration?

Mr. Parrish: Yes, ultimately. This Board would approve a minimum cross section that the road needs to meet. Then it would be up to the Town, if it is being constructed, to determine if it meets that.

Mr. Buechner: We plan to meet Town cross section details, etc. for the road. We do not want to turn anything over to the Town that would not hold up over the long term.

Mr. Marzullo: What are you proposing for the treatment on the side of the road, gutters?

Mr. Buechner: There was some discussion about having tip up curves versus gutters.

Mr. Parrish: The current Town standard is still concrete gutters.

Mr. Buechner: We are flexible on that.

The Chairman took questions from the audience, asking that they be on topic.

Tim Murphy, Noel Road: Is this a PUD?

Mr. Marzullo: No.

Mr. Murphy: Would the public be paying for any of the pumping stations?

Mr. Marzullo: No.

AUDIENCE QUESTIONS: 1. LORETTO  
2. DISTRIBUTION OF PLANNING BOARD MINUTES

Mary Jo Hoover, Noel Road: Items three and four on the 2/3/10 agenda concerned the Cicero Commons. There was a site plan, sketch plan, and SEQR determination. I had questions but decided to hold them until after item four—the major subdivision, preliminary plan regarding Cicero Commons, Route 11 & Meltzer Court which was also presented by Pioneer Companies. I was here prior to the meeting and during the entire meeting and did not hear that item four on the agenda was cancelled.

I did hear Mr. Marzullo ask if there were any questions after the Loretto presentation, but I was being polite deciding to hold my questions until after item four.

Mr. Marzullo noted there wasn't a public hearing that night nor is there one tonight. I was asking Board members if they had any more questions. There will be public hearings for that project, but not that night.

Ms. Hoover: I understand but usually, people are asked if they want to comment after the agenda items are taken care of. Is that different under this administration?

Mr. Marzullo explained that there were no public comments under the procedures that were done on the Commons that night.

Ms. Hoover: I understand that there was no public comment, but usually at Planning Board and Town Board meetings you open it up to public participation. Those questions are usually held until all of the agenda items have been gone through.

Mr. Marzullo noted that the Town Board does have public input at the end of their agendas. We do not.

Mr. Smith: But you are speaking now. I think that part of the confusion was that Pioneer did not come in with a full subdivision like they were going to. The only thing that we did was SEQR. We thought that Pioneer was going to but they did not so SEQR was the only thing that we could do that night.

Mr. Germain clarified. There was not even a determination made. The only thing that really happened was that the Planning Board decided that they were going to be made the lead agency for SEQR. Whatever determination they make will only be made after the full blown process goes through. You will have plenty of opportunity to come and speak to any issue that you would like to during the public hearing phase.

Ms. Hoover: Okay

Mr. Germain continued. More to the point that I think that you were making, I don't think that you can say that you did not have an opportunity to speak or that you do not have the opportunity to speak at Planning Board meetings. You are speaking right now. I think that everyone is happy to hear comments and input. You will get the opportunity to do it again.

Mr. Marzullo added the Loretto project will have public hearings at the Planning Board and Town Board level.

Mr. Germain agreed noting that the applicant was not ready to address their subdivision yet. Therefore that discussion did not happen at the last meeting.

Ms. Hoover asked to read the following into the minutes: I believe that I heard you declare the Loretto conceptual plan a Type II SEQR in this meeting. I went to see if I could look at an unapproved copy of the meeting's minutes. I wanted to refresh my mind so that I did not say anything wrong. However, I could not see the unapproved meeting minutes.

The Chairman asked which meeting minutes Ms. Hoover was referring to.

Ms. Hoover clarified the Planning Board minutes from February 3, 2010.

Mr. Smith: Why couldn't you see our minutes?

Ms. Hoover: I was told that it was not allowed.

Mr. Dean explained that minutes are not distributed until they are approved.

Various Board members noted minutes should be approved before they go out to the public.

Mrs. May added the unapproved minutes go out to us for review.

Ms. Hoover: We have always been able to look at them unapproved before.

Mr. Smith: Is it not public record? You could walk into the Clerk's office and file a FOIL request.

Mr. Germain: You can file a FOIL request. The reason that it is done that way is so you can correct and/or amend the minutes to make sure they are correct before they are disseminated to the public. Otherwise, the public is seeing a rough draft that may not be correct and that the Board has to actually correct. Again, the draft copy is distributed to the Board so that they can look at it, give some input and make sure that it is correct before it goes out. It is an unofficial document.

If it was not done that way, the public might be misinformed as to what the actual minutes were. They would be basing their comments and/or opinions on a document that has not been corrected or reviewed for accuracy.

Mr. Marzullo: We approve them at the following meeting. Shortly after that they will be on the website.

Mr. Germain: I think that you said that it was a Type II action? It is not a Type II action.

Ms. Hoover: Okay. I thought that it was declared a Type II action here.

Mr. Germain: We did not make that determination. A Type II action would require a different set of rules. The only resolution that took place here, as was stated in the minutes, was whether or not this Board would act as the lead agency and perform the SEQR function.

Ms. Hoover continued to read: The Town Board declared the Loretto project a Type I SEQR on February 10, 2010. Considering how the Town has grown over the past ten years, this seems prudent. I have not heard anyone mention a traffic light where the road intersects with Route 11. I have recently read the local law from November 2, 2000 to refresh my mind. The PUD does allow latitude but a SEQR can be done if warranted. I am very glad to see that it was declared a Type I.

The PUD does give a lot of latitude but a lot of stuff has been done to the Town. There has been a lot of growth, especially traffic wise. You will be getting older folks visiting older folks at Loretto. I am not against Loretto having worked as a registered nurse. If I am not mistaken that part of Route 11 is 55 mph. Can that be slowed to 35mph?

Mr. Marzullo: The State said at some point when the property gets built out more, they will want some improvements there. The applicants have talked to the State. They want a north bound left turning lane going to the project, not a traffic light. That turning lane will be required by the applicant at their expense.

Mr. Smith: The State also asked that the Town consider reducing the speed limit there to 45.

Mr. Marzullo agreed. That is a State road. They will require that the applicant put in a left hand turning lane heading north on Route 11. At this point they are not requiring a traffic light but some day they might.

(Mr. Marzullo continued.) I have a draft copy of the minutes that were approved tonight. As Mr. Germain said, all the Planning Board did was accept lead agency. That was referred to us by the Town Board.

Mr. Smith asked for clarification. Was there any declaration as to whether this was Type I or Type II?

Mr. Germain responded no.

Mr. Smith: Don't think that has already been determined. I don't want you to walk away thinking that has been declared a Type I by the Town Board. That would not be fair.

Mr. Germain: There is no declaration of that in the record though it would be a Type I action.

Mr. Marzullo: The Town Board referred it to us.

Mr. Germain: Right and it gets referred back.

Ms. Hoover: We supposedly have a new transparency in Town government. Not being able to see unapproved meeting minutes for nearly a month is hardly fair. This limits the time to comment especially before the special meeting called for March 3, 2010 regarding the Loretto project. Thank you for the time. I am not going to request that these comments be in their entirety in tonight's minutes because I have made some mistakes. So I do not want them to go in.

Mr. Marzullo noted it was a long time between Planning Board meetings because of the holiday. It will not be that long normally.

Kyle Palmer, Cicero Commons: I want to applaud the members of the Planning Board for opening this up for questions from members of the public. It is appreciated. There is still a lot of confusion and questions. If there are any that I can answer, please don't hesitate to ask.

IN AS MUCH AS THERE WAS NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS  
ADJOURNED AT 8:08 P.M.                      Dated: February 23, 2010                      Tonia Mosley, Clerk

