

The Planning Board of the Town of Cicero held a meeting on **Monday, July 11, 2011** at **7:00 p.m.** in the Town Hall at 8236 South Main Street, Cicero, New York 13039.

Agenda:

- Approval of the minutes from the June 13, 2011 meeting **(deferred)**
- Minor Subdivision Preliminary Plan, Public hearing, Island Hollow, Island Road, 70 lots **(approved)**
- Site Plan Discussion, Lucien's Entertainment Complex, Inc. 7800 Brewerton Road, Restaurant & Night Club **(discussion closed)**
- Site Plan, The Canteen, 6046 Route 31, Proposed addition **(to return)**
- Site Plan, Francis Daher, 8160 Route 11, Proposed Collectibles Store **(approved)**
- Site Plan, Nice N Easy Bartel, 5565 Bartel Road, Proposed Convenience Store **(to return)**
- Site Plan/Sketch Review, Tim Hortons USA, Inc., 5920 Lakeshore Road/5917 Route 31, Proposed Restaurant and Drive Thru **(to return)**
- Site Plan, Muamer Alic & Hazir Mehic, 7623 East Taft Road (Former Purple Hippo), Proposed Used Car Lot **(to return)**

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

Others Present: Judy Boyke (Supervisor), Vern Conway (Town Councilor), Neal Germain (Esquire, Germain & Germain), Mark Parrish (P.E., O'Brien & Gere), Steve Procopio (Code Enforcement Officer), Jessica Zambrano (Town Councilor) and Tonia Mosley (Clerk)

Absent: Wayne R. Dean (Director of Planning & Development) and Joe Ruscitto (PB Member)

The meeting opened with the Pledge of Allegiance. The Chairman noted emergency exits and welcomed Mrs. Boyke, Mr. Conway and Mrs. Zambrano to the meeting.

**APPROVAL OF MINUTES FROM THE JUNE 13, 2011 PB MEETING**

Defer until the next Planning Board meeting.

**MINOR SUBDIVISION PRELIMINARY PLAN, PUBLIC HEARING  
ISLAND HOLLOW, ISLAND ROAD, 70 LOTS  
ISLAND ROAD ASSOCIATES, IANUZI & ROMANS**

Representatives: Hal Romans, Surveyor and Planner, Ianuzi & Romans  
Michael Bragman Jr., Island Road Associates

Mr. Romans explained that they were here tonight for a public hearing for the application of 278 clustering for the Island Hollow subdivision. It is a previously approved preliminary plan. This plan takes it from townhouses to 69 single family detached lots. The apartment lot stays the same with 72 lots. The general configuration stays the same except that we expanded some of the green spacing.

Clustering allows for a density plan that incorporates a green area. You must come up with an entity that owns that open space and list what can and cannot be done to it. A note on the plan states that the open space shall be a part of Lot 70, the apartment lot. Lot 70 will retain ownership of the covenanted open space. The covenant forbids any building structures, grading or clearing except for existing and proposed utilities and drainage, their related structures and the maintenance of same. Otherwise, the area is to remain in a natural state.

The amount of wetland in that open space is about 3.39 acres. The amount of open space that is upland, or usable property, is 8.68 acres.

At the last meeting we talked about extending the sanitary sewer easement between the two flag lots. That is shown here. We have also added the typical road cross sections for the Town of Cicero. We also have a note on the plan regarding rear yard setbacks.

Mr. Smith asked for clarification. You will have a side yard setback of five feet on one side for a total of 15 feet on both sides. Could we possibly end up with some houses only being 10 feet apart?

Mr. Romans: I added a note at the bottom of #1 which states prior to the issuance of a building

permit for a lot, a plot plan shall be prepared showing any existing houses on either side of said lot, with the existing and proposed offsets to the common property line in order to maintain the 15' minimum between houses.

Mr. Marzullo asked about the stub street to the west.

Mr. Romans: It was agreed during the approval of the last preliminary plan that we would show the right-of-way there, but that we would not actually build the stub. The stub is located between Lots 56 and 57.

The existing property to the west is still zoned Industrial. The thought was that if it remains Industrial that the Board may not want truck traffic coming through the neighborhood. However, if for some reason that area went to a residential or mixed use in the future, you would have to have some right-of-way there in order to build. Again, the intent is not to build out that stub street. Pavement would go straight past it. The street right-of-way would be dedicated as a part of the final plan so that the Town would have it as a dedicated right-of-way.

There were some concerns about whether the stub would be mowed or how it would be maintained. At the time of final plat, we would come up with some language that would lock in the two adjacent lots to maintain that area. We realize that it is a street right-of-way and that those two lots would just keep the area mowed down. The tendency for stub streets can be that they become dumping areas for garbage.

Mr. Marzullo opened the public portion of the meeting. *(The public hearing was opened at 7:14 p.m.)* If there is anyone here to speak for or against the project please approach the microphone. (There was no response.) Being that there is no one here who would like to address the Board, I will close the public portion of the meeting. *(The public hearing was closed at 7:15 p.m.)*

**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 affect 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. Card:     | Yes |
| Mr. Honors:   | Yes |
| Mr. Abbey:    | Yes |
| Mr. Smith:    | Yes |
| Mrs. May:     | Yes |
| Mr. Marzullo: | Yes |

**Mr. Marzullo made a motion** as prepared by the attorney. I make a motion to adopt the resolution in accordance with the amended Section 185-26 of the Town of Cicero town code approving the application of Island Hollow dated August 17, 2010 and last revised July 6, 2011.

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

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

**SITE PLAN DISCUSSION, LUCIEN'S ENTERTAINMENT COMPLEX, INC.  
7800 BREWERTON ROAD, RESTAURANT & NIGHT CLUBS  
LUCIEN ALI JR.**

Representatives: Lucien Ali Sr., Esquire and Lucien Ali Jr.

Mr. Marzullo noted that the owners were in a few meetings ago to discuss some complaints. There seems to have been more. We are hoping to come to some kind of resolution before we have to take on some additional action.

Mr. Ali Sr.: I am not sure what the specific complaints were or when they were because I don't have any of the details other than the notice we received from the Board about this meeting. Since the date of your notice, and the last time we were here, I think that there were only three weeks that there was any activity at the club—only three Saturdays.

Mrs. May: Didn't the complainants send you a copy of the complaint that was sent to us?

Mr. Ali Sr. responded no.

Mr. Smith: Did you receive this detailed police referral form that we all received?

Mr. Ali Sr.: I got that the other day. But that was based on the July 1<sup>st</sup> or 2<sup>nd</sup> date. Your notice is from June 27<sup>th</sup>, so I did not think that it referred to that. The only complaints there were from maybe five people---the same exact complaint, different times and the same household. I got that with the police report which I just picked up today.

Mr. Smith: Did you obtain the decibel meter?

Mr. Ali Sr.: No, we didn't. We were going to order one but then we talked to our security, Lee Hunt. He said that he would order one that would be a commercial type meter that would give us much better readings.

I got a copy of the code that affects noise today. It is confusing. The last time I was here it was confusing as to whether there was a code or not. Looking at this there is no real criteria for measuring noise.

Mr. Marzullo: It is kind of like the discretion of the officer.

Mr. Ali Sr.: Or the subjective complaint of the individual as to what is too loud or not too loud.

Mrs. May: I would have hoped that the complainant would have sent you a copy of the letter that was sent to us, so that you would know what he is complaining about, instead of coming here and not knowing what you are coming here for.

Mr. Ali Sr. agreed stating that he was at a disadvantage. I think that the Board will recall from the last meeting that I gave a phone number and stated if the neighbors had any complaints they should call and that we would make adjustments immediately. To file a complaint and then to leave it for two or three weeks later makes it hard to make those adjustments and to know what they are talking about.

Mr. Marzullo: The residents have been going to Town Board meetings where they have open sessions and this is discussed. So resident's concerns have been brought to the Town Board. It seems like the issues are noise and activity in the parking lot particularly after hours.

Mr. Ali Sr.: As far as activity in the parking lot after hours, our security does not leave until that parking lot is empty. For the last five sessions we have had between 18 and 22 security personal that patrol the parking lot to see that parking is done correctly. They are inside at every door. They mingle around so that if something does happen, they are right there to stay on top of it. The parking lot is emptied immediately.

Basically music plays from 10 until 2. The music stops and the sound people disconnect their things at 2 o'clock exactly. One of the complaints that I read here from the police report was that it was 2:00-2:30. There is no way that is possible.

More discussion occurred.

Mrs. May: Do you ever open doors?

Mr. Ali Sr.: DJs and musicians come in the back door and then it is closed. There are strict directions from me that no one can take a cigarette break, etc using that door—they would have to go out of the front. That has been in affect from day one.

We have completed insulation on the overhead back door. An additional sound barrier will be put in between the outer wall and the door soon. I really don't understand the complaints and whether they are justified or not. We have not had any real noise complaints---nothing specific from neighbors who came over to talk to us.

Mr. Marzullo: Tell me what your security consists of. I know that you have a private firm, correct?

Mr. Ali Sr.: It is Lee Hunt's outfit.

Mr. Smith: Lee Hunt, the former Chief of Syracuse?

Mr. Ali Sr.: Yes. We hire from them and have since day one.

Mr. Marzullo: And off duty police officers?

Mr. Ali Sr.: There was an off duty sheriff. Under our direction he checked and walked along the fence. He did not hear anything other than a periodic beat or something like that.

Mr. Smith: We received a copy of a complaint that this noise thing has been sent to the court. Is that correct?

Mr. Ali Sr.: I have an appearance ticket.

Mr. Smith: We are not an enforcement Board and it looks like the noise issue has been sent to the Court system.

Mr. Germain: That is correct. I don't know what actions have been taken after that.

Mr. Ali Sr.: We have not been in Court yet.

Mr. Germain: You are not an enforcement agency. The enforcement agency would go through the police and go through the judicial process. It looks like that is what is happening now. A criminal action against the establishment would need to go to the police. That has happened. I don't know what the result of that criminal complaint is yet, but that is an enforcement procedure which is not what this Board is about.

Under the voluntary agreement, this Board has the right to monitor the process. But, that is not the only path that is out there. I think what you are getting at is there are other avenues a person who is aggrieved might take. They could go to the Police and file their complaint there. They could file a noise complaint. If there are fights in the parking lot anyone can file a complaint for disorderly conduct. Certainly one of the combatants could file a complaint. So there are several other avenues for the enforcement of things that are being complained about here---other than this Board taking action.

Mr. Smith: Have there been any traffic issues? That was a concern that we had.

Mr. Ali Sr.: As far as I am aware, there has not been one issue like that.

Mr. Marzullo asked about the construction work to the right of the building. There is still disturbed soil.

Mr. Ali Sr.: That was part of the sprinkler system we had installed. We have not had a chance to finish that up, but it will be attended to. It has been tough.

I would like to ask if there are written complaints that this Board has that I have not seen—I would appreciate getting a copies.

Mr. Smith: It seems like the complaints center on the amount of noise and that issue is being addressed by the court system. We have a criminal complaint. It would seem appropriate to see what the court decides.

Mr. Marzullo: When is your next event?

Mr. Ali Sr.: Thursday.

Mr. Ali Jr.: It will be a rapper scheduled from 8:30 until 12:30.

Mr. Ali Sr.: The hours are earlier because it is a Thursday night.

Mr. Smith: It seems since this has already gone to the court—it does not seem right that we intrude. We should at least see what the court says.

Mr. Germain: It is totally within your prerogative how you want to handle this. You can certainly wait to see what the courts do or how they make out through other avenues. You are not bound to act or to not act tonight. You have the power from the voluntary agreement to sit back, watch and see how this develops further including watching how the other enforcement agencies handle the situation. You do not have to act first.

Mr. Marzullo: I think that it is good to keep the dialog open between the business owner and the Town.

More discussion occurred.

Mr. Marzullo: I think that we understand that you have a large investment there. That being said, there are a number of residents adjacent to your property and we want to make sure you don't infringe on their peace and enjoyment.

Mr. Smith: This has been referred to the Division of Alcohol Beverage Control. It has been sent to the court system. I appreciate Mr. Ali coming in. I appreciate the concerns of the neighbors. But, it is already in front of two other agencies that have more authority than we do. I agree that it is good that we have a dialog but I don't see any action for us to take at this time.

Mr. Germain: I would like to point out along those lines, that at any given time upon ten day's notice you can call the applicant back in.

Mr. Ali Sr.: I have no problem with that.

Mr. Smith: All of the complaints seem to be about noise and it looks like that is going to be adjudicated. We are not a judicial Board, so we should wait and see what happens.

Mr. Marzullo: Do we need any sort of action tonight?

Mr. Germain: You do not. You close the discussion. It is not a public hearing. You called the applicant according to the agreement. You do not need to take any further action other than closing the discussion.

Discussion was closed by the Board. There were comments from the audience.

Mr. Germain: I'm sorry. If it was noticed for a public hearing then the public would have been invited to talk. It would be unfair to other people who did not get noticed of a public hearing. Your complaints have been noted. But at this point we can not conduct a public hearing.

**SITE PLAN, THE CANTEEN**  
**6046 ROUTE 31, PROPOSED ADDITION**  
**FRIENDS OF THE CANTEEN, JODY ROGERS**  
(SEE ATTACHMENT A: O'BRIEN & GERE LETTER DATED JULY 8, 2011)

Representative: Toni' Lyn Brauchle, Youth Services Coordinator

Mr. Marzullo: You have been in front of us before. We all know the project would be over by the High School. Where are you with the discussions with the school as far as cross access for the kids?

Mrs. Brauchle: Do you mean the sidewalk? We have a meeting scheduled for later this week that I will be attending as apposed to Jody. But, I am not sure where they are at or if they have thought about it.

Mrs. May: I see that you have started working at the site in the back.

Mrs. Brauchle: We have not really started. We did that in the back because we had a couple of incidents where rocks were thrown through windows. So we put a snow fence up around the back to give us a perimeter cushion. Knock on wood; we have not had any incidents since.

Mr. Smith: Do you have a sense of where the discussion will go regarding sidewalks? Have you received the County's and the engineer's recommendations? It would seem to be a critical public safety issue to have kids, especially in the winter, walk out the front driveway and up along Route 31 to get to the Canteen.

Mrs. Brauchle: We will be in discussion with them. I think that it will be up to the school district as well. It will be pushed upon them towards the end of this week.

Mr. Marzullo: I know you are looking for approval tonight, but that is an important issue that we won't know about until later.

Mrs. Brauchle: I'm not sure. Is one contingent upon the other?

Mr. Marzullo: Can we do a contingency? The County talks about a cross connection for

vehicles but that does not make sense to me.

Mrs. Brauchle: Right now there is a grass area between our property and their property, so students don't necessarily have to go on the road. But in the winter that would happen--- unless we snow blow in between. That is a possibility.

Mr. Smith: The school district would have to agree to the access. If we do an approval, the pressure would be taken off the school board to do the right thing.

Mrs. Brauchle: I have found that anything that we have asked of them within the process to help us, they have been more than willing to do.

Mr. Germain: The problem is if the approval is conditioned upon that and you can't work out a solution, you do not have approval.

Mr. Marzullo: Then what? They could come back.

Mr. Germain: They could come back seeking an amended site plan.

Mrs. Brauchle: We can't get the ball rolling until we get approval from you guys.

Mr. Smith: We would have another meeting in two weeks. By that time you would have met with the school board and we would have a sense as to whether this is a problem or not.

Mr. Germain: It might be better for you in the long run to wait the two weeks, rather than find out that you can't get what you want and that you have already agreed to the condition—a condition that you can not change without a site plan amendment. That would put you out even further.

Mrs. Brauchle: So we are just going to table the discussion for tonight.

The Board agreed that it made more sense to table this discussion until the next meeting.

Mrs. Brauchle: While I am here is there anything else that you would like to ask?

Mr. Parrish: I think that the only issue that needed discussion was this issue. Otherwise we are set with the plan.

Mr. Smith: The parking situation is all set?

Mr. Parrish: Yes. We don't have any regulations relative to the number of spaces that are required. The applicant has indicated that they have enough spaces for their operation. As long as the Board is satisfied, the parking is set.

Mr. Marzullo: You have a parking agreement with the school district for special events?

Mrs. Brauchle: Yes, the same with Thee Diner. The kids that would be parking would do so at CNS High School.

Mr. Marzullo: Please let the school district know that we strongly encourage that cross access for student safety. If you want I can send you a letter.

Mrs. Brauchle: You can send it to Jody.

**SITE PLAN, FRANCIS DAHER**  
**8160 ROUTE 11, PROPOSED COLLECTIBLES STORE**  
(SEE ATTACHMENT B: O'BRIEN & GERE LETTER DATED JULY 8, 2011)

Representative: Francis Daher

Mr. Daher: Hopefully since the last meeting I have taken care of some of the comments that came from Mr. Parrish and the County. What do you think of what has transpired so far?

Mr. Smith: Are we all set to go with the County's comments? There is talk of eliminating the entrances on Brewerton Road.

Mr. Parrish: The site plan does that. I believe that they obtained a variance.

Mr. Daher: Yes, I obtained a variance last week.

Mr. Parrish: Signage is within code.

Mr. Smith: Are there any illuminations on the signs?

Mr. Daher: It is a lighted sign, illuminated from within. It is not digital.

Mrs. May: Will you do any landscaping?

Mr. Daher: Yes, the green areas buffer the parking lot. Between Route 11 and Glendora there will be grass, maybe some plants. I intend on doing some landscaping along the front of the house between the handicap ramp and the house and on each side of the front door. I may do a little landscaping around the sign, around the pole. I believe I will have an entrance sign off of Glendora.

Mr. Smith: We have had a long established policy and the Town Board has passed a resolution, requiring sidewalks. A sidewalk in your area adds some difficulty. You have other properties and we are not trying to promote people on other's property. If I made a motion tonight it would be subject to understanding that down the road if a sidewalk becomes necessary in the Town's opinion, you would have to put a sidewalk in. It would be at your expense and would likely be within the highway easement.

We do have pedestrian issues along Route 11 that we have tried to address. I know that would be a hardship now. And, we don't want to promote people walking on your neighbor's property.

Mr. Daher: I remember from the last meeting that there was some talk about sidewalks. I did see the comments from Mark's letter about the need for sidewalks and I appreciate the fact that the Board is not pushing it at this time.

If down the road, that becomes an issue and sidewalks are being put in all down through the road with that responsibility being put onto each property owner, I have no problem with that.

Mr. Marzullo: The County letter requests the applicant apply to the NYSDOT regarding the location of the driveway under their comments.

Mr. Parrish: I am at a loss why that is the case. The applicant has gone to the ZBA. The ZBA has reviewed the location of the entrance onto Glendora Drive. The Planning Board could consider this comment as they choose either making it a condition that the applicant do contact the NYS DOT or note that you don't feel that is necessary because the ZBA has already looked at this and /or because Glendora is a Town highway.

Even with those comments, I do not believe that you need a super majority vote.

Mr. Marzullo: I am comfortable with the fact that the Zoning Board of Appeals did due diligence.

Mr. Parrish: The applicant will need to obtain a permit from the County DOT for any work that he does within the highway right-of-way.

Mr. Daher: I met with the state's engineer last week. She came out to the site, looked and gave me an application. I plan on mailing that tomorrow.

Mr. Parrish: That should be made a condition of the Board's approval.

More discussion occurred.

**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 affect 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. 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 with a revised date of June 13, 2011 as presented with the following contingencies: the applicant obtains the appropriate NYSDOT permit. (Mr. Germain continued.) In the event that the Town of Cicero requests that the applicant put in a sidewalk, the applicant will put in the sidewalk and grant any necessary easement there to. **Mrs. May seconded the motion.** The motion was **approved** with the following vote:

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

**SITE PLAN, NICE N EASY BARTEL  
5565 BARTEL ROAD, PROPOSED CONVENIENCE STORE  
J.S. HAGAN ARCHITECT, P.C.**

Representative: J.S. Hagan, Architect, P.C.

Mr. Hagan thanked the Board for the opportunity to appear tonight. I would like to point out some of the changes that were made in response to the comments from our last appearance and your engineer's comment letter.

The diesel canopy we show on the eastside of the building is now 30' in depth running north/south by a 35' width. It is deeper but shorter. In Drawing A-1 we have added a gable on that structure and two reverse gables on the front of the gasoline canopy to break up the long roof line.

On the site plan we have identified the existing drainage easement that runs through the property and the proposed new drainage easement where we align the drainage easement with the pipes in the ground. We have submitted that to Mr. De Tota of C&S Engineers to work those details out with the Town Board.

We have submitted our storm water pollution plan.

Mr. Parrish: There are three criterions that the site needs in order to be called re-development. One is that the site has existing development. The second is the demonstration of insignificant space to provide the typically provided stormwater quality and quantity measures. Thirdly, if it can be shown that there are issues with head or technical details related to the design. That would meet all of the criteria that allows you to provide less stormwater quality and some other measures that you might normally do.

We have had some discussions. I think that the engineer has agreed that there are really not technical issues or space issues. It is a previously developed site, but it does not meet the other two criteria.

More discussion occurred.

Mr. Smith: Is bio-retention sort of a rain garden?

Mr. Parrish: Sort of. It is soil media with plantings. Water infiltrates or filters through that.

Mr. Hagan: This site plan further defines what we are doing with our utilities. We know that the sewer comes off an existing line off Kathan Road. We feel that we could utilize that lateral, cut it off, open it up to make sure that it is clean and extend that into our new service for the building. Doing that avoids cutting the road.

We have been in touch with the Onondaga County Water Authority.

Another issue raised on the County's referral deals with the Onondaga County DOT. The amount of traffic generated by Sam's is more than what we expect for the Nice N Easy. We have a letter which proves that the two driveway locations onto Bartel Road negate the trip generation requirement. We are in the process of applying for a highway work permit.

Mr. Smith: Mark, do you feel we are doing everything we can about stormwater?

Mr. Parrish: It will certainly be within the SPEDES permit requirements.

Mr. Hagan: We are providing 59 parking spaces. There is also a large area on the southeast side of the site for parking vehicles with trailers, RVs, etc. We have identified an outside eating area on the east side of the building; a 24' wide concert patio area that would be open seasonally.

Our notes define adjacent property owners and zoning within the area. We have had discussions with your councilor relative to zoning. I believe that you are going to enter something into the record at the appropriate time.

Mr. Germain: Correct.

Mr. Hagan continued. We have also provided a site demolition plan, noting existing conditions and defining elements that will be removed from the site.

A dumpster enclosure is located on the northwest corner with a 6' high, chain link, vinyl slated fence. An area at the rear of the building contains a roof structure, 10' x approximately 48', and a cooler/freezer and storage space for the food service area.

There is an area under the roof canopy in the front of the store for seasonal merchandise.

Mr. Smith asked that the applicant provide color samples/schemes as Mr. Hagan gave further building details.

Mr. Smith asked about shopping carts.

Mr. Hagan responded that there would be shopping carts at this site. The intent is to keep them in the store. There is a 6" curb around the building, which we hope will discourage people from taking carts out into the parking area.

We have made revisions to the lighting plan, but will need to make one more. We will make sure that lighting levels at property lines are kept at a minimum. The higher levels are located at the drives. Canopy lighting levels are consistent with current levels at the site. We feel these levels are appropriate for safety and security.

Mr. Smith: Are there any residential properties adjacent to the site?

Mr. Parrish: Basically, the site itself is adjacent to a residential area. They are not proposing any development on the west side of the site at this time. I received lighting information today and have not had a chance to review it. I will let the Board know if it is consistent with what was previously approved. Then the Board can decide if it is appropriate.

Mr. Hagan: This plan shows four signs. They would be located on the front wall of the building, on the east side of the building, a replacement monument sign at the corner of Kathan and Bartel, and a taller monument sign towards Route 81. We are constructing a larger building and feel that the total sign square footage of 258 is reasonable.

Mr. Parrish: 258 sq. ft. is being requested. I think that there is also an issue with setbacks. I believe that one of the free standing signs needs to be 20' back.

More discussion occurred.

Mr. Smith: Their signs are not difficult. Our ordinance is fairly restrictive. We do have latitude to work with, right?

Mr. Germain: In the past you have shown some leeway with signage. For example, in certain situations you have gone twice the square footage. The Code does provide you with discretion as far as the size of signage that you will allow. I think that in the past this Board has strived for some consistency, not that you necessarily have to follow that in this instance.

Mr. Marzullo: Would it work if you took the 80' sign out of the calculation?

Mr. Hagan: That would mean that we would have to take out about 30 square feet of signage.

Mr. Marzullo: That way we could stay consistent when other applicants ask for more.

Mr. Smith: Do we have too?

Mrs. May: No.

Mr. Smith: I have no problem with the sign package the way that it is put in. They need to advertise their business. I feel that it is appropriate, not garish. We are supposed to make decisions on each individual case. But, it has to meet the setbacks.

Mrs. May agreed.

Mr. Hagan asked for time to provide a better tabulation by obtaining exact sign measurements. Yes, we will meet the required setbacks.

Mr. Marzullo: Why is this different from Dunkin Donuts?

More discussion occurred.

Mr. Parrish: I think that the last item is sidewalks.

Mr. Hagan: Correct. The question becomes where is the appropriate pedestrian movement, if there is one at all.

Mr. Parrish: I think that the main reason for bringing it up is that a part of the master planning for Brewerton is pedestrian access in the hamlet and bringing it together. Across the street is a state fishing access/launch and parking for that.

Again, it is up to the Board's discretion, but there are really no pedestrian facilities proposed as a part of this project. I don't know if you would like to provide some in a fairly reasonable place where you might see pedestrians come.

Mrs. May: I am sure that in the future, if sidewalks are necessary, that Nice N Easy would not hesitate to put them in to connect to other properties. But, I do think that there should be something for the fishing access.

Mr. Hagan: That would be used on a seasonal basis.

Mr. Parrish: This is being touted as a grocery area for the community. You might get residents walking from the adjacent neighborhoods since there are minimal grocery availabilities in Brewerton. Again, this is solely up to the Board.

More discussion occurred.

Mr. Hagan: I think that was all that I had for tonight. Clearly, we would like to be back in two weeks.

Mr. Germain: I have a brief statement on **Article III Section 210-8** that was discussed earlier. I will read from the article: **Where a district boundary line divides a lot of record at the time such lot is adopted, and there is any question as to the application of the regulations to any portion of such lot, the questions shall be referred to the Zoning Board of Appeals for determination.**

The question here was does this application have to go to the Zoning Board of Appeals for a determination because we do have this type of a situation? I note that this application does have a district boundary line that divides a lot of record. According to Article III Section 210-8 of the code this matter would be referred to the Zoning Board of Appeals for determination IF, and I emphasize the word if, there is any question as to the application of the regulation to any portion of any such lot. The Zoning Officer has reviewed this matter and has concluded that there is no question as to the application of the regulation in this matter and therefore there is no need to refer this matter to the ZBA. The Zoning Officer has determined that the regulation of General Commercial shall apply to all portions and to this site plan as it exists before you.

Mr. Card: I have one question about the fuel tank that you are putting in. How far is that from the center of the road? What is the setback on that fuel tank, the underground storage tank on Bartel Road?

Mr. Hagan: I believe that we are ten feet from the street line.

Mr. Card: Is there a setback requirement for storage tanks?

Mr. Parrish: There are bulk storage regulations and I am sure that there are requirements that I am not familiar with. But there is nothing that the Town has as far as an ordinance. Those types of things are not regulated by the Town.

Mr. Card: Do we need to be concerned?

Mr. Parrish: You do not. The applicant will need to meet enforcement requirements that other agencies regulate.

**SITE PLAN/SKETCH REVIEW, TIM HORTONS USA, INC.  
5920 LAKESHORE ROAD/5917 ROUTE 31  
PROPOSED RESTAURANT & DRIVE THRU  
TDK ENGINEERING/PYRAMID BROKERAGE**

Representatives: Joseph Durand, P.E., TDK Engineering  
Bob Bender, Tim Hortons, USA Inc.

Mr. Durand introduced himself and Mr. Bender. This sketch plan is located on the corner of Lakeshore Road, Lakeshore Spur and Route 31. As you can tell it is a pretty congested area. This property is zoned commercial. We have put together a site plan that tries to follow Tim Hortons' typical layout with a drive-thru. We are constrained on three sides: the NYSDOT on Route 31, the County DOT on Lakeshore Road, and the spur which is a Town road.

We met with the Town during a pre-agenda workshop. This plan has changed quite a bit from then. We are trying to work all of the different approaches that the DOT has given us. I will briefly hit on some of those points.

The County DOT was concerned with the usual stacking and backing up of cars out onto Lakeshore Road. The NYSDOT did not give an official opinion but we did talk to members of the SEQR Department. They thought we would probably be looking at a right-in, right-out only out to Route 31. So, there would be full access onto the County road (Lakeshore) and a right-in, right-out onto Route 31. After talking with Wayne Dean and some Board members, the feeling was that there would be no access out onto the spur.

Because of the size of the 3.25 acre site and its' geometry, we also have a concern with delivery trucks. Tim Hortons' trucks are 75 footers, full tractor trailers. We have had to do a number of configurations with the building, with the drive-thru lane and with the access points to try and make things work for all parties. Of up most importance is convenience for patrons. This is really a work in progress.

I think that we have satisfied County DOT requirements, but we have not heard back from them since our initial conversation. We have updated them with a site plan. We do understand that this access point will most likely be the right-in, right-out.

At this point we don't think that we have a solid enough feed back from the NYSDOT. We would like to review with you this site plan, but we also have some ideas for the Route 31 entrance that might make it a little more appealing---better curb appeal, more user-friendly and more user friendly for delivery trucks.

This is a Tim Hortons and a Cold Stone Creamery ice cream facility. They like to have an outside patio. We feel that we have ample parking with 28 parking spaces. We are proposing that the building's frontage be along Route 31. Right now we are still in the sketch plan phase.

Bob came up with some good ideas that we would like to incorporate. We would like some feedback as far as if there would be any restrictions, to having an exit only driveway onto the spur road if we needed it to facilitate delivery trucks leaving the site. It would be for delivery vehicles only and would give us some needed flexibility on our site plan.

Mr. Bender added we would restrict that to only our trucks. We would gate it. Deliveries take approximately 45 minutes. The gate would only be up when the truck exits. Then it would be locked back up.

Mr. Durand: Currently, we meet building setbacks, but we are trying to minimize variances. There is only 115' of frontage along Lakeshore Road. Your requirement for commercial driveways is a minimum of 150', so we are already handcuffed on that side.

We know about the saga on Route 31 and anything that we can do to improve traffic there. It is a signalized intersection.

Something has to give in order for that site to be marketable and utilized. We think that this site plan is conducive to this entrance and that we can make it more user friendly for everybody.

Mr. Card: Would you be required to do a traffic study?

Mr. Durand: We are prepared to do that. We can look at trip generation and all of that. If it is something that the Board will require, we are prepared to do so. But, I have to tell you that this is the most studied corridor going. Again, it is not a destination point, it is a drop off. We think that we have enough information to know that we can get the County DOT to like their entrance and the NYSDOT to like theirs and Mark's overall view point on the site plan---I think that we can forego a traffic study. Unless it is something that you really felt we needed to do.

Mr. Card asked about sidewalks.

Mr. Durand: We are asking for your comments on that relative to this site plan. I am not sure logistically where you would like to see them worked in. The problem is this side of the site has some really steep terrain, so we would be tight there. There is about a three foot rise up into the site.

Mr. Card: Definitely Route 31 would be of interest to me.

Mr. Marzullo: Is the direction of the drive-thru going all the way through?

Mr. Durand: No. It narrows down into 18' for an emergency by-pass. This is an order station. After that, vehicles would go single file.

More discussion occurred regarding the site's internal traffic flow.

Mr. Card: Are you demolishing the house on Lakeshore?

Mr. Durand: Yes.

Mr. Card: Is that commercial or residential?

Mr. Durand: Commercial.

Mr. Parrish: Is that land hooked in to your site?

Mr. Bender: We are not buying, we are leasing. So, no subdivision is required.

Mr. Parrish: You have another site though?

Mr. Durand: There would be a re-subdivision.

Mr. Bender: Both are owned by the same people. It is the same owner.

Mr. Parrish: You will need to do that. Otherwise you will not meet the setbacks. So at the very least you will need to do a subdivision to combine the parcels.

Mrs. May: What would your dumpster be enclosed with?

Mr. Bender: Board on board.

Mr. Marzullo: What variances would you have to obtain?

Mr. Bender: As far as we know three variances. I am not sure how the proposed egress out onto the spur is going to work but, the one off Lakeshore is not 150' from the spur. So that requires a variance. The one at 31 is not 150' back from the spur. But that is an existing entrance so we are not sure if that needs a variance. We have eliminated any variances for building setbacks.

Mr. Durand: We know that we can't back up anything onto Route 31.

Mr. Bender: One delivery truck comes twice a week for about 45 minutes during off-peak hours. I can't say specifically when that would be, but I can say not between 6-9 a.m. It delivers for Cold Stone on the same truck.

More discussion occurred.

Mr. Bender: We have 38 proposed seats on the inside. The patio would be sized for about 16. This of course would be for seasonal use. The new interiors provide soft seating, fireplace, flat screen television, etc. It is a lot more welcoming. We are very anxious to introduce it into this market.

Mr. Smith: Lakeshore Road does back up past your entrance. The spur totally fails with people going to the High School. Your proposed use of the spur would be the perfect solution if there was a way to regulate it during certain hours. 90% of the time that spur is open. It would be a good way for people to get back onto Route 31.

Mr. Bender: It was our understanding that having some type of permanent, open access there was unacceptable to the Town. If that could be used as a full use, exit only spot, we would be happy with that. It would give us another option if something backs up.

More discussion occurred.

Mr. Parrish: This is a difficult site. Anything that you do will create issues one way or another. You will have to try and balance the evils and the goods.

Mr. Smith: If we could get people to be able to use the spur to go east on Route 31---it would be a good idea to keep vehicles off of Lakeshore.

Mr. Parrish: That would certainly be the most direct route to go west. That spur is really for vehicles traveling west on Lakeshore who want to go east onto Route 31.

Mr. Durand: What would the Board like to do? How about the restricted access onto the spur?

Mr. Marzullo: You have heard some discussion today. I am not sure we really have an answer for you.

More discussion occurred. Mr. Parrish recommended doing a traffic study.

**SITE PLAN, MUAMER ALIC & HAZIR MEHIC  
7623 EAST TAFT ROAD (FORMER PURPLE HIPPO)  
PROPOSED USED CAR LOT  
DENNIS G. O'HARA**

Representatives: Tim Collins and Edward Hall, O'Hara Law Firm

Mr. Collins introduced himself and Mr. Hall. Our clients would like to use the 7623 East Taft Road property for the sale of used cars. We have submitted a site plan and would like to cover some of the high points with you and answer any questions that you might have.

The site is zoned for commercial purposes. As you know it was previously a commercial bakery. We expect there to be a reduction in commercial traffic on the site for the proposed use. We propose to use the existing building and sign.

We met with Board members and others at the work session. One thing you requested was noting the entry and exit to the property because they were broad access points to the site. Those are now clearly marked on the site plan. You also requested some greenspace at or along the boundaries. There is some existing vegetation along the eastern border and southern border. We have increased the allotment of greenspace along those borders.

There is space to display up to 13 vehicles on the site. That does not include parking for employees, customers and handicap vehicles.

There was some concern about the pre-existing sign. The updated survey shows an encroachment of about 15 inches onto property owned by NIMO/National Grid. We have since received a letter from National Grid granting permission for the continued use of signs at that location, as long as our clients make no changes to the physical size of the sign, etc. A letter to that affect should be in your packet. The sign would be illuminated from within.

Otherwise there are no changes to the existing lighting on the site. Other than some planned landscaping, and areas where they will remove some of the gravel and asphalt along the southern border, there are no plan changes to the site what so ever. The paint scheme will remain the same. The building will stay the same. The other buildings on the site will remain

and be used for storage.

Mrs. May: They will leave the refrigeration unit?

Mr. Collins: Yes. It will remain there unused.

Mrs. May: You will remove some gravel?

Mr. Collins: Yes.

Mrs. May: Coming down the Route 298 side, there is some grass. I suggest strongly that you do not park cars on that grass.

Mr. Collins: Cars will only be parked in graveled areas.

Mr. Marzullo: Does the sign meet setback requirements?

Mr. Parrish: No. It is 20' from front yard and 10' from side yard.

Mr. Marzullo: Do we know if that sign needed a variance?

Mr. Collins: It is a previously used sign. It has been there. We have a permit for it.

Mr. Marzullo: That does not make it legal. I think that you would need to get a variance or make it comply.

Mr. Germain: I would agree especially if this is an expansion of a pre-existing use. I don't know if there was a variance.

Mr. Honors: If there was does he have to re-apply?

Mr. Germain: Not if one exists. I just don't know if there is. It may very well exist.

Mr. Collins: So, we need to find out if a sign variance was already granted.

Mr. Marzullo: If not, you will need to either move it or get a variance.

Mr. Collins: Moving the sign will be complicated. We would have to contact the folks at National Grid because it is an electrified sign and it is on their property. That is something we will have to address.

Mr. Card: Will there be any signs on the building?

Mr. Collins: None that we know of. The only other existing signs are the vinyl banners that you buy. They are not illuminated. Our clients are not considering anything like that.

Mr. Card: When it was a bakery, it did not require a lot of lighting. People shop for cars at night. Are you planning any more lighting?

Mr. Collins: No changes are planned at this time. There are 3 mercury vapor lights on the corners of the building. Because the site is not physically large, they feel that will be sufficient.

Mr. Marzullo: Will any mechanical work be done on site?

Mr. Collins: No mechanical work is planned. They are planning on making arrangements with Pep Boys to do vehicle inspections. At some point they plan on adding an overhead door so if a client buys a car and has a continuous complaint that something is not working, the client can bring it back and leave it. The applicants could take a quick look at it and get it to someone for repairs. But, they do not anticipate doing any major repairs on site.

Mr. Card: Is there a garage in there now?

Mr. Collins: No. There is a 7' wide picture window on one side that could be removed and expanded. The applicants would have to get a building permit to put in an overhead door.

Minutes from a ZBA meeting dated June 1, 1987 for a sign variance were presented to the Board. Mr. Procopio noted he would investigate this approval.

Mr. Collins: The center portion of the property is paved. We are removing a significant portion

of the gravel.

The Board noted a preference for graveled car display areas.

Mr. Collins: Just the five cars in the front are in graveled area now.

Mr. Smith: It would be fair to give them time to pave, like we did with other auto sale site plans.

Mr. Marzullo: In our approval we may require that the gravel area be paved within a year.

Mr. Collins: As I stand here I don't know if our clients would have any objection to that. I am guessing that we would have to come back in two weeks? I know that it has to go to the County.

Mr. Marzullo: August 10<sup>th</sup> is the County's next meeting. We are looking at returning August 22<sup>nd</sup>.

**SIGNS: BURDICK'S USED CARS & RV CENTER  
8560 BREWERTON ROAD  
JONATHAN BURDICK**

Representative: Jonathan Burdick

Mr. Burdick: I am here tonight for a LED sign approval. Basically it would go on the foundation that used to be for the Burdick Dodge sign. We are talking about a total square footage of about 59.2.

Mr. Smith: Is this the CME building?

Mr. Burdick: Correct, before that it was Burdick Dodge. The sign that was there was about 45' tall. We are about 25'. I believe that sign was about 60 sq. ft. There is nothing there now for a sign. The base is still there. We would like to utilize that.

Mr. Smith: This is not a modification. We are actually approving a new sign.

Mr. Procopio: Where is the base? I could not find the foundation for it.

Mr. Burdick: It is under a little bit of asphalt, but you can definitely see a rise in the pavement. There is a massive concrete base there from the Dodge sign.

Mr. Procopio: Do you know what the setback is for that base?

Mr. Burdick: From the centerline?

Mr. Procopio: No from your property line.

Mr. Burdick: I measured it from the centerline. It was about 55 feet from the centerline.

Mr. Marzullo: So, we don't know if this meets setback requirements?

Mr. Abbey: Does this property go all the way back to Route 81?

Mr. Burdick: Yes, it does. It does a rise in elevation as it gets behind the building.

Mr. Abbey: So, if you are on 81 you really can't see the sign very well?

Mr. Burdick: No, you are not going to see the sign at 25 feet. It is in the sanitary sewer easement but the sewer is out in the ditch. The manholes are right there. I was told I would be here for the LED sign. I already have a sign permit for signs on the building.

Mr. Marzullo: It looks like it is not compliant because it is in an easement.

Mr. Burdick: Isn't it grandfathered in? There was an existing sign there.

Mr. Germain: No. It is not grandfathered in. Even if you did have an existing sign, which is apparently not even there because all you have left of it is a small stub; it would be such an expansion of the use that it would be outside of what was grandfathered in.

The Board would be approving a LED sign as if it were brand new.

More discussion occurred.

Mr. Honors: So really the only hang-up is the placement of the sign?

Mr. Germain: The hang-ups are: I don't know if the sign is a violation of setbacks or is not a violation of setbacks. If he wants an LED sign he has to get Planning Board approval. That is why he is here. You don't get to the second question because you don't know the answer to the first question.

Mr. Burdick: What would be the setback?

Mr. Procopio: 20 feet from your property line. And you have to be out of that sanitary sewer easement.

More discussion occurred.

Mr. Card: We are talking about two signs correct? We are talking about a regular sign and an LED sign.

Mr. Burdick: Correct. The linear square footage of my building is 150'. If I need to be 20' off of the property line I can make that happen.

Mr. Germain: You have to have something that demonstrates that you are setback 20 feet and that you are also not in the sanitary sewer easement.

Mr. Marzullo: Your LED sign is not like the one on Circle Drive is it? Is it like a television screen or is it like a message board?

Mr. Burdick: No. It is a colored LED sign. I don't intend to put pictures on it. It would be more like Barone's.

Mr. Marzullo: We typically do not allow that.

Mrs. May: No, and the sign can only change every 15 seconds. No psychedelic colors.

Mr. Marzullo: You would agree to put up Amber Alerts if needed?

Mr. Burdick: Yes.

Mr. Marzullo: Then you just have to meet the other stuff. We need to have it shown on a survey.

Mr. Procopio: You talked to Wayne before, correct? I think that he wanted you to come to see if you could get approval for the LED. Without the LED he could have applied for a sign permit. If it were within code, I could issue that sign permit.

He would have to prove to me the sign's location. He would have to get a surveyor to show me that it is out of the easement. If not he would have to put a new base in. Or, he could do a variance.

More discussion occurred.

Mr. Burdick: I will get a surveyor and we will get it mapped out.

Mr. Marzullo: You would still have to comply with the setbacks.

Mr. Burdick: I will do that.

Mr. Marzullo: What Steve is suggesting is that we approve the LED based upon the fact that a sign permit must be obtained from the Zoning Office that would be issued for a compliant sign.

Mr. Parrish read from the code: All video billboard signs shall be subject to site plan review by the Planning Board. The Planning Board may place reasonable restrictions on the content and duration of images as well as the location of video billboards.

Now whether this is a video billboard, I don't know. But you have an electronic message sign. They are also subject to site plan review by the Planning Board. The Planning Board may place reasonable restrictions on the content and duration of images as well as the location of electronic message systems.

The Board reviewed their restrictions: 15 second time intervals, no psychedelic colors, use as an Amber Alert and no video.

More discussion occurred.

**Mr. Card made a motion** as stated by Mr. Germain. The motion is to approve the sign subject to obtaining a sign permit. You would approve the LED portion of the sign which is subject to actual Town regulations as far as permitting. As a part of the permitting process Mr. Burdick will provide documentation that shows he is not in violation of setbacks and that he is not in an easement. It is a two step process. **Mr. Abbey seconded the motion.** The motion was **approved** with the following vote:

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

**SIGN PERMIT, DUNKIN DONUTS  
818 NORTH MAIN STREET**

Representatives: David Razzante, Metropolitan Sign Company  
Tom Sentry, Dunkin Donuts

Mr. Razzante: We are here tonight to get approval of a smaller sign, square footage wise. We are taking down the large 6 x 12 sign that is there now on the existing pole. We would replace it with a 4'3" x 9'3" sign on top. It would also have a LED message center below it, 2'6" x 8'3". That gives us a total of 59.11 square feet. The existing sign was 72 square feet.

Mr. Marzullo: You heard the restrictions from the previous approval?

Mr. Razzante: Yes. 15 seconds is fine.

**Mr. Marzullo made a motion** to approve the LED sign as stated earlier by Mr. Germain. You would move to approve the LED portion of the sign which is subject to actual Town regulations as far as sign permitting. As a part of the sign permitting process, the applicant must provide documentation that shows they are not in code violation. **Mrs. May seconded the motion.**

The motion was **approved** with the following vote:

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

**Mrs. May made a motion** to adjourn. **Mr. Marzullo seconded the motion.** The motion was **approved** unanimously.

IN AS MUCH AS THERE WAS NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING  
ADJOURNED AT 9:45 P.M.

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Tonia Mosley, Clerk

ATTACHMENT A

July 8, 2011

**Planning Board**

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

Attention: Mark Marzullo, Chairman

Re: CanTeen 6046 N.Y.S. Route 31 Site Plan Review

File: 0101/25439.406

Dear Board Members:

We have reviewed the Site Plan dated July 2, 2011 prepared by John P. Goodman, F.A.I.A. in regard to the above referenced project for compliance with Town Code requirements relative to Site Plans and effect on Town utilities and roads. The 0.46-acre site is located on the south side of N.Y.S. Route 31 east of the Cicero-North Syracuse High School. The site contains an existing residential structure, which is proposed to be used for a youth center. It is proposed expand the parking area in front of the building along with other miscellaneous site improvements. The site is zoned GC - General Commercial. Our comments are as follows:

1. Access to the site is currently from entrances onto N.Y.S Route 31. It is proposed to retain the entrances and construct a parking area in front of the building. The Board should review the site circulation and number of parking spaces provided with the Applicant along with pedestrian access to the High School property and the need for a sidewalk along Route 31.
2. Stormwater runoff from the site is generally tributary to a low area located on the east side of the site and drainage facilities along Route 31. As the project disturbs less than 1-acre of land a NYSDEC SPDES Permit for Stormwater Discharges from Construction Activities is not required for the project. The Plan does not provide information on existing or proposed grades but it appears minimal changes to the site grades are necessary for the project.
3. The site is located within the Lakeshore Sewer District. Sanitary sewer service is to be provided by extension of a Town sanitary sewer located southeast of the site. An easement has been obtained for extension of the sanitary sewer and an easement will be provided along the east side of the site to allow for extension of the facilities to Route 31. The typical process for approval of Petition Plans, Contract Drawings, and inspection of the facilities should be coordinated with the Town Board.
4. The site is located within the Cicero-Oneida Lake Water District, Route 31 Extension. Water service is provided from a water main located along Route 31 and is not proposed to be modified.
5. The Board should review the landscaping, lighting, signage and architectural elevations with the Developer. The following are some comments for the Boards' consideration regarding these issues:
  - a. Lighting is to consist of wall packs to be mounted on the building.

ATTACHMENT A: PAGE 2

- b. Signage is to consist of a 24 square feet building mounted sign and the frontage of the building is approximately 60 feet. The Town Code allows for 1 square feet of sign area per linear foot of building frontage.
6. The site does not contain a State Wetland as identified on the New York State Freshwater Wetland Map or a Federal Wetland as identified on the National Wetland Inventory.
7. The site is not located within a 100-year floodplain as identified on the 1994 FEMA Flood Insurance Rate Maps.

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

Very truly yours,

O'BRIEN & GERE ENGINEERS, INC.



Mark C. Parrish, P.E.  
Managing Engineer

ATTACHMENT B:

July 8, 2011

**Planning Board**

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

Attention: Mark Marzullo, Chairman

Re: Francis Daher Collectibles 8160 Brewerton Road Site Plan Review

File: 0101/25439.403

Dear Board Members:

We have reviewed the Site Plan dated April 12, 2011 revised June 13, 2011 prepared by L.J.R. Engineering, P.C in regard to the above referenced project for compliance with Town Code requirements relative to Site Plans and effect on Town utilities and roads. The 0.267-acre site is located on the southeast corner of the intersection of Brewerton Road (U.S. Route 11) and Glendora Drive. The site contains an existing residential structure, which is proposed to be used for retail sales of collectibles. It is proposed to construct a parking area in front of the building along with other miscellaneous site improvements. The site is zoned General Commercial. Our comments are as follows:

1. Access to the site is currently from entrances onto both Brewerton Road and Glendora Drive. It is proposed to eliminate the entrance onto Brewerton Road. The Applicant should obtain any necessary permits from the New York State Department of Transportation for the proposed work. The entrance onto Glendora Drive is located less than 150 feet from the street line intersection, which is required by the Town Code. It should be confirmed that a variance has been obtained for the reduced setback. The Board should review the site circulation and number of parking spaces provided with the Developer along with the need for a sidewalk along Brewerton Road.
2. Stormwater runoff from the site is generally tributary to a low area located on the east side of the site and drainage facilities along the adjacent roads. As the project disturbs less than 1-acre of land a NYSDEC SPD Permit for Stormwater Discharges from Construction Activities is not required for the project. The Plan does not provide information on existing or proposed grades but does include notes that indicate how the site is to be graded.
3. No modifications to the utility services to the site are shown on the Plan.
4. The Board should review the landscaping, lighting, signage and architectural elevations with the Developer. The following are some comments for the Board's consideration regarding these issues:
  - a. No exterior lighting is shown on the Plan.
  - b. The total signage area is noted as 35 square feet and the frontage of the building is approximately 36 feet. The Town Code allows for 1 square foot of sign area per linear foot of building frontage.
5. The site does not contain a State Wetland as identified on the New York State Freshwater Wetland Map or Federal Wetland as identified on the National Wetland Inventory.

ATTACHMENT B: PAGE 2

6. The site is not located within a 100-year floodplain as identified on the 1994 FEMA Flood Insurance Rate Maps.

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

Very truly yours,

O'BRIEN & GERE ENGINEERS, INC.

A handwritten signature in black ink, appearing to read 'MCPARRISH', written in a cursive style.

Mark C. Parrish, P.E.  
Managing Engineer