

The Town of Cicero Planning Board held a meeting on **Wednesday, June 3, 2009 at 7:00 p.m.**, in the Cicero Town Hall at 8236 South Main Street, Cicero, New York 13039.

Agenda:

- Approval of the 5/18/09 Planning Board minutes (**approved**)
- Preliminary Subdivision Plan, Public hearing/SEQR/ Park Fees, Shiva Estates, Guy Young Road, Fisher Associates (**to return**)
- Site Plan, Parties, Picnics and Promotions, LLC, 9120-9130 Brewerton Road, Proposed windmill, Gary Thompson (**no decision, application withdrawn**)
- Site Plan, Empire Management Co, 5771 Miller Road, Proposed addition, David Muraco (**approved**)
- Site Plan/Sketch Review, Joseph Ross, 6414 Island Road, Proposed pole barn (**to return**)

Members Present: Patrick Leone, (Chairman), Richard Cushman, William Purdy, Christopher Rowe, Sharon May, Jason Mott and Robert Smith

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

Absent: Scott Harris, Ad-Hoc Board Member

The meeting was opened with the Pledge of Allegiance.

Mr. Leone noted the 3 fire exits in the room and that there was one formal public hearing tonight. He encouraged audience members to speak about items on the agenda and requested that they use the microphone in the front when doing so.

**APPROVAL OF THE PLANNING BOARD MINUTES FROM 5/18/09**

Ms. Cole noted the following corrections on page 7 in paragraph 3. We hope to but should read we hope to put. On page 9 remove the sentence near the bottom that states Pastor Novak stated it is in progress. **Mrs. May made a motion** to approve the minutes with the corrections noted above. **Mr. Mott seconded the motion.** The motion was **approved** with the following vote:

- |              |     |
|--------------|-----|
| Mr. Cushman: | Yes |
| Mr. Purdy:   | Yes |
| Mr. Rowe:    | Yes |
| Mrs. May:    | Yes |
| Mr. Mott:    | Yes |

Mr. Smith: Yes  
Mr. Leone: Yes

**PRELIMINARY SUBDIVISION, SHIVA ESTATES  
PUBLIC HEARING, SEQR, PARK FEES  
GUY YOUNG ROAD, 14 LOTS, FISHER ASSOCIATES**

Representative: Mark Grovanz, P.E., Fisher Associates

Mr. Grovanz gave a brief overview of the project and its phases. There is a storm water pond. There are fully dedicated utilities and fully dedicated roadways for a total of 41 lots. This is in addition to the 12 lots already constructed in Phase I. The park entrance would be a part of Phase III.

Mr. Leone: You are not planning on putting all of your roads in at once? How do your phases interconnect to the total buildout to move people through the subdivision?

Mr. Grovanz responded that Phase II would have a temporary turnaround. We want to do this phase next because the storm water pond has to go here, at this low point in the property. We have to construct that first and add these utilities to get the storm water to that pond. Phase III would be the next phase, 12 lots. Construction may begin in the late summer of this year. After that it is hard to say when Phase III would be built. It is contingent upon the sale of those lots. It is hard to say how quickly those will go.

Mr. Leone: Why so many steps? The residents who live there would be dealing with construction for possibly three years. That seems long for 12 lots at a time.

Mr. Cushman noted that there would be 3 more phases.

Mr. Grovanz: Typically, a subdivision phase is 12-15 lots because the developer does not want to carry more at one time.

Mr. Parrish: You are looking at construction activities due to the installation of the roadways and utilities, the initial work. This would be done in three phases. The new lots in the first phase will not have anyone there. That is the first activity you are looking at. You would have three different and distinct phases of utility and road construction. The other issue is the buildout of

the houses and the construction traffic that comes with the buildout of houses.

The first phase is completed. Phase V is really two lots and is not likely to happen until the property to the south is developed. I was discussing the three major phases that were left.

Mrs. May: We have been working with this developer for a long time.

Mr. Smith: We are going to have a discussion about park fees. The Park connection would occur at the end. Given what ever we do with park fees we should have securities or something to assure that the connection will happen someday. It could be years by the time this all gets done.

Mr. Leone: We are approving the subdivision plan for all of the lots. Then there is a phasing project. If we approve the subdivision plan for all of the lots is that the final filed subdivision plan? Then we get a bite at the park fees for 41 lots?

Ms. Cole: I would say yes because right now you are only dealing with the preliminary plan, not the final plan.

Mr. Leone: Do we have the right to ask for the complete road system to be put in, even if it is the top coarse, and have the buildout of the park access point?

Ms. Cole: I do not know that you do. It is the developer's prerogative to do it in phases. Again, you are only dealing with a preliminary plan right now, not the final plan that would be filed with the County Clerk's office.

Mr. Smith: In some towns they do not allow phasing. Is it a part of our code to allow it? If the code allows for it do we necessarily have to? Is it a choice that the Board has?

Mr. Leone: We talk about traffic concerns. What happens it traffic issues change dramatically and the project is not built out? Does that become a problem for the next developer?

Mr. Smith: There is an approved subdivision over the town line for I believe 250 homes. While it is not in Cicero, it is right there. That project is fully approved. Traffic is going to change at some point.

Ms. Cole noted from the code book that approval of the preliminary plan shall not constitute approval of the final plat, rather it shall be deemed an expression of approval for the layout submitted. Preliminary plans do expire 24 months after the date of approval. You can give a 12 month extension if you want. So, it is incumbent upon the developer to come back with a final plan within two years, otherwise they would have to start from square one.

Mr. Smith: The application was filed October 1, 2007.

Mr. Grovanz: I do not think that it is financially practical for any developer to build an, for example, 39 lot subdivision in one phase.

Ms. Cole: The code says that the final plat shall conform substantially to the preliminary plan as approved. If desired by the subdivider it may constitute only that portion of the approved preliminary plan which he proposes to record and develop at the time. So, it is the developer's prerogative to phase the project.

Mr. Leone: It is his prerogative to phase it but we have a right to say what phases come first. I would think. What is the length of what he is trying to do relative to a cul-de-sac? What is the length of the road to the turnaround that you are proposing? It is a safety issue.

Mr. Grovanz: I would have to get back to you on that. I know that we have talked about this at several meetings. I have not seen the Town Code that dictates that. I would like some direction from the code on that matter.

More discussion occurred.

Ms. Cole: The code also says the Planning Board may permit the final plat to be divided into two or more sections subject to such conditions as it deems necessary to assure the orderly development of the subdivision. I think that you could read that to say that you want some say in what sections of the development get developed first in the sequencing.

Mr. Smith: Section One was filed August 27, 1993. It has been almost 15 years since Section One was completed.

Mr. Leone: The issue is the phasing.

More discussion occurred.

Ms. Cole read Section 185-11: The maximum length of a cul-de-sac is 500 feet. There is a footnote that says except where in the judgment of the Planning Board the cul-de-sac does not impose any problems and constitutes a positive design feature.

Mr. Parrish: We are comparing this to a cul-de-sac which is a permanent feature. That is an important distinction because if it is a cul-de-sac it is that way forever. This application ultimately has a looped network. Your concern about the phasing is reasonable. There was a concern about Wallington Meadows. That concern was addressed by a temporary connector road because we ended up with a very long dead end with quite a few lots on it. Here you have fewer lots. The length is considerably less than what is was in the Wallington Meadow situation, so the concern might not be as great.

Mr. Leone: I have an opinion about building this out as some dirt road connector. You end up having trash dumped there. That is what will happen and does not make any sense. If it is within a reasonable distance we may not be happy with the phasing. But, I think that we should have the right to lay down the phasing before that needs to come back to this Board.

Mr. Smith: It may not be a permanent cul-de-sac. But, based upon the length of time it took to build the first phase, 15 years from now we could be waiting for the next phase.

Mr. Leone agreed. Can we say to the developer put in your next phase but we expect the rest of the road infrastructure to be built out within a certain period of time?

Mr. Smith: Can we do that? How do we make that happen if it is put in the approval? It puts a burden on Wayne.

Ms. Cole: I am not sure if it is practical or legal.

Mr. Parrish: Again, you are trying to compare what the code says for a cul-de-sac with what extensively is a temporary turnaround. It is not a completely fair comparison.

Mr. Smith: We should be able to restrict how long it is temporary.

Ms. Cole: I don't know that you can do that.

More discussion occurred.

Ms. Cole read: If this project is going to go forward in a phased manor approval of other sections for the final plat must be granted concurrently with approval of the entire plat. Approval of any other sections not recorded will expire unless recorded before the expiration of three years. So, if you are doing this preliminary plat now and the developer does not come back with the final plat for the other sections in three years, it is expired. I know that does not solve your problem with ensuring that the subdivision gets built, but there is a built in time frame to some degree.

Mr. Leone: That is not the problem. The problem is we do not have a loop here. We only have one way in or out.

Mr. Grovanz: It is a temporary condition.

More discussion occurred.

Mrs. May asked Ms. Cole if the Board could require Phase III to be constructed first. I have a concern with the one way in/out. People have to have another way for evacuation if needed.

Ms. Cole: You may be able to do that. But I think that the developer has suggested that it is not practical for this subdivision because they have to do the storm water retention pond.

Mr. Parrish: And I am not sure what you would gain by doing that. It would be about the same.

Mr. Leone asked about park fees.

Ms. Cole responded you do not pay park fees until the final plan phase. But you need to talk about them to determine if you want to take them now, during the preliminary phase, for these 14 lots. You were going to reserve the right to discuss park fees for the remaining areas when they came before you.

Mr. Leone: We were going to have the developer do some work in relation to the right-of-way access in lieu of some of the park fees. The issue is when those park fees get paid. The developer would pay park fees of \$500 per lot for the first 14 lots and with the next 14 he would

pay another \$500 per lot. With the last 13 lots we would wave that price because the developer would put in the infrastructure to put in the Park road to the developer's property. The required access built to the Park might not be done for 20 years.

Mr. Leone: This Board has a concern with the planning the scheduling and your phasing. I don't think that the Board has a concern with the project overall—the number of lots, the way the roads flow and the connectivity.

Mr. Grovanz: I think the first matter is whether or not this meets town code with the phasing. If Phase II is constructed as you see it with this approximately 1,000 foot long road and temporary turnaround with connectivity to future phases does it meet code?

Mr. Leone: It might meet the code but I think that this Board is saying there is a SEQR issue of health, welfare and safety of the people. I am not sure that I am ready to give this a negative declaration. To sit here and say that it is acceptable to put in that temporary turnaround and then wait another 10 years for the next phase and another 10 years for the phase after that before we finally get a loop road---I can not sign up for that.

The Board agreed.

Mr. Grovanz: The other side to that is constructing all of this at one time is not financially practical.

Mr. Leone: That concern is self created. You are deciding to do the project in phases. The sensible way to do this is to construct the roads and do the project in its total buildout. That may not be the financially smart way to do it. If you had a connection to another subdivision, we would not even be talking about this. Our concern is the length of time to the next phases

More discussion occurred.

Mr. Leone: There is the right-of-way to the Park issue. You show a proposed right-of-way that I believe is not quite wide enough. It needs to be a completed right-of-way that brings together the entire infrastructure. If there is water, gas and sewer we want water gas and sewer. We also want the road completed to the normal road width. The Town will not cross the buckeye pipeline. Your contractor can do that and build it out.

Mr. Dean agreed.

Mr. Smith agreed it should be built to the property line.

Mr. Leone: We will make that a condition for approval. These are things that you will want to discuss with your client. I know that you received a response from the DOT. Mr. Leone opened the public hearing at 7:46 p.m. Is there anyone who would like to speak in favor of this project? (There was no response.) Would anyone like to speak against the project? (There was no response.) Mr. Leone closed the public hearing at 7:47 p.m.

Ms. Cole: You have 62 days to make a decision after the public hearing is closed. If you don't think that will be enough time to work things out with the developer you may want to consider keeping the public hearing open.

Mr. Grovanz: I think that we will have a decision within 62 on our part.

The Board agreed that was enough time to make a decision and decided to hold off on doing a SEQR determination noting a positive declaration would re-invite the SEQR process back to a public hearing.

**SITE PLAN, PARTIES, PICNICS AND PROMOTIONS, LLC  
9120-9130 BREWERTON ROAD, PROPOSED WINDMILL  
GARRY THOMPSON**

Representative: Garry Thompson, applicant

Mr. Thompson introduced himself. This would be a 2.7kw windmill with a self built inverter in the head system. That means you do not have to convert the DC current back into AC because it is done automatically. It is a monopole. It is 54 feet with blades that are 12 feet in diameter for a total height of 60 feet. I would like to get going on the project as soon as possible. I am looking at funds from New York State which is allowing \$7,700 towards the project. There is also a \$4,000 stimulus package from the President's administration. So, the windmill should only cost me approximately \$3,000.

The footer will take 28 days to cure. I will be assisted with the project by 9/11 generators. The windmill would be approximately 100 feet away from the road. It is approximately 20 feet to my

closest building.

Mr. Leone: Have you read the windmill regulations that the Town has in place?

Mr. Thompson: No I have not. The last time I was here no one had an issue with it because no one resides in the buildings. The buildings are commercially zoned.

Ms. Cole: I think that since the last time this applicant was here the Town has adopted some legislation regarding windmills that would prohibit a windmill from being that close to a building.

Mr. Leone: Regardless of occupancy. I have pictures of the windmill in front of Paul DeLima that fell.

Mr. Thompson: In all fairness the one in front of Paul DeLima is in a research and development phase. They did not have any clutch or brake system on their windmill. Their windmill did not fall over, their blade sheared off.

Mr. Leone: In all fairness we have a set of regulations.

Mr. Thompson: Okay then I will pass on the project. I don't understand. The shear load on a windmill pole is 220 mph. My buildings are rated at 110. The buildings would blow away before the pole falls over.

Mr. Leone: I am not sure that we can wave the requirements for the location of your windmill.

Mr. Thompson: If it is carved in stone, it is carved in stone. I understand. I will just spend my money else where. *(Mr. Thompson left the meeting.)*

**SITE PLAN, EMPIRE MANAGEMENT COMPANY, 5771 MILLER ROAD  
PROPOSED ADDITION TO SIDEWALK AND CANOPY ON THE NORTH SIDE OF  
THE BUILDING. PROPOSED ADDITIONAL PARKING LOT AND PARKING  
DAVID MURACO**

(SEE ATTACHMENT A: OBG LETTER DATED 6.1.09)

Representative: Ron Rinaldo, Empire Management

Mr. Rinaldo noted the Board's review and comments. Those comments were addressed by Napierala Consulting.

Mr. Leone: We were waiting for the County's response. Their only response concerned drainage. Mark's letter brought up site circulation and parking storage. You have some angled parking. The width of the driveway with angled parking is only 13'. Typically they recommend 15-18'. So, there is some question as to whether or not that is wide enough. There is one-way circulation on the back of the building where that is proposed.

Mr. Parrish: Based upon the recommendations for parking that we have, they are a couple of feet short of the minimum recommendation. It is fairly narrow there.

Mr. Rinaldo: If we change the angle on the parking will that address the issue?

Mr. Parrish: They may have the ability to change the angle, but the spaces could get narrower. We would have to look at the geometry to see if that could be done.

Mr. Leone: It seems like the easiest thing to do would be to extend that 3'. What do you plan to do for snow storage? You can not encumber the Post Office's space behind you because there is no greenspace between your lots.

Mrs. May: You may have to haul snow off the site.

Mr. Rinaldo: With several of our shopping centers we have had to do that at certain times. But I think for the majority of the time we can handle the snow.

Mr. Leone asked for the total number of parking spaces.

Mr. Dean responded 28'

Mr. Parrish: I think that meets ADA requirements.

Mrs. May noted two handicap parking spaces.

Mr. Leone noted the applicant has been working on the site without site plan approval.

Mr. Rinaldo explained we got approval to put the roof on because the water was coming in. We did the roof and backfilled the wall. We excavated for the sidewalk. It is 10' wide. It is part of the building, just on the front for handicap accessibility.

Mr. Dean: Everything that they did was done at their own risk. The roof was leaking so I allowed them to do that. The sidewalk tied in with the roof because it has the posts out in front. That is why they extended the sidewalk.

Mr. Rinaldo: That includes the overhang on the building which was added.

Mr. Parrish responded to Mr. Leone's question about the dumpster enclosure. It includes a proposed New England style concave picket fence, stockade, with cedar.

Mrs. May noted her preference for board-on-board.

Mr. Rinaldo agreed. The light fixtures that were unacceptable to the Board have been removed.

Mr. Parrish noted that signage had been addressed. It has a 20' setback. They have 121.5 square feet of proposed signage. The maximum building width would be about 100' along Bartel Road.

Ms. Cole added the building's entrance faces Bartel.

Mrs. May noted the building's Miller Road address.

Mr. Rinaldo: The width there is approximately 50.

Mr. Parrish: The elevation is different. The signage tabulation on the plan says that there are three building mounted signs. The architectural elevation does show four signs.

Mr. Rinaldo: Right now we are asking for the three signs plus the free standing sign. Since the architectural were done one of the tenants took two spaces. We are asking for the 121.5 square feet.

Mr. Leone: It is 2.5 times what we typically do, including the sign out front.

Mr. Rinaldo: All of the signs are lit internally, without flood lights.

The Board noted that they were okay with the proposed signage.

More discussion occurred about starting work before site plan approval---for the record that is something not normally allowed.

**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. Cushman:	Yes
Mr. Purdy:	Yes
Mr. Rowe:	Yes
Mrs. May:	Yes
Mr. Mott:	Yes
Mr. Smith:	Yes
Mr. Leone:	Yes

Mr. Leone noted the County's resolution. Does adding an additional 2-3 feet change what that Board said?

Mr. Parrish: I don't see that as being significant.

Ms. Cole added they must show how storm water runoff will be managed on site to insure that no additional storm water runoff is allowed into the County's drainage system or onto any of the adjacent parcels.

Mr. Leone: As long as the Board is comfortable with it, we are increasing the size of that parking area into the greenspace (decreasing the greenspace) by stipulation or contingency with our approval. We are not going to see that final product but it needs to be addressed on the plan. **I make a motion** to accept the final site plan with a revision date of May 13, 2009, located at 5771 Miller Road with the following conditions:

1. The extension of the southern boundary's parking lot by 3 feet to allow the one-way drive isle to be increased to 16 feet.
2. The dumpster enclosure should not be stockade fencing but board-on-board.

3. Signage is allowed at the 121.5 square foot total for the overall project regardless of the number of signs. Your pylon sign is limited to the design and location shown.
4. No temporary signs will be allowed unless they are approved by the Codes Office.
5. The site plan is approved with a strong comment about coming in for site plan approval first before construction is done on your next site within the Town of Cicero.

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

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

**SITE PLAN/SKETCH REVIEW, JOSEPH ROSS  
6414 ISLAND ROAD, PROPOSED POLE BARN**

Representative: Joseph Ross, applicant

Mr. Ross introduced himself. The cold storage barn would probably have a concrete floor and would not have utilities.

Mr. Leone noted this was the first time the project has been before the board and basically a sketch plan review. But this is not the first time your site has been before the Board. You were here two years ago for site plan approval for another cold storage barn. Now you are here for a third barn on the property.

Each time you start to develop you continue to remove green area, stone, etc. You are getting into a situation under SEQR where some of that might now require storm water action. I have been by the property. You have already stripped that area. You have a stockpile of soil. No silt fencing was put up. So, there are some criteria that the Town's engineer and the Codes Office will have to weigh in on.

The biggest issue is that you keep building these pole barns. I see landscape trucks there, school buses there, motor homes there and boats there. When people open the garage door I can clearly

see them working on vehicles. You are in and Industrial area and you do have the right to have storage. But, I do not understand how the property is being used. I do not understand if there are businesses operating out there and that your pole/cold storage facility is not necessarily a commercial entity.

Mr. Ross: It is 14 acres of Industrial. I am paying taxes on it. I am going to have to develop it or sell it off.

Mr. Leone: Develop it for what?

Mr. Ross: Cold storage buildings.

Mr. Leone: So you have a commercial storage facility for income coming in?

Mr. Ross: I lease one building.

Mrs. May: When you came in two years ago we approved the building for personal use only.

Mr. Ross: Yes. The one building that we came into the Planning Board for is cold storage. There are cars, trucks and boats in it. It does not have utilities. What can it do with it?

Mr. Leone: I am not trying to give you a hard time. You have an Industrial piece of property. You come to this Board and tell this Board what you are going to do. You want Industrial storage.

Mr. Ross: There are no signs out front, no businesses.

Mr. Leone: You have that right. This Board has a right to understand the total square footage that you are using for storage. This Board has the right to see a traffic study. Do you have a permit for a commercial driveway? What is the width of your driveway? Do you have a right to access that with a commercial driveway? You probably do but you need a permit to do that.

Mr. Ross: It is an Industrial driveway.

Mr. Leone: It is Industrial zoned and you are adding a third pole barn. And, there is commercial activity on the site. You are either storing somebody's landscaping equipment or they are paying

you to leave it there. These things are commercial ventures. Just like Parks Storage did on Route 11, you make an application; you tell us what its use is going to be so that the County can get the full impact. Then we will tell you what is required. We are not telling you that you can not do it. We are telling you that you can not segment it.

Mr. Ross: You have to understand that I was not in front of this Board for the first building that I put up.

Mr. Leone: That was a personal use building. We were very clear on the second building. You told us that it would only be used for personal storage. Something is going on which is more than just personal storage.

Mr. Ross: That building is nothing but storage for me, my family and friends.

Mr. Leone: What are you doing in the other building?

Mr. Ross: The first building was leased out. Fire Development leased it.

Mrs. May: Then it is a commercial business.

Mr. Leone: We need to know that so that we can grant an approval and to understand what your plans are for that parcel. We do not understand that right now. It is just like the last application. No one is giving you a hard time.

Mr. Ross: It is a storage building. It is going up to store the two buses that you see out back and the pay loader because they will not fit into the other building height wise. It would cost me more to raise the roof on the second building then it would be to put up another cold storage building.

Ms. Cole: I think that the Board is trying to tell you that you have the right to use your property in the way that you want to use it. But the Board needs to know that you are doing that so that they can help you design your site to accommodate what you are actually doing.

Mrs. May: You are doing things on your own without prior approval from the County. They will have to weigh in on that road with your driveway. Then you have to come before us. We will give you some guidelines as to how to make your property work to your best advantage.

Mr. Leone: No one is saying that you can not do what you are asking to do. Under the SEQR Law we can not say that this does not have a negative impact to the Environment because no one has an understanding of your entire project. You keep doing this in segments. My guess is that you are renting out the space and that it is an income base to you.

Mr. Ross: Sure.

Mr. Leone: Fine. So what you are asking for is a commercial warehouse or storage building on an Industrial Use property. That is perfectly legal. Now, explain to us your project, explain to us what you are trying to do. Let's make sure that you have the right driveway width, and that you have the right traffic flow for your area. Then we can go into the SEQR issue—whether you have to address storm water or something else.

Mr. Smith: How much space do they have to disturb before they need to do a SPEDES permit?

Mrs. May responded and acre.

Ms. Cole: That would be something this Board would have to know.

Mr. Leone: What about a traffic study? You are in a storage business, which is fine. We will come back. Those are the likely things that will be discussed: storm water, traffic and signage. You have the right to a sign.

Mr. Smith: We would also like to know what you hope the parcel will look like at the end of the day. We would like to know how you are going to use the whole parcel.

Mrs. May added lighting and landscaping.

Ms. Cole: I was wondering why there was so much crusherunne.

Mr. Leone: Because he is doing outside storage.

More discussion occurred.

Mr. Leone: This is going back to the engineer. We will start working on the site plan through him and the Codes Office. Those are the guys to go to. We are going to get you where you want

to go.

**Mr. Cushman made a motion** to adjourn. **Mr. Mott 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 8:35 P.M.

Dated: June 22, 2009

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Tonia Mosley, Clerk



June 1, 2009

Planning Board  
Town of Cicero  
P.O. Box 1517  
Cicero, New York 13039-1517

Re: 5771 Miller Road Site Plan Review

File: 0101/25439.360

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. Existing Condition Plan dated April 22, 2009
2. Layout Plan dated April 22, 2009 last revised May 13, 2009
3. Grading, Utility and Landscaping Plan dated April 22, 2009 last revised May 13, 2009
4. Lighting Plan dated April 22, 2009 last revised May 6, 2009
5. Drainage Analysis, undated.

Napierala Consulting prepared the above items.

The 0.95-acre site is located on the southwest corner of the intersection of Bartel Road and Miller Road. The site contains a 5,000 square feet building along with associated utilities, parking areas, and other site improvements. It is proposed to utilize the building for a mixture of medical office, general office and retail sale uses. Site modifications generally consist of improvements to the building facades, a small expansion of the parking area and other miscellaneous modifications to site features such as lighting, landscaping and signage. The site is zoned General Commercial. Our comments are as follows:

1. Access to the site is provided from Miller Road, which is a County highway. No modifications to the access to Miller Road are proposed. However, the Plan does provide for a small expansion of the parking area on the north side of the building. The Board should review the parking, storage and site circulation for the site. It is noted the parking on the south side of the building is proposed to be angled parking with a one-way drive aisle. The 13-foot width of the drive aisle is narrower than the 15 to 18 feet recommended by the Institute for Transportation Engineers Guidelines for Parking Facility Location and Design.
2. The Board should review the landscaping, signage, architectural elevations, and lighting with the Applicant. The following are comments relative to these issues:
  - a. The lighting is to consist of wall packs mounted on the building and generally appears reasonable.
  - b. The Plan provides a summary of the proposed signage that includes building mounted and freestanding signs with a total area of 121.5 square feet. For the Board's information the maximum frontage of the building is approximately 100 feet. It is noted that the signage tabulation indicates there area to be three building mounted sign but the architectural elevation shows four signs.

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June 1, 2009

Page 2

3. There are no modifications shown that would substantially affect the utility services or stormwater runoff for the site.
4. 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.
5. The site is not located within a 100-year floodplain or floodway 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.



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