

The Town of Cicero Planning Board held a meeting on **Wednesday, September 2, 2009** at **7:00 p.m.** in the Town Hall at 8236 South Main Street, Cicero, New York 13039.

Agenda:

- Approval of the minutes from August 17, 2009 (**approved**)
- Site Plan, Joseph Ross, 6414 Island Road, Pole Barn (**approved**)
- Sign, Splash 'N Dash, 7940 Route 11 (**approved**)
- Informal Discussion, SEFCU, 8086 Brewerton Road, Sidewalks

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

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

Absent: Scott Harris (Ad Hoc Board Member)

The meeting was opened with the Pledge of Allegiance. Mr. Leone noted the locations of the three fire exits and that there were no formal public hearings tonight. He encouraged audience participation regarding agenda items.

APPROVAL OF THE PLANNING BOARD MINUTES FROM 8/17/09

Mr. Smith made a motion to approve the Planning Board minutes from August 17, 2009. **Mr. Mott seconded the motion.** The motion was **approved** with the following vote:

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

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

(SEE ATTACHMENT A: NYSDEC LETTER TO MR. ROSS DATED 8/27/09)

Representative: Joseph Ross

Mr. Ross introduced himself noting that he was seeking approval on a cold storage building and that he had received a determination letter from the NYSDEC regarding possible wetlands on his property.

Ms. Cole read that letter for the record.

Mr. Leone noted the Zoning Office received a copy of that letter on Thursday, the day after the pre-agenda meeting. We had decided at pre-agenda to cancel the next Planning Board meeting because we had not received the response from the NYSDEC and because we had a smaller agenda. But, since you did receive the letter and would have been delayed another 3-4 weeks for approval, Wayne and I decided to reconvene the meeting. That is why the meeting was first cancelled and then reconvened—as a service to a Town member. For the record, I would like that understood.

We had gotten through most of Mr. Ross' site plan before. We looked at driveway issues that were approved by the DOT. We looked at issues relative to sign placement. The building has been addressed accordingly. I believe that storm water has been negated based upon the size of the disturbance.

Mr. Parrish agreed. At this point they are disturbing less than an acre. That takes into account the disturbance that will occur as a part of this project and the disturbance that occurred as a part of the last approval. The area previously in place was not included. It does not need to be because that was an existing condition prior to these regulations being put in place. At this point they are below the one acre threshold. If there is further disturbance in the future that would bring this up and over the acre of disturbance, we would have to go back and analyze this from its initial conditions or from what they are calling Phase I.

Mr. Ross: I talked to the DEC about a SPEDES permit. They are getting me the paperwork on it.

Mr. Leone: The use there has been for storage. That is an approved use on an Industrial site. Was there a question on lighting? I don't believe he is adding any. Mr. Ross might be adding a sign in the future which would have lights.

Mr. Parrish responded no. At this point there is one existing light on the pre-existing building. There is no other lighting proposed at this time.

Mr. Leone: I am assuming the color will be similar to the buildings there now?

Mr. Ross: Yes.

Mr. Smith asked that the NYSDEC letter be attached to the minutes.

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

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

Mr. Leone made a motion to approve the site plan for Joseph Ross at 6414 Island Road Cicero for a storage barn with a revision date of July 6, 2009. **Mr. Smith seconded the motion.** The motion was **approved** with the following vote:

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

SIGN PERMIT, SPLASH 'N DASH, 7940 ROUTE 11

Representatives: Ron Silver, I Images
Bill Berkinshire, Owner

Mr. Silver introduced himself and Mr. Berkinshire. We have submitted the information that you requested. The existing signs were approved back in 1988.

Mr. Leone: At our last meeting we talked to you about the façade and changing the colors of the sign.

Mr. Silver: We will leave it as you suggested.

Mr. Leone: We also talked about the reader board/message board. For the record, this Board does not want you to have scrolling movements on the sign.

Mr. Silver: We will tailor that to suit your criterion.

Mr. Smith: With a minimum of 15 seconds between changes.

Mr. Leone: We are anticipating the sign on the bottom being changed to a reader board instead of the changeable letter sign. And, you will be leaving the brick base.

Mrs. May: And that you will be adding landscaping as well.

Mr. Silver agreed.

Mr. Leone: For the record, there was an approval dated July 1988 for the sign being 8 x 8 with a 4 x 8 changeable lettering sign below it. That changeable lettering sign will now be changed to a reader board.

Mr. Smith: It also specifies the masonry brick blocks. Thank you for keeping that as it is.

Mrs. May made a motion regarding SEQR. She read: Be it further resolved that the Planning Board of the Town of Cicero hereby determines that the proposed action will not have a significant effect on the environment and that this resolution shall constitute a negative

declaration for the purposes of Article 8 of the Environmental Conservation Law of the State of New York. **Mr. Smith seconded the motion.** The motion was **approved** with the following vote:

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

Mr. Leone made a motion to approve the reader board/LED sign for Splash ‘N Dash with a sign permit application date of August 5, 2009. Ms. Cole noted there would not be any flashing, revolving, oscillating, or anything of that nature. The image will not change more than every 15 seconds. Mr. Leone added otherwise you will be giving the Zoning Officer the right to have the sign removed.

Mr. Silver and Mr. Berkinshire agreed.

Mr. Smith seconded the motion. The motion was **approved** with the following vote:

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

INFORMAL DISCUSSION, SEFCU, 8086 BREWERTON ROAD, SIDEWALK

SEFCU Representative: Charles White, Barton & Loguidice

Mr. Leone noted the next thing on tonight’s agenda is an informal/basic discussion on the sidewalk issues that we have been trying to wrestle with on the SEFCU site—the old Hanson property. We have gone through a couple of versions. They have sent in a proposal.

SEFCU has suggested bringing a sidewalk in between the Hanson property and the next outparcel to the south. We would do the same on the other entrance corner, coming in on one parcel. Now we have the complete frontage covered, basically from stop light to stop light.

Looking at the letter from the DOT that was apparently negotiated with Tom Seay, it states that this road entrance to the north does not have to be revisited until Phase II of the project is built-out. That is contrary to what was approved for the site plan, but that is the DOT's position. It is the DOT's call not ours. That leads me to the concern that this sidewalk will take a while to get built.

That lead us to the conversation of how we could sidewalk the entire area, saving some of the sidewalk costs. Predominately, the discussion has been to have a sidewalk between Out Lot 1 and the Hanson property as well as in front of the Hanson property. The question then becomes when does the sidewalk between the Hanson property and Out Lot 1 get installed. Would it be installed as a part of this project? Should it be done when Out Lot 1 is built?

I believe that Wayne and Mark agree that there should be a sidewalk along Route 11. As a Board we agreed that there should be an interior sidewalk along the service road to get people to the Wal-Mart.

In an effort to try to accommodate all of that information, this design by SEFCU was prepared with a series of steps. It looks like someone has decided to remove the sidewalk between Out Lot 1 and Out Lot 2.

Mr. Leone explained which locations of the individual Out Lots would have sidewalks, when those sidewalks would be constructed, and who would be responsible for doing said sidewalk construction.

Mr. White explained his sidewalk proposal noting Out Lot 1 is not developed yet. The intent would be to make that connection available for the future.

Mr. Leone: This drive is going in now. It will service both parcels.

Mr. White: The drive would be where it is shown here. The T into Out Lot 1 would not necessarily be constructed now. It would be more or less a radius into the site. It would swing.

More discussion occurred regarding when connections should be made. Mr. White noted the dip, the lower area in the front along Route 11.

Mr. White: That square is the outline of the NYSDOT drainage easement on Out Lot 1. There is currently a pipe inlet that basically picks up the surface drainage from Out Lot 1 and the Hanson property. It is then conveyed into the closed system along Route 11.

Mr. Leone: How will that get transversed some day?

Mr. White: That would have to be filled and the inlet would have to be extended further into the site. Or, it could be encapsulated into a closed drainage system.

Mr. Leone: Is that the responsibility of the next Out Lot?

Mr. Parrish: When Out Lot 1 comes and their connection needs to be made to the sidewalk along Route 11 for the SEFCU parcel, yes at that point it would have to be addressed.

Mr. Leone: Do we want that section of sidewalk to be built today if it goes to no where?

Mr. Parrish: Previously they have showed it stopping at the approximate location of where the dip begins.

Mrs. May: I think that SEFCU should be responsible for their sidewalk; Out Lot 1 should be responsible for theirs, etc. I do not agree that SEFCU should put a sidewalk in that is going to benefit Out Lot 1.

Mr. White: Rocklyn, the future owner of the Hanson property, and SEAYCO for Tom Seay are working that out together. Barton & Loguidice has had open discussions with Tom Seay in regards to that.

The driveway straddles the future property line between Rocklyn and SEAYCO. There is an agreement between SEAYCO and Rocklyn for the shared driveway.

More discussion occurred regarding each property section and its proposed responsibility for constructing two sidewalks. Mr. Smith noted his consideration for public safety.

Mr. White repeated the Board's ideas for sidewalk locations. This section would be constructed immediately. This section would be understood to be done in the future when this can be transversed. You would like to see a sidewalk that remains on Rocklyn's property that terminates at this location.

Mr. Leone: Terminate that as a corner.

More discussion occurred as to what sections of sidewalk might be able to be eliminated.

Mr. White continued: The yellow here would be required of these future out parcels—sidewalks here. This concept, in one form or another depending upon the driveway configuration, will be maintained. And, a sidewalk between this point and point along Out Lot 1 and Out Lot 2 to this driveway with a crosswalk here at some point in the future.

More discussion occurred.

Audience questions:

Tim Murphy, Noel Road: When they widen Route 11 will that affect the sidewalks?

Mr. Leone: I don't know. I don't have anyway to address that. But the turning lane is something that will eventually get done.

Mr. White: The amount of land between the existing curb and the turn lane for the sidewalk as proposed has been set aside to accommodate the future turn lane, at least a one lane widening without impacting the sidewalks to be constructed.

Mr. Murphy: There is a cross walk there now for the Hanson house. How will that affect your sidewalk?

Mr. Smith: It would be connected to it, isn't it?

Mr. Murphy: Exactly right to it, okay. When these guys talk about the expense of doing sidewalks isn't that just a part of doing business?

Mr. Leone: I think that we tried to balance that.

More discussion occurred.

Mr. Murphy: I am sorry that I got so upset with you guys for cancelling the meeting, but I think that it is in the public's interest. I came up here because I wanted to discuss the sidewalks. I appreciate how you were very diplomatic about it but I did not like the fact that it was cancelled and then put on again. The point is the public needs to know.

Mr. Leone: The fact that the meeting was cancelled and put on again had nothing to do with SEFCU. It was a last minute thought to do exactly what we did, to have an open discussion in front of the public about something that concerns most of the people who use that area.

Mrs. May: That is why the Town has a website.

More discussion occurred.

Ed Hanson: Will the turning lane be done right away?

Mr. Leone: It was basically stated in the site plan approval that they would have to work on that road, which included the turning lane, as soon as that property became available. It is also clear in SEAYCO's negotiations with the NYSDOT that they do not have to do any work on improving that intersection until Phase II. Having said that, I think that if it was a matter of health/safety we might be able to bring them to the table sooner. I don't know if there are any real issues out there where hundreds of accidents have happened, etc., with severe adverse effects.

More discussion occurred regarding what constitutes Phase II. Mr. Cushman asked that it be clarified before the board moves on to Phase II.

Mr. Hanson asked who owns the drive lane and who pays for the new turning lane.

Mr. Leone explained the simple subdivision/land swap agreement between Rocklyn and SEAYCO.

More discussion occurred.

Jessica Zambrano: Is there a time frame for the completion of Phase II?

Mr. Leone: It changes as rules and regulations start to apply. It is something that needs to be worked on. It is suggested that there needs to be a cap put upon some of these site plans, if it is legal to do so. On a site by site case we are now saying if you have not built out in a certain number of years, we have the right to call you back in to review your plans. I am not sure that gives the Board the right to take away site plan approval, but it makes the applicant have to come back in. The applicant would not have the right just to move ahead.

Mr. Dean added it gives the Board the right to look at new problems that might have occurred for example new traffic problems, etc.

Mrs. May: But for that particular project, we do not have a deadline.

Mr. Smith: We have done the best we can by putting some caps on recent projects because they are sitting too long. For anything beyond that the Town Board would have to give us some sort of regulation.

Mr. Leone: We also have site inspection requirements now too. This helps to make sure that applicants have done what we have asked them to do.

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

IN AS MUCH AS THERE WAS NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING ADJOURNED AT 7:55 P.M.

Dated: September 15, 2009

Tonia Mosley, Clerk



Alexander B. Grannis
Commissioner

New York State Department of Environmental Conservation
Division of Fish, Wildlife and Marine Resources, Region 7
Bureau of Habitat
615 Erie Blvd. West, Syracuse, New York 13204-2400
Phone: (315) 426-7412
Website: www.dec.ny.gov

Joseph Ross
6261 Island Rd.
Cicero, NY 13039

August 27, 2009

Dear Mr. Ross,

This letter is in response to your request for a freshwater wetlands determination on the property located at 6414/15 Island Rd. in Cicero, NY. I have completed the determination on August 27, 2009, and have determined that a NYS Department of Environmental Conservation jurisdictional freshwater wetland is not on or near the proposed building site. No wetland permits are required for this project.

For more information on the Freshwater Wetlands Act, please refer to the department's website at: <http://www.dec.ny.gov/lands/305.html>.

Sincerely,

Tiffany Toukatly
Fish and Wildlife Technician 1
NYS DEC Bureau of Habitat
615 Erie Blvd. West
Syracuse, NY 13204



