

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

Agenda:

- Approval of the Planning Board minutes from December 15, 2008 (**approved with corrections**)
- Site Plan, Tim Hortons, 6360 East Taft Road, Proposed Restaurant, TDK Engineering (**to return**)
- Site Plan, Marble International, 8141 & 8145 Brewerton Road, Proposed Retail Store & Storage Facility, Martin Merola (**to return**)

BOARD MEMBERS PRESENT: Patrick Leone (Chairman), William Purdy, Scott Harris, Sharon May, Jason Mott, Robert Smith

OTHERS PRESENT: Heather Cole, Esquire, Wladis Law Firm, Wayne Dean, Director of Planning and Development, Mark Parrish, P.E., O'Brien & Gere, Charlotte Tarwacki, Town Board Member, Tonia Mosley, Clerk

ABSENT BOARD MEMBERS: Richard Cushman, Christopher Rowe

The meeting was opened with the Pledge of Allegiance.

Chairman Leone noted the locations of the three fire exits and that there were no formal public hearings tonight. The Board acknowledges the importance of public input and encourages those who would like to speak about an agenda item to do so by raising your hand to be recognized by the Chair and using the microphone in the front of the room. It is also the intent of this Board to be heard throughout the proceeding. Please let us know if you can not hear us.

**APPROVAL OF THE PLANNING BOARD MINUTES  
FROM DECEMBER 15, 2008**

Mr. Leone requested that the words due to zoning be added to the motion on the bottom of page 4 after the words this use on a non-conforming. **Mrs. May made a motion** to approve the minutes with the correction noted above. **Mr. Mott seconded the motion.** The motion was **approved** with the following vote:

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

**SITE PLAN, TIM HORTONS, 6360 EAST TAFT ROAD  
PROPOSED RESTAURANT, TDK ENGINEERING**

Representatives: Joseph E. Durand, P.E., TDK Engineering  
Jack Krisanda, Tim Hortons

Mr. Durand introduced himself. We were here last December and hope to get our application sent to the County from this meeting. This plan reflects the latest and greatest information from our topographic survey, corporate's comments and the comments from this Board.

We are proposing a full ingress/egress entrance off Taft Road and a right-in right-out entrance from/onto Northern Blvd. We have forwarded conceptual drawings to the Onondaga DOT. This is an easement that would extend to the south to the Bernie Bus Company. They do not want to see bus traffic on this road.

For the record, I do not like to see those concrete medians in between at the Northern Blvd. entrance. They are not good. But in this case they are easy to install because we have a wide enough frontage. We show a striped out median. Jim Stelter said that we would have to mirror what was done at the Brewerton Road site. There will be a concrete median that will do the sweeps and accent the no left turn. We will sign it properly.

Last time we talked about the potential for an ATM. That is off the board. We are trying to accommodate FEDEX and UPS trucks, so you see a larger sweep on the turning radii.

Mr. Leone asked if the by-pass is wide enough as well.

Mr. Durand responded yes, 18 feet.

Mr. Smith: You are going to accommodate tractor trailer trucks through the drive through?

Mr. Durand: No, the straight body delivery trucks. This is set up to accommodate the businesses on Northern Blvd. and the normal vehicles that use it. We will do the traffic turning patterns with the big vehicles to make sure.

Mr. Smith asked what would be done to accommodate tractor trailer traffic.

Mr. Durand explained there is an over flow for the bigger vehicles here. We have not really striped it out for tractor trailers but if the bigger straight body trucks want to park, our intent is to have them here. We were not gearing up for tractor trailers at this site.

Mr. Krisanda: We will be able to accommodate one or two of them. We are also accommodating deliveries. There will be no overnight parking. The owners do not want this to turn into a tractor trailer depot. If a driver comes in the morning and he wants to stop for a cup of coffee, we have places like that in Canada. Usually what we see is one or two trucks, not fifteen or twenty. That is one of the reasons we are taking out the ATM idea. We can gravel the area if need be. We do not want drivers parking on the side of the road.

More discussion occurred.

Mr. Durand discussed landscaping. We are proposing a fence line, like a board on board fence, along the property boundary here. There is an existing tree line. We want to make sure that headlights from the swing do not interfere with the houses here. We will also review sight distances here.

Mr. Leone: I think that the corner with the utilities could be dressed up. It is a nice corner with a lot of visibility.

Mr. Purdy: Tractor trailers weigh 80,000 pounds. I am concerned with graveling over this large active sewer line.

Mr. Durand: It is a deep sewer.

Mr. Smith asked what has been done in the past at 24 hour operations, with residential neighbors. Should they have signs up stating they have to turn their motors off?

Mr. Durand noted we have volume control, certain noise controls that we use on the site during certain times of day. I guess we could sign it?

Mr. Leone: Bob is worried about tractor trailers in the middle of the night or idling all night near residents. It is an Industrial piece of property. We have to provide buffering and screening to make it as palatable as possible. I do not see the traffic as being so unbearable that it upsets a neighbor.

Mr. Durand noted typically we do a 6' fence.

Mr. Krisanda: We can do 8'.

Mr. Dean: 6' is allowed by code.

Mr. Leone: But planning wise we can go higher. What is the distance between there and the property line?

More discussion occurred.

Mr. Durand: We have provided lighting and signage.

Mr. Leone: Scatter is zero at the entrances. I am not for off site scatter, but there are no lights to focus vehicles to exits and entrances. I would say you would want lit entrance signs plus more downcast parking area light.

Mr. Dean: I agree that you do not want a lot of light spilling over onto neighboring properties. But I believe it is required at entrances to make them safe, etc.

Mr. Durand: We do have the Tim Hortons enter signs, which might help.

Mr. Leone: I also think that you need to control that south exit to a point so that people know they will only be able to go southbound on Northern Blvd. If you could sign that plus have your entrance signs.

Mr. Durand: The signage package will be put together by Custom Logos. We have more than what is allowed--by double. It is a corner lot. The frontage towards Taft is 100 sq. ft. We have a pylon sign and three façade signs. Each façade sign is 50 feet. The pylon is 60.

Mr. Leone: You need to dress up the corner and the bases of the signs. We can work with 250 square feet. I understand the need in this instance. You have three sides that you are trying to draw from. I don't see much on the west side of the building. I understand the north, south and east sides of this.

Mr. Smith asked for a sketch of what would be done at the corner.

Mr. Durand agreed. We will dress that up.

Mr. Leone: We did not make Nice & Easy do anything with a sidewalk. I don't see the need for one here either. (Other Board members agreed).

Mr. Durand: The last thing I would like to discuss is the drainage ditch that runs along Bernie Bus. I thought that it might have been a part of the County's Northern Blvd. work. It goes about half way into the property, carves through the back and then dumps onto our property. There is a wetland area on the southwest corner of our property. All that water dumps into there. It fills up and drains to the west onto the City of Syracuse's property. Syracuse has a drainage ditch that starts here in the abandoned apartment complex and drains to the south. It is already a detention area. We could get rid of all of

these little maintenance areas here, do some swale work, cut it off before it goes into wetland and meet our DEC requirement. We could put a control structure in and do a number of things. I have talked to the City and I have talked to Jim Stelter. I want to talk to Mark about it. We would have to get everyone together.

More discussion occurred.

Mr. Leone: Can you tell us what you are going to do with the easement? Are you cutting it off as part of this deal?

Mr. Durand was not sure. We have not talked about abandoning it. Stelter says no go on the connection. It is wet down there which will be an issue.

Mr. Leone: My concern is who has the right to that easement.

Mr. Krisanda: As part of this purchase package, the seller wants to maintain an easement there. There are no specific plans by the seller, we asked. We don't want to have high speed traffic along our building. There are no plans on their part to do anything with it now. They want to preserve it for five, ten, twenty years from now when and if they sell the property. It is not for a bus company. There are no buses or tractor trailers on that property. It would not be easy with the water there.

Mr. Durand: It is not a practical connection, but you never know.

Ms. Cole: Do they want to reserve that easement for themselves when they sell you the property?

Mr. Krisanda: Yes.

Ms. Cole: So you are going to buy the property subject to an easement that they will retain?

Mr. Krisanda: Correct. At our end it was a very specific part of the deal. Just because the easement is there does not mean this Board has to approve it. If they were putting something there, they would have to come to you for approval. We can not condition that easement as a part of this deal.

Mr. Durand stated that there are a ton of easements on the site.

Ms Cole: What kind of interest are they retaining, ingress/egress?

Mr. Krisanda: Just the easement. It is not a finished easement. It is not a road to be put in by us. It is just the easement, a 60' right-of-way.

Ms. Cole: Easement for purposes of ingress/egress?

Mr. Krisanda: Yes, that is what I believe.

Mr. Leone: That would need to come before this Board before something could be done with it.

Ms. Cole: I would think that if they are modifying their site plan, they would have to come before you.

Mr. Leone: Can you talk about your parking field, number of spaces---do you have enough for the size of your restaurant?

Mr. Durand: This is a relatively small building on a large site. We have 27 spaces, which is consistent with our other sites. There are two handicap spots in the front.

Mr. Purdy had a question about curbing along the back area. Along the back there will be blacktop and then gravel for the proposed oversized trucks. Will there be a curb between those?

Mr. Durand: No. We are going to try and back off curbing everywhere except around the building. We want to simplify the drainage pattern. We want to be able to push snow. We will probably do a combination as we work through the final grading. We have plenty of room to run swales and work through the drainage.

Mr. Leone: Do you see maintaining all of that as lawn out front? Would it be a cut grass area—where the utilities are?

Mr. Krisanda: We do not want any of the stores to go wild. Anywhere there is visibility of the store, is manicured.

Mr. Harris: Will you maintain under the power lines?

Mr. Durand: We will have to coordinate that with National Grid.

More discussion occurred. Mr. Parrish noted he would be doing a review letter. The Board decided to have the application sent to the County. Previous legal fees posted by Tim Hortons for an abandoned project, will now be applied to this application.

**SITE PLAN, MARBLE INTERNATIONAL  
8141 & 8145 BREWERTON ROAD, PROPOSED RETAIL  
STORE & STORAGE FACILITY, MARTIN MEROLA**

Representatives: Martin Merola, Robin Development  
Mario Cannata, Applicant

*(Mr. Leone recuses himself from the discussion and leaves the meeting. Mrs. May chairs the discussion.)*

Mr. Smith asked about a color scheme for the building.

Mr. Merola: Currently, there is full access across Route 11. We now show two separate entrances. The entrance at the north boundary line would be right-in only. The south entrance would be right-in and right-out. We have provided greenspace in the front, with no parking in front of the building. There should not be an issue with traffic congestion across the front of the building. At this time we do not have any sign plans. We would have to submit something at a later date. Parking spaces are 9 x 18 which is within the Town's code. We do have handicap space. The building will stay the same. We will take down these sheds to clean up the area by doing some painting and such.

Mr. Cannata: The color scheme would be similar to the front of the building, matching the bricks in the front, a tan color. The sign would be on the building. It would not be lit. No flood lighting.

Mr. Mott asked for a cut sheet on lighting. We want them to be down casting lights. (The Board noted existing and/or new lighting should be shown on the plan.)

Mr. Merola: We are not proposing any new lighting, other than what is there now. We are leaving it the way that it is.

Mr. Cannata: There are lights under the canopy.

Mrs. May: I believe the last time you were here you were told that you would need to put in a sidewalk. I don't see that on the plan.

Mr. Smith explained the Board's requirements for sidewalks in commercial areas. We wanted 5 feet.

Mr. Merola: Okay.

Mrs. May: The green area in front of the building, there is to be no display in that area.

Under your canopy is fine, but not in your green area. Not like what happened on Route 31.

Mr. Smith: We should have a landscaping plan. If it is just going to be grass, fine. It needs to be noted on the plan. Will there be any manufacturing done here?

Mr. Merola: No.

Mr. Smith: There were sheets of granite stacked out in front of the last Marble International.

Mr. Merola: They will not be doing any manufacturing there. Someone comes in and does the orders. They show it all there. When someone buys it, the sheets are shipped to the factory on Carrier Circle. This location is for storage and sales, no cutting.

Mr. Dean: Where will the slabs be stored?

Mr. Merola: Currently, the slabs are stored where the sheds are, on the south side of the property. Whatever he has by the road, if the Board does not want them there, would be re-located. Mario is just trying to sell his product.

Mr. Smith: My concern was with them being stacked that way. There were kids around them when I was driving by and you were not open. They should be in a secured area if there is one.

Mr. Dean: My point is that we want to know where they are.

Mrs. May asked Mr. Merola to mark slab location(s) on the plan.

Mr. Merola: Absolutely.

Mrs. May: Are we comfortable with the entrances?

Mr. Smith: This will have to go to the County, which would then send it to the State. I would assume we will get some guidance from the NYSDOT.

Mr. Dean agreed. They may only allow one entrance.

Mr. Smith: Deliveries will of course come in on the side, correct?

Mr. Merola: Correct.

Mrs. May asked for the hours of operation.

Mr. Cannata: Eight until five. In the summer I am open seven days per week. My son works with me.

Mr. Smith: Have you replaced the face of the building? It was covered with tyvek only.

Mr. Cannata: When the Spring comes it will be metal, like the side.

Mr. Merola added metal siding like the existing building.

Mr. Smith asked that it be noted on the plan.

Mrs. May asked about snow storage.

Mr. Merola: There is a snow storage area shown in the front, which I think is ridiculous. That will have to come out. We have two acres on the site. We have plenty of room to put snow.

Mr. Smith: Are you planning any fountains, etc out front like at the other store?

Mr. Merola: There is no where to put them here.

Mrs. May asked if there were any other questions.

Ms. Cole: Do you want to send this to the County or wait until an up dated plan is received?

Mrs. May: Wait until we get an updated plan.

Mr. Dean: I am going to want to see plans for what you are doing to the building. I want to make sure before you get final approval for this that we go through the building insuring that it is safe for people to be inside.

I don't know if the Board is aware of this, but we had a fatality down at the airfield in one of the old Air Force buildings. Down there they sealed over doors and windows. They did a lot of work without us knowing anything about it. I want to make sure that this and all of the buildings that come before us are safe.

Mr. Smith: Is there a chance that we can get a view of the site? The gate is closed. We would like a chance to walk this.

Mr. Merola: Yes. You can contact either Mario or me and we will arrange a time.

Mr. Parrish: Again, we have just received the plan. We will review it and get any comments that we have to the applicant.

Ms. Cole and Mr. Dean had no further questions.

Tim Murphy, Noel Road: You have residential on a couple of sides there. What can be done for buffering?

Mr. Merola: There is existing fencing that goes down that whole side. They are not going to add any buildings in the back. They are going to take down the falling down sheds. It will be a lesser use than it was before.

Mr. Mott: Tim, we will get a better idea once we get on the property. We can make an assessment from there.

Mr. Murphy: I appreciate that. My concern is for the hotel there and the residence behind there. Thank you for your time.

Mr. Mott reviewed the Board's concerns:

- show existing lighting plan plus any changes
- color scheme including if you are putting up metal
- five foot sidewalk
- no display in the greenspace
- landscaping plan
- show slab storage for safety
- remove snow storage from the front of the site and tell us where you will put it
- sign package
- make appointments to walk the property

Mr. Merola: Let us know whenever you are ready. We will get the revisions done right away and turn them into Wayne.

Mr. Smith: Wayne is that a time that we can arrange with you?

Ms. Cole: I would want you to make sure that you do not have a quorum so that we do not have any open meeting violations. Just be aware of that when you schedule things. Thank you.

Mr. Dean: I can be available; I can arrange it, whatever you want to do. Let me know.

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

IN AS MUCH AS THERE WAS NO FURTHER BUSINESS BEFORE THE BOARD,  
THE MEETING WAS ADJOURNED AT 7:54 P.M.

Dated: January 19, 2009

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Tonia Mosley, Clerk