

The Town of Cicero Planning Board held a meeting on **Monday, June 16, 2008 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 6/4/08
- Site Plan, Tim Hortons, 911 North Main Street, Proposed Restaurant, TDK Engineering
- Site Plan, Mark Schluep, 9285 Route 11, Proposed Motorcycle Repair/Parts/Used Sales, CADD Systems
- Preliminary Subdivision Plan, Mattoon Subdivision, 5216 Orangeport Road, 3 Lots, M. Mark Grobosky
- Informal Discussion, Syracuse Federal Credit Union, 6091 Route 31, Proposed Credit Union, Roy Stanley, Inc.
- Verizon Consultant

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
Heather Cole, Esquire, Wladis Law Firm
Wayne Dean, Director, Planning & Dev.
Mark Parrish, P.E., O'Brien & Gere
Tonia Mosley, Clerk
Scott Harris, Ad Hoc Board Member

ABSENT:

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

Mr. Leone noted the locations of the three fire exits and that there are no formal public hearings tonight. However, this Board acknowledges the importance of public input and encourages anyone to speak about an agenda item by first raising your hand and being recognized by the Chair. Please use the microphone in the front when speaking. It is also this Board's intent to be heard. Raise your hand if you can not hear the proceeding.

**APPROVAL OF THE PLANNING BOARD MINUTES
FROM JUNE 4, 2008**

Ms. Cole noted a correction on page 18 in the first paragraph of the Marble International discussion. The word recluse should be changed to recused. Mr. Leone requested further clarification during the Marble International discussion. He was not present for the vote. **Mrs. May made a motion** to accept the June 4, 2008 Planning Board minutes

with the corrections/additions noted by Ms. Cole and Mr. Leone. **Mr. Smith seconded the motion.**

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

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

**SITE PLAN, TIM HORTONS, 911 NORTH MAIN STREET
PROPOSED RESTAURANT, TDK ENGINEERING**



ATTACHMENT A

June 16, 2008

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

Attention: Patrick Leone, Chairman

Re: Tim Horton's, 911 North Main Street
Site Plan Review

File: 0101/25439.319

Dear Board Members:

We have reviewed the following materials in regard to the above referenced project for compliance with Town Code requirements relative to Site Plans and effect on Town utilities and roads:

1. Title Sheet dated February 2008 revised June 9, 2008
2. Site Plan dated February 29, 2008 revised June 9, 2008
3. Erosion & Sediment Control Plan dated February 29, 2008 revised June 9, 2008
4. Erosion & Sediment Control Details & Specifications dated February 29, 2008 revised June 9, 2008
5. Demolition Plan and Specifications dated February 29, 2008 revised June 9, 2008
6. Paving, Grading & Drainage Plan (2 sheets) dated February 29, 2008 revised June 9, 2008
7. Paving, Grading & Drainage Details & Specifications (2 sheets) dated February 29, 2008 revised June 9, 2008
8. Utility Plan dated February 29, 2008 revised June 9, 2008
9. Utility System Details & Specifications dated February 29, 2008 revised June 9, 2008
10. Signage & Pavement Marking Plan dated February 29, 2008 revised June 9, 2008
11. Signage & Pavement Marking Details dated February 29, 2008 revised June 9, 2008
12. Photometric Lighting Plan dated February 29, 2008 revised June 9, 2008
13. Photometric Lighting Details & Specifications dated February 29, 2008 revised June 9, 2008
14. Landscaping Plan dated February 29, 2008 revised June 9, 2008
15. Landscaping Planting Chart dated February 29, 2008 revised June 9, 2008
16. Building Plans & Elevations dated February 29, 2008 revised June 9, 2008
17. Drainage Report dated June 2008
18. Traffic Impact Assessment dated March 27, 2008.

TDK Engineering Associates, P.C. prepared the items 1 to 17 and GTS Consulting prepared item 18.

The 0.85-acre site is located on the west side of U.S. Route 11 approximately 300 feet north of Bear Road. The site contains a 2,400 square foot building along with associated parking, landscaping and other site improvements. It is proposed to demolish the existing building and construct a 2,400 square foot restaurant with a drive-thru window along with associated parking, landscaping, lighting and other site improvements. The site is zoned General Commercial. Our comments are as follows:

1. The site is located within the Cicero Sewer District. Sanitary sewer service will be provided by connection to the sewer lateral that serves the existing building. A note has been placed on the Plan

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(315) 437-6100 / FAX (315) 463-7554 • <http://www.obg.com>

...with offices in 25 major metropolitan areas and growing

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indicating the cleanouts on the existing sewer lateral are to be repaired. The note on Sheet UP-1 relative to the coordination for the sanitary sewer lateral should reference the OCDWEP and not the Town DPW.

2. Stormwater runoff from the site is generally tributary to a drainage easement located along the west side to the site and drainage facilities along U.S. Route 11. As less than 1-acre of land is to be disturbed a NYSDEC SPDES Permit for Stormwater Discharges from Construction Activities is not required for the project. The amount of impervious area and the location and nature of the discharge from the site is to remain essentially the same after development. As such it is expected that stormwater runoff conditions from the site will not be significantly altered. It is noted that the drainage way that the site discharges to is overgrown and in need of maintenance. The following are additional comments on stormwater runoff and grading:
 - a. The grading along the westerly property line should be modified to provide a continuous swale that conveys drainage from the culvert located south of the site to the northerly property line. The grading along the westerly property line should not create a berm that will obstruct drainage from the adjacent property. The proposed level spreader should be eliminated and the proposed storm sewer and roof drain should discharge to the swale.
 - b. The sediment and erosion control measures shown on the Plan are reasonable for a project of this nature.
 - c. Permission for the grading shown on the property north of the site should be obtained from the adjacent property owner.
3. Access to the site is via an entrance onto U.S. Route 11. The Traffic Impact Assessment noted that there would be operational deficiencies due to heavy traffic volumes along Route 11. As such the entrance will be modified to provide a full access ingress and right only egress. This has been agreed to by the New York State Department of Transportation (NYSDOT) with the following conditions:
 - a. An access easement be provided along the west side of the property that will allow for cross access from the adjacent properties. This should be labeled on the Site Plan and the access easement approved by the Town Attorney.
 - b. The Developer pursue an easement with the property owner north of the site and agree to share in 50% of the cost (or one lane) of an access drive to Business Avenue. A conceptual layout of the access drive is shown on the Plans.
 - c. The Developer agree to provide an access point to the property south of the site should a cross access easement become available from that property.Consideration should be given to signage or other means to discourage access to the future access drive area until the connection(s) to the adjacent site(s) is made. It is recommended the Board review the internal traffic patterns and number of parking spaces provided with the Developer. The Plan provides for a sidewalk along the Route 11 frontage.
4. The site is within the Cicero Water District. Water service will be provided by connection to the water service that serves the existing building. The Developer should contact OCWA to coordinate provision of the water services. The references to the Town of Cicero and Town of Manlius in Note 16 on the Title Sheet should be removed.
5. The Board should review the landscaping, lighting, signage and architectural elevations with the Developer. The following are some comments for the Boards consideration regarding these issues:

Planning Board
June 16, 2008
Page 3

- a. There is some light trespass to the adjacent properties that should be reviewed with the Developer. The details of the lighting on Sheet PL-2 should reference 250 Watt pole mounted fixtures and 150 Watt wallpacks consistent with the notes on Sheet PL-1.
 - b. The setback of 3 feet +/- from the side property line for the pylon sign does not meet Town Code requirements and should be 10-feet.
 - c. The total signage area is approximately 228 square feet and the frontage of the building is approximately 36 feet. The Town Code allows for 1 square feet of sign area per linear foot of building frontage. The Planning Board can approve more than this but has typically allowed sign area up to twice the building frontage.
 - d. The reference to the Channel Letter Signs on Sheet SS-1 is THL 42 but the detail on Sheet SS-2 references TDL 42.
 - e. A detail for the dumpster enclosure should be provided. It is recommended the materials of construction be consistent with the main building.
6. The site does not contain a State Wetland as identified on the New York State Freshwater Wetland Map or a Federal Wetland as identified on the National Wetland Inventory Map.
 7. The site is not located within a 100-year floodplain as identified on the 1994 FEMA Flood Insurance Rate Maps.

If you have any questions or comments, please do not hesitate to contact us.

Very truly yours,

O'BRIEN & GERE ENGINEERS, INC.



Mark C. Parrish, P.E.
Managing Engineer

cc: Town Board – Town of Cicero
Wayne Dean, Director of Planning and Development- Town of Cicero
Toni Mosley, Code Enforcement Office - Town of Cicero
Joseph Durand, P.E. – TDK Engineering Associates, P.C.
Gary D. Cannerelli, P.E. – O'Brien & Gere

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JUN 19 2008

TOWN OF CICERO
ZONING/PLANNING



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STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
REGION THREE
333 EAST WASHINGTON STREET
SYRACUSE, NEW YORK 13202
www.nysdot.gov

CARL F. FORD, P.E.
REGIONAL DIRECTOR

ASTRID G. GLYNN
COMMISSIONER

June 19, 2008

Mr. D.J. Smith, MS, PE
TDK Engineering Associates, PC
19 Genesee Street
Camillus, New York 13031

Dear Mr. Smith:

RE: PROPOSED TIM HORTONS RESTAURANT
7789 BREWERTON ROAD (STATE ROUTE 11)
TOWN OF CICERO
ONONDAGA COUNTY

This office has received the recently submitted site plan dated June 12, 2008 for the above referenced project. After a review of the plans, the Department finds it is in agreement with the Town of Cicero and NYSDOT on the proposed access for the site. Specifically, access to US 11 is full ingress with right-out only. Per the attached copy of a June 6, 2008 letter from Mr. John Houck, Tim Hortons, this access will be supplemented by construction of a one-way drive from the rear of the subject site to Business Avenue. The said one-way driveway will be constructed by Tim Hortons when access to the adjoining parcel is obtained from the owner. Please forward an original notarized copy of Mr. Houck's letter at your earliest convenience.

The site plans require revisions as shown on the attached plan set. Please address these at your earliest convenience and re-submit. As part of the application submission, a trip generation letter for the proposed development shall be presented to the Department. The drainage study is currently under review and may require revisions as well.

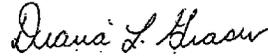
We are attaching a selection of notes and typical details, plus a checklist of requirements for a minor commercial driveway permit, to assist you in preparing your next submission. Please be reminded that all work performed within the State Right-of-Way must be done in compliance with the Standard Specifications of May 4, 2006, all addenda, and the applicable current Standard Sheets. Metric units may be converted to English units.

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Mr. D.J. Smith
June 19, 2008
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Upon receiving the above requested information, we will resume our review towards issuance of a Highway Work Permit. If you have any questions or comments, please contact Mark Grainer of our office at (315) 428-4382, or by e-mail at mgrainer@dot.state.ny.us.

Very truly yours,



DIANA L. GRASER, P.E.
Regional Traffic Engineer

Attachments

cc: Pat Leone, Planning Board Chairman, Town of Cicero (w/attachments)

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JUN 19 2008

TOWN OF CICERO
ZONING/PLANNING

Tim Hortons

Tim Hortons USA Inc.

4150 TULLER ROAD, SUITE 106, PUEBLO, OHIO 43017
TELEPHONE (614) 791-4200 • FAX (614) 791-4233

June 6, 2008

Mr. Pat Leone, Chairman
TOWN OF CICERO PLANNING BOARD
8236 South Main Street
Cicero, New York 13039-1517

RE: Proposed Tim Hortons Restaurant
7789 Brewerton Road
Town of Cicero, Onondaga County
DOT Entrance Issues and Driveway Requirements

Dear Chairman Leone:

In response to the Town planning board's request, and to clarify Tim Hortons' position on this matter, Tim Hortons will build the northbound access as soon as all easements are agreed upon with the adjacent land owner to the north.

Please contact Lou Terragnoli (at (716) 632-7196) or me (at (614) 791-4208), if you have any questions or require additional clarification.

Sincerely,

TIM HORTONS USA, INC.



John M. Houck
Director of Development - U.S.

cc: Mark Greiner, P.E. - NYSDOT
Jack Krisanda, Tim Hortons
Pete Nasarenko, Tim Hortons
Joe Durand, P.E. - TDK Engineering

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JUN 19 2008

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ZONING/PLANNING

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John M. Houck
Director of Development - U.S.

cc: Mark Greiner, P.E. - NYSDOT
Jack Krisanda, Tim Hortons
Pete Nasarenko, Tim Hortons
Joe Durand, P.E. - TDK Engineering

Representatives: Joe Durand, P.E., TDK Engineering
Jack Krisanda, Real Estate Manager, Tim Hortons
Pete Nasarenko, Tim Hortons

Mr. Durand introduced himself giving the Board revised plans. We are here tonight for what we hope is the final leg of the site plan. We have received some comments from Mark Parrish. We have also met with the Town and the DOT to review the overall site configuration and the traffic patterns.

Tim Hortons is working on an arrangement with the property owner to the north to secure an access easement which would allow the property to be connected to Business Ave, about 250' away. We do not have the deal finalized yet. We have met with Mr. Parrish, Mr. Leone and the DOT. The end result is that Tim Hortons is committed to building its' share or 50% of the access road to the north, when the easements, etc, come into play. They have written letters to that affect. As part of the contingencies to the site plan and the traffic as they were evaluated by our consultant, the result is an entrance onto Route 11 which involves full egress—full entrance into the property—a left turn in, a right turn in and a right out only. There is a curbed island in the middle. There is a sidewalk that extends from the entrance on the Copper Top to the south to the adjacent property owner to the north. We extend from driveway to driveway.

We received some comments from O'Brien & Gere which we have worked through. We have removed the level spreader to the back, created a swale and tied our drainage into it. We have provided for a by-pass lane on the drive through. We have reduced it down to a 12' lane pass the drive through allowing us to reconfigure our handicap parking. It is now more or less parallel to Route 11. We have sidewalk connectivity to the front of the building. The dumpster would have a wooden enclosure.

Mr. Leone: The DOT is allowing a left in with the commitment to build the access road to the north. If they were denied the left in, they would operate Tim Hortons with a right-in and a right-out only. The north bound access lane to Commerce was important to the future operation of this site and the sites on either side. We went back and forth on this.

Mr. Smith: This would probably cause me to vote no. We have a restaurant on Route 31 with the same circumstances and almost the same traffic problems. We just had someone tragically killed on a motorcycle. He was going west on Route 31 when and driver going east hit him as the driver turned into McDonalds.

Mr. Leone: How does someone who wants to use the back entrance when it is built get back across? You have a concrete curb that comes out there.

Mr. Durand explained that is striping. When you come out of the drive through you come to a stop sign and a stop bar. You have an exit to make a left hand turn to go. There is a sidewalk that goes across the front of the intersection. The island is on the east side of that.

Mrs. May noted the Copper Top restaurant has two driveways making lefts in.

Mr. Leone noted we are trying to deal with that with is access road.

Mr. Dean: We are trying to get better.

Mr. Durand: I think this is a step in the right direction. We are trying to clean up the entrance at the request of the Town and at the request of the DOT without putting too much of a restriction on the operation.

Mr. Smith felt the site plan was great, except for this one thing.

Mr. Durand: I spoke with Mark Grainer who concurred with the site plan. He indicated that he had spoken to Wayne about the letter and would follow up with an e-mail stating these provisions in addition to the commitment letters from Tim Hortons was agreeable.

Mr. Krisanda addressed some of the Board's concerns stating Tim Hortons is concerned about some of the same things. We are trying to get access when it is not peak hours. To alleviate some of the problems in the morning Tim Hortons is currently doing a deal with Lehigh Petroleum out of Pennsylvania for the On The Run. We would have a full service restaurant in the On The Run. Of Course we would have to apply for the permits.

This would put a Tim Hortons 500 yards down the road on the north bound side to alleviate the need to turn in. We are taking steps to eliminate the dangers that are there. But, for the times that are not busy, we want to have that full ingress. The self service kiosk at the On The Run would serve the exact same things as the restaurant serves for the morning drive. But for the afternoon we would still want the full access for the lunch.

Mr. Leone mentioned another thing brought up by Mr. Parrish, the Town's engineer and Mr. Grainer, the engineer for the state. This might eliminate some of the movements from Dunkin Donuts, where drivers make a left and go over two lines to get to that restaurant.

In fairness to Tim Hortons, I thought that they had the access. Apparently, they are being held hostage going north for cash for the connection. We might not get a shot at helping them out in either direction until those parties have to come in for site plan.

More discussion occurred regarding when applicants need to come in for site plan approval and the proposed access road.

Mr. Leone: The State conditioned their approval very specifically. My belief is, sign or no sign if someone wants to turn left they are going to turn left. I asked Mark and Mr. Durand to try and design this intersection to push people only to the right. If you want to make a left turn out, you are going to be stacked there waiting.

Mr. Smith suggested signage across the road. In DC over a section of highway similar to this they had a cable. They had poles up with signs going across which stated no left turns

from 7 a.m. to 9 a.m. Have they explored this option, no left hand turns between certain hours?

Mr. Cushman noted 80% of the traffic on Route 11 from 7 a.m. to 9 a.m. is going south.

More discussion occurred. Mr. Krisanda was not sure that the State would allow them signage. Mr. Parrish noted that it would be up to the DOT.

Mr. Krisanda: We will do much more business with the road in the back. We would do much more business with the road all the way from Bear Road to the northern extension. We want to build that. Our only issue is getting an easement across the neighbor's land. We had problems to the south. Now we are having problems to the north. Once those are secured we are going to build that road.

Mr. Durand: We are setting it up now so that the easements are there. The construction to the rear portion that the DOT requested be done, will be a full buildout. We did pull it back far enough so that we do not have to get permission from the neighbor to the north right now. We pulled it back by about 5 feet. The whole road system in the rear with the cross easements will get built now. We will put up Type 2 DOT barricades to stop it from the south and north until those roads are put through. Tim Hortons is committed to doing everything that they have to do now that is within their control.

The pylon sign was moved over because the drive through was widened with the pass through lane. It will meet the requirements of the Town—10' off the property line and 20' off the right-of-way. We have reduced the amount of signage to just the façade sign and the pylon sign to about 70.5 square feet. The front of the building is 36 square feet.

Mr. Leone: 36 square feet is what you would normally get. This Board has some latitude during site plan approval. During site plan approval it has been common for this Board to give up to twice the allowable limit. Do any of your signs extend above the building?

Mr. Durand responded no.

Mr. Leone: And your pylon sign is 6' off the ground as required by code?

Mr. Durand responded yes. This is the signage as proposed now. Tim Horton's Corporate may request more signage in the future. We understand that they would have to go through the variance process to do so.

Mr. Leone responded we would send a strong message to the ZBA with our opinion about more signage. He then asked about entrance indicator signs. Will those have the Tim Hortons logo on them? I would think this Board would allow this, given the right

size. We would not necessarily count those directional signs against Tim Hortons total sign package.

Mr. Krisanda: They usually have Tim Hortons on them and say thank you when you are leaving and welcome when you arrive.

Mr. Durand: They might have one at the drive through.

Mr. Leone: You will have a no left turn sign someplace. We would allow you that type of signage in addition to your 72 square feet. Your 72 square foot total gives you your front façade with nothing on the sides of your building. And the pylon sign.

Mr. Krisanda agreed.

Mr. Durand noted there would be landscaping around the pylon sign. We have a landscaping package with grass around the building, around the drive through and drive lanes, etc.

Mr. Leone noted based upon having to make some modifications to the pass through lane, some of the normal greenspace gathered on both side of the building have been reduced a bit. It is important to note that was for everyone's benefit. How is the visibility for the handicap spots backing out into the driveline? Does that seem okay?

Mr. Durand responded yes. There is nothing elevated there. It will be well signed.

Mr. Leone: Will you pave the area back there that is 24' wide as part of this? Will you leave it blank or would you use it for employee parking, etc? I believe the DOT is making you build that out as part of the agreement. Normally we would require the easement to be maintained or to be ready to be used.

Mr. Krisanda: There maybe some employee parking back there but the intent is to pave it and have it ready for the easement to go.

Ms. Cole: I was just discussing this with Mark. At this point we do not really have two parties to an easement yet for me to approve as the Town's attorney. I think what would satisfy me, and would be acceptable to the Board is a letter from this applicant to the Board to be kept in the file saying that we understand eventually we are going to grant easement access across our site and that we will be granted easement access across other sites.

Mr. Leone noted what the Board had up to this point. It does not say anything reciprocal about going north and south from the applicant back to the other owners. It says that they

will build their easement as soon as they get the easement. My assumption is that by getting an easement, they will be giving an easement.

Ms. Cole agreed. I think it is something that I can work out with the applicant to make sure that we have something proper for the file and puts into writing what everyone's intent is.

Mrs. May asked if there would be lighting in the back of the parking lot.

Mr. Durand noted yes. There is a whole lighting plan.

Mr. Smith asked if the County response has changed since it went down. They suggested prior to approval the site plan must show a functional cross connection between this site and the adjacent parcels to the north and south.

Mr. Leone responded no. They show a functional cross connection.

Mr. Smith: There is not functional cross connection to the south.

Mr. Leone: Maybe I am misinterpreting what this says. This says make sure on this property that you are not encumbering the space to be used for the connection going north and south. The County can't make these people or anyone else give someone an easement. We can, on their behalf, assure that the space to be used to connect the easement is not encumbered by any of their design features. They show the connection. It says that they are ready to go as soon as we get the easement. This addresses that concern. The County is saying don't encumber the space; don't use the space for anything. This is going to be an easement going north and south.

Mr. Smith: This is what the County considers functional? Can they use that?

Ms. Cole: I agree with that interpretation. They have provided all that they can legally provide right now— the intent to have an unencumbered access point on their property. They are even going to build it even though no one else has agreed with them on the terms of use yet.

More discussion occurred.

Mr. Smith requested that the letter from the NYSDOT entered into the minutes similar to what is done in the Town Board's minutes.

Mr. Leone: Do you have that letter from the DOT?

Mr. Durand: No, I was notified by e-mail.

Mr. Dean: I talked to Mark Grainer on Friday. He indicated that he was comfortable with this and that he would get a letter out. He did not know if he could get it by today's meeting. He called me this afternoon saying the same thing.

Mr. Leone noted that would be a contingency of site plan approval. They would not have a driveway without a Highway permit that says so.

Mr. Smith: I would love to see the letters from the State of New York in our minutes so that if it comes back some years down the road and the question is asked why the Board approved it, we could say that the DOT said it was fine.

Mr. Leone noted for the record. I was in a meeting representing the Town and this Board as the Chairman of the Planning Board, with our Planning Commissioner and with our Town Engineer. I personally heard Mr. Greiner say that it is fine. If I go back and retrieve my e-mail, in his response he said it was fine.

In an effort to not have the applicant come back in, one way we may be able to resolve this tonight to do it by a contingency that the letter actually exists. Or, there is no site plan approval from this Board.

Mr. Smith: The letter exists and when it is received can we enter it into the minutes even if we have to update it next time? I would like to have the State of New York's letter head in our minutes saying because the State of New York said to do it and it is their highway.

Mr. Krisanda agreed.

More discussion occurred.

Mr. Leone noted the lighting issue was corrected based upon a February 1st letter from TDK. He asked Mr. Parrish if there were any other issues.

Mr. Parrish: Joe has delivered a response letter addressed to Wayne tonight. I had a chance to read through it while the Board reviewed the project. The letter indicates everything has been addressed. It appears satisfactory. Obviously, I do not have all the plans that go along with the letter. But, if the Board chooses to approve the site plan a condition should be that we get a chance to review the final plans to make sure everything has been addressed adequately. Grading of the storm water has not been presented.

Mr. Leone: Storm water or storm water runoff? We do not have a storm water plan. It's a runoff issue?

Mr. Parrish: It is as important as the impoundment area. It is how this site drains and drains the other sites. I would like to be able to review the final details on that along with a couple of other grading issues. Again, there is a letter here that says that the lighting comments have been addressed. But, we do not have a plan. This plan does not show those changes. I am comfortable that these items can be addressed. Again, if you choose to approve the site plan I would like approval conditioned upon our final review.

Mr. Smith: Would it be prudent to ask the applicant to post final inspection fees allowing our engineer a chance to review the site after completion?

Mr. Leone: Absolutely. I also, want to assure that the no left-out signage is specific and easy to understand.

Mr. Krisanda agreed.

Mr. Leone: There was a point where there was some conversation that the applicant could get a full service access driveway, meaning left-in, left-out, right-in and right-out as long as they built the access drive. That is no longer the case.

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. Rowe 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 dated 6/9/08 with the following set of conditions: The signage that was requested has been approved at 72 square feet of sign. That involves a pylon sign that meets the Town's regulations with its setbacks from the road and the property line. The NYSDOT letter for the driveway design and movements is received by this office prior to any construction movement and for final site plan approval. That letter will be made part of the file and will be posted in future minutes. Approval is contingent upon both the Planning Board's engineer and the Planning Board's attorney approval of the final site plan conditions. Ms. Cole added that would include appropriate language regarding future easements. (Mr. Leone continued.)

The applicant is agreeing to an inspection fee for a medium site plan by the Planning Board's engineer of \$500. This assures that the conditions of the site plan as described have been met. **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: I would appreciate you getting your letter from the DOT as quickly as possible. Get it into Wayne. Wayne I would appreciate if you got a copy of that to all of the Planning Board members.

**SITE PLAN, MARK SCHLUEP, 9285 ROUTE 11
PROPOSED MOTORCYCLE REPAIR/PARTS/USED SALES
CADD SYSTEMS**

Representatives: Chris Haberer, CADD Systems, Mr. Mafrici, property owner

Mr. Haberer introduced himself. We are back in front of you to address the Board's comments and the recommendations from the County and the NYSDOT. The NYSDOT recommended that we remove the existing curbed island at the front of the property. They also suggested not going out in further than the state right-of-way with the landscape timber area in the front. The striped area is a single drive lane for unloading motorcycles to get into the overhead door in the front of the building. It is connected to the driveway. It will also assist with the towing business so that the guy does not have to back in off the road. He would be able to pull in and back up to his side of the building.

This is a two-way drive. It is currently about 55-60 feet and would be necked down to 26 feet.

Mr. Leone: If he uses this as an entrance way, why can't this be exit only? I am afraid that you will be getting a lot of movement through here and you only have one way. It is a one drive lane. I am surprised that you are getting two driveways. I am trying to relive some of this movement where you have a two way drive lane. Your engineering resource did not sign his letter.

Mr. Haberer: This is a dual occupancy building. What if the tow truck business moves and a different tenant moves in?

Mr. Leone: That should not change this. Your application states this is an on call business. That is what the DOT was told to approve the two exits. The movement with two service driveways means you will have customers pulling into the northern driveway and coming across a single lane that is designed to be one-way to the north.

Mr. Haberer: We would be more than happy to entertain the idea.

The Board discussed a similar situation at Nino's Sports Bar.

Mr. Leone: The road in front is one-way. What we have is opposing traffic movements. That is why I suggested that maybe that should be an exit only driveway to the north.

Mr. Haberer: Would you allow us to open that up to a 22' minimum dual flow of traffic?

Mr. Leone responded no, because then you do not have the greenspace.

Mr. Haberer: Or gain some back out at the road front near the state right-of-way.

Mr. Leone: The DOT said that you have to meet the green area setback. The only way to do that is to have a single lane drive in the front.

Mr. Smith: Is that a DOT requirement?

Mr. Leone: That is our requirement. The existing towing service operates on an on call basis and would continue in that mode. Therefore it generates minimum traffic volume. How can you have two full service driveways with one lane across the front of the building? It is either that or we give them a second lane. We would lose our green space.

More discussion occurred.

Mr. Smith: It seems reasonable to close the lane, the whole thing across the front.

Mr. Leone agreed. That is the other condition. They would meet the setback requirements and they could get a drive lane one-way. If they get a one-way drive lane and this Board is comfortable with it, I am suggesting that they get rid of the north bound.

Mr. Purdy: Then you would have trucks parked along Route 11.

Mr. Leone: Does the building drive all the way through?

Mr. Haberer: No, there is a loading dock on the backside.

Mrs. May suggested that the northern end driveway being exit only.

Mr. Mafrici agreed to that.

Mr. Purdy: You would have to over emphasize that no one can park there, if that is the entrance for the other building. The guy with the towing service would only have one way in. You would have to make absolutely sure that there was no parking in front of the building. It says no parking now, but I am going by what people do.

Mr. Leone: Wayne, do you have an opinion on the layout and the design? It is not the 4 or 5 trips that they are going to have now. It is the people we are going to have to deal with a year from now.

Mr. Dean: My concern is not the motorcycle shop. My concern is for the towing business. They have 4-6 trucks there. I don't know where they are going to put them all.

Mr. Haberer: We were going to back some around the building on the crusher-run drive that goes down to the proposed dumpster.

Mr. Leone: I hope that you understand where this Board is coming from. We have to look at what is happening today and your concerns. We also have to look at the site as an entirety and what could happen in the future.

Mr. Smith: How is it going to look? Do we have any architectural drawings?

Mr. Leone: This is the old furniture store. I don't think we are there yet.

Mr. Haberer: I do have floor plans but we were looking for site approval first before we deal with anything else.

Mr. Leone clarified. Mr. Smith is looking for what you are going to do to the outside of the building. What are you going to do to enhance the building itself?

Mr. Haberer: We are going to eliminate the current flood lighting on the front. We are going to revamp some of the fixtures in the canopy. We will have to submit sign information for the existing sign out front.

Mr. Parrish: The last issue we had was getting approval from the DOT for the entrances. They have addressed the other comments that we had. They have done some investigation on the sewage disposal system.

Mr. Leone: They found the septic tank. Have they found the leech field? It is a SEQR issue. How can we say that this has no negative impacts on the environment when we don't know when the toilet gets flushed, where it goes?

Mr. Haberer: It goes to the tank. We have traced that with a camera.

Mr. Leone: Is there a distribution box after it? Where does the site drain from there?

Mr. Parrish: North.

Mr. Leone: We need to address the driving pattern on the site. You have asked for one-way north across the site. You need to decide which driveway you want as a multipurpose entrance and which driveway you want for a one-way exit only. You need to address the issues relative to re-locating the sign.

Mr. Haber: Or get a variance. We are behind the right-of-way.

Mr. Leone: I would say that this Board's positions on variances for sign locations under new site plan approvals is fairly stern according to what is in the regulations. You need to address the septic issues. If you are going to do any type of façade changes, this Board needs to know that now.

Mr. Smith: Can we ask for pictures of the current façade?

The applicant agreed to do so.

Mr. Leone: The issue relative to the driveway acceptability, you are saying that the DOT is on board with this?

Mr. Haberer: Mr. Grainer said that he was going to make a phone call, because he did not have time to do a letter.

Mr. Dean: I talked to Mr. Grainer about Tim Hortons on Friday. He did mention this to me also. He asked me what we thought of the two entrances.

Mr. Leone: This Board has an opportunity to have the State weigh in. I think that we did.

Mr. Haberer: You did.

Mr. Leone: Storm water mitigation is not an issue? They are only expanding their driveway by 400 square feet.

Mr. Haberer: We are actually reducing the amount of hard cape there.

Mr. Parrish: There is a pretty large fill area that extends beyond the limits of where they are proposing to have their parking. We have asked them to note that they will be top soiling and seeding that area to return it to greenspace.

Mr. Leone: Is the Board interested in having this inspected under minor site plan when they are done? We should let them know now.

Mr. Smith: I would like to get Mark's opinion on this sewer situation. I would like to see the sign contractor draw the sign and submit it for approval.

Mr. Parrish: I think that the septic issue should go to the Health Department. The need for a post-construction inspection is up to the Board. We are certainly willing to provide the service. This was a simple site plan.

Mr. Smith: How comfortable is Wayne with going in and making sure? Does he have the resources at his fingertips?

Mr. Dean: Those are separate issues. The septic system is not post-construction, it is pre-construction. It is the Health Department.

More discussion occurred.

Mr. Dean: I feel comfortable doing it. Chris didn't we talk about this back in December? Didn't I give you Jeff Till's number to call?

Mr. Haberer: Yes I spoke with him. Then Mr. Mafrici hired a company to come out. I figured that they were going to locate all of that.

Mr. Mafrici: I hired Mr. Peterson.

Mr. Leone: He is a plumber who found your septic tank. Someone needs to dye check that septic tank to determine whether or not it is functional and whether or not it shows up in any of the drainage ditches. Someone needs to determine whether a leech field actually exists and whether it is functional. In the business that the tow trucks are in, if the vehicles are being stored in the garage, they would need an oil/grease separator. My suggestion is to get those issues addressed and come back with a letter from the DOT

I want to remind the Board that we have a requirement for people who come in with site plans. They are required to have a professional license of some sort. This individual does great CAD drawings. But, he does not have a license to practice architectural or engineering drawings. That is where some of the information exchange falls a little short. That is why it falls short. We have allowed him, I think through the Zoning Department, to continue to handle simple site plans. This is no longer a simple site plan.

Ms Cole read section 210-27 B1: A site plan prepared by an architect, landscape architect, engineer or land surveyor containing the information and data is required by this chapter and the code enforcement officer.

More discussion occurred.

**PRELIMINARY SUBDIVISION PLAN (SKETCH PLAN)
MATTOON SUBDIVISION, 5216 ORANGEPORT ROAD
3 LOTS, M. MARK GROBOSKY**

Representative: Rob Mattoon, owner of the property

Mr. Mattoon introduced himself. The survey is pretty straight forward. It is a little over 10 acres. We want to take that and create two parcels with a minimum of 1.4 acres.

Mr. Leone: Actually you are creating 3 lots including the one that you currently have.

Mr. Mattoon: Correct.

Mr. Leone asked for the zoning of the parcel.

Mr. Dean responded that it was Agricultural.

Mr. Leone: For AG you need a minimum of one acre of buildable space. Buildable space is less any wetlands or easement issues.

Mr. Mattoon: There are no wetlands on the site.

Mr. Parrish: The federal and state maps do no show any wetlands.

Mr. Leone asked about setbacks to the utilities. I know that they are not required but they are heavily recommended setbacks of 75-100 feet to the residents, still making the rest of the properties' setbacks as well. In an AG space I think that the setbacks for side and front yards are different from R-10 or R-15.

Mr. Dean noted the front setback for an AG lot is 30 feet which is similar to any other residential property. The rear setback is 35 and the side is a total of 30 with a minimum of 10. We can meet those requirements here and still put up a house.

Mr. Leone: The drive assess with be a private drive for each lot. Can it be maintained by some sort of ownership easement?

Mr. Mattoon: Yes there would be a reverse easement for utilities and access.

Mr. Leone noted those easements would need to be worked out for each lot through Legal. This needs public notice for the subdivision.

Mr. Parrish: Has anything been done relative to the feasibility of sewer disposal systems on the two lots being created?

Mr. Mattoon: It is mostly plain there. Chances are they would be raised bed systems.

Mr. Leone: He will have to get the Department of Health's approval before these become buildable lots, correct? He could subdivide but he might not have a buildable lot.

Mr. Parrish: Mud Mill was a similar subdivision. We asked them to go out and get some typical designs completed so that we knew how big the lots were going to be and how they needed to be graded. Raised bed systems can potentially create drainage issues. So, we want to make sure that the lots are wide enough and that they are configured so that they contain sewage disposal systems. Town Code for subdivisions does state that you need to provide information on the feasibility of sewage systems.

Mr. Leone recommended this was done before building permits are issued. More discussion occurred.

Mr. Mattoon: Mr. Whitaker the surveyor sketched out the size of the raised bed for a three bedroom house. He took the scale size of a raised bed system for a three bedroom house.

Mr. Leone: It might be wise to show that. We will set up the public hearing.

Mr. Parrish: I think it is reasonable to set the public hearing date for the second meeting in July. It has to go to the County.

Mrs. May noted that would be July 21, 2008.

Mr. Leone: The public hearing will be posted. Once we get the public input and if you have additional drawings by then, I recommend that you get them to the Town's engineer.

Mr. Parrish: I will forward comments to them to that they can get some of these items addressed.

Mr. Leone: This drawing could go down to the County but I would encourage you, if you can, to get that updated drawing showing the septic locations and locations of the houses. in within the next few days. Then Wayne can get that complete drawing down to the County.

**INFORMAL DISCUSSION: SYRACUSE FEDERAL CREDIT UNION
6091 ROUTE 31, PROPOSED CREDIT UNION, ROY STANLEY, INC.**

Representative: Mark Kroneck, Roy Stanley Inc.

Mr. Kroneck introduced himself as a representative for Syracuse Federal Credit Union. The have obtained property at 6091 Route 31. The property is currently vacant. The applicant has the property under contract to purchase. It has come to our attention from the Zoning Department that the addition that was put on was added without site plan approval. We are here to determine that the building is proper as it stands before the purchasing process continues.

Mr. Leone: The use is General Commercial. The use you have envisioned is for a credit union/bank. That is an approved use in GC. You need to go through site plan review. You will have to address your driveway access issue from the State of New York. My guess it that they will ask for traffic counts. Will you have a drive through ATM?

Mr. Kroneck explained that it would be a walk up ATM, not a drive through ATM.

Mr. Leone: A drive through demands a higher traffic movement. I think that would be less receptive at that location. It is a good thing that you would not have one. You need to deal with the traffic, your parking and traffic moving in and around the site. You need to tell us what you are doing with the façade of the building and what you are doing for signage.

The Board commented on the large size of the site.

Mr. Parrish: As best as I can tell the setbacks are adequate.

Mr. Kroneck: If the property is satisfactory as it stands, there would not be any modifications to the site. There would be no changes in egress or ingress.

Mr. Leone: The property exists as it is now. It has been disturbed. It has obviously been enlarged. If they do not do anything and we were not aware of what happened before, does that mean storm water does not have to be addressed because the pavement is already down?

Mr. Parrish: The site as a whole is listed here as 1.075 acres. So, unless they disturbed every inch on there, they would be underneath the acre disturbance for a SPEDES permit.

Mr. Leone: What is the width of the property?

Mr. Parrish: 107 feet wide. The depth is 435.

Mr. Kroneck: I think the addition was built in 2002. It was a commercial use, an office use. It is listed as an office. The property has a raised leech field and a pump.

Mr. Parrish: They are showing a number of septic covers, a pump pit and a leech field way in the back. There are no sewers in that area. The area is kind of odd.

Mr. Smith: Did they get a building permit?

Mr. Dean: I have not checked. I do not know if they have or not.

Mr. Leone: Apparently, it is a suitable use. It needs to go through full site plan review for all of the issues we talked about: landscaping, parking, lighting, etc. It is anything that exists because we do not know what exists there today.

Mr. Kroneck: You want us to submit what is there and any modifications. Do we need to go through two sets, one as is and one with what we want? Or, should go directly to what we want.

Mr. Leone: What they want. But for example, if there is a light there today we need to show that on the plan.

Mr. Kroneck: So start with what is existing and then include what we want to change.

Mr. Leone responded yes. And you will still need to talk to the DOT about access approval. For example the width might need to be narrowed down. Do we want to see a sidewalk in front of this?

The Board responded yes.

Mr. Kroneck asked if the sidewalk would be something that was connected in the future.

Mr. Leone: We hope. Sidewalks are typically 5 feet. You will need a permit from the State to do this also---if you do it in the right-of-way.

Mr. Smith: The Planning Board is hopeful that in the future we will have a pedestrian plan for mobility around our Town.

Mr. Kroneck: Is there any location where you would want the sidewalk?

Mr. Leone: It should be on your property.

Mr. Smith: Will it be an outdoor ATM with 24 hour availability?

Mr. Kroneck: Yes.

Mr. Smith: We would want to speak to the lighting of that ATM for safety.

Mr. Kroneck: Lighting is all a separate issue.

VERIZON CONSULTANT

Ms. Cole: A professional consultant is given a scope of services and a proposed plan of work for Wayne to review. Wayne give it to Mark and me. It looks acceptable. I think that it requires a \$3500. deposit by Verizon to cover this gentleman's review. He seems to have very good qualifications.

You have one or two options. You can either say we would like some time to review the package ourselves. I don't think that it has been submitted to you yet and maybe next time authorize the Planning Board Chairman to go ahead and retain those services in behalf of the Planning Board. Or you could say that we trust our professionals review and the Planning Board Chairman can go ahead.

Mr. Leone: I believe that we inferred that our Planning Board engineer would select a consultant on behalf of the Planning Board. So, we will rely on Mark's review of the consultant being selected. How the fees are handled...

Ms. Cole: That is part of his actual scope of services, the scope of work.

Mr. Smith: We need to make sure that this gentleman is not doing Verizon work. From a public relations perspective that is an issue that people will raise.

Ms. Cole: He addresses that in his letter.

Mr. Leone: I am assuming this is an unbiased opinion. I'm assuming that if he is not working for Verizon.

Mr. Parrish: I have not had a chance to review his proposal in detail so I can't tell you whether he has worked for Verizon. I can tell you that he currently reviewed a similar type of project for the Town of Dewitt. They thought that he was very good. He educated them very well. That application was a Verizon application. The worked for the Town.

Mr. Leone: What they are requesting was already addressed by this Board in the previous

minutes.

Ms. Cole: Okay. We will give the forms to you Pat to sign off on behalf of the Planning Board.

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

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

Dated: June 26, 2008

Tonia Mosley, Clerk