

The Town of Cicero Planning Board held a meeting on **Monday, May 19, 2008** in the Town Hall at 8236 South Main Street, Cicero, New York 13039.

Agenda

- Approval of the Planning Board Minutes from May 7, 2008
- Syracuse SMSA Limited Partnership d/b/a Verizon Wireless, Site Plan for Proposed Wireless Telecommunications Facility at 7697 Route 31, Nixon Peabody, LLP
- Syracuse SMSA Limited Partnership d/b/a Verizon Wireless, Site Plan for Proposed Wireless Telecommunications Facility at 6005 McKinley Road, Nixon Peabody, LLP
- Syracuse SMSA Limited Partnership d/b/a Verizon Wireless, Site Plan for Proposed Wireless Telecommunications Facility at 5531 Louis Avenue, Nixon Peabody, LLP
- The Birches Section 5, Revised Preliminary Subdivision Plan, Public Hearing and Park 277 Fees for property South of and Adjacent to Section 4, 10 Lots, Group One Dev.
- Done Well Trailer and Body of Syracuse, Site Plan for Proposed Trailer Repair Shop on Northern Blvd., Secor Engineering Services
- Tim Hortons, Site Plan for Proposed Restaurant at 911 North Main Street, TDK Engineering

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

ABSENT:

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 is one formal public hearing. This Board acknowledges the importance of public input and encourages anyone who would like to speak about an agenda item to do so by raising your hand and being recognized by the Chairman. You must use the microphone in the front of the room when speaking. It is also this Board's intent to be heard. Raise your hand if you can not hear these proceedings. Please turn off all cell phones.

**APPROVAL OF THE MAY 7, 2008 PLANNING BOARD MEETING MINUTES**

**Mr. Smith made a motion** to approve the May 7, 2008 Planning Board minutes with the following correction. On page 9 in paragraph 5 the sidewalk width should be changed from 5' to 4'. **Mr. Cushman seconded the motion.**

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

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

**SITE PLANS, SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS, NIXON PEABODY LLP, PROPOSED WIRELESS TELECOMMUNICATIONS FACILITES AT: 7697 ROUTE 31, 6005 MCKINLEY ROAD, 5531 LOUIS AVE.**  
(SEE OBG LETTERS DATED 6/14/08 ATTACHMENTS A, B & C)

Representative: Jennifer Wright, Nixon Peabody

Ms. Wright introduced herself noting that Tom Greiner was before the Board in April. At that time he gave a brief presentation on each project, what was asked for and some of the specifics. I was under the impression that we were setting a public hearing tonight and so have not brought any additional information. We will prepare a power point presentation for the public hearing and will respond to the comments we received from the Town's consultant at that time.

Ms. Cole noted that there was a requirement for public participation, not a formal public hearing. People within the required distance of each site have been notified. I would hope that anyone who was interested in responding to those notices would be here this evening.

Mr. Leone asked if County Planning was notified on any of these projects.

Ms. Cole explained that all three were submitted to the County. The County asked that two of the applications be withdrawn because they are not within 500' of the County's jurisdiction.

Mr. Dean stated that the McKinley Road and Louis Avenue applications were withdrawn and that the County had no comment on the Route 31 application.

Mr. Leone noted that there were some engineering questions on site one (7697 Route 31) regarding storm water, disturbing more than an acre of property, and the encumbrance of some wetlands. I understand what your thought process was. I don't know if it is fair to ask these questions without your engineer and your attorney present.

Mr. Smith felt the Board should postpone further discussion on the applications until the engineer and presentations were here. But, if someone is here in response to the notifications sent out we should hear from them.

Other Board members agreed.

Mr. Leone stated we could send the representative back with some of our questions. I know the Route 31 location has the most questions. Then we will allow anyone who is here to speak on behalf of the public to have a word. We will then schedule the applicant to return at a later date.

Ms. Wright agreed.

Mr. Parrish noted two things at the Route 31 location. Because of the length of the access road you are disturbing more than an acre of land. They need to prepare a storm water pollution prevention plan. That should be provided for.

Mr. Leone asked if there was another way to get to that area without going out to Route 31.

Mr. Parrish responded that there is a Town road that goes back towards that area but it does not directly abut this property. That road really dead-ends into a turnaround.

Mr. Leone asked if the State was contacted for a driveway cut.

Mr. Parrish responded that a previous letter from the engineer indicates that they are preparing the application to the Departments of Transportation.

Mr. Leone reminded Ms. Wright that application or a letter from the DOT with their approval was needed before this Board can give their approval.

Mr. Parrish noted there are wetlands on the site. They are not adjacent to the area being developed.

Mr. Leone asked if the wetlands were within the fall zone. The tower would be 145' and the setback easement would have a radius of at least 145'.

Mr. Parrish responded that a small portion of the wetlands are within the fall zone, maybe 15'-20'. It is within what they are calling the tower's height setback easement. That is within the 145'.

Mr. Leone asked if any of the residents within that Route 31 area would like to speak. There was no response. The Board continued with the next proposed site: McKinley Road.

Mr. Parrish stated at the McKinley Road site the applicant would be putting in a culvert. A swale in that area was recently improved as part of the McKinley Road Project. We want to make sure that the culvert gets put in appropriately as shown so that it does not block the drainage that goes through there. The applicant should also coordinate with the Town's Highway Superintendent for the entrance providing any culverts or minor improvements that he may need require for that access point.

Mr. Smith asked if an additional inspection fee would need to be posted for the proper inspection of the culvert after it is installed. Do you recommend that Mark? Should we have an engineer go out and look at that after it is installed?

Mr. Parrish responded that it was pretty simple. I would not ask that they post a fee. It is a very quick site visit to make sure that it is okay. If there is an issue I am sure that we could coordinate with Codes or the Highway Department.

Mr. Leone stated that he was semi-uncomfortable. The Town has just done that culvert work. The size of the culvert that the applicant would put in—can we get that figure prior to approval to make sure that it meets what is needed? We could make that a condition of approval.

Mr. Parrish stated the size shown on the plan, I think it is an 18 inch for this site, appears reasonable. The upstream culvert is 15 inches. I just want to make sure that it gets installed at the correct elevation, per the plan, basically at grade. It can not be sunken down so that it starts to fill with debris or settlement which would then backup and become a maintenance issue. We just did this work.

Mr. Leone added if we get the right information we could condition the approval on that information. If it is not done correctly and it has to be changed by the Town, the site developer would be responsible.

Mr. Smith asked Mr. Dean how comfortable he was with inspecting this and making sure that it was at all of the right elevations.

Mr. Parrish: I can go out and look at it with him. Again this is very minor. It should not be a big deal to go out and look at it with Codes when it is done. I do not think I will

need an additional fee to do that.

Mr. Leone noted this tower was also 145' and we have an easement provided for the complete drop radius.

Mr. Parrish agreed. It is the same as the other parcel. It is a 200' x 200' leased parcel. In addition to that they have a tower height setback easement with a radius of 145' which is the tower's height.

Mr. Leone stated for the record in each of these cases we asked for a justification for the tower expansion. If you recall they showed us the service map showing how the service would improve. At that time Mrs. May noted this was also for 911 requirements which had to be met as well. The Board asked these questions for proof as to why additional towers were needed. Is there anyone here who would like to speak for or against the McKinley Road site tower?

Edward Ware: My mother owns the property at 5993 McKinley Road. She is out of town now but has concerns about the location and the drainage of her property. I own the property at 6008 McKinley Road. I was wondering where exactly the tower would be located. I have not had time to research this.

Ms. Wright showed Mr. Ware the tower's location on a map. The Board noted the applicant would be returning to another Planning Board meeting with a presentation. The Wares would be able to ask questions at that time.

Ms. Cole: I want to let residents know that I don't think that the Town will re-send notices by mail of the additional meeting date. Residents should check the Town's website and/or call the Zoning Office to determine when this will be heard again. You will not receive additional notice in the mail.

Carol Pardee 5977 McKinley Road: I have health concerns about this. When the applicant comes to the Town again to put more towers up, you are going to send them to that one on McKinley Road to add on to it. Correct? That is what they did over on Eva.

Mr. Leone explained relative to health effects under the Telecommunications Law, they have all been investigated. All information relative to what apparently is or is not a health effect has been negated.

Ms. Cole: Negated by federal law.

Mr. Leone: It is preempted. It is a service like a utility. Basically we have to accept them with open arms although we require the drop radii, the heights, etc. We sometimes

ask if there is a potential for a co-location as a result of this requirement. Is there a better spot that is already built that would give you the same signal? We did that when they wanted to locate one near Mud Mill Road. We ended up co-locating with a nine foot tower extension on Route 31. In that instance we saved putting up a new tower. They had to prove to us why they could or could not co-locate.

Here, they showed us existing towers, the signal strengths for those existing towers and whether or not they could make the same coverage. In their studies they said and showed that they could not co-locate. That is when we said continue to proceed. We have obliged to the height restriction. What is the total height restriction of a tower, 150?

Ms. Cole, Mr. Dean and Mr. Parrish responded 250 feet without variance approval from the ZBA.

Mr. Leone: We tried to not let towers grow. We told the applicant to make sure that they had the height that they want. In the past a resident stated they bought their house knowing a tower was there, but they did not think that a tower could grow. That is a reasonable expectation.

We asked Verizon to get the height that they want. If you expect to have co-locators get the height to do the job today. When the public comes in the applicant will be speaking to that height. It could be, after I talk to counsel, that we set the conditions that the towers can not grow. We may have a leg to stand on in the future without allowing that.

Mrs. Pardee: I know that the companies put you in a spot because they more or less have the control. I just feel it is a health issue.

Ms. Cole: Unfortunately, the health concerns are an issue preempted by Federal Law. But, one of the things that this Board tries to do because local code requires it is to get applicants to co-locate before they create new towers. When this applicant proposed these three new towers they provided propagation analyses as part of their application materials. That is all on file in the Zoning Department. You can take a look at it to see their proof and their reasoning as to why they need new towers as opposed to co-locating on existing towers within the Town.

Mary Beth Carella 5991 McKinley Road: I am adamantly opposed to having a cell tower on McKinley Road. 6005 McKinley Road is only two doors away. Speaking on behalf of my neighbors, they too are very close. I am a real estate broker. One of my concerns is re-sale. The tower is 150' high and back on 11 acres of land. I believe re-sale value for our neighbors is going to be a concern.

I have lost both my parents to cancer. They were both in their fifties. Health factors are

a huge concern with cell towers. I have done extensive research since I received this letter. I wish 1000% that you would not consider this location. Cell cultures, animals and people have been studied for prolong periods of time who have developed various negative effects. (Mrs. Carella gave numerous examples and medical findings.) It is a residential area.

Telecom providers are not required to by law to consider health effects in their site proposals. The Telecom Act of 1996 prevents local planning authorities from prohibiting cell tower construction on the basis of health and environmental considerations. I realize those issues may be taken off the table when considering this proposal but I have done quite a considerable amount of research on this.

Mr. Leone: So what do you suggest?

Ms. Carella: My suggestion would be taking it right off McKinley Road. It is a residential area. It does not need to be in a residential area.

Mr. Leone: On what basis? Not on a health basis. You just told me we could not consider a health basis. Honestly, we are not trying to give you a hard time. You did the same research that this Board has done for itself. We are not allowed to consider that.

Ms. Carella: But we are. As residents of the Town of Cicero I am bringing it to you.

More discussion occurred.

Mr. Ware: I would like to state for the record that I am against this. Constance Ware is against this. I have photos that show what will be sticking up. (Mr. Ware showed pictures to the Board.) This is the area that would be affected.

Steve Snyder owner of the property at 6005 McKinley Road: I am for the project. I have four children besides my wife and I who live at this address. I have done my own research. Obviously, there are pros and cons. You have explained what you can and can not take into consideration.

In regards to the effects on real estate, I have a mobile home out behind my house that was not there when I built which affects my real estate, what my house is worth and what I have to look at.

Mr. Ware explained that was his mother's modular home.

Mr. Snyder: We have a cell tower at the top of our road just about at the corner of Pardee and McKinley Road. There is a cell tower here at the Town's offices. We have power

lines located across the street. Cell phones produce more exposure than these towers. I wanted to make a few different points and state that I am for the project.

Mr. Leone: Is there anyone else? (There was no response.) The last site is on Louis Ave. Is there anyone here to speak about the Louis Avenue tower? (There was no response.) This is the location where a storage garage was built that was then turned into a house.

Mr. Parrish agreed. That is the location where a portion of the property was changed to R-20 zoning. The site is about 600' back from the road.

Mr. Leone: This tower is 140' high. It is zoned R-20 residential. The issue relative to industrial zoning versus residential zoning has no basis for the tower?

Mr. Parrish explained the site for the tower is zoned General Commercial. Only a portion of the property was rezoned to R-20. The access drive crosses the residential zone.

Mr. Leone asked if there was an issue relative to the zoning for the tower.

Mr. Parrish responded no.

Mr. Leone asked if there was an issue relative to any zoning for any tower. Can a tower go in a residential area?

Mr. Parrish: I believe they can. I believe they can go in any district.

Mr. Leone: That is what I think. I want to make that clear for the record.

Ms. Cole read: Telecommunication facilities requiring construction of a new tower also shall be deemed permitted use in any district. That is Section 83-3B.

Mr. Parrish noted that there are different regulations that apply depending upon the district that it is in.

Mr. Leone: We have the appropriate drop zone radius. Here it is ten feet larger than the tower.

Mr. Parrish: Correct. The easement provided here is 150 versus the 140' height. It does encroach on some federal wetlands. They are crossing the wetlands. But, they are under a tenth of an acre of disturbance which is below the need for a permit.

Again, we do have a culvert here which needs to get installed correctly. I believe that the Town did go in and improve the drainage through here last year. It is the same issue as

before.

Mr. Leone asked if the applicant and the Town's engineer was comfortable setting the next meeting for two weeks away.

Both responded yes.

Mr. Leone: The next meeting will be June 4<sup>th</sup>. You will be on for each of these locations. You heard some of the questions that need to be addressed. Some of the residents are concerned. I would suggest that you be ready to address those concerns. Also, assure us again that other sites in the area have been investigated and/or simply can't be found. I am assuming you checked out the current tower near Pardee and McKinley as to whether it would work or not work.

Ms. Wright: We propagated all towers within the area. We have the propagations and will include those as a part of our presentation.

Mr. Leone: Maybe you can tell us what other sites you have looked at.

Ms. Wright: That is included in all three applications. We will make sure that we put it up on the screen so that everyone can look at it.

**THE BIRCHES SECTION 5, REVISED PRELIMINARY SUBDIVISION PLAN  
PUBLIC HEARING, PARK 277 FEES, SOUTH AND ADJACENT TO SECTION 4  
10 LOTS, GROUP ONE DEVELOPMENT  
(SEE OBG LETTER DATED 6/19/08 ATTACHMENT D)**

Representative: Hal Romans, Surveyor, Ianuzi & Romans

Mr. Romans introduced himself and showed the location of the 10 lots in question. We were waiting for the public hearing. I have the comments from Mark Parrish. When we recently re-delineated the wetlands we realized that putting a loop road through here would not be feasible. So, we are doing a cul-de-sac here with the intent that Lot 91 be a residual lot. The applicant is not sure what he wants to do with it. There has been some interest expressed from a couple of the adjacent owners about buying it and adding it to their property, but nothing firm.

Mr. Leone asked if Lot 91 was a non-buildable lot.

Mr. Romans: It probably has the ability to have at least one house here.

Mr. Leone: Are you counting that as part of your subdivision?

Mr. Romans: No, we are saying 9 lots plus one residual. It becomes a 10 lot subdivision.

Mr. Leone: It can be built on and you are not deed restricting it saying that it can not be built upon.

Mr. Romans: Correct.

Mr. Leone asked Mr. Parrish about his comments about Lots 84 and 85.

Mr. Parrish stated I think they are fairly decent as far as the area they provide. Lot 85 has some modifications which move the storm water basin a little to the south, giving more area there. Lot 84 shows 48' behind the house, which is fairly reasonable.

Mr. Romans explained in detail the depths of various lots. The general layout of storm water management facilities appear reasonable. But, as we work through the contract drawings, any modifications will be reflected upon the final plan.

Mr. Parrish: We are likely to have an access road between Lots 85 and 86 to get back to the storm water management area, through the drainage easement. They do not go through any wetlands to get there. To get to the back of the easement is a little over 200', to get to the forebay area. The forebay is 4 feet deep. The forebay is split onto two properties. The wet pool will be 6 feet deep.

Ms. Cole noted the Town Board's recent resolution. I think that it was a 4 to 1 resolution that they were not going to require such ponds that are on private property where the Town maintains an easement to be fenced.

Mr. Leone asked about the ponds that the Town does not have an easement on.

Ms. Cole: The commercial ones? I don't know that they necessarily have any sort of resolution to that effect. Swimming pools are a state building code issue. Unfortunately, storm water retention ponds are not.

Mr. Leone clarified. The Town Board has issued a policy decision that there will not be fences on these storm water ponds.

Ms. Cole: You have to remember; ultimately the Town Board will have to accept the easement around the pond. It is ultimately their decision whether or not they are going to accept an easement with a fence on it. With commercial properties the property owner is responsible for maintenance. With residential properties it becomes the Town's responsibility.

More discussion occurred.

Mr. Romans continued. We have a cul-de-sac in here which is a modification from the original plan. Alex, from LJR Engineering met with Chris Woznica. They looked at the grade because the rest of the subdivision was built under the old guidelines. Mr. Woznica did not have problems with the cul-de-sac but I do not have a letter from him.

This is already within a sewer district. There is already a water district. We are not in a 100 year floodplain as identified on the maps.

Mr. Parrish added Peregrin Lane is the road that would not be extended as part of this proposal. That road was previously going to be extended. As we go through contract drawings we will review that with the Highway Superintendent to see if there are any modifications that he might want. I believe that there is a driveway that comes out through there and there might be a need for an access easement or something. We need to work out if there is a need for a plow turn around. He may be happy with just plowing it straight through. Since there is a driveway there, I am not sure how he is treating the area. The driveway comes off the side of Lot 59. I think it crosses part of Lot 91 to get out to the south end of Peregrin. There probably isn't an easement for that driveway.

More discussion occurred.

Mr. Leone: How about a stop sign for the cul-de-sac coming from Ledgestone or Birchtree?

Mr. Smith noted we have approved Wallington Meadows. It is all built out up there. There is not a single stop sign. We still do not have a stop sign on Whiting Road. Those were made conditions for approval.

Ms. Cole clarified. I think that the Town Board very recently did the local law that allows those stop signs to be placed. It takes a little bit of time to have the public hearing and get the local law adopted, etc. I think they held securities for it.

Mr. Parrish agreed that securities have been held for the stop signs.

The Board suggested the southwest corner for a stop sign location.

Ms. Cole asked that a note be made for the record as to whether or not the Board is anticipating accepting 277 fees for this project during the final plan stage. Is that something that you will be looking to do?

Mr. Leone: Absolutely.

Ms. Cole: I want to make it clear for the record that that is a possibility. My suggestion would be that you assess them at that time based upon the number of lots in the final plan and based upon whatever the 277 fee is per lot at that time, in anticipation that it might change between now and then.

*The public hearing was opened at 7:53 pm.*

Mr. Leone asked if there was anyone who would like to speak for this project. (There was no response.) Is there anyone here would like to speak against this project? (There was no response.) I will close the public hearing.

*The public hearing was closed at 7:53 p.m.*

**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 Eight 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. Smith:	Yes
Mr. Leone:	Yes

**Mr. Leone made a motion** to approve the subdivision plot modification dated April 9, 2008 with a last revision date of May 14, 2008 with the following conditions: the easement of Lots 59 through 91 to a Town road be acquired. A stop sign is to be placed on the southwest corner of Ledgestone Lane and its intersection with Birch Tree Road. It is likely that a park fee under 277 will be required at the time of final plan. It will be levied for the ten lots at the rate at that time. The current rate, I believe, is \$475.

Ms. Cole clarified. Based upon the number of lots that actually come through the final subdivision, in case for some reason that changes.

**Mr. Smith 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

**SITE PLAN, DONE WELL TRAILER AND BODY OF SYRACUSE  
NORTHERN BLVD., PROPOSED TRAILER REPAIR SHOP  
SECOR ENGINEERING SERVICES**

Representative: Dave Secor

Mr. Leone noted the application requires a property owner's signature for someone to discuss their property and what may happen on their behalf. In this instance my copy of the application did not have a signature. The gentleman who will be speaking on the applicant's behalf stated that the applicant faxed him a signed copy.

Mr. Secor introduced himself. I am here for your initial comments on our proposed project on Northern Blvd. The property is just south of Taft Road in an Industrial zone. Commercial Truck Tire is on one side of the property.

Mr. Leone gave details on the location of the site. There is an entrance way that is interior from Northern Blvd. that services a couple of properties.

Mr. Secor: I believe the property immediately south is not in Cicero.

Mr. Smith asked if we are required to notify the adjacent municipality that we are doing this.

Mr. Leone responded yes, within 500 feet.

Ms. Cole responded yes. We don't quite have a complete application yet. We have not had fees posted and we do not have the property owner's sign off. But as soon that happens yes it will need to be sent to adjacent municipalities.

Mr. Secor stated we are proposing a 100 x 200 truck repair shop. For example they repair the bodies of UPS trucks. The project fits in the area very much in keeping with the other businesses in the area.

Mr. Leone asked if it was all paved.

Mr. Secor responded it is crushed stone.

Mr. Leone: You have thirty parking spaces for trailers. Is that a drive through where they drop a trailer off and they can go all the way through the building?

Mr. Secor: They will back into the back bay here but they won't try to come out the front because of our storm water detention basin.

Mr. Leone noted the use is appropriate for the zoning. There are some questions relative to easements that are needed for that drive.

Mr. Secor: As I understand there is an existing easement that allows access to all of the properties along that access drive.

Ms. Cole: I have not heard that. Make sure I get a copy of that.

Mr. Leone asked for the color scheme of the building.

Mr. Secor responded that they have not picked one out yet.

Mr. Leone noted we would like to see that. We will need lighting information for the entire site if it has not been provided. You will be addressing storm water issues with the engineer.

Mr. Parrish noted we have just received the storm water pollution plan tonight. As soon as we receive work requests we will proceed with the review.

Mr. Leone asked if there were any wetlands on the site. Has anyone looked at that?

Mr. Parrish stated we will check the general map. We will also do a site visit.

Mr. Purdy asked about the trailer repairs. Is this damaged trailers or mechanicals?

Mr. Secor responded possibly damaged trailers.

Mr. Purdy: It says 30 parking spaces. There is actually 26. Trailers are 8.5 feet wide. You only allow 10 feet for each parking spot, which only gives you so much space between each one. That does not give a guy any room to stand there and crank a dolly to drop the trailer. So, in reality we are talking about 20 spots, especially in the winter time with snow. If a guy takes the top of a truck off at a bridge, it tends to get a lot wider. It will no longer fit into a 10' spot. Mechanical is one thing. It is in and out. You fix them up and you put them on the road. For damages with insurance claims, a guy could wait

months to get it fixed. I don't know if you have enough parking spaces for trailers that are going to be there very long.

Mr. Secor: We originally talked with the business owner. We batted around 12' on the width. We thought that we could make them a little tighter because the property is very tight. We are trying to squeeze in what we can.

Mr. Smith: You also have a large paint booth. What provisions have you made for air quality and controlling all of the fumes?

Mr. Secor: They have another location where they have a self-contained paint booth

Mr. Smith: When you come back could you show us what you are going to do for your environmental concerns?

Mr. Leone addressed the issue of the size of the site. It is called planning. Because they don't think that they can fit 30 trailers into a 12' space that you suggested, for them to narrow it down based upon the size of the site is not acceptable. You get what you can. It seems that the 12' was probably the right size. We do not want a junkyard of trailers. If we are getting 30 spots for long term storage where trailers are trying to be assessed just to be junked, that is not what the Board anticipates will happen there. You need to look at the turn over rate and assess your storage and parking based upon that.

Mr. Secor: Would you like them to provide information on that? I don't think that trailers would sit there for six months.

Mr. Leone: I don't think that it is a bad use for the property. It seems like this is a reasonable area for this to be done.

Mr. Purdy: I think that whatever you put in would be an improvement over what is next door.

Mr. Leone asked do you have sewers there and if there was a dumpster location.

Mr. Secor responded yes to the sewers and no to the dumpster location.

Mr. Leone noted a dumpster location was needed and that it needs to be enclosed. Plus a tire storage area. I would also like to know how you will handle your waste products, for example aluminum. I see that you have a separator. I assume that is your oil/water separator that goes out to sanitary.

Mr. Rowe asked can you explain how you pull into the site.

Mr. Secor: Northern Blvd. is on the property boundary at the bottom of the page. It is an access drive where trucks come in now and they go to the truck repair shop and they go over here to this commercial tire. We are using the same common access drive to come into our property. The access comes out again three or four businesses down and comes back out onto Northern Blvd to the north.

Mr. Leone asked for the businesses to the north and the south. Can the trucks on the existing gravel road, if they had to come in through your drive, can they make that turn?

Mr. Secor noted that they make the turn to the north now.

Mr. Leone: If they came from the property on the internal gravel road to the north and they had to come back into your bay, could they make that turn?

Mr. Purdy: I think the answer to that is yes. The road does not go beyond your place. It is not really a road; it is more of a gravel driveway. You would swing way to the left if you needed the room. It is not like a lot of traffic would be coming out. You would be in the left lane on both ways in. I think that there is plenty of room, as long as they do not put big boulders on the corners.

Mr. Leone: I am asking for a color scheme at your next visit. The Board does not like loud colors. Bring in what ever sign package that you are going to have.

Mrs. May asked if any landscaping would be around the building. I would like to see that dressed up just a little.

Mr. Secor: There is a little bit tied to the building, but they would be using most of the property for parking and the detention basin. We will try to get a little bit in the front along the entrance way to the building.

Mr. Smith asked if the detention basin would be 10 feet plus deep.

Mr. Secor: Overall, yes.

Mr. Purdy noted the detention pond does not have to be an ugly piece of property. Shrubs, etc. would not hurt. Your detention pond is on Northern Blvd. You could dress it up. I like what you have done around the building.

Mr. Leone: Is there some existing green space left between the existing gravel road and the area that serves as the detention pond? Is there enough to put in any landscaping?

Mr. Smith: It looks like the road goes right up to the detention basin.

Mr. Secor noted that the size and the design of the pond is calculated based upon the size of the area disturbed.

More discussion occurred.

Mr. Leone: If you have to shift the building or make it a little shorter, come in with some safety net. You need a lighting scheme. There is a question as to whether or not we will require this area to be fenced.

Mr. Secor: Do we propose it as fenced and then let you decide?

Mr. Leone: You can do that. Often when we get into the Wal-Marts and Targets of the world, we require fencing. In this instance it is a little bit out of the way.

Mr. Parrish: It is underneath power lines so I don't know what the feasibility of doing fencing is. Basically the whole area you see up front is a power line easement. There is a high tension tower and two wood pole towers.

Mr. Leone: They can build a detention pond underneath power poles?

Mr. Secor: We have sent this plan on to National Grid.

Mr. Parrish: Typically all they need access to is the poles. Initially I think they had some hesitancy over it but I think we got over that with them 10-15 years ago. It is actually safer than ground.

Ms. Cole: Can I ask if maybe we are going to hold off on sending this to the County?

Mr. Leone: Yes, until we have a complete application. This has to be sent to County Planning for referral. It may require you coming in one more time to get this released to the County.

Mr. Secor: They have the fees and the sign application now. Would it be possible to get this to the County before I come in again?

Mr. Leone: How does this Board feel? If there are some adjustments made to the plan relative to the parking, relative to either protection of the storm water pond or guard rail or something, or reducing the size of the building; once that is received does the Board have a problem with sending the plan to the County?

Mrs. May: Will Mark see that?

Mr. Parrish: I don't think that there will be anything significantly changed, unless we run into something during the review. I think that this is probably pretty representative, particularly for County purposes, of what this is going to end up being.

Board members agreed if Mark was comfortable they were comfortable.

Mr. Mott requested down lighting. What kind of building materials will you be using?

Mr. Secor: On the building itself?

Mr. Mott: Yes.

Mr. Secor: It will be metal with architectural block.

Mr. Mott asked the representative to bring in an architectural rendering.

Ms. Cole asked for easement information.

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

Representatives: Joseph Durand, P.E., TDK Engineering  
Peter Nasarenko, Tim Hortons

Mr. Leone: The last thing on tonight's agenda is for Tim Hortons. I believe we have an update relative to some of the issues to do with the site configuration and its access to the state highway.

Mr. Durand introduced himself and Mr. Nasarenko thanking the Board for giving them an opportunity to give an update on where we are with the project. The last time we were here was in January. The project is located on Route 11 just south of the 481 overpass and north of Bear Road. I think that we received the County's comments when we were here last time. I think the biggest concern was the traffic issue surrounding the site and the traffic flow to and from the site. We did a traffic study through GTS Consulting. We had a meeting with the DOT.

We are aware of a number of the site issues that we will have to come back to the Board for: lighting, landscaping, etc. I would like to cut right to the chase and get your input on the proposed project and how we are proposing to solve the traffic situation. There is an existing entrance that serves the site. It is ingress and egress. Since the last meeting we have tried to secure traffic off site by using a rear corridor. We have had some discussion with the Town and the adjacent property owners to hopefully alleviate some of the

congestion that occurs periodically on Route 11.

We have looked at a number of scenarios on this plan. Now Tim Hortons is proposing to construct a driveway from their site at the western end of the property and extending north to Business Avenue. Right now this would be a one-way exit only. It would allow traffic to enter the site, utilize our drive through and exit the site depending upon the time of day whether it would be a driveway out onto Route 11 or to the rear of the site and north to Business Avenue. We are working with the owners of the Verizon Building to the north. They own the property as a L-shaped configuration. We have also talked to the neighbors to the south offering them an easement so that this would be in place. Tim Hortons has agreed to design and construct this driveway. It is a 12' wide driveway, one lane only exit out. We would be responsible for clearing and filling a 20' wide swath through there. This would be a 30' wide easement. We would also clean up some of the drainage patterns that are in here. It is congested. It is full of a lot of trash. Tim Hortons, as part of this project, would clean that up. There is an existing 36" culvert that discharges from this area out to Route 11. We would propose to extend a culvert across our road and clean up that area.

We do not have topo yet. This is a concept drawing compiling a lot of information from Tim Hortons and the Town. It is really just to give you an overall concept of what is being proposed. We looked at the flow of traffic coming off of Route 11, ingress and egress to the rear of the property. Someday if this road is fully built out it could be ingress/egress along the back and Business Avenue would actually connect to Bear Road. Tim Hortons is doing its part by constructing this rear facility and providing a driveway that is exit only to Business Ave.

Again, we have internal traffic circulation. We have looked at a couple of options. We will tweak this site plan to clean up our parking, the landscaping, the snow storage and the lighting pulling all of those elements together. We are basically keeping our access to the drive through internal to the site. There will be some signage in there to make sure that traffic patterns do not get blocked. Right now the drive through and stack holds nine vehicles.

One comment that came up was a by-pass for exit. This does not show it but, we have enough room with this drive lane to squeeze it down to 24' and get a 17' lane which will allow for a by-pass.

We have not heard back from the DOT. We have just given the plan to Mark. Know that the construction details are in progress.

Mr. Leone: I have sat in several meetings relative to the access to this site. A study was done by Tim Hortons that found that the driveway failed at certain times of the day

relative to the backup from the Bear Road and the Route 11 intersection. Trying to make a left out across two and a half lanes got difficult. We had lengthy conversations with the State trying to find ways around that. One of the ways was to condition the driveway at certain times of the day by not allowing a left out. I thought it was from seven until nine but I am not sure of the exact times. The State was okay with that if we found another way to get traffic moved to the north. After some lengthy discussion with the neighbor they got approval for a driveway. I imagine the cost is quite expensive. The issue was movement to the north, not necessarily movement to the south. After talking with Wayne and Mark we figured on putting the one lane driveway going to the south. As Verizon or anyone else needs to connect in the future, those buildings would have to come in for site plan and have the same problems with their driveways, maybe we could get them to do the second lane and Tim Hortons would not have to pick up the whole bill.

The other part of that is a connection to the Coppertop. After several conversations with the Coppertop, it does not appear that the connection has been received with open arms. Except, now Coppertop wants to come back in for a patio in front of their building and add another 40 patrons and 20 cars. We asked them how they are moving their people to the north. Movement to the south is not an issue. You can make a right out. That may change their position as to whether or not they grant and extend the easement for a cross easement across their property to Bear Road. And then Tim Hortons would give them easement across their property to Business Ave.

Mr. Durand: Tim Hortons has offered that to them. Also negotiations are going on with the owner to the north regarding maintenance, liability, etc. But we are working on them.

Mr. Leone: Tim Hortons is back in front of the Planning Board asking if this works for the Town. After a number of conversations I can tell you it is a hell of a lot further along than we were.

Mr. Mott agreed this was big.

Mr. Leone: This connection has got to help. It may not be the perfect answer, but it is going to help. I think this is the best that we are going to do right now. It will be built out as a driveway. There is no discussion as to taking this as a Town road so the maintenance issue is not the Town's. I think you have done a great job.

Your issue is still with the State. You need to deal with them and hopefully get what you need. I would ask whether the Planning Board is happy with what they see and are we in a position to support Tim Hortons in their negotiations with the Town.

Mr. Smith and Mrs. May responded absolutely. Other Board members agreed.

Mr. Leone asked Mr. Dean, Mr. Parrish and Ms. Cole if they were okay with this. Mr. Dean and Mr. Parrish agreed. Ms. Cole noted that she would like to see the easements.

Mr. Durand thanked the Board.

Mr. Leone asked if the application needed to go back to County Planning. If they address the issues and get State approval are we able to move this forward?

Mr. Parrish responded.

**Mr. Leone made a motion** to adjourn the meeting. **Mrs. May seconded the motion.** The motion was **approved** unanimously.

IN AS MUCH AS THERE WAS NO FURTHER BUSINESS BEFORE THE BOARD,  
THE MEETING WAS ADJOURNED AT 8:34 P.M.

Dated: May 30, 2008

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Tonia Mosley, Clerk

