

The Planning Board of the Town of Cicero held a meeting on **Monday, August 22, 2011** at **7:00 p.m.** in the Town Hall at 8236 Brewerton Road, Cicero, New York 13039.

Agenda:

- Pledge of Allegiance
- Approval of minutes from the August 8, 2011 meeting (**approved**)
- Site Plan, Muamer Alic & Hazir Mehic, 7623 East Taft Road, Proposed Used Car Lot (**approved**)
- Site Plan, KK Cicero Corporation, 8098 Brewerton Road, Proposed Retail and Office Building (**to return**)

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

Others Present: Vern Conway (Town Councilor), Wayne R. Dean (Director, Planning & Development), Neal Germain (Esquire, Germain & Germain), Mark Parrish (P.E., O'Brien & Gere) and Tonia Mosley (Clerk)

The meeting opened with the Pledge of Allegiance. The Chairman noted emergency exits and requested that all cell phones be turned off.

APPROVAL OF THE PLANNING BOARD MINUTES FROM AUGUST 8, 2011

Mr. Smith made a motion to approve the Planning Board minutes from August 8, 2011. **Mrs. May seconded the motion.** The motion was **approved** with the following vote:

Mr. Ruscitto:	Yes
Mr. Card:	Yes
Mr. Honors:	Yes
Mr. Abbey:	Yes
Mr. Smith:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

SITE PLAN, MUAMER ALIC & HAZIR MEHIC
7623 EAST TAFT ROAD, PROPOSED USED CAR LOT
DENNIS G. O'HARA
(SEE ATTACHMENT A: O'BRIEN & GERE LETTER DATED 8.18.11)

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

Mr. Collins introduced himself and Mr. Hall noting they were here tonight with a few minor changes to the site plan. One of the Board's concerns was the sign previously located on the northeast corner of the property. It has been determined that a variance was not issued for a sign there. Therefore the sign has been removed and is no longer a concern. Presuming that the site plan is approved this evening, our client's intent is to go forward with the sale of the property, start developing the site, move in their inventory, assess what their budget is for signage and lighting and then come back to the Planning Board to speak with you again. At this point they have no intention of using any signage and will use the site's existing lighting.

We were asked to contact adjacent property owners in regard to their feelings about the intended use of the site. We spoke with Miss Bisson, Mr. LaRoche and Mr. Zerrillo. All have given us their approval.

The County Planning Board raised some concerns with regards to the proposed access/entry point. They were concerned about the drives' width. The site plan indicates drive width as 24 feet. We have received the report from O'Brien & Gere. We also spoke with members of the Planning Office. It is our understanding that the driveway issue has been resolved.

Mrs. May noted a window location next to the door and asked if there were room above it to paint the name of the business, rather than erecting a sign out front.

Mr. Collins noted the applicants could do that or maybe where the previous owner's vinyl banner is located. They will look at their budget and see.

Mrs. May: Thank you for going to the adjoining neighbors for their input. My concern was that this was next to a residential home. Will you have a dumpster on this property?

Mr. Collins: It is my understanding that there would not be a need for a dumpster on the site. My clients have no intention of doing any major repairs here.

Mr. Card asked about the existing lighting.

Mr. Collins noted there are 3 lights on the building, one at the northeast corner, one at the southeast corner of the building and one at the southwest corner of the building. We would come back for any additional lighting.

Mr. Marzullo asked if there was a note indicating that the existing sign was removed.

Mr. Collins: I don't know if the folks at Ianuzi & Romans made that notation on the site plan.

Mr. Parrish: There does not appear to be a note, but there is no signage shown on the plan.

Mr. Smith and Mr. Marzullo verified that the sign had been taken down.

The Chairman asked if there were any other questions.

Mr. Parrish noted that the Board should have received his review letter. One of the issues we brought up was signage. I think that has been addressed. If you have any other questions I would be happy to answer them.

Mr. Card: Didn't we bring up paving at the last meeting?

Mr. Marzullo: We talked about having the area where you would be placing stone paved within twelve months.

More discussion occurred.

Mrs. May: Would your client be receptive to having the area paved within a year?

Mr. Collins: We would like 18 months to give our clients time to build up their budget, maybe until spring of 2013?

Mr. Dean: I would like to make sure that stones are not getting thrown out onto the existing pavement and creating problems. I definitely would like to see the area paved. Paving companies are usually open in late April or early May. I would suggest maybe giving them until June 1st.

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 that this resolution shall constitute a negative declaration for the purposes of Article 8 of the Environmental Conservation Law of the State of New York. **Mr. Smith seconded the motion.** The motion was **approved** with the following vote:

Mr. Ruscitto:	Yes
Mr. Card:	Yes
Mr. Honors:	Yes
Mr. Abbey:	Yes
Mr. Smith:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

Mr. Smith made a motion to approve the site plan as presented dated June 28, 2011 and revised June 30, 2011 and August 15, 2011 with the understanding that parking areas, the display areas will be paved no later than July 31, 2013. **Mrs. May seconded the motion.** The motion was **approved** with the following vote:

Mr. Ruscitto:	Yes
Mr. Card:	Yes
Mr. Honors:	Yes
Mr. Abbey:	Yes
Mr. Smith:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

**SITE PLAN, KK CICERO CORPORATION
8098 BREWERTON ROAD, PROPOSED RETAIL AND OFFICE BUILDING
PLUMLEY ENGINEERING, P.C.**

Representative: Julian Clark, P.E., Plumley Engineering, P.C.

Mr. Clark introduced himself noting that the site was .7 acres located on Brewerton Road, north of Wal-Mart. It used to be a Childtime daycare facility. The owners are looking to re-use the property with an option for retail or office.

It is a roughly 8,000 square foot building. We have calculated the leasable area to be about 6,290 square feet by removing hallways, storage area, etc. We did this to quantify the parking that we would need. Based upon 50% retail use and 50% office use we would need 23 spaces. We did some re-stripping to provide those spaces.

There are three entrances to the site, two on Brewerton Road and one through the Wal-Mart driveway which has an access easement. We are proposing to eliminate the southern entrance onto Brewerton Road.

We are here tonight to try and get the flexibility for the owners to lease the area out. There are seven different rooms which could be leased out for retail, office or to continue with a childcare facility.

Mr. Smith: Are you making any changes to the structure? Are you changing signage?

Mr. Clark responded no changes to the structure. Right now they would keep the signs that they have. They want to come back with signage when they get a better handle on where they are going.

Mr. Smith: Wayne you were here when Wal-Mart was approved and had some concerns about the driveway, correct?

Mr. Dean: I pulled the approval for Wal-Mart and read through it. There is nothing in there that requires both driveways onto Brewerton Road be closed. The stipulation was that

they provide a driveway off the private road in the back. I think that if the entrances onto Brewerton Road were closed that it would be safer, but there is nothing in the Wal-Mart approval that says they have to close those entrances.

Mr. Smith: Was there a site plan for this site?

Mr. Dean was unsure noting that he had not looked for one. There must have been one years ago. Anyone who comes in and wants to go south onto Route 11 to leave the site would have to cut over the turning lane going into Wal-Mart. The only alternative would be to go out the loop road going out the southern exit by White's Automotive.

Mr. Smith: So we would want it marked no left turns?

Mr. Dean: That would be up to the Board. Maybe when this is sent to the County, the State will weigh in and request it. Maybe they will have certain stipulations.

Mr. Marzullo: Are you looking for full access on the remaining Brewerton Road drive?

Mr. Clark: Yes, ideally we would like to keep that open.

Mr. Marzullo: The pavement should be removed in the area where you are getting rid of the drive.

Mr. Clark: Our plan was just to do the area where it is green.

Mr. Smith: If someone turns in there how will they get out? The site plan shows a handicap space there. They should just remove the rest of that pavement.

Mr. Marzullo agreed. I am also not crazy about the location of that handicap spot. It could be dangerous.

More discussion occurred.

Mr. Smith: What about sidewalks for this site plan? We do have sidewalks directly across the

street.

Mr. Dean: There will also be sidewalks along the south side of the access route when that gets reconfigured.

Mr. Smith: Sidewalks have to be in the state's right-of-way. That is what the State wants right Mark?

Mr. Parrish: The DOT has expressed that desire previously.

Mrs. May asked about landscaping.

Mr. Clark: We would leave the existing landscape.

Mr. Card asked if lighting would stay the same.

Mr. Clark responded yes. One question we had would be about the different uses. Our goal would be to not have to come back before the Board every time there is a new lease.

Mr. Dean: As long as your uses comply with what is allowed by zoning you should be alright.

Mr. Smith: Wayne would know that. They would just have to talk to him.

Mr. Dean agreed. The reason you are here tonight is because this is a change of use. You were childcare and now you would like to be a retail/office use.

Mr. Clark: Someone else proposed a pet daycare where pets are brought in for the day and then taken out. Would that be an allowable use?

Mr. Dean responded yes as long as you don't keep them over night or board them. It is an allowable use in that zone.

More discussion occurred.

Mr. Parrish: We will review the plan and get our comments to the Board.

Mrs. May made a motion to adjourn. **Mr. Smith 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 7:30 P.M.

Tonia Mosley, Clerk

ATTACHMENT A

August 18, 2011

Planning Board

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

Attention: Mark Marzullo, Chairman

Re: 7623 East Taft Road Used Car Sales Site Plan Review

File: 0101/25439.410

Dear Board Members:

We have reviewed the following 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. Site Plan - Existing Features dated June 28, 2011 revised August 15, 2011 prepared by Ianuzi & Romans, P.C.
2. Site Plan - Proposed Features dated June 28, 2011 last revised August 15, 2011 prepared by Ianuzi & Romans, P.C.

The 0.599-acre site is located on the northwest corner of the intersection of East Taft Road and New York State Route 298. The site contains an existing structure and associated site improvements for a former bakery. It is proposed to make minor modifications to the site for use of the site for retail sales of used cars. The site is zoned GC - General Commercial. Our comments are as follows:

1. Access to the site is currently from an uncontrolled entrance onto East Taft Road, which is a County highway. It is proposed to reduce the width of the entrance to provide a more defined access to the site. Approval for the modification to the entrance should be obtained from the Onondaga County Department of Transportation. The Board should review the site circulation and number of parking and used car sales spaces provided with the Developer. The project includes the removal of the gravel area around the perimeter of the site, which is to be replaced with grass. A note on the Plan indicates this space will not be used for display of vehicles.
2. Stormwater runoff from the site is generally tributary to a wetland located north of the site and drainage facilities along the adjacent roads. 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. A note has been placed on the Plan indicating the grades on the site are not to be modified.
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 Boards' consideration regarding these issues:
 - a. No exterior lighting is shown on the Plan.
 - b. The Plan does not show any existing or proposed signage. If no signage is proposed a note should be placed on the Plan stating this is the case. Otherwise any proposed signs should be shown and detailed on the Plan.

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5. 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 although there are wetlands immediately adjacent to the site.
6. The site is 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