

The Town of Cicero Planning Board held a meeting on **Wednesday, March 5, 2008** at **7:00 p.m.**, in the Town Hall at 8236 South Main Street, Cicero, NY 13039.

Agenda

- Approval of the 2.18.08 Planning Board Meeting Minutes
- Site Plan, Target Plaza Outbuilding, 8063 Brewerton Road, Proposed Multi-Tenant Retail Building, Cicero Associates
- Site Plan Modification, South Shore Stables, Richard Kulak, 5840 South Bay Road, Horse Boarding Facility
- Discussion: Standards for Review of Approved Site Plans
- Discussion: Rahman Subdivision and Harbour Village

PRESENT:

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

OTHERS PRESENT:

Wayne R. Dean, Director, Planning & Dev.
Heather Cole, Esquire, Wladis Law Firm
Mark Parrish, P.E., O'Brien & Gere
Vern Conway, Liaison, Town Councilor
Chief Carvel, Cicero Fire Department
Tonia Mosley, Clerk

ABSENT:

Robert Smith, Board Member
Scott Harris, Ad hoc Board Member

The meeting was opened with the Pledge of Allegiance led by Mrs. May. Mr. Leone noted the locations of the three fire exits and that there were no formal public hearings tonight. This Board recognizes the importance of public input and encourages anyone in attendance to speak about an agenda item by first raising your hand and being recognized by the Chair. Please use the microphone in the front of the room. It is also our intent to be heard through out the meeting. If the microphones go down or you can not hear us please raise your hand.

**APPROVAL OF THE PLANNING BOARD MINUTES
FROM FEBRUARY 18, 2008**

Mrs. May made a motion to approve the February 18, 2008 meeting minutes as written.
Mr. Purdy 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. Leone:	Yes

**SITE PLAN, TARGET PLAZA OUTBUILDING
8063 BREWERTON ROAD, PROPOSED MULTI-TENANT
RETAIL BUILDING, CICERO ASSOCIATES LLC**

Representative: Bruce Letts, C&S Engineers

Mr. Letts introduced himself. I am here for a 10,800 square foot commercial building on Route 11 in front to the Target department store. The last time we were here I believe the Board's comments for the site plan were that the signage was still too much and the suggestion that I look at a buffer strip between the east/west sidewalk and the parking area so that car overhangs do not block the sidewalk. These slides show what I have resubmitted to the Board.

The total combined signage has been reduced from 342 square feet, which includes both building and monument, to 298.5 square feet. The frontage of the building is 120. So, that would be a little less than 2.5.

Mr. Leone asked the Board for comments. I think we talked about a 2 to 1 ratio for that building. At issue was your feeling that the building had two fronts. The back of your building is on the internal strip road and there is no sharing of space on the Target monument sign. We are stuck with another monument sign. And the next parcel will have another monument sign.

Mr. Letts reminded the Board that at the last meeting the discussion was to keep the signage between 2 and 2.5.

Mr. Leone asked if the two foot strip from the curbing is enough to stop a car's bumper from going over the sidewalk.

Mr. Letts responded yes. I measured my car which is 18 inches. There is also a 6 inch curb so that is really 2.5 feet. Wheelchairs require 36 inches. The sidewalk is 5 feet wide.

Various Board members said that they were comfortable with that.

Mr. Leone noted we have talked about every other issue other than where we ended up with the bus stop.

Mr. Dean asked if it was possible to make provisions on the monument sign for the future parcel to the north.

Mr. Leone thought that was a good idea. So, make the monument sign larger to accommodate the other parcels?

Mr. Dean noted it is the same parcel.

Mr. Leone noted the monument sign's location on the Route 11 side and asked for Mr. Parrish's opinion.

Mr. Parrish: In general, that is a large parcel. You only have the one main entrance. Whether that building is located 150 feet away from that sign or directly adjacent to that sign does not matter much. They could have the option of moving it to the north and putting it up in the center of what might be another building or they could leave it where it is proposed. Your site plan approval could state that whoever goes in or whatever building goes in should have the right to use that sign. I don't know if you need to make it bigger to accommodate that.

Mr. Leone stated I would like one monument for the whole parcel. I just don't know what size it should be.

Mr. Parrish: They are asking for 42 square feet. This Board has consistently kept signage at 2 to 1 as a maximum. That is my concern. Two and a half starts to creep and then it becomes three and then three and a half etc. That is what is going to happen.

Mr. Leone agreed. But what about allowing them more footage, say from 42 to 60 feet of sign space on the monument sign to handle both parcels?

Mr. Parrish responded then you are recognizing that there would be more building footage here and therefore you would allow more signage space.

Various members stated that they were comfortable with that idea.

Mr. Leone noted we can do the approval contingent upon one monument sign at 60 square feet that divides the entire parcel.

Mr. Parrish: Again, I don't think the location of the sign will make much difference given the scope of what you are dealing with along Route 11. As long as you are able to

identify what is in that plaza, it could be located somewhere else. It is that entrance that they are trying to draw people to in order to get to the businesses.

Mr. Leone: We are saying that we would allow you 60 square feet for a monument sign with the condition that any other building does not have the right to a monument sign.

Mr. Letts: Let us leave it at that. Then, if we have to go for a variance or whatever then so be it. But, I really don't think that it will be a problem.

Mr. Dean noted you would have 60 feet available overall but only 42 feet would be available for this building.

Mr. Letts stated that he did not know how many tenants he would have in this building.

Mrs. May agreed noting that they would have to share.

Mr. Leone stated they should keep it at 60 and use it anyway they want. But, if you try to get a sign variance for the other property, we will make it very clear that this site plan was approved and that you are accepting it at 60.

Mr. Letts agreed that was a chance he would have to take.

Mr. Leone asked the Board if they were comfortable with the 2 foot wide strip. Is 2 feet enough snow storage to keep it from spilling into the sidewalk? It does not seem like enough storage capability.

Mr. Letts assured the Board that they would keep the sidewalk clear. It is just like they do with the sidewalk that is there now. If the snow gets too deep we would remove it off site. Land along Route 11 is too expensive to use for snow storage. If it gets bad they would prefer to truck it away and use the land on a commercial basis.

Mr. Purdy stated in reality, someone is going to shovel the sidewalk's snow into the parking lot. Then a truck will come in and plow it away to the other end of the parking lot. Because of the 6 inch curb, it would not go back onto the sidewalk. But, 2 feet is not enough room for snow storage.

Mr. Cushman added it they have so much snow stored that they are losing parking spaces for their customers and if that causes them to lose business, they are going to truck it away.

Mr. Leone: Didn't we figure that you could pick up more than that with the depth of your parking field and the width of your driveway? You have 24 foot driveways and 19

foot parking lot areas. We figured that you could pick up four feet without changing your design other than the dimensions.

Mr. Letts: I pointed that out to the client. Rather than cramping the parking situation, he opted to go for the 2 foot strip because it is a tight lot. You have to pay attention to get in and out with any degree of ease.

Mr. Parrish agreed that it was tight.

More discussion occurred.

Mr. Parrish noted that there was one issue on lighting. This is what they have submitted. It is not really down cast. It is a decorative light fixture. They say it has the maximum of a 150 watt bulb. I do not see this as being a big issue.

Mr. Leone asked if all of the signage was internally lit.

Mr. Letts stated that he believed so.

Mr. Leone: Are you comfortable with me requesting the 60 square foot monument sign?

Mr. Letts: Yes.

Mr. Leone: You show the pull off for the bus station and understand the circumstances for it not being built out. Mark, did you get any place with the State?

Mr. Parrish: I never received a return phone call.

Mr. Dean: At the last meeting I wanted to understand what was going on with the drainage to the north, off site. Bruce came in and went over it with me. I am comfortable with it. I can not see where this project could have possibly made the drainage for...

Mr. Leone: It is the northern boundary behind the houses, correct? They were going to try and address that.

Mr. Dean: Before this parcel was developed there was approximately twelve acres that drained in that direction and contributed to the problems in those backyards. Since this project was constructed, everything is kept on site and goes back to the detention basin. That is 12 acres of runoff that is not going there. It has already been improved somewhat. But, there is a drainage problem there. It was not any made worse from this.

Bruce has indicated that if there is a problem, we agreed to look at it when it is spring and

there is a heavy rain; to see what is happening. A short piece of pipe could be put in. It would be tributary to the site's drainage system. I really do not know if that is going to help anything.

Mr. Leone: What was supposed to happen to correct it?

Mr. Letts responded this length of pipe.

Mr. Leone: Why didn't it happen?

Mr. Letts: I believe it was after the approval.

Mr. Parrish: I am not certain that it was discussed as part of the approval. The only person that could answer that would be Jay Seitz. He was the one who knew of the problem and kind of worked out the solution with the developer.

More discussion occurred.

Mr. Dean: I really can't see where that pipe is going to influence the drainage back there much. Bruce has indicated that it would not influence the hydraulics of the basin back there as much either. But, you are bringing water that comes from the east side of Route 11 and the catch basins and storm systems over there; it comes under Route 11 by Nino's to the north of this property, and goes in. Now we are bringing that into the on-site drainage system for Target.

More discussion occurred.

Mr. Leone noted that this developer owns the bottom this parcel too. So, they will be back in at another time for this parcel and there might be another sign.

Mr. Purdy: When Jason and I were on the Zoning Board, Target came in for a variance to put in a 30 foot monument sign instead of a 25 foot monument sign. They were turned down. There are enough signs along Route 11 which are a little more than they should be. Target stated we have no plans to add any other signs to that. Had they said that they were going to put in other signs for the rest of the development, the Zoning Board probably would have let them go higher with another sign.

Mr. Leone: If they allowed other placards.

Mr. Purdy: Right. But they did not ask for that and did not want it. They just wanted a higher sign.

Mr. Leone: If Target is looking for a higher sign, I would send a message back to them stating if they decided to join information on the base of that sign I would tell them to go ahead and ask. Get rid of the other monument signs and have everything placard where it should be.

Mr. Mott: I think that we asked them if they were going to put any other placards on there and they said no.

Mrs. May remembered having a conversation with Target when they were before the Planning Board and asking if they had any other plans for an additional sign at that time. I believe that they said no.

Ms. Cole noted that SEQR was done for the whole site.

Mr. Leone agreed that perhaps it should be done again.

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. Leone 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. Leone:	Yes

Mr. Leone made a motion to accept the revised February 25, 2008 contract drawing site plan approval based upon the following conditions: it includes a 2 foot wide buffer strip between the north parking field and the proposed 5 foot east/west sidewalk. The total building signage allowed for the entire southern parcel is 316.5 square feet of internally lit signs which include one monument sign of 60 square feet to service both the southerly and northerly contiguous parcels.

Mr. Letts noted the monument sign would serve both areas but the building to the north would also be allowed building signage.

Mr. Leone agreed. The signage for the building to the north would be approved during site plan but will not include a monument sign.

Chief Carvel questioned the turning radii around the building. Also a minor fire in that structure or in the one to be built to the north of it would shut down two of Target's entrances. There are no hydrants in that block. We would come across both of the entrances with the lines.

More discussion occurred.

Mr. Dean: I think that it is more important that they are closing off access to Target. That is not a problem. The bigger issue would be if there was a fire, getting people out of Target. That can be done by going north through the communicating access drive and coming out Nino's. There is a way to get out.

Mr. Leone: Would we address the fire hydrants here?

Chief Carvel noted there is one south of the south entrance drive.

Mr. Dean noted it looks like there is another one shown on the drawings up in the other corner.

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. Leone:	Yes

Mr. Letts thanked the Board.

**SITE PLAN MODIFICATION, SOUTH SHORE STABLES
RICHARD KULAK, 5840 SOUTH BAY ROAD
HORSE BOARDING FACILITY**

Representative: Richard Kulak

Mr. Kulak introduced himself. I own the barn at 5840 South Bay Road. I am applying for a building permit for an eight foot extension on the existing 14 x 24 sawdust shed. I also want to add to the west side a duplicate of that building that would over lay the approved concrete pad.

Mr. Leone noted we approved something recently. This was not on there?

Mr. Kulak responded no.

Mrs. May asked why this could not be handled by Wayne.

Mr. Leone: My guess is because of the strong suggestion that no, nothing could change on a site plan unless it is brought in front of this Board.

Mr. Dean stated that was made pretty clear to me.

Mr. Leone: I am not sure that the entire Board necessarily agreed with that but it was understood to apply based upon state law.

Ms. Cole read the portion of the Town's code that was in question. Section 210-27 states that all new structures, modifications, alterations or replacements of existing structures shall be subject to site plan review by the Town's Planning Board as here after set forth except the code enforcement officer shall have authority to approve site plans without referrals the Planning Board if the proposal meets the following conditions: involves the expansion and/or modifications of an existing structure or site which has received previous site plan approval by the Planning Board, the proposal is in full compliance with all existing zoning regulations and the proposal does not exceed 25% of ground space of the existing building, or structure or 10,000 square feet which ever is less.

So, if this proposal meets all three of those requirements, Wayne has the authority to approve this modification to the site plan. I think he brought it to you out of an abundance of caution.

Mr. Leone: I don't necessarily disagree with how this is written. I do have a problem if an applicant uses this to do an end around so to speak during the normal site plan process. I don't see that as an issue in this case.

Mr. Dean agreed.

Mrs. May: If that is the case the Planning Board will end up like other townships where meetings go to 12:00 or 1:00 in the morning. I feel that Mr. Dean has the knowledge and the experience to make a judgment on such changes. Mr. Kulak owns a lot of property. We would not be infringing on an easement, drainage, parking, etc. I find this is insulting to the applicant.

Mr. Leone made a motion to send this back to Code Enforcement to issue a permit.
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. Leone:	Yes

Mr. Leone thanked Mr. Dean for bringing this to the Planning Board. I think that in some ways was the appropriate thing to do. I would encourage you to move on the side of caution as you go forward.

Mrs. May noted Wayne has the knowledge and the experience to make a sane judgment as to what should be done. He has been given the title to do the job. Let him do it.

Mr. Leone: He absolutely does.

**DISCUSSION: O'BRIEN & GERE LETTER
REGARDING STANDARDS OF REVIEW FOR APPROVED SITE PLANS**

Mr. Leone: I want to talk about the letter that is in front of you. We talked about this in our original organizational meeting. These are a set of guidelines that Mr. Parrish has put together. I have reviewed them twice. Mr. Dean has been involved in the review. This tries to set some standards of review for a site plan that is approved by the Board and inspections prior to Wayne issuing occupancy permits. It involves an engineering inspection. There is basic pricing and what would be included in the inspections.

The thought process was simple. At least under a simple site plan it would be at the request of the Board. All site plans could be at the request of the Board but you would make it known at that time that we expect this to be done. We would notify the applicant that we think that this is a site that needs to be inspected when we are done.

Or we can leave it with a simple site plan. I think a simple site plan is a hardship. In some cases we might feel it should be done, for example the Nino's Pizza site plan. Should they have been given occupancy when they really have not finished their work?

The rest is more of a requirement for the site inspection to ensure that the things this Board worked hard for and to get right is completed. It would not just fall on Wayne to be the watchdog. It would be hard for him to do this 100% and gives some responsibility back to the engineer. Of course there would be a fee involved.

I don't think this requires action tonight. But we should be prepared to act on requesting that the Town Board make the consideration at our next meeting.

Mr. Cushman: We do need oversight. We do need someone's final approval before certificates are given.

Mr. Leone: It is not unusual. Other Towns do it. I believe we are at that crossroad.

Mr. Parrish: If anyone has any questions I would be happy to answer them over the next couple of weeks prior to the next meeting. One thing that the letter discusses is we will not be out there necessarily measuring signs or counting trees. But, obviously we are going to be looking to make sure that the project is meeting the intent of the Planning Board. I think that we have enough experience with the Board to know what is important. This should be something that hopefully the Board will find useful.

DISCUSSION: SUBDIVISIONS

Mr. Rowe asked if the Board recalled the **Rahman subdivision**. They subdivided on Bull Street. I believe that there were six parcels and one was sold off. Did we put a deed restriction on the parcel that was sold off to not divide again?

Ms. Cole: I do recall something like that. I think that the developer agreed to that condition. I don't know if the Board has the authority to tell someone that they can not further subdivide land if regulations otherwise allow for it. I will look into it and see what I can find out.

Mr. Leone: They want to subdivide a parcel again. We are talking about another driveway.

Mr. Rowe: Or a combination of driveways.

Mr. Leone: On a subdivision plan what have we been using as a time line for buildout to occur before we say it has been too long?

Ms. Cole: Your code says if you don't take final action on preliminary plan for up to two years, they have to come back for re-approval of the preliminary plan.

Mrs. May: If Mr. Mazzaroppi does not build **Harbour Village** this year will it have been three years?

Mr. Parrish: It is a matter of filing the final plan or a section of it. Basically, it has been interpreted as if they do a section and then it is two years before the next section comes in

it would be perceived as a lapse in the preliminary plan. I think that the Board issued preliminary plan approval right around this time last year, maybe a little earlier.

Mr. Leone: Do you know why that has stopped?

Mrs. May: He is supposedly going to start this month.

Mr. Leone 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 7:55 P.M.

Date: March 10, 2008

Tonia Mosley, Clerk