

The Town of Cicero Planning Board held a meeting on **Monday, February 18, 2008** at **7:00 p.m.**, in the Town Hall at 8236 South Main Street, Cicero, New York 13039.

Agenda:

- Approval of the February 6, 2008 Planning Board minutes
- Discussion: Site Plans
- Site Plan, Target Plaza Outbuilding, 8063 Brewerton Road, Proposed Multi-Tenant Retail Building, Cicero Associates
- Site Plan, Furniture Row, East Taft Road, Proposed Furniture Row Store, Furniture Row USA, LLC
- Site Plan, Robert Walczyk, 9650 Brewerton Road, Proposed Professional Office Building
- Discussion: Site Plans, Fencing, Ponds

PRESENT:

Patrick Leone, Chairman
Richard Cushman, Board Member
William Purdy, Board Member
Christopher Rowe, Board Member
Sharon May, Board Member
Jason Mott, Board Member
Robert Smith, Board Member

OTHERS PRESENT:

Wayne Dean, Director, Planning & Dev.
Heather Cole, Esquire, Wladis Law Firm
Mark Parrish, P.E., O'Brien & Gere
Charlotte Tarwacki, Town Board Member
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. There are no formal public hearings tonight. However, this Board recognizes the importance of public input and encourages anyone in attendance who would like to speak about any of the agenda items to do so by first raising your hand and being recognized by the Chair. Please use the microphone in the front of the room. It is also this Board's intent to be heard. Sometimes the microphones go down or don't work. If you can not hear us please raise your hand.

APPROVAL OF THE FEBRUARY 6, 2008 MEETING MINUTES

Mr. Smith made a motion to approve the February 6, 2008 Planning Board meeting minutes. **Mrs. May seconded the motion.**

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

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

DISCUSSION: SITE PLANS

Mr. Smith: Mr. Chairman could we have a moment at the beginning or end of the agenda to get a report on the questions we raised in the pre-agenda meeting? The questions regarding site plan requirements for how many years? Do you have any answers on that yet Heather?

Ms. Cole: Other than if there are substantial modifications to a site plan it would need to come back. But there is nothing in your code that states how long a site plan is effective for.

Mr. Smith: And if the business is discontinued? Are there requirements for how long they have to be closed?

Ms. Cole: Generally, I think the rule of thumb is a year. But it would depend also upon whether it is a non-conforming use.

Mr. Smith: But it is most likely a year.

Ms. Cole: We would have to look at things on a case by case basis.

Mr. Leone: The basis for the site plan requirement is that if it is a change of use. We have also been determining if it was closed for more than a year.

Mr. Smith: We have had a couple of those issues. We have put quite a bit of effort into following up. So, it would be good to make a note of that. The Wynit project, you felt and I think you were correct; it should have had a site plan. Other potential businesses should have had a site plan.

Mr. Leone: Another business is The Coppertop. Now we have issues with a neighboring project where we have very little control. It also applies to a site that is being re-occupied which has never had site plan approval. Typically you will see someone come in with a change of use or continue an existing use, but it has been dormant for a while and the site has never had site plan approval. That should come back as well. The first point in determining that is Codes Enforcement. It would be up to Wayne's interpretation whether something should be brought to this Board. If he suggests that it does or does not and anyone on the Board, or anybody, takes issue to it they could bring it to the ZBA.

Mr. Smith: I would like to make note this was not on Wayne's watch.

Mr. Leone agreed.

SITE PLAN, TARGET PLAZA OUTBUILDING
8063 BREWERTON ROAD, PROPOSED MULTI-TENANT
RETAIL BUILDING, CICERO ASSOCIATES
(SEE ATTACHMENT A: O'BRIEN & GERE REVIEW LETTER DATED 2.1.08)

Representative: Bruce Letts, C&S Engineers

Mr. Letts introduced himself. This is a 10,800 sq. ft. multi-use commercial building that will be located between the two entrances to the existing Target Development. With the Town engineer's help I think we have addressed all comments. The Board was also waiting for a reply from County Planning. Their only comment dealt with traffic. The traffic study for the Target Project included the full buildout of all outparcels.

There was a question about drainage to the northerly neighbors. Part of the grading and design plan divorced out and eliminated 12 acres from those backyards. However, Andy has agreed to install a 12 inch pipe that hopefully would pick up some of the Route 11 drainage that tributary to the swale on those properties and route it through our detention basin. That is something we would consider.

Mr. Leone: Bruce, do you have your site plan?

Mr. Letts: Not on here. It is a catch basin immediately on the north edge of our property. I have a plan and profile of the proposal. We have included a sidewalk here at the request of Board, that divides the outparcel going from Route 11 to the Target parking area. We have shown an area reserved for a future bus pull off, if need be. The sidewalk is located at the bus pull off.

Mr. Leone: Is the bus pull off on your property or in the state right-of-way?

Mr. Letts responded it is on our property. I would image that would require a DOT taking.

Mrs. May: Is there a sidewalk from the bus stop to the adjoining sidewalk?

Mr. Smith: Yes, there is a sidewalk all the way across the site.

Mr. Leone: I would like to talk about the bus stop. I have opened up conversations with the NYSDOT. We have talked about that pull off area. I hope they are talking with Centro and their own internal mass transit person. There is some conversation about possibly having that bus stop on the internal road as well.

We have not had any commitments. I don't think we have had much success with Centro even stopping there.

Mr. Smith: I know that Target is pursuing it, and that they want buses to come in and stop at the Target facility just like they do at Wegmans. I know that the bus company specifically does not want to stop on Route 11. They have been uncooperative and unhelpful.

Mr. Leone: This has been put on our plate by SMTC, the mass transit group. They encouraged us to take these locations and provide bus stops for mass transit. It is a position that this Board needs to take, whether or not we want that land held in abeyance.

Mr. Smith: Holding the land is a wise choice. It is a shame that we should have to fight so hard to get mass transit to serve.

Mrs. May: I think it is very important to have that available.

Mr. Smith: Can this Board pass a resolution and ask you to send it to Centro?

Ms. Cole: In support of a bus stop there?

Mr. Smith: Yes.

Ms. Cole: Certainly. You could do that.

Mr. Smith: After we finish with this project I would be happy to put forth a resolution that would be sent to Centro.

Mrs. May agreed.

Mr. Leone: Bruce that was one of the issues that I wanted to see. The drainage issue—it seems like you have sorted that out with Mark. I think we need to go over your signs. We allow one square foot of sign per linear frontage. I think you have 4-4.5 times that. The position of this Board has been to not allow that much signage. You do have a right to go to the ZBA for the additional signage. This Board does have some latitude during site plan.

Mr. Letts: I delivered a revised signage package last week. What we are proposing is considerably less than what was put forth. The building signage which is highlighted in yellow totals 300 sq. ft. The allowance would be for 120. But, it is a corner lot which is visible on all four sides. Certainly, the side signs and the back signs are not in disproportion to the building itself. You can only see two signs at any one time.

Mr. Leone: Does that include your monument signs?

Mr. Letts: The monument is an additional 42 sq. ft.

Mr. Leone: And how about any directional signs in the back of the building? I thought I saw a total of 400.

Mr. Parrish: Based upon the plans that we had at the time, our letter indicates that there was 450 sq. ft. of signage. It appears to be that has been reduced.

Mr. Letts: Initially, there was some discussion with the Board that signage on the back might be good.

Mr. Leone: You have your own monument sign? You are not sharing any signage with the large Target sign?

Mr. Letts: At this time we do not have an agreement with them.

Mr. Smith: This is the back of the building. Why would they have signage on the back? They should not have to have signs on the back of the building. If that was not there where do they fall?

Mr. Letts: There would be 37.5 sq. ft. less if the sign in the rear, the west elevation, etc. were removed. Since we are not keyed into any specific tenants, is basically a reserved square area.

Mr. Smith: Lose the sign in the back of the building.

Mr. Leone: That is up to this Board. 120 ft. multiplied 2.5 times comes out to roughly 300 feet.

Ms. Cole: I heard 2.5 as being the rule of thumb. I think it has actually been closer to two.

Mr. Leone: It has been double, not typically triple the amount of signage. I think this Board can take a position, to some degree, of whether or not we want certain areas with signs. We could also take the position that we are not going to approve anything more than X amount. That level could be 2 or 2.5 times if the Board was comfortable.

Mr. Smith: We are also looking at it on a case by case basis. If the back was developed to look just like the front then you might consider that there are two exposures. But this is not that case.

Mr. Leone: I think it needs to be thought out exactly which signs they want to lose or if they want to down size the overall signs themselves.

Mrs. May: Are any of your signs illuminated internally?

Mr. Letts: I believe so.

Mr. Leone: They all are. Do you have your lighting plan? Could we also discuss your landscaping plan? Mark, what is the width of the sidewalk they are putting in across the site? Is that a problem for snow storage with their setbacks along the northern entrance?

Mr. Parrish: The sidewalk they are installing as part of this project is 5' wide.

Mr. Leone: How is the snow storage capacity of greenspace between sidewalk and parking?

Mr. Parrish: The new sidewalk is directly adjacent to the parking lot for a majority of its length. The existing sidewalk has about 10 ft.

Mr. Leone: Considering that Route 11 goes north and south, for the sidewalk that goes from east to west, that sidewalk abuts up to the curbing for parking?

Mr. Parrish: That is where they are showing it.

Mr. Leone: And there is no greenspace between the sidewalk and the curbing? So someone pulling up to the curb can have their car overhang into the sidewalk area?

Mr. Parrish: That is the way it is set up currently. Basically, that is the way the sidewalks are around the building also.

Mr. Leone: So, if someone pulls up or backs up and their tires are against the curb, how does someone in a wheel chair get down the sidewalk? Where are you going to put your snow? Isn't the owner of this property the owner of the contiguous property?

Mr. Letts: Correct.

Mr. Leone: If this is an issue, wouldn't it be easy for the owner to agree to give the outparcels a little more land so that it works?

Mr. Letts: I would imagine that the snow removal process would include removal of snow from the sidewalk. We would store it in the areas that are currently unused. You are talking about a greenspace between the sidewalk and the curb for the parking?

Mr. Leone: There is nothing left. You have joined your sidewalk to the curb.

Mr. Letts: There certainly is a desire on the owner's part to reserve enough room on the remaining parcel for development. I don't know if people would tend to pull up against the sidewalk that tight or not. But, we would keep it clear of snow.

Mr. Leone: They do it all the time. Cars hit the curbing and the front of their vehicle overhangs onto the sidewalk. How does the sidewalk then function, snow removal or no snow removal?

Mr. Letts: We could consider moving it back. I could share that with Andy and give you his input.

Mr. Leone: What is the width of your drive aisle on that side?

Mr. Letts: I believe 24 feet.

Mr. Leone: It has to be 22 right Mark?

Mr. Parrish: That is the minimum, yes.

Mr. Leone: What is the depth of your parking areas?

Mr. Parrish: They are 19 and they have to be 18.

Mr. Leone: You may be able to pick up a couple of feet from the drive aisle requirement. I still don't know where you are putting your snow. It is easy to say you will just put it on the other property for now. But, this site has to function before and after the buildout of the next property.

Mr. Letts agreed. There are places along the perimeter that could be used for storage. If it became a problem we would have to haul it away. We show more parking than the building requires. Maybe we could do something with that.

The landscaping plan has been beefed up from the original proposal to include high and low plantings in the back to kind of mask the back of the building and break up the hard lines. We added some pilasters and architectural features in the back to soften that up. For the most part the perimeter is completely landscaped with low in the front and some high low in the back. There would be larger trees on all four corners. This includes the lighting plan.

Mr. Parrish: They are using the same type of light fixtures as they did for the rest of the Target parcel. We have asked for cut sheets on the sconces to clarify if they are cast down or up. We have cut sheets on the pole mounted lights but not the building lights.

The lighting is pretty much consistent with the rest of the parcel. They have shown the existing light poles and the photometrics along with the new lighting. We do have a little spill over onto Route 11. It is one parcel now. We have not seen a request for a subdivision.

Mr. Smith: Some of the lighting will spill over onto the sidewalk along Route 11. That is not necessarily a bad thing.

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

Mr. Parrish: It shows on the architectural elevations as a block enclosure.

Mr. Leone: It is one dumpster to service the whole building?

Mr. Letts: Yes, that is what is shown.

Mr. Smith: We should make it clear that this is a one dumpster location.

Mr. Leone: We have an issue relative to the signs and an issue relative to the sidewalk and the movement of that sidewalk. You could reduce the length of the parking stalls from 19 to 18. The length of the drive aisle could be 22 instead of 24. You could pick up four feet. That four feet could be placed as greenspace between your curbing and the sidewalk. That gives you a little protection from cars overlapping the curbing and a bit of snow storage area if necessary that does not impede the sidewalk. Does this Board want to see those changes made before approval?

Mr. Smith: I would like to see the changes. I would like to see them brought back, as C&S is aware, on screen so that everyone attending this public meeting can have an opportunity to see them before we take action.

Mr. Leone: Mark, Wayne or Heather do you have anything you want to add?

Mr. Parrish: I think you have gone over everything that was discussed in our letter.

Mr. Dean: Bruce, I would like to meet with you to talk about the drainage improvements that you are proposing. I am still trying to figure out exactly where the drainage problems on the adjacent properties are.

Mr. Parrish: Along the rear yards of Stevens Drive. I think they still need to make one improvement, the addition of the storm sewer pipe that Bruce mentioned. I think that was an arrangement made between Jay Seitz and Target as to what was going to happen. I don't think it got done to his satisfaction and so he has been pursuing another remedy with them. I think what Mr. Letts has said is the agreed upon remedy. Honestly, I do not know the exact details because it was something Jay was taking care of. Mr. Letts said this was the agreed upon resolution to the issue so I assume that he is correct.

Again I am guessing because I don't know the specifics but that area is designated as wetlands. It backs up to the area behind Stevens Drive. I think some of the people were having problems with water collecting in their rear yards. This is going to provide a relief in an area for that water to get out. Hopefully, this will correct an existing situation.

Mr. Leone: Has it worsened since Target was installed?

Mr. Parrish: Not to my knowledge. Again, my knowledge is somewhat limited.

Mr. Leone: So, we will have that addressed in a little bit more detail with Wayne's or Mark's approval before your next meeting?

More discussion occurred regarding drainage and signage.

Ms. Cole: Did you want to address the Centro Bus issue now or wait until the next time?

Mr. Leone: He is providing the space.

Mr. Smith: Why don't we put something together and we will propose something at the next meeting.

More discussion occurred.

**SITE PLAN, FURNITURE ROW, EAST TAFT ROAD
PROPOSED FURNITURE ROW STORE
FURNITURE ROW USA, LLC**

Representatives: Amy Damin, Clough Harbour and Larry Fore, Furniture Row

Ms. Damin introduced herself. This is a 53,000 sq. ft. furniture store located along Route 81. We have our storm water pond on the south side which we are using to drain through the Route 81 drainage swale. Access would be off East Taft Road. We have an improved intersection here onto the site. The entrances to the building would be along Route 81.

Mr. Leone: At the last meeting we discussed the drainage for the site into the I-81 drainage basin. It appeared that the elevation of your discharge pipe from your pond and the elevation going under 81 to relieve the drainage swale were at the same elevation. You were dealing with the NYSDOT for some information relative to acceptability. This Board was concerned with that being a flat gradient and sending more water in that direction, hopefully not inundating the highway with a drainage problem. Our other concern was your signage.

Ms. Damin: We sent the plans to the DOT. They reviewed them. Mark has read those comments. They really had no issues with our drainage. The existing conditions of the site, how it drains now and the amount of runoff, we are actually limiting the amount of water for each of the 110 and 100 year storms. We are decreasing the actual amount of water that is leaving the site. Their biggest comment was to shorten the length of our outlet pipe so that it was not in their right-of-way.

Mr. Leone: What were the DOT's comments? I am afraid that some of the Board members did not receive a copy.

Mr. Smith: From the pre-agenda meeting we have your letter to the State but we do not have a copy of the letter from the State.

Ms. Damin: It was through an e-mail. In our response comments we included their comments. I do not have a copy of the e-mail. Mark was on the e-mail. We can forward that to the rest of the Board. Their comments were to make sure that our numbers match graphs versus the text. They wanted a clarification on the drainage area because of the acreage of the site versus the actual drainage area itself. They wanted to know what we were doing with Lot 1. We answered that with: drainage report should be included with Lot 1, if and when Lot 1 does get developed separately from what we have shown. The

last comment was the extension of the pipe so that it was not in their right-of-way and to include maintenance and traffic notes for 81.

Mr. Leone: This Board was concerned with the flat gradient. The discharge from the overall Airport Business Park is 2.25 feet lower. Where does that extend to? Is it an open swale discharge going across Lot 1?

Mr. Parrish: No, it is a storm sewer system.

Ms. Damin: It is an underground pipe.

Mr. Leone: Where does the grade differ? Doesn't that flow backwards?

Mr. Parrish: Basically, it is in a low area which has to fill up before it is going to drain out of that area.

Mr. Leone: All of the sub-surface piping becomes a holding basin for all of the storm water?

Mr. Parrish: That portion of it that is not silted in might be because about half of the 36 inch pipe that is there is silted in. The ground is seeking its own level.

Mr. Leone: Is it possible for their discharge to go this way, out and then back in?

Mr. Parrish: No.

Mr. Cushman: I think they are saying that they are going to have less discharge than before because they have the detention pond.

Mr. Parrish: In the runoff rate, yes. The rates are being maintained or decreased. There is already drainage coming off of that site and down towards the outlet of that system.

Mr. Leone: It would be the same.

Mr. Parrish: Yes. What they are proposing should improve the situation. They are going to be cleaning the ditch between that outlet and the culvert.

More discussion occurred.

Mr. Leone: We talked about your truck bays. You are starting to raise the height of your site 5-6 feet. We asked what was dictating that. It is clear that your truck bays are dictating that. We asked if they could be sump pumped, so that you would not have to

bring in 5-6 feet of fill in to raise the site. Mr. Purdy brought up that it gets very hard to sump pump these in the winter because they freeze. So at this point we have accepted the 4-5 feet of fill. We don't want to see 7-8 feet of fill. You might want to raise your invert, which is where we were headed. You have to have more flow. You may have to raise your discharge pipe to get a better flow to the outlet. What came out of all those conversations was that it does not matter. Pipe coming out of the Airport Business Park Plaza is still 2 feet lower than your discharge pipe.

Has the DOT accepted this discharge? Are you going to get a permit to do the work you need from them? Will they allow your invert to stay where it is? I saw their letter, but I did not see their response

Ms. Damin: I talked to Mark Grainer. He said everything looked okay. Our response is that they have no issues. I will forward his e-mail to you tomorrow.

Mr. Leone: I trust that is the response you are going to get. Obviously, your permits are contingent upon your site plan approval.

Mr. Fore: The additional requirements for maintenance and all of the provisions for Site 1 are in this plan.

Mr. Leone: Typically, we like to see those permits or a least a letter of approval. Lighting has been addressed. There is no glare or spillover, especially onto I-81. Can you talk about your sign package?

Ms. Damin: The re-submitted sign package has been minimized. We have come to an agreement with Furniture Row to do the 2 square feet per linear foot, minimizing our signs to 668 sq. ft. We took out the chair sculpture and are keeping the monument.

Mr. Leone: What is the area of the chair sculpture you removed?

Ms. Damin: 90.5

Mr. Fore: We would have been at 758.5.

Ms. Damin: This would have been 2.3 times the linear frontage.

Mr. Smith, Mr. Cushman and Mrs. May noted they did not have a problem with the sculpture.

Mr. Fore: May I have 758.5 including my chair sculpture?

The Board agreed.

Mr. Leone: You have your basic building and sign package on your site plan.

Mr. Parrish: February 13 is the last revised date on the plan.

Mr. Rowe: Did we talk about the fence around the pond?

Mr. Parrish noted that there is one.

Mr. Leone: Does anyone have anything else? (There were no other comments from Zoning, Legal, Engineering or the Board.)

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. Mott seconded the motion.**

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

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

Mr. Leone made a motion to approve the site plan presented with a revised plan date of February 13, 2008 with the contingency that the New York State permits must be received by the applicant for the drainage issues relative to the site. And that we approve the site with approximately 668 sq. ft. of signage for the building including its monument sign with an additional 90.5 sq. ft. for the chair sculpture for a total of 758.5 sq. ft. **Mrs. May seconded the motion.**

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

Mr. Cushman:	Yes
Mr. Purdy:	Yes
Mr. Rowe:	Yes

Mrs. May:	Yes
Mr. Mott:	Yes
Mr. Smith:	Yes
Mr. Leone:	Yes

Mr. Leone and the Board thanked Ms. Damini for her cooperation. Welcome to Cicero.

**SITE PLAN, ROBERT WALCZYK
9650 BREWERTON ROAD
PROPOSED PROFESSIONAL OFFICE BUILDING**

Representative: Robert Walczyk, Esquire

Mr. Leone: This is basically a sketch plan review. I think Mr. Walczyk would like to bring us up-to-date on this project on Route 11 in Brewerton.

Mr. Walczyk introduced himself. I am the co-owner of a property on Route 11 and Washington Street in the hamlet of Brewerton, 9650 US Route 11. The building was the Masonic Lodge built in 1908. I filed a site plan after having reviewed this with the Town Board on January 7th. At that time they waved the moratorium on commercial development as it applied to this building. The pictures that I have on the screen are of the building as it exists right now. I have provided the Board with renditions of what Manuel Barbas has proposed for the building as we go forward with renovations.

This is a 50' x 100' lot. The building is approximately 30' x 70'. I am proposing that the extension of the back of the building reduces the footprint. Mr. Leone and Ms. Cole asked me to address the issue of on site parking. Since I am the owner of the adjacent parcel, my wife and I are able to convey to ourselves a permanent easement which would be for the access across the back of the building and also to make room for parking.

It has been a Masonic Lodge over the last 12 years that I have owned the adjacent parcel. I have allowed the members of the Lodge to park in my parking lot for functions. There is also parking on Route 11 and at the corner convenience market. At this point I believe we have enough room for four or perhaps five spots for parking on the site itself.

Mr. Leone: This will be used for professional office space?

Mr. Walczyk: Correct.

Mr. Leone: Is that how your building is used next door?

Mr. Walczyk: Yes.

Mr. Mott asked if there was anything on the second floor.

Mr. Walczyk responded it would be storage. I have plenty of files. It would be storage for me or for the attorneys using the downstairs space.

Mr. Mott: What is going to happen with that wrought iron staircase?

Mr. Walczyk: I want to remove that.

Mr. Leone: Are you going to try and do internal stairs for the second floor?

Mr. Walczyk: Yes.

Mr. Leone: Are you talking about removing the back part of the porch in the back?

Mr. Walczyk: Correct. It would be reduced in size. It almost goes across the back of the building. We don't know exactly when it was added. We think it was probably around the 40's because it does not have the same foundation under it. Nor does it have the same wood on the inside that the rest of the building does. We intend to reduce the footprint of that. I have included a proposed floor plan. We intend to have stairs to the second floor through the back.

Mr. Leone: This came in for a pre-agenda conversation for a couple of reasons. Mr. Walczyk was looking to be released from the moratorium in Brewerton that was placed as a result of the village setting study. Since then we have received some additional grants. We have met with the consultant to talk about aesthetics. How is this corridor going to look? What are we going to limit colors to or design standards to? We have streetscape issues regarding building fronts, sidewalks, curbing, landscaping, etc. The idea is to get this to a village setting where people are comfortable walking up and down the street shopping or whatever it maybe.

So far, two properties have come in and asked to be released from the moratorium. This is the first one. The second, I believe, is the marina project.

Ms. Cole: Yes, I believe they did get approval to move forward. They have not submitted plans to the Planning Board yet. It is the old Theisen Marina.

Mr. Smith: What about the flea market?

Mr. Leone: We had approved that site plan prior to the moratorium for a boat dealership that was going to go into the grocery store. The boat dealership never made it in there although they had an approved site plan for sales. It was discussed whether or not they

could allow the operation of a flea market, for some period of time, in there while the design standards were brought into place. Once the design standards were brought into place, the project would be brought up to design standards. I believe that was approved by the Town Board to let them do that.

Mr. Smith: Was that built out according to the site plan?

Mr. Leone: I would have to tell you that the corner was not improved like it was supposed to be.

Mr. Smith: How would that happen if they used the site plan that we approved?

Mr. Leone: That came through the Zoning Office. You would have to ask Zoning that.

Mr. Smith: Okay.

Mr. Dean: I don't have an answer for you. It happened before I took over.

Mr. Leone: So the Smith Brothers' project that you worked diligently on, with very specific requirements has not been brought up. But this is not about Smith Brothers. We need to get beyond that.

Mr. Smith: It is. It is a continuing issue. We have just heard two properties earlier today. This Planning Board approved a site plan.

Mrs. May: But, he his not on the agenda. We can not discuss it.

Mr. Smith: Oh yes we can.

Mr. Leone: Let's give Mr. Walczyk his time and then discuss it. The improvements Mr. Walczyk proposes to make are color and façade. I know that Mark has worked with him a little. We are starting to review it for parking, access points, etc. The intent was to have Mr. Walczyk bring this Board up to that level at least. Mark, do you have any basic comments regarding the site?

Mr. Parrish responded yes. I think we need to get better details relative to how the parking lot is going to laid out and how many spaces he are going to be able to fit in.

Mr. Leone: You and Wayne will work with Mr. Walczyk on that?

Mr. Parrish: Yes. Another thing to consider going forward is the existing sign. I think they intend to reuse that. There are no details as to what they propose to put there.

Mr. Leone: Is it on the building?

Mr. Parrish: It is a free standing sign which is not in the right-of-way. It is a circular Masonic Temple sign. I assume that will be removed.

Mr. Rowe asked if it was internally lit.

Mr. Walczyk noted he would just be using the existing pole.

Mr. Leone: Brewerton will have its own sign standards. You may need to make some adjustments.

Mr. Smith: Are there any historical considerations with this building?

Ms. Cole: I am not aware that it has any formal historic designation.

More discussion occurred.

Mr. Leone: As we move forward with the whole Brewerton thing, parking will be important. It is important to the success of the village. It must be easy to find and it must be free.

Mr. Walczyk agreed. I have been the president of the Chamber of Commerce for the last two years and on the Board for twelve. The hamlet needs help from the Town on this because there are not any merchants who are going to make money selling parking spots. There is a lot of space available. We need to look to the Town to help us out with a solution to that problem.

Mr. Leone: Those are the types of issues that this Board will have to concern itself with. From an aesthetics standpoint we talked about the colors being typical New England type grays, blues or tans.

Mr. Cushman: What is the exterior of the building now?

Mr. Walczyk: Pressed tin. I would like to remove it. I have applied for a matching grant in hopes to remove the tin and to put hardy board up. It would be pre-primed to be a tan that would match the addition on my building.

Mr. Leone: This needs to go to the County. Are the plans in a position where they could be forwarded to the County or is more work needed to be done on them?

Mr. Parrish: They could probably use more clarification to clear up some issues that

might otherwise arise with the review.

Mr. Leone: Can I ask this Board for permission that if this gets done before the next meeting, we can go ahead and forward it to the County based upon Wayne's interpretation that the plan is consistent with a reasonable review?

Mr. Smith: Do you need a motion? **So moved. Mrs. May seconded the motion.**

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

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

More discussion occurred regarding the steps Mr. Walczyk should take to move forward and when the next possible meeting would be.

GENERAL DISCUSSION REGARDING: SITE PLANS, FENCING AND SIDEWALKS

Mr. Smith: We have an issue going on in Town where in the last few months you had the Wynit project, which everyone agreed should have been a site plan. That has caused us problems, as you well know, because there was not a site plan. We had the restaurant down the street without a site plan, which as we mentioned was closed long enough, where if that had been a site plan we would have cleaned up some issues that we are dealing with again. We went through the trouble and spent considerable time to get a site plan approved. According to our attorney's research, and she has done an excellent job, there is no provision to change a site plan once this Board has approved it.

We bring in people and we grill them, especially if they are out-of-towners, or if they don't know somebody or something happens; we make absolute certain their signs are right, and that their site plans work---we make sure it works. I personally have a problem with the fact that we go through all of this effort and it does not get implemented the way we pass it at public meetings. And then it just continues. It is a problem.

We just don't take what is on the agenda. As public officers we have the responsibility for planning in this Town. I think that it is wrong. Maybe someone else doesn't.

Mr. Leone: So noted, but I hope we are beyond that. I hope the Code Enforcement Office operates under a different venue than it did then. In itself I can not see the necessity for sending any other stronger message than we have already—that these site plans should not be tampered with. We have said this over and over. I honestly believe that the current people that are...

Mr. Smith: I do too. But it should not depend on who you know whether or not you need a site plan. I am sure that Wayne will do a good job. But, it has to stop. In my opinion.

Mrs. May: I think that Wayne will handle it much differently. I know that when we were talking about the boat place in Brewerton that Jay Seitz did write them a letter stating that they were not in compliance with our specifications. But I think that was just prior to him leaving.

Mr. Leone: I want to clarify a point. We approved the site plan for the Smith Brothers to go into the old grocery store space on Route 11. Sometime after that approval they elected to, after we approved the corner of Guy Young Road putting some aesthetics on that corner; they ended up not being able to cut a deal with the owner of that site and ended up on Bartel Road. The site you are talking about now was at best supposed to be a temporary situation where they were going to sell boats in the middle of a parking lot. No one was very happy with that. It was a default location. That goes back to the person operating the site. Between that point and now, they allowed the flea market to go in under the guise of the old site plan approval...

Mrs. May: Who is they?

Mr. Smith: The Town Board. The Town Board is in charge and they are responsible.

Mr. Leone: I would say that it came through the Codes...

Mr. Smith: I was at that public meeting. I spoke at that Town Board meeting and made them aware of the fact.

Mr. Leone: I would say that it came through the Codes Office for interpretation. It is my belief it came through the Codes Office for interpretation and somebody said yes you can operate because it has site plan approval. What I think you are stressing is yes you can occupy it because it has site plan approval whether they are selling widgets or boats. I guess it falls under General Commercial. Except there were detailed requirements as far as the site plan that may have been waved as a result. I think the basis they used to wave them was that there were new standards coming out for Brewerton. And so nobody knew what it was going to be.

Mr. Smith: Some of the improvements to the site plan, Mr. Chairman, were for safety and traffic flow. The fact is no one has the right as we have learned, to change a site plan. If they want to modify it, be they the Town Board or the Codes Enforcement Office, they should have come back to this Planning Board for revision. We have the responsibility. They don't. And they did not do their job.

Mr. Leone: It goes back to, in order to be placed on the agenda for this Planning Board, it goes through the Codes Enforcement Officer. That is where it starts and stops sometimes. So hopefully as we move forward you will see it handled in a different way. No one is arguing your points.

Mr. Smith: Just as long as we have that out there. Does anyone on the Board disagree that this should be handled in a uniform fair manor?

Mr. Rowe: No, but I think at the end of the day it has to go through Wayne's office. Do we have the authority to say knock on someone's door?

Mr. Leone: We have the authority to appeal a decision coming out of that office within a certain period of time. Once you find out, you have the right to step in.

Mr. Rowe: What is the issue with the Coppertop Tavern? It is not a change of use.

Mr. Smith: It was closed for over two years and it has never had site plan approval.

Mr. Rowe: My question is what if it is a restaurant and another restaurant buys it? It is two consistent things.

Mr. Leone: Let me tell you about the Coppertop Tavern. There is no snow storage on the site. They have two exits to very busy roads. We asked for cross connections so that traffic could be handled behind the site which has apparently been denied. We would have had a little more control than when saying its just a restaurant. It has been closed for a couple of years. My belief is that it never had previous site plan approval. It is almost dictated that it should have come in for site plan review, regardless if it was another restaurant or not.

Mr. Rowe: If those things need to be changed, we have to bring it to the Town Board to make those changes, correct?

Mr. Leone and Mr. Smith responded no. That is our job during site plan.

Ms. Cole: I think the issue is that this particular site may not have ever had a site plan. If it didn't, that is an issue.

Mr. Smith: When it comes to a site plan that is adjacent to a State or County road, they get a bite at the apple too. They lose their opportunity to comment on traffic.

Mr. Leone: How do we get our sidewalks to adjoin across that property now?

Mr. Smith: With 300 hundred employees and there was no overview for fire safety, there was no review for emergency access for that building. I am saying it is not just one building. It is a pattern, which hopefully will end now and I am sure it will with Wayne being there, but there seems to be a pattern for who has to come in for site plan approval and whether it is required by the Code or not.

Mr. Rowe: It boils down to everyone has to do their job and their responsibilities in the whole Town. No matter what you do for a living, no matter what operation, you have to be accountable.

Mr. Dean: It is cooperation between my office and the Board and communication between the two. That is all that it boils down to.

The Board agreed. Various members noted the increased communication level between the Board and the Zoning Office.

Mrs. Tarwacki: I wanted to know if you were going to require lighting by the bus stop on the Target parcel. Does their lighting package give enough illumination to that spot for safety?

Mr. Leone: I looked at the lighting package. It does appear adequate.

Mrs. Tarwacki: Are they going to cut in so that the bus can pull off?

Mr. Leone: That is what is supposed to happen. The real issue is Centro. Basically they are saying we are not stopping.

Mrs. Tarwacki: I believe that as more green opportunities and reductions of usage come around that we will end up prevailing at some point. I am wondering if we could just ask them to put it in anyway, whether Centro stops there or not. Sooner or later Centro will have to stop there.

Mr. Leone: We can not put any thing in the right-of-way unless the NYSDOT is willing to approve it. I think the design is such that the developer is preserving that space. We can't get any cooperation from the State or Centro to give the developer the authority to build that out.

Mrs. Tarwacki asked about sidewalk for Walmart.

Mr. Leone: The sidewalk for Walmart was supposed to happen as the outparcels came aboard. We asked for the sidewalk in front of Target as a result of not asking for it across the front of Walmart.

Mrs. Tarwacki: Do you have an anticipated start time for the two parcels in the back of Walmart?

Mr. Leone: We have not heard one thing about any anticipated build outs.

Mr. Smith: That brings up another question Councilwoman. The Planning Board has taken the lead, taken the heat and done all of the work to make sure that we get sidewalks incorporated wherever we could in the Town. I know we have asked two liaisons and I know that you are not our liaison, about the Town Board getting us an ordinance telling us what the sidewalks should look like and making sure that they get shoveled. Does the Town Board at any point in time intend to support the Planning Board and actually come up with an ordinance to determine what the Town would like them to look like and to make sure that the sidewalks that we have put in get maintained and shoveled?

Mr. Leone: Let's just go with size, the width. We have maybe a 3' sidewalk in Brewerton. I am not sure a wheelchair could maneuver on that because it is so small. Target is putting in a 5'. If we were not sharp enough, part of their 5' would have been a curb. All of that can be detailed to some degree in an ordinance.

It is not much different than the fencing we have been requiring around the storm water basin. We have asked for some things to be dealt with, from a Town perspective, that this Board does not have the authority to deal with. We can only go back under resolution or request back to the Town Board. It is up to the Town Board to move those issues front and center.

Design criterion is very important. We say to people who have a storm water pond that we want a 5'-6' fence. In-ground pools are supposed to have a 4' fence. Is that in-ground swimming pool less or more important than a storm water pond? What is a reasonable safety to have? This Board can try and control the elements. I think a fence should be there.

Mrs. Tarwacki: I think there is some division of opinion on the Board to the worth of a fence at all. Some people on the Board feel that a fence is important. Some people feel it is not important. When a vote comes down as to should or should not a fence be there, you have a division of the vote.

Mr. Smith: Is there a division as to whether the Town Board feels that it is a safety issue to have sidewalks along Route 11?

Mrs. Tarwacki: I personally would say a sidewalk along Route 11 is an important thing. Especially when you see a person with dark clothes walking in the road. Or given that we have a fatality in the Town because someone was biking on that road. I am not aware of what the opinion is of the other members of the Board. It would be worth while to begin some kind of discussion with the Board to see what their opinion is and maybe we would be able to pursue it.

Mr. Leone: Do you think that fences around in-ground pools are important?

Mrs. Tarwacki: Certainly.

Mr. Leone: Then why would we treat a man made lagoon sitting in our right-of-way, the Town's easement much different?

More discussion occurred.

Mr. Smith: There is certainly no discussion about having a sidewalk. If you don't shovel it is worthless. We have repeatedly asked the Town Board to take care of this.

Mrs. Tarwacki: I have never seen something in writing.

Mr. Smith: We have discussed it. I am sure you have brought it up because we have asked for an ordinance. You get our minutes. We need a sidewalk ordinance in the worst way.

Mrs. Tarwacki: Would you put that in a memo to each of the Board members for consideration so that it is not just me asking what do you think about this?

Mr. Smith: I'll do better than that. We are still in public session. **I make a motion** that we send a resolution to the Town Board asking them to look at a sidewalk ordinance and maintenance. My resolution is that we formally ask the Town Board to please look into Town ordinances, resolutions—what are they called?

Ms. Cole: Ordinances, local law, some form of regulation.

Mr. Smith continued: describing the Town's decision on the engineering of sidewalks and the maintenance of same for where ever commercial properties we have them put in along public highways. **Mr. Rowe seconded the motion.**

Mr. Purdy: I have a question. What is the liability if the Town requires it? I went to the last seminar at the Oncenter. The Planning Board can not ask for anything that is not required by law. So, you can't ask for a fence if there is no Town Law that says they have to put one in. I can't find out from Fire Control or any fire department when there was ever a rescue call at a detention pond. There is nothing there to back up this as a hazard. That is part of the reason this stuff does not get done.

Mr. Leone: They just started being built.

Mr. Smith: I understand Mr. Chairman. I have a motion on the floor. I call for a vote on the sidewalk part of it. And then I'll be happy to go to fences.

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

More discussion occurred.

Mr. Leone: We are not asking the Board to tell us where we can or can not put sidewalks in. But, if we decide as a Planning Board to have sidewalks at a location, we would like some guidelines as to what that sidewalk should consist of: size, width, material or whatever.

Mr. Smith: And we would like the Town of have a snow ordinance saying you have to remove the snow from your sidewalk. We require everyone we tell to put in a sidewalk that they have to maintain it and they agree. But because there is no Town ordinance saying that they have to comply, we have no way to enforce it.

Mr. Rowe: Mr. Purdy's argument regarding fences is valid. Since there is no fence ordinance we have to put it forward to the Town Board to accept or reject it.

Mr. Purdy: Maybe I sounded contradictory here. I'm not in favor of fences. I don't see where they solve any problem. That's like closing Hancock Airport because sooner or later a plane is going to crash. My point is, I agree that the Town should make a resolution and pass an ordinance one way or another. Whether not I agree is not the point. I do support the motion that you made that someone has to make a decision.

More discussion occurred regarding ponds and fencing on commercial versus residential

properties, liability and protection for the Town's residents.

Mr. Cushman 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 WAS ADJOURNED AT 8:50 P.M.

Date: February 27, 2008

Tonia Mosley, Clerk

