

The Planning Board of the Town of Cicero held a meeting on **Wednesday, July 19, 2010** 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 July 7, 2010 Meeting (**approved**)
- Site Plan/Sketch Plan Review, Riccelli Trucking Inc., 6201 East Taft Road, Proposed Dumpster Pod Repair Facility (**to return**)
- Site Plan Reconsideration of Previous Motion, Arrow Auto Glass, 5859 Route 31, Proposed Auto Glass Repair & Replacement (**approved**)
- Site Plan/Sketch Plan Review, First Niagara, 7950 Brewerton Road, Proposed First Niagara Bank (**to return**)
- Discussion: Sidewalk Ordinance

Board Members Present: Mark Marzullo (Chairman), Chuck Abbey, Robert Smith, Richard Cushman and Sharon May

Board Members Absent: Christopher Rowe and Scott Harris (Ad Hoc Board Member)

Others Present: Neal Germain (Esquire, Germain & Germain), Mark Parrish (P.E., O'Brien & Gere), Steven Procopio (Code Enforcement Officer), Jessica Zambrano (Town Board Liaison) and Tonia Mosley (Clerk)

Others Absent: Wayne Dean (Director of Planning & Development)

The meeting opened with the Pledge of Allegiance.

**APPROVAL OF THE JULY 7, 2010 PLANNING BOARD MINUTES**

**Mr. Smith made a motion** to approve the Planning Board minutes from July 7, 2010. **Mrs. May seconded the motion.** The motion was **approved** with the following vote:

Mr. Abbey:	Yes
Mr. Smith:	Yes
Mr. Cushman:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

**SITE PLAN/SKETCH PLAN REVIEW**  
**RICCELLI TRUCKING INC., 6201 EAST TAFT ROAD**  
**PROPOSED DUMPSTER POD REPAIR FACILITY**  
**IANUZI & ROMANS**

Representatives: Hal Romans, Surveyor and Planner, Ianuzi & Romans  
Dom Cambareri, Esquire, Riccelli Trucking  
Lucille Nicholson, Owner/Applicant

Mr. Romans introduced himself noting this is an existing site on the north side of East Taft Road. The site was a former automobile/truck repair center. A common entrance is located in front of our building. There is a cross easement for ingress/egress running across these properties for the series of industrial, commercial buildings that make up the Park. There are 17 existing parking spaces on our property but there are also additional parking spaces just off our site that are used by the adjacent properties. A parking easement runs along the eastside of the property that allows people to park in the back. It is a paved lane that runs east/west. Overhead doors are located in the back of the building.

The applicant would use the building to clean and repair dumpster boxes. These dumpster boxes are typically used for example at new home construction sites or when someone puts on a new roof. After the contents of the dumpsters are brought to the weigh station, they would be brought inside the building for cleaning. Occasionally, a dumpster might come in after hours that would need to be parked in the back gravel area over night. The dumpsters are 20' x 8' maximum. A forklift would bring them inside the building.

With the exception of a few cosmetic changes—painting the building--the front of the building would remain the same. It would hold administrative offices. The existing sign would be replaced with a new face. Existing lighting would be used. Typical hours of operation are Monday through Friday, 6 a.m. until 6 p.m. All repair and cleaning work would be done inside the building. If a dumpster came in and all of the bays were full, it would be parked outside until a bay was available.

Mrs. May asked if there was room for some landscaping.

Mr. Romans explained the only greenspace available was up by the road and Taft Road is currently under construction. No one is doing anything right now as far as keeping that common area up because the County is in what could be a two year process. There is some greenspace between this building and the building to the west. There is no opportunity for any landscaping on the east side. The front is pavement or concrete sidewalk for going inside the building.

Mrs. May asked for the number of employees.

Mr. Romans: Six, four administrative and two that do the actual cleaning and/or repair work.

Mr. Cushman: It looks like you have six spaces across the easement. Will those stay there?

Mr. Romans: Without knowing the exact language of the ingress/egress, I don't know if those parking spaces are also available for the businesses next door.

Mr. Smith: How many dumpsters would you expect to store on the property after they are cleaned?

Mr. Romans: 5-6 maximum.

Ms. Nicholson explained that would be rare.

Mr. Smith: After you clean, how will you handle the water?

Mr. Romans: This being a former garage works out well. It is set up for handling that. There is a sanitary sewer easement in the back. To me it looks like there is some type of oil separator here.

Mr. Smith: If the dumpster comes back with something hazardous, there is a way to handle that? They would have the facilities to separate that out?

Mr. Romans: The size boxes that would come here are typically for construction, not for hazardous materials.

Mr. Smith: Would the dumpsters be painted inside the building?

Ms. Nicholson: Occasionally.

Mr. Romans noted they would have to make provisions for that. The site is 1.05 acres.

Mr. Smith: This butts up to Riccelli Enterprises in the back.

Mr. Romans: There is to be no inner connection between the two sites.

Mr. Smith: Is the area back there part of the wetlands? Riccelli Enterprises is under an enforcement action where the wetland area would be cleaned up and restored. Is this lot a part of that action?

Mr. Cambareri: There are no wetland issues on this lot. On the adjacent lot in the back, where the parking lot is, I believe that is subject to the present action that is still pending.

Mr. Smith: So there would not be a possibility for cross access because that would be restored wetland?

Mr. Cambareri: If they were asked to restore it, that is correct.

Mr. Romans: The only way that we would be able to do any access here is if we were able to come back to this Board, for an amended site plan and/or if necessary get any wetland permits for crossing that area.

Mr. Smith: Do you understand that would be a serious part of any approval that I would vote on? We have had other plans before us to connect that parcel. There is quite of bit of work that needs to be done back there. So there are absolutely no plans?

Mr. Romans: There are no plans to connect this. The applicant knows if some day in the future they want to make that connection that they would have to come back before this Board and deal with the wetlands

Mr. Smith: Can we legally require that? This is a question for our attorney. How do we prevent---they own this one and they own that one.

Mr. Cambareri: Technically that is not correct. This lot is owned by Riccelli Trucking. Riccelli Trucking is a separate distinct entity from Riccelli Enterprises. The owner of Riccelli Trucking is sitting here, Lucille Nicholson. The owner of the lot involving the enforcement action in the back is Riccelli Enterprises. Ms. Nicholson is not involved with that.

Mr. Smith: I understand, but even with two owners are we able to make certain?

Mr. Germain: The applicant could offer up as a condition of their approval that they would not use or have any access between the back of the lot and the lot of the original incident.

Mr. Smith: Can we make that legal wording that we put in the resolution and they would approve it?

Mr. Germain: You could make it conditioned on that. You are not really changing all that much. At this point if you approve the site plan as it is, they are not showing any cross access between the two lots. There is none shown. So, if they did have cross access, they would be in violation of their site plan approval anyway. If you wanted to make that a condition just to make doubly sure so to speak, then the applicant would be telling us that they are not going to have any cross access between those two lots.

Mr. Smith: Wouldn't we get more assurance for the Town if we required that in the language? We would make it specific so that someday if we were to end up in court with Mr. Cambareri saying that they want a cross access we made it a part of our resolution. We would make it very clear that was a part of the approval process.

Mr. Germain: If that is a concern, you would be better served to have it a part of the approval process, if you wanted to come out and state it. However, if you do not state it, and you approve this as is, the result would be nearly the same because they are not proposing a cross access between the two lots as a part of their site plan.

If they don't really want it as a part of this site plan, I don't know why they would not offer it up

and just say they don't mind that as a condition.

Mr. Cambareri: As Hal stated earlier, if we wanted to do anything with that back area we would have to come back to this Board for any further modifications to the site plan. Right now we are not showing anything in terms of access to the back. We are not planning on doing any access to the back. That is why the site plan is the way that it is.

Mr. Smith: As an explanation for why I am concerned, I don't believe that this Board approved the filling of the wetlands either. That is why I want to specifically make certain that it is addressed. I understand the good intentions. You were not here when that was done. But, I think that we have a duty to protect the Town, considering the current circumstances.

Mr. Cambareri: It is the same either way. What ever way you want to word it is fine with us because we don't have any intention to do that.

Mr. Marzullo suggested putting a note on the plan.

Mr. Romans: I can put a note on the plan stating any cross access agreement and/or easement going to the north property---there are some going east/west---would be subject to review by the Town of Cicero Planning Board.

Mr. Marzullo: What is beyond the gravel, dirt, grass?

Mr. Romans responded short brush. Along the back property line there are some trees but it is not the type of brush that you would landscape. It is the typical back of a commercial area that no one expects to be seen.

Mr. Cushman asked about AVR Electric and the Fitness Center. Do they use the same driveway/cross easement? Is there another one for either parcel?

Mr. Romans: There are one or two driveways for a series of buildings. I am sure there is some sort of agreement attached to the deed regarding joint paving and snow removal. They all take care of the common area.

Some discussion occurred regarding on site traffic flow and employee parking.

Mr. Parrish noted with the access easement there is space for the drive isle.

Mr. Smith: As you put notes on the plan, could you note the 5 or 6 spaces for long term storage in the gravel? That way we won't end up with 25-30 dumpsters in the back.

Mr. Romans agreed. There would be two additional notes, one on the number of dumpsters in the back and one concerning the cross easement. This operation makes money on having dumpsters off this site. The idea is to get them in and then get them out. There generally isn't any long term storage.

Mr. Abbey: Approximately, how many dumpsters do you have in service?

Ms. Nicholson: Probably 300. We would not try to keep them on this lot.

Mr. Romans: This has gone to the County. I will add those notes to the plan. I picture us returning to the next meeting.

Mr. Abbey asked for clarification on signage.

Mr. Cambareri noted two signs, a free standing sign and one on the building. The one on the building has been taken down. The current application does not require any variances or anything like that. They would change the sign's face to the new business.

**SITE PLAN, RECONSIDERATION OF PREVIOUS MOTION  
ARROW AUTO GLASS, 5859 ROUTE 31  
PROPOSED AUTO GLASS REPAIR & REPLACEMENT  
IANUZI & ROMANS**

Representative: Hal Romans, Ianuzi & Romans

Mr. Smith asked if this was a new application or if the Board needed a motion to re-open the site plan review.

Mr. Germain responded this was a modified application.

Mr. Romans introduced himself noting the difference between this application and the previous application includes the removal of the canopy. My client has accepted bids for the removal, which should be around \$8,000. We also modified the sign to 14 x 14.

Mr. Parrish noted that the sign details needed to be corrected on the site plan.

Mr. Romans agreed to make that correction adding a sign within 1,000' of Route 81 can be a maximum of 50' high. This sign will be 29' high and would be internally lit. The total square footage for signage is 196 sq. ft. where 99' square feet would be allowed.

Mr. Cushman: We frequently allow twice the amount.

Mr. Romans: Everything else on the site plan is the same.

**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. Abbey:	Yes
Mr. Smith:	Yes
Mr. Cushman:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

**Mr. Smith made a motion** to approve the revised site plan with a revision date of July 18, 2010 noting the following changes:

1. The canopy would be removed.
2. We would be approving a sign 29' tall, 14 x 14. Mr. Parrish suggested that the signage information be updated on the site plan. **Mrs. May seconded the motion.** The motion was **approved** with the following vote:

Mr. Abbey:	Yes
Mr. Smith:	Yes
Mr. Cushman:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

**SITE PLAN/SKETCH PLAN REVIEW  
FIRST NIAGARA, 7950 BREWERTON ROAD  
PROPOSED FIRST NIAGARA BANK  
CARMINA WOOD MORRIS P.C, ARCHITECTURE & ENGINEERING**

Representatives: Chris Wood, Carmina Wood Morris Engineers  
Laurie Hauer-LaDuca, RA Architect, Niagara Bank

Mr. Wood introduced himself and the other representatives. The project is located at 7950 Brewerton Road within an out-parcel of the Wegmans' Plaza. The out-parcel is 2.6 acres. The amount of the leased parcel we would be developing would be 1.25 acres. 45% of that would be greenspace. The bank is approximately 3,000 sq. ft. with an ATM drive through lane and two teller drive through lanes. A fourth lane to the north would be a by-pass lane. 15 spaces are required by code. We are proposing 33. A fenced in dumpster enclosure would be located in the back portion of the property. It would have landscaping around it. The large landscaped area in the front as you enter the Plaza would remain. The southerly one would be modified slightly as it gets incorporated into our drive through area.

Mr. Smith asked if the current traffic flow going in and out of the Plaza would be changed.

Mr. Wood responded no. Our only curb cut is into the Plaza. We do not have any curb cuts proposed going into the Plaza from Route 11.

Mr. Marzullo asked if the parcel would be subdivided.

Mr. Wood: No, we are leasing the property from Widewaters. That line in the middle is a lease line. The existing parcel line follows the curb line.

Mr. Marzullo: Do you know if there is an intention to do anything else with the parcel in the future?

Mr. Wood: Not that we know of.

Mr. Smith: Do you show sidewalks along Route 11 across the parcel?

Mr. Wood: We were not proposing anything.

Mr. Smith: We do require sidewalks. Widewaters does have sidewalks going back into their subdivision. We should look for a sidewalk across to the edge of the Widewaters property. Our goal, with the Town Board's approval, is to have sidewalks in commercial properties.

Mr. Wood agreed. We also submitted site grading, storm, utility, landscaping and photometric plans. We have included a signage package which contains the proposed monument sign and building signage.

Mr. Smith: Are you aware that there is a park and ride location? There is substantial use in the back. A lot of buses come in and out. You may want to consider customers who come across and into your facility.

Mrs. May noted people walking to the site from the park and ride area would be walking into the proposed drive through area.

Mr. Smith was concerned with sight visibility from Caughdenoy Road.

Ms. Hauer-LaDuca discussed the building's façade.

Mr. Marzullo: Your proposed maple trees are close to existing trees on site.

Mr. Wood noted the location and size of the proposed trees might need to be adjusted. The trees out there are nice. We would try to keep as many as we can.

Mrs. May: Would your enter and/or exit signs and drive-up ATM signs be internally lit?

Ms. Hauer-LaDuca explained that the smaller signs on the site would not be internally lit. She gave other sign details.

Mr. Smith: I am sure the engineer will be checking stormwater. We will be going over that. There would be a lot of lawn paved and impervious pavement. Are we sure that we need all of this to service the bank?

More discussion occurred.

Mr. Wood: We could take a look at that. On the stormwater end we are tying into the existing system that goes back into the Wegmans' detention basin. We are also adding a stormwater treatment structure.

Ms. Hauer-LaDuca noted the maximum number of employees as seven, five full-time and two part-time.

Mr. Wood: I talked to Wayne about lighting and he mentioned lighting for the ATM. We are also proposing 20' poles as opposed to the ones in the parking lot now.

Ms. Hauer-LaDuca: The only lighting that would be left on would be 3 foot candles.

The Chairman asked if there were any comments from legal, engineering or zoning.

Mr. Parrish: When we get authorization to review this, we will complete a comment list. This needs to be sent to the County for their referral. I don't know if it is too late for the next meeting or not. Once we have done our review and the applicant has addressed the comments, you would come back in. We will do a stormwater report. Are you disturbing more than an acre?

Mr. Wood: Not on purpose.

The Board agreed to send the plan to the County. They discussed when the next possible meeting date would be.

Mr. Smith asked if anything had to be done with the DOT. It has already been approved—

egress, etc.

Mr. Parrish: My guess is that the County might say something about the traffic study. We will have to see. I am confident that this has all been looked at.

**DISCUSSION: SIDEWALK ORDINANCE**

Mr. Marzullo: I wanted to report that the Town Board is moving forward with a sidewalk ordinance. I believe that the Town Attorney has some information that should be in our hands shortly.

Mr. Smith: I saw that in the Town Board minutes. I think that he has done something similar in other communities.

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

IN AS MUCH AS THERE WAS NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 7:50 P.M.

Dated: July 26, 2010

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Tonia Mosley, Clerk

