

The Planning Board of the Town of Cicero held a meeting on **Monday, April 25, 2011** at **7:00 p.m.** in the Town Hall at 8236 South Main Street, Cicero, New York 13039.

Agenda:

- Approval of minutes from March 28, 2011 (**approved**)
- Site Plan, Taste of Boardwalks, 7851 Brewerton Road, Proposed Food, Ice Cream & Retail Store (**approved**)
- Site Plan/Sketch Plan, Country Max Cicero, LLC, 5808 Crabtree Lane, Proposed Retail Site (**to return**)

Board Members Present: Mark Marzullo (Chairman), Joe Ruscitto, Greg Card, Pat Honors, Chuck Abbey, Robert 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 three emergency exits.

MARCH 28, 2011 PLANNING BOARD MEETING MINUTE APPROVAL

Mr. Smith made a motion to approve the March 28, 2011 Planning Board minutes. **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

**TASTE OF BOARDWALKS, 7851 BREWERTON ROAD
PROPOSED FOOD, ICE CREAM & RETAIL STORE
SCOTT MURRAY & GLEN ZINSZER, APPLICANTS
RAYMOND SCRUTON, P.C.**

Representatives: Ray Scruton, P.C. and Glen Zinszer, Applicant

Mr. Scruton introduced himself and Mr. Zinszer while reviewing signage.

Mr. Parrish believed that the square footage of signs consisting of letters and/or symbols placed on a building without backgrounds was determined by the square footage of each individual letter.

Mr. Scruton noted that would be true for the ice cream sign. The next sign is the Boardwalk Center sign. I can reduce that sign to 68 sq. ft. The third sign, Pappas, would go down to 78 sq. ft. We would have an approximate total of 212 sq. ft. of signage.

More discussion occurred regarding the applicant's interpretation of the signage code. Mr. Scruton noted signs on the building would not be internally lit, but would have lighting that shined down on the lettering.

Mr. Zinszer added the reader board would be 2 x 6 with red lettering.

Mr. Marzullo: The building has 120 square feet of frontage. We would typically allow double that for signage, so 240 square feet.

Mr. Scruton: Using the calculations suggested by your code officer, we would have a total of 290 sq. ft.

Mr. Dean: The Board has approved two to two and a half times the liner square footage in the past. The 290 does not include the pylon sign on site. That sign should be included in your calculations.

Mr. Parrish: That would make the total 334 sq. ft.

The Chairman expressed concerns about being consistent.

More discussion occurred.

Mr. Marzullo: If you could get it to 300 maximum, get that information to Mr. Parrish. We could stipulate that in the motion.

Mr. Zinszer agreed adding details about what could be reduced.

Mrs. May: Will there be any writing on the awning? That would need to be added into your signage calculations.

Mr. Zinszer: No, the awning is just striped.

Mr. Card asked about lighting.

Mr. Parrish: They are removing the flood lights on the building and replacing them with the architectural lighting shown. They are maintaining the lighting on the north side of the property and the pylon lighting will be directed downward.

Mr. Card asked about paving.

Mr. Zinszer: They are grinding and re-paving the entire lot and re-striping it.

Mr. Scruton: There are no physical changes to the parking lot, besides the re-paving. Entrances and exits remain the same.

Mr. Marzullo asked about changes to the dumpster location.

Mr. Scruton: We show the wheelie wagons along the side of the building. They will be behind the fence that we are putting up for the seating area. This operation does not require full dumpsters where a truck backs in and picks them up.

Mr. Zinszer: This is what the haulers recommended.

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 site plan dated April 13, 2011 as presented with the signage not to exceed 300 square feet and based upon approval by the Code Enforcement Office. Mr. Germain noted approval is contingent upon the applicant reducing the total square footage of signage to a maximum of 300 square feet. **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

When asked by the Board, Mr. Zinszer noted they were looking to open June 11th.

**SITE PLAN/SKETCH PLAN, COUNTRY MAX CICERO, LLC
5808 CRABTREE LAND, PROPOSED RETAIL SITE
MARTY MEROLA**

Representatives: Marty Merola, Robin Development, Applicant
Don Payne, Country Max Stores

Mr. Marzullo noted this applicant had come to a couple of work sessions. We wanted to give the Board an idea about what is going on and give the applicant an idea of what we will be looking for in order to move forward.

Mr. Merola introduced himself. What we have is Country Max stores leasing approximately 1.8 acres from the existing building that you see with the landscaped island back to the proposed rear property line. We would renovate the building as shown. Mark Parrish has reviewed the plan and made comments. I believe that we have addressed most of them.

The front lot is a month to month lease for Adesa Auto up the street on Route 31. We have shown tractor trailer and car parking for their use.

There will be no grading, digging or anything done other than the landscaped islands out front on Crabtree Lane.

Mrs. May: Will there be a dumpster? I don't see it on the plan.

Mr. Merola: I guess we do not have a dumpster on the plan. We will have to put one on there.

Mr. Payne showed the Board where a dumpster would be located.

Mrs. May: I noticed at your current location that you have all of your landscaping enclosed within a wrought iron fenced area. Would you continue to do that here?

Mr. Payne: There really was not a plan to do something more than what is there already, except on that corner in the front.

Mrs. May: I am concerned with the view to your site from people heading southbound on Route 81. What kind of lighting will you have? Would lighting on that side of the building affect those cars?

Mr. Payne: There will not be any lighting at all in the fenced in area in the back. The majority of our sales back there are geared toward spring and summer. We are only open until seven o'clock at night when the natural lighting is still good. We do have a lighting plan which shows lighting at the facility. The majority of the lighting from the two lights on that side of the building faces down.

Mr. Parrish: We have asked for cut sheets and have not received them yet. They should be cut off type fixtures that face downward, etc, so that you don't get that glare. We can confirm that after the cut sheets are provided.

Mrs. May: You note that the back of the building will be used for storage. What would you store?

Mr. Payne: Products for sale. Most of it would be plants. The other portion would be mulches, pallets, etc. The pallets go through a return process.

Mr. Smith: We discussed traffic. The only entrance/exit I see is on Crabtree. I know that the NYSDOT wanted Crabtree closed before they would consider anything. It looks like whatever traffic you generate would need to get out by the Kwik Fill. That area already fails. Or, traffic would have to turn north or south onto Route 11. Are there any other provisions made for traffic? I absolutely think that we should consider what kind of traffic count we should expect to be generated here and how they would get in and out.

Mr. Merola: I believe they were talking about closing Crabtree off some years back, but as of today's date, they are doing nothing. So, I can't be hogtied for a low density use for a piece of property when it has been sitting there forever. All of a sudden you are going to tell me that we can't use Crabtree Lane?

Mr. Smith: Do we have a traffic count?

Mr. Merola: The traffic count is minimal for their use.

Mr. Payne: I can get that. It is seasonal.

Mr. Marzullo: I think that you should at least revisit the proposed driveway that you originally had going out to Route 11.

Mr. Merola: I plan on doing that. That's fine but it's not necessarily a right-in and a right-out. On the north side of the creek in the vacant lot, there is a drive that I had presented to the DOT to move this along. But I wanted to move this deal along and then we could go to that. It is not necessary for Country Max's use at this point.

Mr. Marzullo: I would concur with Mr. Smith. Getting out of that site will be difficult. If you wanted to head north on Route 11 from Crabtree, you don't have very good visibility. For that private drive, are you saying that you could not go south onto Route 11 per the DOT?

Mr. Merola: You can, but the DOT would probably try and tell me that I can't turn left there.

Mr. Dean: If that drive is not going to be paved and is not an authorized intersection, I would like it to be blocked off for this approval.

Mr. Merola: I was going to have a drive next to the bank's empty lot by the tree. The DOT agreed years ago to put a traffic light in. But until I get further development on the site, I am not going to spend the money for that. This use is very low traffic.

Mrs. May: How many tractor trailers do you have coming in on a weekly basis?

Mr. Payne: Again this is seasonal but, anywhere from 1-3 per week from April until July.

Mrs. May: On average, how many customers would you serve per week?

Mr. Payne: About the same as we have now. Again it is very seasonal, but I can get you that information.

Mr. Marzullo: You need to get your revisions on the site plan to the Board before the next meeting. Because there is only one entrance, I think that Item F, O'Brien & Gere's request for a turning template is reasonable. The entire parking lot is unencumbered and now you are talking about putting in landscaping.

Mr. Merola: We will do whatever Mark wants, end of story. That is fine with me. I don't know why my engineer felt it was unnecessary.

Mr. Marzullo: I think that information is important to know. We need all of that stuff brought to us so that we can keep moving forward for you. It is not just this. It is Mark's entire list.

Mr. Dean: I think that we will also need a lighting plan for the truck parking lot. Now they have temporary lights that glare onto Route 81.

Mr. Smith: Is the building currently being used?

Mr. Merola: No, they are out of there.

Mr. Marzullo: What is your proposal for delineating the proposed access drive from Crabtree?

Mr. Merola: I am going to stripe it initially.

Mr. Marzullo: That might be an issue. I am not sure that the landscaping in the front will be sufficient with the eight foot islands.

Mr. Merola: Those could be curbed.

Mr. Marzullo: What would you do with the access driveway to the west in the front where I think that it is all stoned?

Mr. Merola: I guess if you want curbing coming in a certain way, we will curb the entrance.

Mr. Parrish: Marty, you mentioned that the 8' wide, oval, landscaped islands are perhaps going to be curbed. My concern is that those really are not substantial or continuous. If you are

going to put something up it should be substantial enough to remain viable. As small as they are now, you are going to get snow pushed into them. If they are not protected by curbing they are just going to get run over. I would suggest that they need to be a little more substantial.

One other comment that we had was coordinating this with the Highway Superintendent to see what he would like to see in that area regarding traffic flow and appearance.

We did just receive this today and have not had time to review the responses. We will do that and provide another set of comments.

Mr. Parrish gave a brief review of his comments which included a request for more detailed information about separating County Max parking from Adesa parking.

Mr. Smith asked if there was a need for cross access and/or easement agreements.

Mr. Parrish: That is an issue that needs to be discussed. I was emailed the latest easement agreement. It should be provided to the Board and the Board's attorney to be reviewed for adequacy. I think we also need to indicate what the goal is for that easement. I think the intent for that easement was to provide access through the parcel, not just for the various uses on this site, but also for the adjacent properties to be able to get access through the site.

Previously there was a lot of discussion about cross access and how this fits into a larger traffic plan for the area. The intent was to provide access through this site to the site to the south which is the United Auto site. Eventually as this area develops we will have a parallel access to Route 11 that takes some of the burden off Route 11 for people who want to get from site to site. The bigger picture would be how this site fits in with the adjacent sites.

Mr. Smith: For consistency, we would like to know exterior colors for the building.

Mr. Dean: The site plan will have to go to the County for review.

Mr. Marzullo reminded the applicant about things that needed to be on the site plan.

Mr. Merola: As far as traffic, Adesa is only supposed to be on that property on Wednesdays. Why would I waste money building landscape islands in the front without curbing? They would just get destroyed so curbing makes sense. That's fine. But as far as within the site, I don't see spending the money on curbing. Not until I figure out what I am going to do on the site.

Mr. Marzullo: For the private drive leading into the new site I don't think that striping is sufficient.

Mr. Merola: But all of this is parking on Wednesdays.

Mr. Germain: You have to realize that the Board is entitled to their opinion on whether this would be sufficient.

Mr. Merola: I know that but don't I have the right to rebuff?

Mr. Smith: You do but this is a Planning Board. We are not just looking to do what you are going to have today. You know that we have to be concerned with what will come tomorrow.

More discussion occurred. Mr. Parrish offered suggestions. Mr. Merola noted the site contained four different tax parcels. Mr. Smith asked about getting an easement agreement with M&T Bank. Mr. Germain agreed this was the time to discuss that issue.

Mr. Dean: If I get the revised drawings and the engineer feels that they are sufficient, should I send it to the County?

The Board agreed if Mr. Dean and Mr. Parrish were comfortable with the revised plans, those plans could be sent to the County.

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.

Signed: _____ Tonia Mosley, Clerk

