

The Town of Cicero Planning Board held a meeting on **Wednesday, May 7, 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 Meeting's Minutes from April 21, 2008
- Site Plan, Used Car King Leasing, 8011 Brewerton Road, Proposed Detail Shop, Sale & Storage of Cars, Martin Merola
- Site Plan, H.M.T. Office & Warehouse, 6268 Route 31, Proposed Warehouse Addition, H.M.T. Inc.
- Revised Preliminary Subdivision Plan, The Birches Section 5, South and Adjacent to Section 4, 10 Lots, Group One Development
- Final Subdivision Plan, Lawton Valley Hunt, Section 19, 17 Lots, Ianuzi & Romans

PRESENT:

Patrick Leone, Chairman
Richard Cushman, 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
Mark Parrish, P.E., O'Brien & Gere
Charlotte Tarwacki, Town Board Member
Tonia Mosley, Clerk

ABSENT:

William Purdy, Board Member
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. There are no formal public hearings tonight, however this Board recognizes the importance of public input and encourages anyone who would like to speak about an agenda item to do so by first raising your hand and being recognized by the Chair. Please use the microphone in the front. It is our intent to be heard. If you can not hear us for some reason, raise your hand.

**APPROVAL OF THE APRIL 21, 2008 PLANNING BOARD
MEETING MINUTES**

Ms. Cole noted that Carmel Runne Section 1 3rd Amendment had been filed with the County since the previous meeting. Therefore the minutes should be corrected to 4th

Amendment. **Mr. Smith made a motion** to approve the minutes with Ms. Cole's correction. **Mr. Mott seconded the motion.**

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

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

**SITE PLAN, USED CAR KING LEASING, 8011 BREWERTON ROAD
PROPOSED DETAIL SHOP, SALE AND STORAGE OF CARS
MARTIN MEROLA**

Representative: Martin Merola, Robin Development

Mr. Merola introduced himself as the representative for John Yennock, the owner of the property. The original site plan was approved for the Chinatown building and then the Pascales building. Used Car King would like to lease the building from Mr. Yennock putting a detail shop in the back. They have run out of room across the street. The front half would be sales. The rear has been re-stoned. They would put cars there.

Mr. Leone asked about the shed.

Mr. Merola responded that the shed was still there. It is a lean-to. The area further back to the fence line was re-stoned.

Mrs. May asked for the number of cars that the location would hold.

Mr. Merola was not sure. Originally Mr. Caputo wanted to expand this by 30,000 square feet. The storm water facility is here. This area was already stoned. He will try to sell some cars from here.

Mr. Leone asked where.

Mr. Merola: I guess he has a few spots by the street. He said he would be putting specialty cars inside for example corvettes. This area here is for the storage of trades, where they get detailed before they go across the street.

Mr. Leone asked for the number of vehicles that would be stored on the property.

Mr. Merola responded as many as will fit back there.

Mr. Leone noted that was not an appropriate answer. I would have a problem if you were to start stacking cars.

Mr. Merola stated we would not let them start until 20' from the edge of the blacktop.

Mr. Leone: We need a count based upon the parking lot's size and the code regulations for parking vehicles. We need to know about the drive aisle that you will have. You have to treat it like parking space.

Mr. Merola: Why? It is just a stone lot. We can't just treat it like storage?

Mr. Leone: What happens is you get into something like the other lot. You get so many cars jammed into there that the owner is forced to look for new space. It has to be organized in some way.

Mr. Merola: Our plan was to fence this off. It would be a fenced storage area. We have not put the fence up yet because we do not have approval.

More discussion occurred. Mr. Merola asked for the Town's code requirements for parking spaces.

Mr. Leone: 18 long and 9 feet wide?

Mr. Dean: Yes, 9 feet wide. The plan shows a 60' truck turning around there, for example a delivery truck. What happens with that?

Mr. Merola: Mr. Caputo does not have any 60' delivery trucks. The trucks have plenty of room.

Mr. Leone noted that it was part of the original site plan which delivered to both buildings. Does Pascales not have deliveries?

Mr. Merola: They have small vans, not big trucks.

Mr. Cushman: They would not have car haulers to bring the cars in? Do they drive them all in?

Mr. Merola was not sure what they would do. I think they drive them from across the street.

Mr. Smith noted sometimes cars are unloaded in the middle of Route 11. Mr. Dean agreed.

Mr. Merola: The deal we made with Mr. Caputo is this: put in as many cars as you can put in there, that works. We are not looking for a specific number of cars. He is not looking for a specific number.

The Board reminded Mr. Merola that they were looking for a specific number. Mr. Leone asked the Board if they wanted to see the truck turn-around go away. Mr. Merola stated that Pascales delivers to the back and that there was plenty of room. The fence would be needed to secure the trades. More discussion occurred.

Mr. Smith added this would be an appropriate time to ask for sidewalks to connect to Benderson's property.

Mr. Leone asked about the reader board sign.

Mr. Merola stated Mr. Yennock is taking that with him.

Mr. Leone asked about the inside of the building. Would it be gutted?

Mr. Merola responded it would just be a show room. It would have carpet and sheet rocked walls. He would put a couple of drains in.

Mrs. May: Drains to where?

Mr. Merola: I would assume he is going to connect them to the existing sanitary sewer. It would be a water drain just to wash cars.

Mr. Leone questioned if that could be done. It could be done with grease traps, etc.

Mr. Merola: That is all on Mr. Caputo's part. He would have to come in for a building permit for the inside. I am not involved in that.

More discussion occurred.

Mr. Leone: We are going to have an issue if you start moving customers back and forth across the highway. There isn't a light there. That would be an accident waiting to happen if it were encouraged. You have to worry about customers crossing the street. My feeling is, Mr. Caputo is using this as an over-flow lot. You are going to see vehicles moving back and forth and you are going to see people moving back and forth.

More discussion occurred.

Mr. Merola: All of the detailing would be moved across the street.

Mr. Leone: You have to tell us how you are off-loading cars. Those trucks can not get into the lot.

Mr. Merola: We would put the sidewalk across the front.

Mr. Dean suggested tearing down the shed and using that area for car storage.

Mr. Merola: We would store cars under there.

Mr. Leone: Your application says that you are selling cars. You are asking this Board to approve a car sales place. If that is the case, how do customers get back and forth across the road?

Mr. Merola: The building has a very limited number of uses due to the lack of parking. The use was great for a furniture store. Mr. Yennock has decided to move back to Solvay because of the high number of competitive furniture stores. Who else would move into the building? It is logical for the guy across the street to move in.

Mr. Cushman noted putting sidewalks across the front would mean parking spaces would be lost. He suggested keeping the truck turn-around, using the shed for storage, using half the building for storage and using the other half for detailing. No sales on the site whatsoever.

Mr. Leone: The Board needs to know more. You need to figure out where you are putting cars back here. You should try to save the truck turn-around because it is an issue. You should not have car sales there. It is hard to sign on to the idea that people would be encouraged to park on one side of the street and cross to the other. If that is what you are saying you need a light and a crosswalk. Maybe the Mufales would help. If not we would need a sidewalk all the way down to Wegmans for pedestrian crossing at the light on Caughdenoy Road, and a sidewalk all the way back to Chinatown. We can not move pedestrians across five lanes of traffic without some crosswalk. Figure out a way to move pedestrians from one side of the road to the other.

More discussion occurred regarding specialty cars. The Board suggested talking to Mr. Caputo.

Mr. Merola: I understand where you are coming from. I'll get back to you.

**SITE PLAN, H.M.T. INC., PROPOSED OFFICE & WAREHOUSE ADDITION
6268 ROUTE 31**

Representatives: Hal Romans, Surveyor and Planner, Ianuzi & Romans
Joe Grosso, and John Russo, Developers

Mr. Romans introduced himself. This is Lot 1 of the H.M.T. Business Park. The first sheet of the site plan shows the existing features that are out there. The lot is approximately .968 acres. It has the existing H.M.T. business with the building and the asphalt parking in the front. There is a gravel area.

As part of the subdivision process it was said when Lot 2 gets developed, this entrance would disappear. We would use an entrance over here that would come in opposite Button Road.

Mr. Leone believed that there was not going to be an expansion on Lot 1 before that happened. You have that driveway, you have the gravel driveway going back to the cell tower which is used to get in and out and for parking, and there is an access driveway for Lot 2. The thought process was that the drive would go in before more activity occurred. That drive would have connected to Button Road. It was a safety issue. Your drawing does not suggest that connection and how it is going to be connected to the H.M.T. property.

Mr. Romans showed that on the plan. This is office space. It is mostly storage in the back. They have an off site warehouse where they store the balance of their equipment. They want to put in a 2500 square foot warehouse in the back.

Mr. Leone asked if there were tractor trailers going into the back.

Mr. Romans responded no. It is mostly panel trucks. I have a layout on sheet 2 where we created a circular pattern for traffic. We also have a loading space here where you could circle around, pull up, back up and then go back out. We have left this as parking only. The site requires 28 spaces: 27 for the office end and 1 for the warehouse. This is strictly a warehouse, not something that would be leased out to someone else. There is additional parking here and the parking lot is expanded out to here. They will not be using the cell tower entrance anymore. They know that they can not use it. We have approximately 12 additional parking spaces that we do not use.

Mr. Leone asked about the generator. Is that an emergency generator for when the power goes off? I am concerned with its close location to residential property and its possible continued use.

Mr. Romans responded it is only for backup for the type of work that they do. It has not been fully connected because they want to put on the addition. You can see the proposed addition off the back. It is 48 x 52.

Mr. Leone questioned if the turning radii would accommodate fire and safety vehicles.

Mr. Romans responded yes. We have a 22' wide lane here. We have an inside radius here of 25'. The same thing on the other side of the building. We are more than willing to get the Fire Marshall's input. There is some existing landscaping out front. I have added landscaping on this side, this side and around the generator. The cell tower drive has been re-located.

More discussion occurred about the gravel drive.

Mr. Smith noted the proposed 5' wide future sidewalk easement.

Mr. Leone asked if the drainage issue on that side of the property towards Speras was addressed. Mr. Grosso, I think you may have worked on that. You cleaned out that swale. Has it been working?

Mr. Grosso responded we cleaned it out. It is pretty flat there so that is the best you can get it.

Mr. Romans continued discussing the storm water area and swales.

Mr. Leone asked if all of the conditions for approval were met including a letter from Mr. Mayberry and H.M.T.

Ms. Cole referred to her note. The final maps were signed so I have to believe that all of the conditions were met. I was not able to locate a signed copy of the letter agreement in the files at my office. That does not mean that I did not receive a signed copy. I do know that the agreement regarding the drainage issues was filed and recorded in the County Clerk's Office.

Mr. Romans remembered the attorney doing the letter. We can get you a signed copy.

Mr. Smith asked if the application had to go to the County.

Mr. Leone noted that the application would need to go to the County. He then read: a note has been placed on the plan indicating that Lots 1 and 2 are subjected to a cross easement for a driveway.

Mr. Romans explained. With this not having gone through site plan, and not knowing where it would connect, we wanted to keep everything that was available open so that it could be connected anywhere in the future.

Ms. Cole added no official easement was granted. The condition of subdivision approval was that when Lot 2 gets developed, the two property owners will negotiate in good faith to obtain a cross connection across those two lots so that the driveway servicing Lot 1 could be closed. Then, a driveway directly across from Button Road could be added.

More discussion occurred.

Mr. Smith asked why an easement could not be taken now so that it will be available in the future.

Mr. Leone referred to Ms. Cole's letter from last year. Number 1 says I do not have a copy of a map that shows the easement, but it maybe in the file that the Town has. Was that the idea—that there should have been an easement?

Ms. Cole responded no. The letter dated July 13th 2006 to the Town of Cicero's Planning Board was to be signed by a representative of H.M.T. Properties and H.M.T. It stated that it is our collective understanding that in the event that Lot 2 of the proposed subdivision is developed, that the NYSDOT may require the termination of the existing curb-cut that services Lot 1 and provide access at a point where it aligns with the intersection of Button Road and N.Y.S. Route 31. In that event, we individually and collectively agree to co-operate so that adequate and appropriate access is provided to Lot 1 over Lot 2. This will require a right-of-way easement which we agree to negotiate in good faith.

Basically, since we do not know how Lot 2 is going to be developed and we do not know exactly where the connection should be made, we are not going to do it at this time. We are going to wait to see where it is most appropriate—where it works best when Lot 2 is developed. The subdivision was contingent upon this letter. We made sure that the existence of this letter was noted on the subdivision so that when things came back in they would be addressed during site plan.

Mr. Leone: This needs to go to the County. You need to provide an idea of where the cross access should be, a reasonable layout.

Mr. Roman repeated we can accommodate it anywhere along this area.

Mr. Leone asked if it was the Board's desire to have one driveway servicing these parcels.

Mr. Cushman stated that was the smart thing to do. Traffic would go to the light at Button. But, I understand what Hal is trying to say. They don't know what will happen to Lot 2 yet so you can not really decide where you are going to put a cross easement.

Ms. Cole: I think that Hal is saying that all of those parking spaces along that property line could theoretically be eliminated. So, it does not really matter to the owner of Lot 1 where that access happens.

More discussion occurred.

Mr. Romans: Lighting includes the existing lights on the building. We planned on adding wall packs. The intent is to pave the whole parking area.

Mr. Leone: We need to send this to the County.

Mr. Smith added the applicant needs to understand that is a 4' concrete, not asphalt, sidewalk across the front of the property. We want to see that on the plan. It must be installed as part of the site plan. Will this have an inspection?

Mr. Parrish noted this was a minor site plan.

Mr. Leone stated there would be an inspection fee.

Mr. Leone: We should note that as soon as Lot 2 begins to be developed, that driveway will be closed. Did we condition the easement stating that it has to have cross access from Button Road?

Ms. Cole: The purpose is clear for a connection across from Button Road.

Mr. Romans agreed.

Mr. Leone asked to see that noted on the plan.

Ms. Cole suggested that would be helpful for when it is sent to the County so that the County does not make the same comments that they made the first time.

Mr. Dean asked about the sign that is going to remain. It is not on the property. It is in the right-of-way. It is supposed to be 20' back.

Mr. Romans noted they will look at that and asked that it be sent to the County tomorrow, which is the next dead line.

Ms. Cole offered to assist by providing a cover letter to be included with the application that explains specific issues.

**REVISED PRELIMINARY SUBDIVISION PLAN
THE BIRCHES SECTION 5, SOUTH AND ADJACENT TO SECTION 4
10 LOTS, GROUP ONE DEVELOPMENT**

Representative: Hal Romans, Surveyor and Planner, Ianuzi & Romans

Mr. Romans noted the last section that went in which left this residual property. With the approved preliminary plan the road ran into wetlands. We now end up with Section 5, which is approximately 20 acres, made up of 10 lots. We are coming in with a cul-de-sac. The property line follows the wetland boundary. Lots 84 and 85 are large because the storm water basin sits in this area, mostly in 85. The outlet goes into the wetland buffer. You have room for some yard, a deck, a shed, etc. without going into the buffer.

Lot 91 is left as one large lot. The owners of Lots 58 and 59 have expressed interest in possibly adding it to their property. If not it is just one lot. It does have some frontage if you were to put a house there. As far as storm water quality and how it will be handled, I know that Alex from LJR Engineering has discussed this with Mark Parrish and with Ellen Hahn from the DEC. This should be the last section in a development that started 20 years ago.

Mr. Leone: You have enough usable property to meet the current code for contiguous buildable space?

Mr. Romans: Correct.

Mr. Parrish noted this was far enough away from county or state roads to not have to be sent to County Planning.

Ms. Cole agreed and added a public hearing should be set. You are modifying something that required a public hearing. If you are making a modification it seems like it would be appropriate to have another public hearing.

Mr. Leone: When we did it in 2004, did it go to the County?

Mr. Parrish: At that time we went through a re-approval of the preliminary plan. Then we did the final plan for Section 4. As I recall, re-approval did not show anything beyond the limits of Section 4. It did show the loop which is no longer exists. It is up to the Board to decide if a public hearing is needed or not needed.

Ms. Cole: That is totally different then what is being presented now. This could be on the next meeting's agenda.

Mr. Romans: We went from 38 lots to 10 lots.

Mr. Leone: There was a public hearing that showed a complete road system being built out that has turned into a cul-de-sac. It is different from what the public had an opportunity to see.

Ms. Cole agreed. I think that it is in everyone's best interest to have another public hearing.

Mr. Leone made a motion set a public hearing date for May 19, 2008. I also suggest since it is not within 500' of a state or county jurisdiction, that there is no need to send the application to County Planning. **Mr. Smith seconded the motion.**

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

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

**FINAL SUBDIVISION PLAN LAWTON VALLEY HUNT
SECTION 19, 17 LOTS, IANUZI & ROMANS**

Representative: Hal Romans, Surveyor and Planner, Ianuzi & Romans

Mr. Leone noted this is a subdivision that is primarily in the Town of Clay's jurisdiction. There is a small sliver of property that falls within the Town of Cicero. I believe it would be backyards. As a result, Clay needs Cicero to sign off on the final plan too. This Board has never seen this and has yet to give the Chairman the right to sign off.

Mr. Romans stated the Chairman is correct. Kelly Tobin Development owns Lawton Valley Hunt and has been developing it over the years. This is one of the last sections as we make our way north to Route 31. This small piece of property is in the Town of Cicero, which is useless on its own. The Town of Cicero/Town of Clay line runs through here. Lots 414, 415, 416, and 417 don't need the area that is owned by the Town of Cicero to conform to Clay's standards, but the developer does not want to have a small tax parcel of nothing. That small parcel would be broken into two and would be

combined with 415 and 416. Those lots would have two tax bills.

Mr. Leone asked if they would get a drive out of the back to Route 31.

Mr. Romans responded no.

Mr. Leone added we should make that clear tonight also.

Mr. Romans agreed. The biggest concern to the future home owner is what the tax bill will be. Cicero and Clay have the same school districts here, so the bulk of the school taxes would go to the same place. In this situation the Town of Clay generally has a nominal fee of a dollar or two.

You see two lines here. There is an existing highway boundary and then there is a portion that is being reserved for future highway use by the NYSDOT.

Mr. Leone: There are no easements that fall into that area, no drainage easements or drainage swales?

Mr. Romans noted that there is a drainage easement through here, which is a Town of Clay easement. And there is a Town of Clay easement that is going to go through Cicero's property. There is a large storm water facility. That drainage easement picks up the drainage from Route 31 and some that comes from across the street to the north; taking it down to that facility. It will be a Town of Clay easement where you have an easement that benefits one Town going across another Town's property. It is privately owned property.

Mr. Leone stated that we were notified of this as part of the requirements under General Municipal Law. I believe we signed off.

Mr. Romans noted that we added a Town of Cicero Planning Board signature box to the plan to cover that. When the final plan is approved by Clay, it will come to Cicero.

Mr. Leone requested the stipulation that Clay sign off first. We should also re-stipulate that there is no connection to those lots to Route 31.

Mr. Romans clarified that there is a note which states driveway access is not permitted to NYS Route 31 from those lots.

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. Smith seconded the motion.**

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

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

Mr. Smith made a motion that the Planning Board's Chairman be authorized to sign the final subdivision plan of Lawton Valley Hunt Section 19. It is stipulated that he will not sign it until Clay has approved it and that there will be no access off this piece to Route 31. **Mrs. May seconded the motion.**

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

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

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 8:15 P.M.

Dated: May 13, 2008

Tonia Mosley, Clerk

