

The Town of Cicero's Planning Board held a meeting on **Monday, September 15, 2008** at **7:00 p.m.**, in the Town Hall at 8236 Brewerton Road, Cicero, New York 13039.

Agenda:

- Approval of the minutes from September 3, 2008
- Site Plan, JMG Inc., 8462 Wayfarer Drive, Proposed 5,000 square foot office building, LJR Engineering
- Informal Discussion, Pastures Walking Trail

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
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. However this Board acknowledges the importance of public input and encourages anyone here who would like to speak about a formal agenda item to do so by raising their hand, being recognized by the chairman and using the microphone in the front. It is also our intent to be heard. Please let us know if you can not hear the proceedings.

**APPROVAL OF THE PLANNING BOARD MINUTES FROM
SEPTEMBER 3, 2008**

Mr. Smith made a motion to accept the minutes. Mrs. May seconded the motion.

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

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

Mr. Leone asked if there was a monument sign on the corner for all of the businesses going in and would that sign incorporate this business in that sign package.

Mr. Wisniewski noted monument signs were located on the elevations for particular businesses. I think the intent was for the South Bay Commons portion of the project, but I do recall that the elevation of the sign did allow for individual titles.

Mr. Leone noted he would like to make sure that if someone was looking for the business they could find it.

Mr. Wisniewski detailed the building's color scheme and siding. As requested by the Board, a representative from the company, Scott Wenger, is here to address questions about the business.

Mr. Leone explained there are very specific uses for Neighborhood Commercial. Our concern was that your use fits those uses. We understand that you do a computer review of books with no printing and very little shipping. However, your floor plan indicates a large workshop area and print copying area.

Mr. Wenger introduced himself. The shop comes from the old days. We are an 85 year old company. Until the late seventies the shop area was for hot metal and was where folks put the books together. Now, instead of a shop with 1,000 pound machines we have someone sitting at a desk with a work station.

We get a raw manuscript from an author. We scrub it, proof read it, add the art work to it and all of that. It goes back and forth a couple of times between the author, the editor, etc. There maybe an occasional raw manuscript sheet, hardcopy. Other than that it is all electronic. Our final product goes to a printer. Our out put is typically a CD. Then there is the actual electronic transmission to the printer. They print the book.

Mr. Leone: So you are not building a book there of any sort. You are not manufacturing or doing any binding. There are no issues relative to chemicals, fumes or any other waste that you would typically generate?

Mr. Wenger responded no more than, for example, a typical insurance office. We get occasional deliveries from Staples. We get packages once a day in the morning via FedEx or UPS. And then with FedEx we have a pickup each night.

Mr. Leone asked the applicant if he would classify this as a light professional use.

Mr. Wenger noted it is about as much of a pure office as you can get.

Ms. Cole: The use determination should initially be made by Wayne, but I will say that Wayne and I have discussed it. It appears that it is a fit.

Mr. Dean: Yes an office building is acceptable. This is characterized as an office.

Mr. Smith: I visited their office down in Gateway Park. They are a good company. They do not do any printing, it is all electronic.

Mr. Mott added the use satisfies a lot of the questions that we had.

Mr. Parrish noted he did not have any questions or concerns.

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

Mr. Leone made a motion to approve the site plan with a revision date of August 20, 2008 with a lighting plan as described tonight and dated September 3, 2008 and with the color scheme that was presented tonight and the condition that there is no on-site printing. I would like to see JMG Inc. find a little room on the corner monument sign for that company. The owner is responsible for maintaining the sidewalk. **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

Mr. Leone complimented Mr. Wisniewski on his efforts and welcomed Dix Digital Prepress Inc. to the Town.

INFORMAL DISCUSSION

PASTURES WALKING TRAIL

Mr. Leone stated there was some discussion at the Town Board meeting that was brought to my attention by the Planning Board's attorney, who is also the Town's attorney. It is in regards to the walking path that was approved by site plan for the Nice & Easy, General Commercial/Neighborhood Commercial, and Bragman Development at the corner of South Bay Road and Route 31.

Ms. Cole clarified what was discussed. The Town Board received I believe two formal written complaints from neighbors in the area. Essentially they stated the walking trail has become more of a nuisance than something the community would like to have. There were several residents from the area at the Town Board meeting speaking against the continued existence of this walking trail. The Town Board then looked to Wayne and me to say what, if anything, can we do as a Town Board about it. Our response was this is a trail approved by the Planning Board and we feel the trail is under the jurisdiction of the Planning Board. Therefore I asked the Chairman to consider putting it on tonight's agenda for review and discussion. You should have copies of the same information that was submitted to the Town Board from the residents.

Mr. Leone: I believe a road was supposed to be where the walking path is located. The easement was left behind specifically to make that connection. During site plan approval, the road was argued against, and so the area became a walking trail.

Mr. Parrish clarified. I believe the initial intent of the area was to provide for vehicular access between the neighborhood and the commercial area.

Mr. Leone: We were given strict guidance from the Onondaga County Planning Board for walk-able communities. The trail would be used to make the area accessible so that people do not have to go out onto the highway to make a connection or cut through people's backyards.

Mrs. May: I believe at the time the developer, Mr. Bragman spoke for the residents. At that time the residents were in favor of a walking trail so that the children of the development did not have to walk out onto South Bay and/or Route 31 to get to the Nice & Easy.

Mr. Leone: I believe that the Nice & Easy is a draw along with the bank. When the other professional buildings get built out, they will be a draw. I can see that path being used more often. I am not sure how it can be controlled in the future, based upon the nuisance complaints. The fact is its intended design is for transport, to get people there.

If it is an issue relative to nuisance control, I am not sure if it is a Planning Board issue. It may be an enforcement issue. With that I don't know where to go. The residents are here. If you would like to speak to this issue you are welcome to do so.

Mr. Smith noted the Police Chief should be taking a look at it.

Mrs. May noted we are not an enforcement Board. This is strictly a Police issue. You should really be taking this up with the Police Chief.

Mr. Leone added there are nuisance issues with our parks too. There is an enforcement action necessary there. If someone is vandalizing a park or throwing garbage you do not close the park. I am not sure closing the trail is the only answer.

Rick Carapella: You are calling this a nature path. You are describing it like families are walking with their children there to do this and that. It is not like that. I am there 24 hours a day. My neighbors are there. We get garbage. I get profanities. I get kids cutting across my yard. I don't know if you have received copies of my letter (The Board responded they did.) and if you read it. We have almost killed kids. Are you going to wait until something bad happens? That is why I put the Town on notice. I have spoken to you before Mr. Leone, so you know where I stand. I know where you stand. Basically, we are the neighbors that have to put up with this. It is little kids and young adults causing problems, picking fights with us, using profanities, and writing on stones. This is not a nature trail. This is an access for kids to come and smoke pot and drink beer. That is what we are putting up with. It has nothing to do with nature or families walking to get anywhere.

Mr. Leone: I don't understand where the nature trail came from. It is an access trail to go through to the commercial development.

Mr. Carapella: That is how it was explained to us. Basically it is a trail to go to the Nice & Easy.

Mr. Leone: It happens to be Nice & Easy at this time. Other professional buildings are supposed to go there. What is there to take care of? It is a wood chip trail.

Mr. Carapella: Most trails are done and lit at night. I have kids outside my window at 2:00 a.m. You do not live there. You see it in a whole different light.

Mr. Leone: If you close the trail, how do you propose getting people over to the Nice & Easy? Cutting through other people's lawns?

Mrs. May noted that is not going to stop them from cutting through your yard.

Mr. Smith: There are also a lot of younger kids that use the trail. They are not all the kids that you are saying are there at 2 a.m. I went over and looked after reading the Town Board's minutes. Have you called the police?

Mr. Carapella: I have called the police twice. It is on record. No one came. They were 911 calls.

Mr. Leone: I did talk to Chief Snell. He said that closing the trail may not be the right thing to do. He might get more complaints when people start cutting through more backyards and trespassing across other people's yards. There was supposed to be bollards put there. If we have motor vehicles going through those bollards could make that not happen. Where is the enforcement action for an illegal vehicle?

During the next step when more neighborhood commercial projects come in we may have an opportunity to light the trail. The back section has yet to be developed. Who is maintaining the area?

More discussion occurred.

Mark Dinardo, 6420 Route 31: Two weeks ago I caught three kids breaking beer bottles out in back. I called the Police and they did go to the juvenile's home and spoke with their parents.

Mr. Leone and Mrs. May agreed that is what should happen.

Mr. Purdy: What would you call closing the trail, just putting up a sign that says do not use? Or would you fence the entire thing? How do you just close the trail?

Mr. Carapella: That would be up to the Planning Board.

Mr. Purdy: How can the trail be closed effectively?

Mrs. Kathi Carapella: You could run a fence down the back corner along that backside.

Mr. Carapella: I know that I am not getting anywhere with you. You have everything here. You know that the Town is on notice. If anything bad happens you guys know. If a kid cuts across my driveway, God forbid something happens.

Mr. Leone: I would encourage you to use your Police Department. That is what they are for.

Mr. Dinardo: We are not per say against having a walking community. I am all for it.

Maybe I can make some recommendations to maybe improve the conditions back there. Put in a proper sidewalk of asphalt material. Light it, landscape it. Maybe line it with a fence on either side. Put up some no trespassing signs. I have put those up on my property but they just get torn down. I have taken down two barns in the back because we had kids hanging out in them. They were a liability to me and my business. I don't think that it is fair to have to do that.

Mr. Leone: Unfortunately, the Town can not make those improvements. But, when the next commercial piece starts, the trail will be looked at again. We will try to put those types of ideas into place. It is unfortunate that a small percentage ruins things. It is a parenting issue.

More discussion occurred.

Douglas Chilson, 8361 Boyko Farm: The concept of letting the kids have a safe way of getting there was never an issue with me. My issue is with how the trail was built. The plan was ill conceived with wood chips and no lighting. It is a quality of life issue. I can't tell you the number of people that cut across my lawn. If it rains part of the trail is under water. Adults know that. They come right across my yard. We need to get the concept to everybody that uses the trail to use the trail. It was set up with just a sign pounded in the ground which reads please use the trail. There is nothing there to make people use the trail as it is supposed to be used.

More discussion occurred.

Mr. Leone: The concept is great. Maybe it needs a little bit more control. Closing the trail is not going to stop that.

The Board also recommended getting in contact with the property's owner. Ms. Cole suggested searching ongov.net for that information.

Mrs. May made a motion to adjourn. **Mr. Cushman 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.

Dated: September 28, 2008

Tonia Mosley, Clerk



ATTACHMENT A

September 11, 2008

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

Attn: Patrick Leone, Chairman

Re: South Bay Commons
Site Plan Review
File: 0101.25439.340

Dear Board Members:

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

1. Plan and Notes dated July 30, 2008 revised August 20, 2008
 2. Details dated July 30, 2008
 3. Lighting Proposal dated September 3, 2008.
- L.J.R. Engineering, P.C. prepared items 1 and Day-Bright/Capri/Omega prepared item 3.

The 0.769-acre site is located on the east side of Wayfarer Drive approximately 300 feet north of South Bay Road. The site, which is Lot 28 of the Joseph's Landing subdivision is currently vacant. It is proposed to construct a 5,000 square feet office building along with associated paving, landscaping, lighting and other site improvements. The site is zoned Neighborhood Commercial. Our comments are as follows:

1. The site is located within the Lakeshore Sewer District. Sanitary sewer service to the building is to be provided by an existing lateral from the 8-inch Town sanitary sewer along Wayfarer Drive constructed as part of Joseph's Landing.
2. The site has frontage on Wayfarer Drive, which is a Town highway. An entrance onto Wayfarer Drive will provide access to the site. Traffic impacts from the development were addressed during approval of the subdivision for the project. It is recommended the Board review the onsite traffic circulation patterns and number of parking spaces with the Developer. A sidewalk has been provided along Wayfarer Drive as previously discussed with the Planning Board.

3. Stormwater runoff from the site is tributary to a stormwater management area constructed as part of the development of Joseph's Landing. The stormwater management area was designed to accept stormwater from this site. A NYSDEC SPDES Permit for Stormwater Discharges from Construction Activities was obtained for Joseph's Landing and the Stormwater Pollution Prevention Plan addresses the water quantity and quality impacts from the site. Also, the Plan shows the sediment and erosion controls necessary for the site.
4. The site is located within the Central Water District. The Plan indicates water service is to be provided by connect to water services from an 8-inch water main located along Wayfarer Drive. The Applicant should contact the Onondaga County Water Authority (OCWA) regarding provision of the water service for the site.
5. The Board should review the landscaping, lighting, signage and architectural elevations with the Developer. The following are comments regarding these issues:
 - a. The lighting levels appear reasonable for a site of this type. There is some encroachment onto the property south of the site but this area is the rear of proposed commercial buildings and is not considered to be significant.
 - b. The Plans indicate an approximately 16 square feet sign is to be provided on the building and no freestanding signs are shown. The frontage of the building is approximately 50 feet.
 - c. Architectural elevations have been provided but our office has not received information relative to the colors of the building as requested by the Planning Board.
6. The site does not contain a State Wetland as identified on the New York State Freshwater Wetland Map or a Federal Wetland as identified on the National Wetland Inventory Map.
7. The site is not located within a 100-year floodplain as identified on the 1994 FEMA Flood Insurance Rate Maps.

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

Very truly yours,

O'BRIEN & GERE ENGINEERS, INC.

Mark C. Parrish, P.E.
Managing Engineer