

The Planning Board of the Town of Cicero held a meeting on **Monday, March 17, 2008** at **7:00 p.m.**, in the Town Hall at 8236 South Main Street, Cicero, New York 13039.

Agenda items:

- Approval of the Planning Board meeting minutes from March 5, 2008
- Site Plan, Clinton's Ditch Cooperative Company, 8478 Pardee Road, Proposed Building Expansion
- Site Plan, Tri-State Realty, Elliot Meltzer, 8457 Brewerton Road, Proposed Modular Office
- General Discussion: Bull Street Subdivisions, Letter from O'Brien & Gere, Sidewalks

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:

Heather Cole, Esquire, Wladis Law Firm
Vern Conway, Town Board Liaison
Wayne Dean, Director, Planning & Dev.
Mark Parrish, P.E., O'Brien & Gere
Tonia Mosley, Clerk

ABSENT:

Scott Harris, Ad Hoc Board Member

The meeting was opened with the Pledge of Allegiance.

Mr. Leone noted the locations of the three fire exits and that there were no formal public hearings tonight. The Board acknowledged the importance of public input and encouraged those who wanted to address an agenda item to do so by raising the hand and being recognized by the Chairman. Please use the microphone in the front when speaking. If you can not hear us please raise your hand.

**APPROVAL OF THE MARCH 5, 2008
PLANNING BOARD MEETING'S MINUTES**

Mr. Cushman made a motion to accept the March 5, 2008 Planning Board's minutes as presented. **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:	Abstain
Mr. Leone:	Yes

**SITE PLAN, CLINTON'S DITCH COOPERTIVE COMPANY
8478 PARDEE ROAD, PROPOSED BUILDING EXPANSION**

Representative: David Mosher, Architect

Mr. Mosher brought the Board updates regarding the intent of the application. Clinton's Ditch would like to expand on the eastside of their current building with a 35,000 square foot warehouse addition. The area now they stores pellet shelves which are the plastic racks which store their product. Currently they are being stored outside.

Mr. Mott asked if that would be cold storage.

Mr. Mosher replied no that it would be heated storage.

Mr. Smith wondered if the proposed would increase the number of employees or the number of trucks that would enter the facility.

Mr. Mosher replied no to both questions.

Mr. Leone asked if the outside area was impervious.

Mr. Mosher noted there was gravel and asphalt in the area that would be built over. The current building is roughly 204,000 square feet. The addition would be the same color and tone as the existing building with a flat roof. The applicant owns approximately 75 acres with buildings on approximately 7-8 acres.

Mr. Leone told the audience the project required site plan review based upon size. You are not adding more parking for trucks or employees and I assume that you are not changing any of the drives or exits.

Mr. Mosher confirmed they are not.

Mr. Leone noted that the Board would need information on any additional lighting. We will be looking for no scattered lighting. Mark, are there storm water issues to be

addressed?

Mr. Parrish requested information on roof drainage and how it would be dispersed. There are no easements going through that area.

Mr. Leone noted that the application would have to go to County Planning because of its closeness to a State or County highway.

Mr. Smith made a motion to send the Clinton's Ditch Cooperative Company's site plan to the County. **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 asked about the construction phase.

Mr. Mosher stated they would like to start construction by May 1st and occupy the building by October 1st.

**SITE PLAN, TRI-STATE REALTY, ELLIOTT MELTZER
8457 BREWERTON ROAD, PROPOSED MODULAR OFFICE**

Representative: Andrew Leja, Esquire, Hiscock & Barclay
Jerry Favor, Tri-State

Mr. Leja introduced himself. I am here with respect to a commercial office building and cold storage pole barn that we propose to erect on Route 11 land. The surveyor has given you a two sheet plan which shows the entire parcel consisting of approximately 96 acres. This application is limited to the area closest to Route 11, approximately 1.5 acres in size. It is currently used for vehicle storage by GSA Enterprise, two dealers with whom Tri-State Auto has...

Mr. Leone: Isn't it the salvage yard?

Mr. Leja: No. The savage yard is beyond this to the rear.

Mr. Leone: Because you are adding a use to a parcel, the entire parcel is looked at. We need to know what uses that parcel currently has on it. When we send this to the County they will ask similar questions. They will want to know how many drivers you have, if all the driveways are needed and what the driveways' sizes are. SEQR requires that we look at the site in its entirety.

Mr. Leja noted there was empty land at the extreme rear of the property. The golf/driving range is close to Route 11. To the left of the driving range is a driveway that cuts back into the property. That driveway leads to the salvage/recovery facility which is located to the rear of the area we are talking about now.

Mrs. May: Is that an existing driveway or something you created?

Mr. Leja: They all existed as of 2000. Off Route 11 adjacent to that driveway is a Butler Auto Sales facility. Behind that is a fenced-in area which contains the cars that are given to Tri-State for storage by GSA Enterprise. That will remain the same, except, that the fenced-in area will be approximately split in half as noted by the red lines on your drawings. The red line denotes the new fencing proposed for the area. We are not seeking to change the essential use of the property. We would still be using it for car storage, but it would be a different type of car storage, under a different name and for a different purpose.

Mr. Smith: Is there a proposal in front of the Town Board regarding changing the fence regulation?

Ms. Cole: For residential use.

Mr. Smith: So that will not impact this?

Ms. Cole: No, it is for residential fencing only.

Mr. Leone: How would you access the proposed office building?

Mr. Leja: It would be accessed through Butler's existing parking lot. There is a fence and there would be a gate. The existing strip of asphalt denoted by the dotted black line would remain. No new asphalt would be added. The existing gravel driveway for the rest of it would remain. There would be a gate, roughly around the entrance of that asphalt strip, leading into a fenced-in area that would contain both buildings proposed here—the modular office building coupled with the storage pole barn.

The purpose of the office building and pole barn is to allow recovery of repossessed vehicles and the personal property within those vehicles. We need a secure area for this.

This would be run by Tri-State Auto Recovery, a separate business entity from the current operators. It would allow people seeking to recover their repossessed vehicles and property the ability to come into the modular office and fill out paperwork or whatever they need to do.

Mr. Leone: How do vehicles get there? Are they towed in?

Mr. Leja: They are towed or driven in.

Mr. Leone: They would have to go through Butler's parking area. Would they be stored on the office side of the new fence that is proposed?

Mr. Leja: Correct. The diagram shows the proposed chain link fence. Everything to the left of that red line would be the repo yard. To the right would be the existing GSA Enterprise parcel.

Mr. Smith: How many vehicles to you propose to store in the repo yard at one time?

Mr. Favor: 4-6 cars per day for repossession.

Mr. Leone: What happens inside the 60 by 40 garage?

Mr. Favor: That is so the cars can be pulled in. Personal items are taken out of the cars. The cars are written up for any damage they might have on them, anything that the bank might be interested in. From there the vehicles go to the auction area.

Mr. Leja: Personal property is stored inside the barn, under cover.

Mr. Favor: The cars then go into the lot or for repair work or to the auction area.

Mr. Leone: Is there a way to determine the number of cars within the yard for some period of time?

Mr. Favor responded 22-30 at the most.

Mr. Smith noted someone is putting in a lot of money into fencing a very large area.

Mr. Leja noted the area is currently occupied with cars.

Mr. Favor added that is all parking area now.

Mr. Leone: When this came before the Board it was a pretty simple request, which

unfortunately was denied at the time because we did not have enough information. Tri-State had a trailer which they wanted to use as an office on this spot. This is the first we have heard of this being a yard used for auto recovery. Mr. Meltzer was losing his office after the sale of Tri-State. This was going to be a new office in which he could operate out of. The barn/garage was to be put up for his personal affects, personal vehicles. That is what was explained to us. If it seems like we are a little confused right now, that is why.

We went through the exercise to determine whether the office trailer met the State's building standards. I thought that was the only delay in your site plan approval. We never talked about any fenced-in area going in or any other use other than it being an office for Mr. Meltzer to work out of. This is a whole new operation being put on the same parcel of property, which I believe would be the fifth or sixth business operating off of this parcel. The traffic flow does not make sense. I would be concerned, like Mr. Smith, about the number of vehicles and the length of time that they are going to be there. You should come up with a number so that we can assess that with the design. They should have some established, logical parking sequence.

Mr. Smith agreed that the site plan does not lay-out traffic. It does not lay-out how people coming in pick up their possessions or get in and out. I think we need a little better site plan than what we have here.

Mr. Leja: All that space is currently being used for car storage. There is a difference between the repo yard and these other cars. I don't want to make it sound like there is some major operation going on because there is not. This is a small scale operation that would be going in. It is nothing like the salvage yard that was approved to the rear, which does have big flatbed trucks coming in and a lot of traffic coming in and out everyday. Persons are not allowed to go into the repo yard because of the way the fencing is set up. Only employees are allowed to go back there and retrieve personal property from cars or from the storage building. Or to retrieve cars. The volume is not anywhere near what is experienced by the salvage yard or the auction. The repo business is a very small component of the types of car operations on this parcel. But, it is a continuation of the types of businesses that are there in terms of car storage.

More discussion occurred.

Mr. Leja made the distinction between modular and trailer. Per discussions we have had with the codes officer the modular would be put on a foundation.

Mr. Parrish made a suggestion. You have noted that there are quite a number of uses on this site. I have had a chance to look at this plan. I have been out to the site and have developed an initial set of comments which I will forward to Mr. Leja after I have

received some input from the Board. This proposal impacts the approximate 2 acre area which is fenced in at the southeast corner of the site. I would suggest that the Board understand how traffic gets in and out of the site. To get to this site you have to go through the Butler site. You would want to see the location of Butler's display area for vehicles and their employee parking to determine if they would be impacted by vehicles going in and out to the auto recovery site and to the GSA car storage site. We need to see where gates are in the fences so that we can see how people get from site to site. The GSA Enterprise car storage area must have a number of cars or other vehicles that they store on site. The Board needs to see how they get in and out, the number being stored in that area, plus any area left over. We would need to see the same for the auto recovery area.

More discussion occurred.

Mr. Smith: I would also like to see the hours of operation.

Mr. Favor stated nothing after 5.

Mr. Leja: We are not proposing any type of new lighting. There is a staging yard separate from the actual physical repossession of cars. If a tow truck brings a car in, it will not bring it to this lot. That is not our intention. Cars go through many steps before they get to this lot.

Mr. Leone asked to see the drives laid out.

Mrs. May asked about sanitary issues regarding the modular.

Mr. Dean responded the proposed drawing shows a sewer connection.

Mr. Parrish added that is something we will be asking for—how are they getting water and sewer? It should be shown on the site plan. Show the existing facilities and what you are proposing.

Mr. Leone: We are not telling you that the use is not appropriate. We are telling you that we need more information.

Mrs. May and Mr. Mott noted the application states 10 employees.

Mr. Leja: I will be expecting a list of items from Mr. Parrish.

Mr. Parrish noted the need for more information on lighting, signage, landscaping. If there is not going to be added lighting, I would like that to be explicit. I don't think that

the proposal is overly complex. The site is pretty well developed as it is. I don't think there is significant run-off or drainage. With a little bit of clarification we should be able to get through this.

Mr. Leja: There is no proposed signage.

Mr. Leone: As soon as we get more information, a complete site plan that meets the engineering requirements, this can go to the County.

Mr. Parrish: If Wayne and I look at it and consult with you, and it looks like it is reasonable, is it okay with the Board for the site plan to go down to the County?

Mr. Leone: I would only have a problem if we were going to change the traffic flow on the site from what is offered. I don't want to send to the County something that is not a true reflection of how traffic comes in and out of the site.

Mr. Smith: When we do send it to the County, I would like to see it with the stuff that we have asked laid out, so that they get a clear picture.

Mr. Leone: I was hoping they would consider that major drive as the major access point for those yards. I am trying to send them a message that maybe they need to look at that a little bit to see if it could be more centralized.

Mr. Smith requested that the buildings be labeled to show who is operating which building.

GENERAL DISCUSSION:

BULL STREET SUBDIVISION/RAHMAN

Ms. Cole responded to Mr. Rowe's question regarding the Bull Street Subdivision. The minutes reflect that the subdivision was approved but if they choose to further subdivide the Board would lean very favorably upon having them become shared driveways. If those particular parcels are subdivided, the Board would look at perhaps shared driveways to prevent too many driveways along Bull Street.

Mr. Rowe thanked Ms. Cole.

**O'BRIEN & GERE LETTER CONSIDERING
SITE PLAN POST-CONSTRUCTION INSPECTIONS
(SEE ATTACHMENT A)**

Mr. Leone: At the last meeting O'Brien & Gere discussed a letter that we wanted to get

to the Town Board to consider site plan post-construction inspections. If everyone has had a chance to review it, is the Board comfortable with moving this along and giving it to the Town Board for consideration?

Mrs. May made a motion to give the Town Board the site plan post-construction inspection letter for consideration. **Mr. Cushman 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

Ms. Cole asked if the letter should go to the Town Board directly.

Mr. Parrish stated that he would work with Mr. Dean on this.

SIDEWALKS

Mr. Smith: We passed a resolution on sidewalks and so forth. Did that get to the Town Board?

Mr. Conway: Wayne and I are working on it. We are going to a meeting on Thursday at noon on sidewalks. We should have something within the next few weeks.

Mr. Leone: What is the Town Board's position? Will they try and come up with specifications of some sort? We asked for some direction.

Mr. Conway: We have to come up with what materials would be used, the width of the sidewalk, and how we can take existing properties and work them in. The Planning Board needs to decide how you want this done. Are we going to have the 20' green areas? That is a big problem along Route 11.

Mr. Leone: The sidewalk would be within some of those buffered areas. Some sidewalks are in public easements, typically the highway easement. You will have those in a public right-of-way more often than not because that is who uses them. You don't want someone to put a sidewalk in on private property and then say that it can not be

used. Correct? We will not be able to get the 20' greenspace plus sidewalk all of the time. I believe that there is some grant money to in-fill sidewalks between sections.

Mr. Conway: I think that is under Federal grants, where Federal monies are given. I will have to confirm that.

Mr. Smith: The Federal government is big on providing pedestrian walkways as an energy alternative.

Mrs. May made a motion to adjourn. **Mr. Smith 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 7:53 P.M.

Date: March 30, 2008

Tonia Mosley, Clerk

