

The Town of Cicero Planning Board held a meeting on **Wednesday, December 3, 2008** at **7:00 p.m.**, in the Cicero Town Hall at 8236 South Main Street, Cicero, New York 13039.

Agenda:

- Approval of the minutes from November 5, 2008 (**approved with addition, no 11/17/08 meeting**)
- Site Plan, Airport Business Park, 5801 East Taft Road, Proposed modification to the existing parking lot and entrances, Benderson Development (**to return**)
- Site Plan, SAI Hotels, Routes 31 & 11, Proposed Hotel and Restaurant, Clough Harbour & Associates, LLP (**to return**)
- Site Plan, Empire Auto Transportation Corp., 7230 Schuyler Road, Proposed auto transport facility, Ianuzi & Romans (**approved**)
- Site Plan, Morgan Physical Therapy, 5740 South Bay Road, Proposed Physical Therapy Clinic, L.J.R. Engineering, P.C. (**approved**)

PRESENT:

Patrick Leone, Chairman
Richard Cushman, Board Member
William Purdy, Board Member
Scott Harris, Ad Hoc Board Member
Sharon May, Board Member
Jason Mott, Board Member
Robert Smith, Board Member
Heather Cole, Esquire, Wladis Law Firm
Wayne Dean, Director of Planning & Dev.
Mark Parrish, P.E., O'Brien & Gere
Chief Carvel, Cicero Fire Department
Tonia Mosley, Clerk

ABSENT:

Christopher Rowe, Board Member

The meeting was opened with the Pledge of Allegiance led by Mr. Harris.

Mr. Leone noted the locations of the three fire exits and that there were no formal public hearings tonight. However, he acknowledged the importance of public input and encouraged audience members who would like to speak about an agenda item to do so by first raising their hand and being recognized by the Chairman. Use the microphone in the front while speaking. Please let us know if we are not being heard and turn off all cell phones.

**APPROVAL OF THE PLANNING BOARD MINUTES FROM
NOVEMBER 5, 2008**

Mr. Smith requested that two letters be added to the minutes regarding the informal discussions held at this meeting. They include a letter addressed to Mario Cannata, Marble International from Mr. Dean dated 11/25/08 (Attachment A) and a letter addressed to Jack Krisanda, Tim Hortons from Mr. Dean dated 11/25/08 (Attachment B). **Mr. Smith made a motion** to approve the November 5, 2008 meeting's minutes with the additions noted above. **Mrs. May seconded the motion.** The motion was **approved** with the following vote:

Mr. Cushman:	Yes
Mr. Purdy:	Yes
Mr. Harris:	Yes
Mrs. May:	Yes
Mr. Mott:	Abstain
Mr. Smith:	Yes
Mr. Leone:	Yes

**SITE PLAN, AIRPORT BUSINESS PARK
5801 EAST TAFT ROAD, PROPOSED MODIFICATIONS TO THE
EXISTING PARKING LOT AND ENTRANCES,
BENDERSON DEVELOPMENT**

Representatives: Paul J. Curtin, Jr., Esquire, Shulman Curtin Grundner & Regan, P.C.
Matthew Oates, Civil Engineer and Project Manager, Benderson Dev.

Mr. Curtin noted this was a site plan modification for a previously submitted subdivision application in answer to some concerns from this Board regarding parking and traffic flow. A parking demand study was done by FRA Engineering and submitted to the Board. A letter responding to O'Brien & Gere's comment letter was then submitted along with the proposed modified site plan, short environmental assessment form and site plan application. Mr. Oates will detail the technical aspects of those findings.

Mr. Oates gave details from the parking demand study done by FRA Engineering who observed the parking lot from 9 a.m. until 6 p.m. The total number of cars between those hours was approximately 520. Approximately 733 spaces are required for the existing tenants/employees at a ratio of 1 to 300 square feet for the office areas and 1 to 500 square feet for the light manufacturing areas. FRA determined 813 spaces are needed for current occupants. There are 1050 spaces available now.

We have made five recommendations:

1. An east/west center drive aisle is being added to the middle of the existing parking field, heading from the Church Street entrance and terminating at the westerly end of the JP Morgan/SRC Tech building.
2. Modifications to the Church Street entrance were made to provide better flow into the drive aisle along the north side of the WYNIT building.
3. Curbing and landscaping improvements are shown along the front of the WYNIT building to eliminate the drive aisle along the building and provide curb side parking.
4. Modifications to the Bellevue Avenue entrance were made to provide a clearly defined drive aisle.
5. Striping and no parking signage were added along the south side of the southerly drive aisle to eliminate parking by the tenants of the adjacent apartment building.

Mr. Leone noted the subdivision application was originally turned down by this Board due parking and traffic flow concerns. He complimented the developer on the proposed modifications.

Mr. Curtin added the subdivision has been held up for a while. New fee checks will be issued.

Mr. Leone made a motion to accept the Airport Business Park subdivision application at 5801 East Taft Road and to forward the modified site plan application to the County.

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

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

Mr. Leone: The applications can now continue.

Mr. Oates thanked the Board.

**SITE PLAN, SAI HOTELS, ROUTES 31 & 11
PROPOSED HOTEL AND RESTAURANT,
CLOUGH HARBOUR & ASSOCIATES, LLP**

Representatives: Amy Franco, Clough Harbour & Associates, LLP
Curtis Patel, Developer

Mrs. Franco gave a brief review and update on the project including drainage issues noting from an easement, drainage, neighborly standpoint we decided to go back to separate pipes.

Mr. Leone requested if the developer is moving more water they account for that water, making sure that it gets removed. We do not want the prolonged flooding that occurs on some of that property to continue. You have an opportunity to improve it and that is what this Board expects. Can you show us your cross easements?

Mrs. Franco noted one with the churches' property, a potential drive access based upon our last meeting and others on the site plan.

Mr. Parrish stated the two properties on Route 11 north or south of the site could access the entrance drive. The property to the south is not that deep so the access should be as far to the east as possible, should that property ever get developed. At this point they have outlined some potential cross access locations. They seem reasonable but they have not necessarily designed the site for them.

Mr. Smith asked if the access points would be legitimate size, legal, so that a future Board will not have a conflict. I do not want to be in another Copper Top situation.

Ms. Cole responded that is my question to the Board. Do you want them to show that the access is available or do you want the property that connects to it to have the benefit of that access?

Mr. Leone: I think that they should give that access easement and have a curb cut. Are you curbing your entrance road?

Mrs. Franco: Yes.

Mr. Leone continued. If for example, the Kessels decide to use it today or to never use it, it would exist and the easement is to that property.

Ms. Cole: I do not disagree with you. I just want you to be aware that we do need to get each of those property owners to agree. That will be a process.

Mr. Patel spoke about curb cuts. Open curb cuts will not look right. We will give the easement. In the future if they want to, they can make the curb cuts.

Mr. Leone: If the adjacent property owner decides at this point that they are going to use it, why wouldn't you build it? They might find it a healthy way to get in and out of their property. It would be different if the adjacent property owner does not want it. I

understand that a curb cut to no where looks odd.

Mr. Patel was concerned with the liability for his property. If they want something they should maintain it afterwards.

Mr. Leone: You can write what ever you have to for easements from a liability standpoint. But, I don't think that anyone should have to pay to maintain your roads that you will be using.

Mr. Patel: Let us do the easements but let them make the curb cuts. One curb cut is fine, but there are so many. It will not look right.

Mrs. Franco: Currently we have swales, storm pipes, pipes here, sidewalks and curbing. If you are expecting a curb cut how would you like it done?

Mr. Leone: Mark can work with you on that. I don't see that driveway as being any different from a driveway entering the street. If there is a sidewalk there it slopes down accordingly for wheel chair access. I don't have an answer for the back church access point because I don't know all of the issues back there. Are you saying there may need to be a culvert pipe put in there? What did you discuss with them?

Mrs. Franco: We ended up going away from the pedestrian access because of the proposed fencing.

Mr. Parrish: We are talking about two different things. Number 1, we are talking about a legal agreement that allows the adjacent properties to access the drive on this site. That is something that the Board obviously wants to have with each of the adjacent property owners. The second issue is the actual physical connection that would be provided if that access is exercised or utilized. I think that as each property owner is approached to negotiate the easement, there should also be a discussion as to whether at this time they want a physical connection or not. If that physical connection is desired, it should be provided. Otherwise, I would suggest that in the future if they decide to take and utilize the easement, they should be responsible for making whatever changes to the site are necessary because we do not really know what is going to happen on those sites. If we were to provide something now it may or may not meet the need of that site.

My recommendation on how we address this is that the physical connection be made if it is requested by the adjacent property owner at this time. Otherwise there are general locations that are available for those connections to be made that can be modified as necessary in the future.

More discussion occurred.

Mr. Patel: At the same time the adjacent property owners should be aware that my people might go through their access. It is a cross easement. It is not a one way easement only.

Ms. Cole: Yes if you negotiate it that way. That is between you and the adjacent property owner.

Mr. Parrish: Realistically, the issues that you are getting into are the negotiations between the property owners. They will each have to hammer out those details to protect their own interests.

Ms. Cole agreed stating that is not an issue for this Board. Other than the fact that the Board wants access, you do not care about the terms. I understand what the Board is looking for and will do my best to make sure that is what actually occurs. Having said that, the terms of it are between Mr. Patel and the prospective property owners.

Mr. Leone discussed drainage. The State, when they looked at your drainage pond in the middle of the site, had something to say about it.

Mr. Parrish: Ultimately, they need to get approval from the DOT.

The Board discussed parking including striping, islands and spaces for trailers.

Mrs. Franco noted seven spaces for trailer parking.

Mr. Leone felt more spaces were need.

Mr. Patel questioned drainage including pipe locations and sizes. If the Board wants one big pipe here, we will lose all of this parking. This location is complicated. If we put in a bigger pipe instead of the smaller multi-numbered pipes proposed, it would create a large bump.

Mr. Parrish: It may not necessarily need to be one pipe. It may need to be a box culvert, a concrete culvert.

Mr. Patel was concerned with cost. Since I am giving them easements, wouldn't they give us easements to run the culvert to pipe around their property line?

Ms. Cole: That is something you would need to negotiate with them.

Mr. Harris: We are in no position to tell you what to do on their property. You need to go back to those individuals about the possibility of moving that pipe. As far as curb

cuts we are looking at the long term development of the Town in general. It is our responsibility. It's called planning.

Mr. Patel: I am willing to give them easements.

More discussion occurred about piping, easements, and trailer parking locations.

Mrs. Franco presented a photometric plan, architectural building design, sidewalk locations, landscape plan and signage package. Signage would include wall signs on the front and back plus 20' pylon signs at each entrance. The front of the building faces Route 31. A color scheme will be given for the building.

Mr. Smith asked if the reader board was electronic or manual.

Mr. Patel responded manual.

Mr. Leone discussed possible crosswalk scenarios.

Mrs. Franco noted they had done a pedestrian count of the area for the DOT during peak a.m. and p.m. hours. Fencing would be along the side of the property and on the backside.

Mr. Leone: Nothing along the telephone company's side?

Mrs. Franco: No.

Mr. Parrish noted that was a heavily wooded area.

Chief Carvel stated at the last meeting we discussed a concern for snowmobiles coming from the trail under the power lines and in and out of the proposed parking lot. There is a possibility of vehicle/snowmobile collisions.

Mr. Harris added the site's property line is on the edge of National Grid's easement.

Mr. Leone: I believe the Chief wants to control it to one point. Is it up to them to mitigate for that?

Mr. Dean: It is up to them to keep the site safe. A 4' chain link fence would be fine.

Mr. Leone: Does he need an access point for the fence? He could control the whole fence.

Mr. Harris: He could close it all off, but he could get a ton of business from snowmobile traffic. Riders would be in and out of that restaurant/bar.

Mr. Leone suggested taking a look at giving an access point or no access at all. The fence's accessibility is up to you. The control of it is up to us. We are saying that it would need to be controlled.

Ms. Cole: If you want snowmobilers to have access you can let them access at a defined point, or you could say no access and create some kind of barrier that would prohibit that the whole way.

Mrs. May and Mr. Smith felt a fence should be erected when/if the time comes that Mr. Patel sees that he is having a problem with snowmobiles entering the property. They wondered how it would look, perhaps like a prison.

More discussion occurred.

Mr. Dean: If we do not make him put in the fence now we have to be very specific as to when he does put it in.

Mr. Harris: It would never get put in until there is an accident and someone get hurts.

Mr. Purdy: Wouldn't it be better, if the site does get snowmobilers, to let them pull around the hotel, unload their snowmobiles, go to the power lines and leave? Now we are forcing them to unload their trailers out in front and ride through the parking lot if there is access to the back. The driveway is 24' wide a perfect place to pull a sled, unload and go through. If a guy has an \$8,000 snowmobile he does not want to park it over here and walk around the detention pond and around behind the building. He is going to want to park it where he can look out of a window and see it.

Mr. Patel: You would like to see the fence. I can create an access point for the restaurant and an access point for the hotel. Okay, no problem.

Chief Carvel: I have been working with the developer's engineer on hydrant placement and the number of hydrants. I feel a single hydrant is inadequate to service the site. I am working with them on the best placement of the hydrants to reduce the number needed to the minimum that we would need to operate. When the Planning Board gives approval will it be in two stages? In an effort to reduce costs and give us what we need, I can see the hydrants occurring in two stages. We need to protect the hotel and we need to protect the restaurant when that phase occurs.

Mr. Leone: I don't know if the cost would be more to add it later or to put it in now.

Chief Carvel: I do not need the hydrant there now but it would be required when the restaurant is developed. Mrs. Franco has checked on the turning radii needed for the truck and made that work for around the back of the building. We know the National Grid line is there and will have to deal with that internally to keep our operations safe. They are already addressing standpipes. Other than that I am happy with this.

Mr. Dean asked the developer to look at the curb cut into Dr. Black's office and how close it is to Route 31.

Mr. Parrish agreed that it is close. You are basically a car length and a half until you get to the turn-in for that location.

Mrs. Franco noted there is a utility pole, foundation remains and trees in that area.

Mr. Dean: Currently people park near the road. I question if they will have adequate parking now that we are taking the parking lot with the road.

Mr. Leone: It needs to be moved back further and adjusted accordingly.

Tim Murphy, Noel Road: How many cars will this generate?

Mr. Leone: There was a traffic count done.

Mr. Murphy: Did you get your highway work permit, a break in access permit?

Mrs. Franco: Not yet but has been submitted. We have had meetings with the DOT.

Mr. Murphy: Do you still have a moratorium on Route 31? Didn't the NYSDOT say that?

Mr. Leone: On Mr. Murphy's behalf, the DOT has a design study going on. There was a comment on Pathfinder Bank. The DOT said this was under study and asked how we could continue to allow additional development. It will probably be under study for a number of years before the DOT does anything.

We want the site plan to get down to the County. You might want to make a couple of changes before it is sent, for example the cross easements as discussed tonight and pedestrian walkways.

**SITE PLAN, EMPIRE AUTO TRANSPORTATION CORP.
7230 SCHUYLER ROAD, PROPOSED AUTO TRANSPORT FACILITY
IANUZI & ROMANS
(SEE ATTACHMENT A: O'BRIEN & GERE LETTER DATED 12/3/08)**

Representatives: Hal Romans, Surveyor, Ianuzi & Romans
Lenny Gerasimovich, Applicant

Mr. Romans: We have made some modifications. We added wetlands according to the large scale wetland maps. There are Federal wetlands here. We are not doing any improvements to the site other than adding landscaping along both sides of the existing driveway. Parking is definitely 56 as we discussed before: 18 and 22 back here in the gravel area and another 16 inside the building.

Mr. Leone: Does the double row of parking go up to a fence? I do not want them driving out into the lawn to move cars around.

Mr. Romans: No. It is gravel almost all the way to the fence, up to about 5' from the fence. These are not junk cars, they belong to someone. The last thing Mr. Gerasimovich wants is to scratch up a car.

Mr. Smith: Will the gravel area expand?

Mr. Romans: No. We show the existing gravel area. I have built in a buffer, even if/when the business grows. The applicant understands the Board's desire to control the site from becoming a sea of cars.

We increased the length of the tractor trailer parking spaces. We show those four spaces as 75 feet. I have added notes to the plan regarding the following: dumpsters are to be located inside the building, utilities are to remain the same, there are no modifications to site plan. The existing lighting will remain. The developer would like to add two motion sensor lights on the two gates into to the site. They would be a residential, light commercial type of lighting. Wayne would approve the cut sheet. The site is very deserted. The applicant is not doing any modifications to the building although he would like to paint the building an earth tone color in the spring. He will do some repairs to the parking lot for example pot holes, immediately. He will probably overlay the asphalt lot.

Signage will be on the face of the building. He understands he will have to see Wayne about that.

Mr. Dean: As long as it meets code requirements. He has plenty of building frontage.

Mr. Romans: I have also added to the notes: vehicles will not be stored on site for any period greater than 6 weeks. I show 8 transport trucks even though some of them go home with the guys. But, for example, if someone gets there late and leaves it there, you have eight.

Mrs. May made a motion regarding SEQR. She read: Be it further resolved that the Planning Board of the Town of Cicero hereby determines that the proposed action will not have a significant effect on the environment and that this resolution shall constitute a negative declaration for the purposes of Article 8 of the Environmental Conservation Law of the State of New York. **Mr. Smith seconded the motion.** The motion was **approved** with the following vote:

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

Mr. Leone made a motion to approve the site plan for Empire Auto Transportation Corporation located at 7230 Schuyler Road with a revision date of November 18, 2008 specifying that the building's color will be an earth tone and that signage will be consistent with what is allowed by code and placed on the front of the building. **Mr. Smith seconded the motion.** The motion was **approved** with the following vote:

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

**SITE PLAN, MORGAN PHYSICAL THERAPY
5740 SOUTH BAY ROAD, PROPOSED PHYSICAL THERAPY CLINIC
L.J.R. ENGINEERING, P.C.
(SEE ATTACHMENT B: O'BRIEN & GERE DATED 12/3/08)**

Representatives: Alex Wisniewski, P.E., L.J.R. Engineering, P.C.
B. Dean Johnson, Architect
Gary Morgan, Applicant

Mr. Wisniewski gave a brief overview of the project. Mr. Morgan currently operates his practice at 5711 South Bay Road. He has purchased the parcel located at the southeast corner of South Bay and Warren. It is about 3.4 acres and zoned Neighborhood Commercial. He needs to be out of his current location by May 1st.

The proposed site has a 2,000 sq. ft one-story structure with a gravel parking field on the front, South Bay Road side. Mr. Morgan went to the ZBA and obtained a variance for the access drive. The site is flat, draining towards South Bay. The rear of the site drains to the east having a swale which runs to the eastern property line and a culvert across Warren Drive.

Parking would be relocated to the rear of the property, allowing the Warren entrance to be positioned as far away from South Bay as possible. The proposed addition will be constructed on the front side of the site towards South Bay Road. There was a variance granted by the ZBA for that setback as well. 18 parking spaces are proposed which meets and exceeds his needs. We have devoted the last two spaces for snow storage removal.

Mr. Leone: You are putting in unnecessary parking that you are just putting in for snow storage. Why put more pavement down than necessary? Are you assuming that you will have customer build up? If that happens in the winter what will you do with your snow?

Mr. Wisniewski: There are green spaces adjacent to the end stalls. And there is always the option of taking the snow off site. We are limited to the site's restraints.

Mr. Morgan: I have three therapists. I do not perceive having four. We could potentially have 12 patients at a time. I have UPS deliveries maybe once a month.

Mr. Parrish: They show a six foot high cedar fence along both sides where the snow could potentially be pushed.

Mr. Dean: We do not want people to park on the road.

More discussion occurred.

Mr. Wisniewski: As Mark said we are proposing a six foot high fence along the eastern and southerly flank of the property to shield vehicle lighting from adjacent properties. Gary plans on re-locating his existing sign to the proposed site, a ground-mounted, free-standing sign which is shown on the plan and is well within code standards. It is 9' x 3' with a 10' top elevation. It would be illuminated from ground mounted flood lights. The cut sheets were submitted with the package. That lighting would be directed only upon the sign. We have full cut-off wall packs positioned on the parking lot side of the

building and an approximately 10' mounting light. There is one over the northerly access point to illuminate that access point and the sidewalk. We are conscious of the neighbors to the south. The other access point on the south side of the building is illuminated solely by a recessed socket light.

The site is flat and possesses some challenges to grading. We have decided to elevate the first floor of the building approximately 8 inches. Bringing the building up allows us to achieve better grades pitching out towards the perimeter. We will need to get a highway work permit for some of the minor grading going on in the right-of-way. The parking lot sheet drains.

Mr. Leone: Mark, does that address the County's concern with modifications?

Mr. Parrish: Yes.

Mr. Wisniewski: The existing building surfaces will be maintained for the new structure.

The Board commented on the improvement to the location.

Mr. Parrish: I want to make sure that when those flood lights get mounted on the signs that they are directed away from the road.

Mrs. May made a motion regarding SEQR. She read: Be it further resolved that the Planning Board of the Town of Cicero hereby determines that the proposed action will not have a significant effect on the environment and that this resolution shall constitute a negative declaration for the purposes of Article 8 of the Environmental Conservation Law of the State of New York. **Mr. Smith seconded the motion.** The motion was **approved** with the following vote:

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

Mr. Leone made a motion to approve the site plan for Morgan Physical Therapy located at 5740 South Bay Road noting there is a moderate concern for snow storage. If that becomes a problem, snow will be hauled out of that facility. No parking will be allowed on the street. **Mrs. May seconded the motion.** The motion was **approved** with the following vote:

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

Mr. Leone made a motion to adjourn. **Mr. Harris seconded the motion.** The motion was **approved** unanimously.

IN AS MUCH AS THERE WAS NO FURTHER BUSINESS BEFORE THE BOARD,
THE MEETING WAS AJOURNED AT 8:50 P.M.

Dated: December 11, 2008

Tonia Mosley, Clerk

ATTACHMENTS ARE AVAILABLE VIA THE TOWN CLERK