

The Planning Board of the Town of Cicero held a meeting on Thursday, March 19, 2009 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 February 4, 2009 and March 4, 2009. The February 16, 2009 meeting was cancelled. (approved)
- Site Plan, Germania Property Group/Pathfinder Bank, 6194 Route 31 (to return)
- Site Plan, Carlene's Custom Framing, 5774 South Bay Road (to return)
- Zone change recommendation, Raymond Seubert, Miller Circle & Route 81, AG to GC (to return)
- Schedule public hearing, Preliminary subdivision plan, Shiva Estates, Guy Young Road (to return)
- Site Plan, Marble International, 8141 & 8145 Brewerton Road (to return)

Board Members Present: Patrick Leone, (Chairman), Sharon May, (Deputy Chairperson), Richard Cushman, William Purdy and Robert Smith

Members Absent: Christopher Rowe, Jason Mott and Scott Harris, (Ad hoc Board Member)

Others Present: Wayne Dean, (Director of Planning and Development, Heather Cole, (Esquire, Wladis Law Firm), Mark Parrish, (P.E., O'Brien & Gere), and Tonia Mosley, (Clerk)

The meeting was opened with the Pledge of Allegiance.

Mr. Leone noted the locations of the three fire exits and that there are no formal public hearings tonight. The Board acknowledges the importance of public input and encourages anyone in attendance that would like to speak about an agenda item to do so. I ask that you raise your hand to be recognized by the Chairman and use the microphone in the front. Please bring it to my attention if you cannot hear us. Turn off any cell phones.

APPROVAL OF THE PLANNING BOARD MINUTES FROM 2/4/09

Mr. Smith made a motion to approve the Planning Board minutes from February 4, 2009. Mr. Purdy seconded the motion. The motion was approved with the following vote:

Mr. Cushman:	Yes
Mr. Purdy:	Yes
Mrs. May:	Yes
Mr. Smith:	Yes
Mr. Leone:	Yes

APPROVAL OF THE PLANNING BOARD MINUTES FROM 3/4/09

Mr. Smith noted that on page 8 that the third paragraph from the bottom should be corrected to read: he should not have access along Route 31. Mr. Smith also wanted to make sure that audience comments were included in the minutes. Ms. Cole noted corrections to the motion that starts on page 14. In paragraph 2d remove the words after 40'. The entire sentence should read for Kesel within the designated location but instead of the 40' indicated on the plan presented this evening it shall be 60' wide. There shall be an additional 10' on either side of the easement area. In paragraph 2h remove the sentence that reads: This is for discussion purposes. On page 15, #5 change in accordance to to in accordance with the Town's local law regarding storm water management and erosion and settlement control. Mr. Smith made a motion to approve the March 4, 2009 Planning Board meeting minutes with the corrections noted above. Mr. Leone seconded the motion. The motion was approved with the following vote:

Mr. Cushman:	Yes
Mr. Purdy:	Yes
Mrs. May:	Yes
Mr. Smith:	Yes
Mr. Leone:	Yes

SITE PLAN, GERMANIA PROPERTY GROUP/PATHFINDER BANK
6194 ROUTE 31, PROPOSED BANK AND DRIVE THROUGH
DUNN & SGROMO ENGINEERS, PLLC

Representatives: Greg Sgromo P.E., Dunn & Sgromo Engineers, PLLC
Tom Schneider, President, Pathfinder Bank

Mr. Sgromo addressed the Board. I think that we have a site plan that is approvable. We have been in this process for quite a while. The hang-up seems to have been the DOT access point. We do have an approval on what you see in front of you. It is not what everyone would like to see but, the current proposal is to install a new driveway and leave the existing driveway in place. At a future time we would make a connection.

The proposal is to build a free-standing bank on the empty parcel between the gas station and the Union Hall property. I believe that it would have 26,000-27,000 square feet with drive through lanes in the back and a single access point ideally located across from the current access point for Lakeshore Plaza. The ultimate goal is to have one driveway for both of these parcels. At a later date we would connect the two parcels together, eliminating the existing driveway on the Union's property.

Mr. Leone: You would have a similar entrance for the two parcels but not necessarily connect the two parcels?

Mr. Sgromo responded correct. We would not necessarily connect the two parcels. We would be connecting their access.

Mr. Leone: Why couldn't that be done now?

Mr. Sgromo: The Union is in agreement with doing the connection at some point in time. They are having some legal issues relative to the property. At this point they are not able to sign-off on the easements which would take place.

Mr. Leone read a portion of the letter from the DOT dated March 11th which the Board received on the 13th as follows: The Department has completed review of your revised submission for the above-referenced project. Please progress the design of the bank driveway with the center line of the proposed driveway aligned with the center line of the opposing driveway as shown in the 07/24/08 submission. Cross access with the adjacent parcel will be addressed at a future point in time. Is that what you have done?

Mr. Sgromo: That is exactly what we have done. They will have to approve the DOT permit.

Mr. Parrish: I have a copy of that letter. I don't know if I have a copy of the July 24th site plan.

Mr. Leone: I believe that was a sticking point that the Board asked you to address. You have come into a little bit of a conflict getting that done. What we needed was a letter from the DOT to address the problem and you have done that.

Mr. Sgromo: Drainage to the front of the development will be conveyed to a detention basin located to the rear of the site. We have submitted a drainage report.

Mr. Parrish stated that he did not have a copy of that.

Mr. Sgromo: I know a drainage report was done. I assumed that it was sent to the Town. I will check. We have a full storm water detention basin that meets the requirements for the NYSDEC. The discharge point will be along the western side of the property to the front of the parcel. The existing ditch at the front of the parcel will be enclosed with a 24" pipe. We are raising the site up a little to get a reasonable grading.

Mr. Leone: We have had a couple of your neighbors come in concerned about drainage. I don't want to push through the site plan approval without making sure that the engineer has seen that.

Mr. Sgromo addressed some to the drainage issues that were previously on the site. We have worked with the Town to mitigate those issues. The site was vacant for quite a while. A lot of the ditches were filled in. The Town asked us if we could do something in the interim to help out. We sent a contractor in who re-graded the swale along the eastern portion of the property so that it would drain. That is what takes the water from the area south of the parcel. A pipe will enclose the ditch where the driveways are proposed.

Mr. Leone: Has it helped the area?

Theresa Leone, (no relation to the Chairman), 8365 Sandra Ave. responded it has made it worse. It has not worked at all. It has forced all of the water to the property behind it. That property is above grade and pushes all of the water onto my property, into my basement.

Mr. Dean noted that his department has been out there. But, I have not looked at it since the work was done.

Mr. Leone asked Mr. Parrish to visit the site once he has received the drainage report and the elevations. Mr. Parrish agreed to do so. Mr. Leone noted this is the time to address this issue. It is not the developer's intent to shed water. I believe that Mr. Sgromo thought that what they did was going to help.

Mrs. Leone agreed the problem existed before this developer came. After it was dug I came in and said that it did not help. It has gone unaddressed.

Mr. Sgromo noted that he drove by the site after the contractor did the work. It dried up our site. I assumed that the ditch worked well. I did not check the parcels behind it. We will be happy to lower that as much as possible.

Mr. Leone noted that there was no grade at the road where the problem was. We have to make sure that we do not make the problem worse. I am sure that these three professional engineers can figure something out. I don't think that any of the residents were opposed to the project. I think that they were concerned about the drainage.

More discussion occurred.

Mr. Sgromo: For the traffic flow pattern, there will be a two lane driveway with an entrance lane and an exit lane to the project. We have submitted two studies which analyze the intersection at Torchwood and Route 31 and also the entrance driveway. We have a minimal impact at this driveway, a possible two to three second delay increase in the intersection.

Mr. Leone asked if that is currently a failed intersection. I noted that your report does not push it to failure.

Mr. Sgromo responded no, it depends upon how you analyze it. It really functions where this northbound lane is used both as a through left in one lane and it is wide enough for people to use as a right and through. The worse case scenario is a Level D intersection.

Mr. Dean: That is one of the projects that the DOT will be working on this summer.

Mr. Sgromo: We used ITE trip generation numbers. There is one p.m. movement, the southbound exiting movement from the Plaza, which decreases a little. It all functions fairly well. Part of it is the stacking in the area.

Mr. Leone: The traffic study you submitted is dated January 2009.

Mr. Sgromo: Yes, we also submitted a revised one in March which does not impact this driveway at all but it does change this driveway a little. The revised one is the way the intersection is designed. It decreased the level of service at that intersection. It does not push it to a failure.

Mr. Leone read a paragraph from page 9 of the January 2009 report reading: the analysis indicates that the proposed bank will increase the delay of the overall intersection between 3 and 5 seconds in the a.m. and p.m. hours. This additional delay does not decrease the level of service in the a.m. and p.m. The level of service is analyzed in Tables 3 and 4. That reads the same in your report?

Mr. Sgromo: Yes.

Mr. Leone recommended that the site plan be submitted to the County for review.

Mr. Smith asked if the pictures submitted in July 27th were valid.

Tom Schneider, President, Pathfinder Bank responded yes. Those are pictures of our Central Square location which was built in 2006. Basically we are replicating that site.

Mr. Leone asked if that included the same light posts, flag pole, etc. Are you requesting the same signage?

Mr. Schneider responded yes. The sign is a message board. We use the message board for temperature, time and marketing.

Mrs. May: Scrolling?

Mr. Schneider: Yes.

Mrs. May: Is it internally lit at night?

Mr. Schneider stated the message board has LED lighting. The top has a push through acrylic that is internally lit. We would have a 24 hour ATM. The ATM is located on the inside drive through, the interior lane, at the rear of this design.

Mr. Smith: So the headlights of drivers who pull up to use the ATM would be directed toward?

Mr. Schneider: The back of the Union building.

Mr. Parrish added it would face east.

Mr. Leone asked for the locations of the neighboring residences.

Mr. Schneider: The pull in there could have a lighting affect as well as the lighting of the canopy. The signage is up front.

Mr. Sgromo noted existing trees in the area. We will try to save as many of those as possible.

Mrs. Leone stated those trees are very tall with nothing at the bottom.

Mr. Leone asked about the storm water detention area. Do you have any fencing or anything between there?

Mr. Sgromo: No. We are not proposing any.

Mr. Leone suggested a berm with plantings along the edge to hide some of the scattered light. If the canopy lighting is done correctly, it is downcast and should not be that bright. None of your lighting should scatter off the site.

Mr. Smith: When a car is sitting at the ATM their lights will be shinning at the Union Hall?

Mr. Schneider: Yes, at the very rear portion of the Union Hall. I don't believe we show the garage that is already there.

Mr. Leone: Is there a fence between you and the Union Hall?

Mr. Schneider: No. There is kind of a culvert there.

Mr. Leone: You might want to do something along that edge, for buffering.

Mr. Schneider: We could add shrubbery or tall evergreens or fencing.

Mr. Smith asked for the zoning of the Union Hall. The residents have to be protected.

Mr. Parrish responded Neighborhood Commercial according to the survey done by Ianuzi & Romans. It looks like the entire piece is that way.

More discussion occurred.

Mr. Leone: You have to come up with buffering (berm, berm and trees), landscaping or a fence that will curtail the headlight swing onto the residential property. It should also curtail some of the headlights from cars sitting in the drive through lanes.

Mr. Sgromo: There is a drainage ditch along here. I would like to keep fencing out of that area.

Mr. James Leone, 8365 Sandra Ave.: I have a three year-old child. I would like to see a wall or fence with the pond being near my backyard.

Mr. Schneider: I think that we are leaning towards a fence along the back property line and the swale.

Mrs. Leone: That would be greatly appreciated.

Mrs. May: Since the evergreens are bare at the bottom, would it be possible to get some type of low growing shrub that would fill that area in?

Mr. Sgromo: I was thinking more on the lines of a 6' wooden fence.

Mr. Leone: Do you feel comfortable with the protection for vehicles not going into your pond?

Mr. Sgromo: The entire site will be curbed all the way around.

Mr. James Leone: I am opposed to the pond. The pond is exposed and open to animals, mosquito problems, environmental problems, etc.

Mr. Leone: It is a NYSDEC law that the storm water management area goes in. Getting a fence across the back of the property and along the right-hand side looking from your house is quite a bit.

Mr. Sgromo: It will be a cedar fence or something similar. It will be solid.

Mr. Parrish: The forebay area is supposed to be 4'-6' deep. The main pond area is typically 6'-8' deep. It is designed to retain water. It is about 120' long and 30' wide. These are DEC guidelines.

Mr. Leone: As a Planning Board, we can request that storm water ponds be fenced on commercial properties.

Mr. Parrish: Correct, the Town Board has nothing to do with site plans.

Mr. Leone: With a pond that size I think that it might be in your best interest to look at fencing the pond. You can use the back fence as a part of what we are trying to do. We have asked for pond fencing at a lot of commercial locations.

Tim Murphy, Noel Road liked the idea of a fence to protect the gentleman's three year-old. That is a deep, big pond. I think that it should be fenced in. As far as traffic goes, maybe it does not reduce the intersection to a failing one but it still impacts it with a 3-4 second delay. I am not for continued development at failing intersections. As far as berm/buffering goes, if you stagger your trees on top of a berm it would probably do a lot more work than just putting in a fence. The neighbors were there first. Give them their due justice.

More discussion occurred.

Mrs. Leone asked for clarification on lighting. The Board and Mr. Sgromo responded.

Mr. Leone asked if an Amber alert could be done on the message board.

Mr. Schneider: Yes, we can change them quickly. It is done from our home office in Oswego pushing it through our IT department there. I don't know what the requirements are in terms of timeliness, but I am sure that we could work out something that would happen soon. We also promote many community events.

Mr. Leone: The issue relative to the change, I believed we settled on a 15 second change. Wayne?

Mr. Dean confirmed it was close to 15.

Mr. Leone: In other words you can not be oscillating or flashing.

Mr. Schneider: This is a pretty slow scroll.

Mr. Leone: No scrolling, no movement. You can change the message but it should not be something that is moving or oscillating. I would like to see a little landscaping along the base of the sign. Please dress up the front area also.

Mr. Schneider invited the Board to drive up to their Central Square location to get an idea of what would be done in Cicero.

Mr. Leone: Do you have any entrance signs?

Mr. Schneider showed the Board the sign locations. This included a pylon sign and two building signs.

Mr. Parrish and Ms. Cole noted the sign package included the area of the letters. The letters are not on a background.

Mr. Leone: We have about 110 square feet of signage that is being requested.

Mr. Parrish: There is about 82-83 square feet of building frontage. The Board generally approves 1.5 times the frontage.

Mr. Sgromo: There is one logo over the front door. The drive through areas have signage. There are also entrance and exit signs.

Mr. Parrish noted that entrance/exit signs do not count in the calculations for signage. They should be shown on the plan though.

Mr. Leone: Are these temporary signs on your building?

Mr. Schneider: No, but the banner is. The banner is vinyl.

Mr. Leone: Temporary sign approval goes through the Zoning Department.

Mr. Dean explained usually you are allowed a temporary sign for one month, four times per year. They require a sign permit also.

Mr. Parrish noted that he did have a photometric plan. We will need to get cut sheets on this.

Mr. Sgromo stated that he would get those to Mark.

Mr. Smith asked about lighting out by the driveway. Do we have enough lighting for the sidewalk?

Mr. Parrish: According to this they are leaving at least .5 foot-candles across the front. They can probably adjust their lighting.

Mr. Smith: You do have people using the ATM at night. We need some lighting for the sidewalk.

Mr. Parrish: .5 foot-candles spilling out onto the right-of-way is more than sufficient.

More discussion occurred.

Mrs. May asked if a dumpster would be on the site.

Mr. Schneider responded there are no dumpsters on any of our sites. The ATM is in the lane closest to the building, the interior lane. New York State banking regulations guide canopy lighting. We normally seek to meet the minimums because they are very bright.

Mr. Parrish: There are 38-39 foot candles here. I will check the banking requirements.

Mr. Schneider: Those are safety issues under New York State's banking guidelines.

Mr. Smith asked for a copy of those banking regulations. Mr. Leone and Mrs. May agreed that Mark could/would take care of that.

Mr. Sgromo: There is a solid brick wall along the side of the last drive through lane. That should buffer a lot of light. We do it for wind protection.

Mr. Leone: We have the landscape plan. The sidewalk is 5' wide and made of concrete. The parking field looks reasonable. The counts look reasonable as long as you have enough handicap spaces. You have some homework to do. I believe you can work with Mark to get through the details that you are missing. We will get your plan to the County.

Mr. Parrish: We will do a review of what we have and hopefully get a drainage report. Then the Board can get comments back.

Mr. Leone reminded the applicant to look at the drainage on the site.

SITE PLAN, CARLENE'S CUSTOM FRAMING
5774 SOUTH BAY ROAD, PROPOSED HOME OCCUPANCY
CARLENE MALONEY

Representative: Carlene Maloney

Ms. Maloney introduced herself. I am here because I would like to have a home based business at my house. We would not have to change much. I would need to pave the driveway, extending its width a couple of feet.

Mr. Dean noted that the plan needs to be submitted to the County.

Mr. Leone noted that Ms. Maloney came before this Board previously to put in a mulch business at this location. That plan was denied due to what the Board felt were safety issues relative to the road and access points. She is here now to put in a home operating business, with one employee, making custom frames. She has provided a survey of the property and a sketchy site plan. I am not sure how this lays out. I am not sure where the entrances will be. I am not sure what driveway you are talking about. Where would your customers go?

Ms. Maloney showed the Board the driveway location, a paved walk-way and where customers would enter the building.

Mr. Leone added there was some discussion as to whether or not those four houses on Warren Drive should be changed zoning wise. We have not had a formal request to do so by those property owners.

Mr. Dean has suggested that the location would be a reasonable use for a home occupation that would allow for one employee and moderate traffic. Ms. Maloney did get a DOT letter some time ago for a driveway. Was it for a commercial driveway or a residential driveway?

Ms. Maloney explained that it was for a commercial driveway

Mr. Leone: Does anyone on the Board have a problem with this use for the property?

The Board responded no.

Mr. Leone: We need to get the plan down to the County, for their response. I believe that the DOT will comment again. I ask that we allow Mr. Dean to do that. I would suggest that you include what you want to do on the site plan that would go to the County. Try to define the driveway area, where you are bringing your drive in and how you are providing a walkway.

Ms. Maloney stated that she would drop off a copy to the Zoning Office tomorrow.

Mr. Leone: We do need to wait for the County's response to move forward. I think that it is a reasonable use.

ZONE CHANGE RECOMMENDATION, RAYMOND SEUBERT, EXECUTOR
MILLER CIRCLE & ROUTE 81, AGRICULTURAL TO GENERAL COMMERCIAL
GREG HOOVER, EAGAN REAL ESTATE

Representative: Raymond Seubert, Executor

Mr. Seubert introduced himself. I own the property and have a power point presentation that gives you an idea about what we would like to do. The property is currently AG. I have been trying to sell it for a number of years. We have a buyer that has a light industrial use. In order for me to close on the sale the buyer wants a zone change.

Miller dead ends into the exit ramp. There is a three layered barricade there. The parcel is 2.5 acres.

Mr. Leone asked how much of the parcel was wetlands as defined by the DEC. The issue is finding out how much of the property is usable. You are required to have a certain amount of usable space that is not encumbered by wetlands. We could recommend the zone change to the Town Board and you might not have enough property to use.

Does this property back up to residential area?

Mr. Seubert: As you come down the road towards the property, there is a house on the right-hand side.

Mr. Leone: What else is in that area?

Mr. Dean: That house is the last house before you get to the parcel. There are also two houses across the street. One of those houses has a driveway access to the ramp. The other house has a driveway onto the dead-end circle.

Mr. Leone expressed his concerns. I am not sure that this is a General Commercial use. By the applicant's own admission, this would be light industrial. My next concern is if the zone is changed to GC or Industrial, again we are only a referring Board, GC would allow for example a Walgreens to go there. This is not a location where someone would want to see a Walgreens. It has no access for that but it could happen.

Can you see the site as an Industrial area? What would happen with an expansion of a small industrial user to an industrial user who wants to expand to the size of something larger? It sits in an area that has limited opportunities.

You have an Agricultural property that I sense is surrounded by residential property. If this property is changed, would this be spot zoning?

Ms. Cole: We would have to look at the Zoning map to make an educated decision. Once the property is zoned it means that anything that is allowable in that zoning classification can be considered for that site. So, if the property is re-zoned it does not mean that just what you are proposing could be developed there. That is what the Board thinks about when they consider a zone change. They can not consider a specific use for the property. They have to consider all of the different uses that are allowed in that zoning classification.

Mr. Leone: Under the Agricultural regulations, does any of what this gentleman wants to do in that area apply?

Mr. Dean: No. The permitted uses in an Agricultural Zone are an agricultural use, a one family dwelling, a private garage---

Ms. Cole continued: a school, religious institution, vet hospital, quarry, cemetery, etc.

Mr. Leone: My concern is for the potential other users.

Mr. Seubert: I understand. Is there any other zoning that would be better? Again it is two acres and has an easement. It is really limited.

Mr. Parrish noted that was a drainage easement.

Mr. Leone: I am uncomfortable pursuing something where we have no control over what goes in there. I am not sure of the property's usability with regard to wetlands.

Ms. Cole: The Board does not need to make a decision tonight. Even though the Town Board has tentatively set a date for a public hearing, they do not necessarily need to move forward with it. You could always refer this to the County for their input before you make a decision.

Mr. Dean: This has been sent to the County. The County feels that this parcel is a nice buffer as it is. I feel that the proposed use is suitable for the parcel, rather than leaving it just as it is in this condition. It is not a very attractive parcel now. I think that anything would be an improvement there.

More discussion occurred.

Mr. Smith: We are debating the specific use of the property. When I look at what is allowed under General Commercial based upon allowable uses, I don't know that I would feel comfortable voting to recommend the zone change.

A zone change would allow automobile sales including recreation vehicles and boats. This is right on the edge of Route 81. If I were looking for a place to sell boats, I would want to sell them here. The problem is that we would be opening a can of worms to all of the allowable uses.

Ms. Cole: There is another option for the property. I don't know if the applicant has considered a use variance. It is a difficult standard, a difficult thing to obtain. You would have to go to the Zoning Board of Appeals for that. But, that is an alternative to a zone change if the proper criterion can be proven to the ZBA's satisfaction.

That would give the applicant the right to a very specific use. It would give him a conforming operation for whatever that operation would be.

Mr. Leone: Could he expand that operation?

Ms. Cole: That depends on if the ZBA grants the variance and how the variance was granted.

Mr. Smith: If he went in and got a variance for the light manufacturing die maker operation, could he then allow boat sales to be there?

Ms. Cole: I would assume the applicant would have to go back, but it would depend upon how the ZBA potentially grants the variance.

All the Town Board did was set a public hearing date in the event that they want to consider the zone change in the future. It has been set for three meetings out; the Town Board could decline to entertain the zone change request, to cancel the public hearing or, depending on if this Board was to come back and give them a positive recommendation, the Town Board could go forward with the zone change and consider it.

The Chairman asked the Board if they were ready to vote.

Mrs. May wanted to wait for the County's referral before voting.

Mr. Smith was prepared to give it a negative recommendation.

Mr. Cushman leaned toward considering this spot zoning and did not think that he would vote for a positive recommendation.

Mr. Leone had a problem with making it General Commercial.

Mr. Seubert: It is limited. The selling price I got for the property was \$10,500 subject to the zone change. You can see how valuable the property is. I just wanted it off my plate. From what I am hearing it is going to be rejected, but I understand your reasons.

Mr. Leone: You are jumping to a conclusion because we have not voted on your zone change. We are a referral agency. The Town Board votes on your zone change. The Town Board does not have to and has often not followed what we recommend. So, don't jump to that conclusion.

We did not take a vote. We sent you a message saying I would like to see what the wetlands look like on the site, I want to see what the County's response is and I don't want to see a Walgreens there. Those are the problems that I have as one member of this Board.

I am sympathetic to your cause with the property that you have. But if you get a zone change, you will have a nice piece of property.

Mr. Smith: I don't want to see a car dealership on the edge of 81 or boat sales there.

Mr. Seubert: My question is this since I gave my fee payment checks to the clerk before the meeting: is this futile?

Mr. Smith: Once you have the zone change, you would have to come back in for site plan approval, correct?

Ms. Cole: Or whoever owns the property at that time and wants the site plan approval. I think that the Board intends to see what the County Planning Board has to say, consider that and then make a recommendation. Then it is still ultimately up to the Town Board. I don't want to speak one way or the other but it does not sound like it is a complete exercise in futility.

Mr. Leone: If you get a zone change you have not wasted your money.

PRELIMINARY SUBDIVISION PLAN, SCHEDULE PUBLIC HEARING
SHIVA ESTATES, GUY YOUNG ROAD, 14 LOTS, FISHER ASSOCIATES

No representatives are present.

Mr. Leone noted I would really like to try and set a public hearing date. They sent out a letter cancelling their attendance at tonight's meeting. Under SEQR, they are waiting for a response from the DOT. I would go at least two meetings out.

Mrs. May stated that would be April 20th.

Mr. Leone: I can not make a recommendation for a negative declaration if he has a problem with it.

Mr. Parrish: I can not speak as to how long it will take them to get the DOT's response back.

Mr. Dean: We sent it to the DOT and the Town of Clay because it had already been sent to the County.

Mr. Leone: All in favor of two meetings out, April 20th? The Board approved the question unanimously.

SITE PLAN, MARBLE INTERNATIONAL, 8141 & 8145 BREWERTON ROAD
PROPOSED RETAIL STORE & STORAGE FACILITY, MARTIN MEROLA

Mr. Leone recused himself from the site plan discussion at 8:40 p.m. He then left the podium.

Deputy Chair Sharon May lead the discussion.

Representative: Martin Merola

Mr. Smith: Do you have your letter from the DOT?

Mr. Merola: I have a letter from the DOT. It is not a letter that is relevant. All it says is that the Department will allow only one access for the site on the southern end. They still have more comments to make. They should get back to us by the 30th.

(Copies of the email from the DOT to Mr. Merola were made and distributed to the Board, file, engineer, attorney and Zoning administrator.)

Mrs. May: We had some other questions and requests. We will take those.

Mr. Smith: Has the applicant removed these vehicles?

Mr. Merola: I spoke with one of the property owners today. It is my understanding that everything is out of there. I have not visited the site myself or gone by there.

Mr. Smith: And the gas lines on the side of the building in the driveway?

Mr. Merola: We will have to make that a part of the condition to put them in.

Mr. Smith: Put them in and move them from the side where the driveway is now. Are you going to have that? The public goes out there and there is no protection.

Mr. Merola: I know that you mentioned that to me from the last time. Where the gas is shown now that is a gas meter with no bollards, right? You want to put protection around those.

Mr. Smith: Do you have the colors/materials that he will be using for the outside of the building?

Mr. Merola: It would be the same as what is there now.

Mr. Smith: Mark have you looked at the lighting?

Mr. Merola: We are not changing any of the lighting.

Mr. Parrish: According to this it says that there are no modifications to the existing site lighting. The plan shows that existing lighting consists of four lights mounted under the canopy and two wall mounted sconces on the south side of the building. There is a note on the plan to that effect.

Mrs. May: They want to know how many trucks are going to be used in the northern driveway on a daily basis. What is the design vehicle?

Mr. Merola: I addressed the deliveries with the DOT. The delivery situation is once every two weeks for the trucks. That is really about it.

Mrs. May: What are they delivering marble?

Mr. Merola: Yes the marble that you sell in the statues.

Ms. Cole noted in your email to the DOT is says deliveries are once a week at most.

Mr. Smith: Mario told me specifically that during this season he gets at least two or three trucks per week. He was concerned with how he would get the trucks in and out.

Mr. Merola: I guess there is some miscommunication. So, which ever it is, it is. I guess it depends upon how much product he sells.

Mr. Dean: What are the deliveries? Are they the statues or are they slabs of the man made material that is stacked on the north side of the site?

Mr. Smith: He gets both. He gets the sheets of granite and he gets the statues. Mario said that the stuff that is stacked on the north side he would be moving to the yard on the south side. He cuts it in that big building. He does cut it. It is remodeled.

Mrs. May: This is not to be used for manufacturing.

Mr. Merola: It is my understanding he will do the manufacturing in another facility off of Carrier Circle.

Mr. Smith: He is doing cutting. He took me back and showed me. I have pictures of the room. He did a nice job. The room is all set to go. There is water there. He lays the granite on those and cuts the sinks, grinds them, etc.

Mr. Merola: He must cut just the tops and sides to fit your vanity I guess.

Mr. Smith: He cuts out the sinks and bevels the edges.

Mr. Merola: It is not major manufacturing or anything.

Mrs. May read the County Planning Board's response. The applicant must submit documentation showing anticipated trip generation volumes. Did you have a traffic study done on this?

Mr. Merola: Well, I don't know if they wanted a traffic study. I understood it to mean that they wanted a simple letter like we did on another project that I did provide to the DOT. I was hoping that we would make this approval subject to a DOT permit being issued. That would handle all of the traffic concerns like we did with Sun Chevy.

Mr. Parrish: If there are vehicles coming out of this site, I think that we need to know how they are going to access the site and how they are going to be able to get in and out of the site.

Mr. Merola: They are just going to use the one driveway that is it.

Mr. Parrish: But the way that you had the site set-up before was specifically set up to bring vehicles in on the north side of the site, particularly trucks. They would go out the other exit. Now you only have one entrance, your site is pretty constricted. The Planning Board would be concerned about that.

Mr. Merola: There is not much of a choice if the DOT does not allow us to have the northern cut. They come in, take a right and back up into here. It is a pretty deep lot on that side of the building. The other entrance gets closed and you have more greenspace.

Mr. Parrish: These should not be parking spaces.

Mr. Smith: This stuff comes in on tractor trailers. Mario and his son told me exactly that. That was their concern.

Mr. Merola: These are not tractor trailers they are boxes.

Mr. Parrish: What happens is the trailers end up backing out onto Route 11. That is what we do not want to have happen.

Mr. Purdy asked how wide the truck was in the back. I don't see a measurement for the distance across the site. It is hard to see a truck turning around on the site.

Mr. Parrish: The width of the property is about 80 feet. I don't know how much area he has to use.

More discussion occurred.

Mr. Purdy: I don't agree with the DOT. You should have both driveways.

Mr. Smith: Can we override the DOT's decision to only have one entrance/exit?

Ms. Cole: It is their road.

Mr. Parrish: I need to point something else out too. The response back to the DOT says mid-sized trucks would be using this site. I am now hearing tractor trailers. So, I don't know if the correct information got to the DOT so that they could make a decision.

Mr. Smith agreed. They have arranged their deliveries for early in the morning. They try to avoid the traffic, which was a problem at their former location.

Mr. Cushman: If we re-submit this to the DOT and tell them that tractor trailers are going to be in there, you are going to get a completely different response.

Mr. Parrish agreed.

Mrs. May: I want a letter from Mario stating the size of the truck or trucks that come into the property, what time the deliveries are, how many deliveries he will have a peak season and how many deliveries he will have during the off season.

Mr. Parrish: That should be provided to the DOT.

Mrs. May: I want that sent to the DOT and I want the DOT to respond. I think that this should be sent back to the County for their referral. I think that it should be sent back because I don't believe that they were given the correct information.

Mr. Merola: Isn't it the DOT that makes the final decision on the traffic?

Mr. Smith: We still have to vote on it.

Mr. Merola: Because Mario is not here and his explanation of tractor trailer is not defined, I don't know exactly what size they are. But, I do know that the containers that are on the rail cars are typically 30 feet. So why would they need to put it on a truck that is more than 45? The containers are 30 feet long.

Mr. Purdy: Containers run up to 53 now.

Mr. Merola: I know that the ones he has are 30.

Mrs. May: We need to know that information because we can't make a rational decision here because there are too many inconsistencies.

Mr. Smith: I know that you are looking for an approval on this, but I would have to vote no. The site just is not set up for what they want to do.

Mrs. May: We will not vote tonight.

Mr. Cushman agreed we need more information.

Mr. Smith: We need the correct information.

Mr. Merola reviewed what the Board was looking for.

Mr. Parrish included how the trucks are going to negotiate the site.

Mr. Smith: We need a photometric study. I do not think that there is enough light there.

Mrs. May: Was the slab storage shown on the site plan?

Mr. Smith: That is going to be on the south side. He is going to have that inside the yard where he has a fence to lock it up.

Mrs. May: Remove snow storage from the front of the site.

Mr. Smith: He agreed with that. They have tons of room in the back.

Mrs. May: I see the sidewalks on the plan. We have talked about the color scheme.

Ms. Cole: Has the Board seen what you wanted regarding the façade?

Mr. Smith and Mrs. May replied no.

Mr. Smith: We need to know some sort of material or something to define which one of the multitude of different surfaces there that you are going to use on the building.

Ms. Cole: Are you going to ask the applicant to make it consistent?

Mr. Smith and Mrs. May responded yes.

Mrs. May: On the site plan I would like it to be noted that there will be no displays in the green space.

Mr. Parrish: Landscaping is shown on the site plan.

Mr. Merola: The plan shows the sign and the sidewalk.

Mr. Smith: The sign is a vacant frame. Mario said he has no intention of using it. It is in the state's right-of-way and should be removed.

Mr. Parrish: I believe that the plan indicates that. It says that signage will be replaced with signs on the building's façade.

Mr. Smith: Wayne you had some concerns about the building itself. I know that some of them are in bad shape. Do you have any thoughts on that?

Mr. Dean: We are not going to do anything with the building until the site plan gets approved. We have not done anything yet. After approval we will carefully look at the building from a fire standpoint to make sure that there are suitable exits and that exits that were there are not boarded over and closed.

Mr. Cushman: I think that the only big hang up we have is the movement of trucks on the site.

More discussion occurred.

Mr. Smith made a motion to adjourn. Mr. Cushman 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 9:07 P.M.

Dated: March 30, 2009

Tonia Mosley, Clerk