



The Planning Board of the Town of Cicero held a meeting on **Monday, April 28, 2014** at **6:30 p.m.** in the Town Hall at 8236 Brewerton Road, Cicero, New York 13039.

Agenda:

- Pledge of Allegiance
- Notes from the Chairman
- Approval of the Minutes from the April 14, 2014 Meeting (**approved**)
- Cut & Fill Permit (SWPPP), Used Car King, 8016 Brewerton Road, (**approved**)
- Site Plan, Goodwill, 7933 & 7937 Brewerton Road, Proposed retail store (**to return**)
- Site Plan, A&P Marina, 7512 W. Murray Drive, Proposed new building (**approved**)

Board Members Present: Bob Smith (Chairman), Chuck Abbey, Pat Honors, Mark Marzullo, and Sharon May

Chairman Smith opened the meeting by noting the locations of the three emergency exits, asked that all cell phones be silenced and noted if anyone had difficulty hearing the proceedings please bring it to the Clerk's attention so the audio system could be adjusted.

Mrs. May led the Pledge of Allegiance.

Chairman Smith recognized Vern Conway, Town Board Member and Richard Hooper, Director of Zoning Enforcement, Jessica Zambrano, Town Supervisor, and Don Snyder thank you all for joining us.

Mr. Marzullo made a motion to approve the Planning Board Minutes from April 14, 2014. **Mrs. May seconded the motion.** The Chairman called a vote.

In favor: 5 Opposed: 0 Abstained: 0 Motion approved unanimously

**CUT & FILL PERMIT (SWPPP)
USED CAR KING
8016 BREWERTON ROAD
CHA**

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

Chairman Smith: This ordinance was passed July 24, 2013, the Town Board has not set fees or developed an application, so we used the Town of Salina's application and we established the fees using the site plan approval process. This required a lot of engineering because it also included the approval of a storm water plan. We ask that the Town Board move quickly on this to get fees set for this because of the town law we have to enforce it.



Mr. Romans: The site is on the east side of Route 11, they have started doing some clearing on the property they closed on last year, which will come in hopefully this week for site plan for a parking lot used by the Used Car King and they needed a cut and fill permit because they went beyond clearing it and actually had some grading done. CHA was hired to do the SWPPP and Mr. Parrish has reviewed it.

Chairman Smith: The purpose of the permits are establishing erosion control.

Mr. Romans: Yes the plan shows a silt fence, stabilize construction entrance, where the topsoil should be stockpiled and goes through typically SWPPP where it talks about stabilizing the site and appropriate inspections.

Chairman Smith: Mark do you want to make any comments on the erosion control plan?

Mr. Parrish: Only that we reviewed it and found it to be sufficient. This is the best place since they have gone and disturbed the area without approval to get them covered under the permit which they need to have both with the DEC and the Town. We will be reviewing the site plan hopefully near in the future.

Chairman Smith: If you go above an acre of disturbance you have to have this filed?

Mr. Parrish: You definitely need to have the permit from the DEC and probably even less disturbance than that would trigger the Town's permit.

Chairman Smith asked the each of the board members if they had anything additional at this time. The board members had nothing further at this time.

Mrs. May made a motion regarding the 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. **Chairman Smith seconded the motion** and called a vote.

In favor: 5 Opposed: 0 Abstained: 0 Motion approved unanimously

Chairman Smith: Neil, would you construct a resolution approving the application.

Mr. Germain: You are going to move for the adoption of a resolution approving the Cut & Fill Permit (SWPPP), Used Car King, 8016 Brewerton Road and authorizing a code enforcement officer to issue a permit.



Chairman Smith made a motion as stated by Mr. Germain above. **Mr. Abbey seconded the motion.** The Chairman called a vote.

In favor: 5 Opposed: 0 Abstained: 0 Motion approved unanimously

**SITE PLAN, GOODWILL
7933 & 7937 BREWERTON ROAD
PROPOSED RETAIL STORE
BERGMANN ASSOCIATES**

Representative: Bergmann Associates, Andy Hart, Jeff Bush and Paula Mitchell with Berengaria Development

Mr. Hart: We have made some adjustments to the site plan based on comments we received from the Town and the planning board.

Ms. Mitchell: It is about 20,000 sq. foot, the sales floor is about 15,000 sq. ft. and the back of house is about 6,000 sq. feet. They are all self-sustaining so they bring all the goods in house and sort them there and what is acceptable goes out on the floor and what is not acceptable gets recycled. They recycled over 6 million pounds last year. So the goods that people donate in the area goes right out onto the sales floor for about a month then they either go to an outlet store or they get recycled. It isn't your typically thrift shop, they do sell some new goods like seasonal items, about 10%, as well but mostly the donated clothes and furniture as well.

Chairman Smith: And you are looking to have this open for Halloween.

Ms. Mitchell: Ideally they would like to, Halloween is their busiest time. They would like to open in 2014 and the earlier in the fall the better.

Mr. Hart: We have made some adjustments to the site plan and we have submitted our SWPPP to Mr. Parrish. With regard to storm water we have taken the existing dry pond and we are going to collect water to make it a wet pond and we are also going to add a below grade vortex unit to help take out some of the sediment and then some sheet drainage in the southern end of the parking lot will provide a bio swale.

In terms of the site plan we have contracted with TES Environmental who has delineated the State wetlands for us, which are to the west edge of the site. We are going to prepare a permit to allow us to build in the 100 foot adjacent area. We are also working with SRF Associates on a traffic study that the County has asked us to provide to show impacts to the signal at the entrance. We have seen in other stores during peak hour we are getting 27 trips peak hour in and 32 out, then on a Saturday peek will get about 55 in and 47 out.



We did get a comment from Mark about the two existing parcels the Widewaters owns we will be consolidating those and submitting a subdivision map for that.

Chairman Smith: Goodwill will be purchasing the site or will it be a land lease?

Mr. Hart: It will be a land lease. Also we did have some conversations about an existing cross access easement, there is one in place for Citizens Bank and the parcels that we'll be developing on and I submitted to the board. In terms of additional access easements north and south we have talked to Widewaters about that and they have said that at this time they don't think it's necessary because there is no development there yet but they would be willing to entertain something should development happen. We were talking about providing access to these three residential parcels in the future and then something to the south.

To try to keep our wetland permit moving forward we also need to submit the SEQR findings, which hopefully the board would be willing tonight to if we get that far.

Chairman Smith: Could you discuss the need for the entrance into Caughdenoy because the Town, the Board and our engineer have major concerns. It is a dangerous intersection and the people will have cross traffic onto Caughdenoy and also people will start using it as a cut thru.

Mr. Hart: I understand your concerns and our traffic engineer said that maybe we could add some stop signs at two of the intersections to help mitigate people using it as a cut thru.

We did have conversations with the County concerning the left out because there are currently 4 pine trees that block the view, and they asked us to have them removed and they are in the right of way but we would have to have a conversation with the owner. What we really want is to promote this for rights in. We could look into doing a right in and a right out only, which the right in would actually reduce traffic at that light.

Mr. Parrish: The one thing that wasn't discussed that we suggested is the southerly entrance out onto the access drive they are designing as a right out only, there was some problems with the curbing. The only other thing is the closest hydrant is located across Route 11, so you would have to shut down Route 11 to use the hydrant. You may want to contact OCWA to have them put in a new hydrant at the site.

Mr. Hart: We did make the changes for the curbing at that entrance. And we have had conversations with OCWA and they said they don't want another hydrant on the other side of the road. If the fire marshal does have a problem with it we could come out of the building and service a private fire hydrant.

Chairman Smith: Mrs. May?

Mrs. May: Nothing at this time.

Chairman Smith: Mr. Abbey?



Mr. Abbey: My main concern is the Caughdenoy Road exit, how many parking spots? And how many employees?

Mr. Hart: We have 96 parking spots and about 15 employees each shift.

Chairman Smith asked Mr. Parrish to talk about the right in idea.

Mr. Parrish: It doesn't address the issue relative to the cut thru traffic, it would address the issue relative to the people exiting or the conflict with the people exiting the Hess station. Those two driveways are essentially touching each other.

Chairman Smith indicated that while the board is in favor of the overall project there is a lot of concern about the necessity of the Caughdenoy drive entrance. Mr. Honors suggested a right in only and no right out. There was discussion that the drive being used as a cut thru may actually benefit Goodwill giving them more traffic flow in the private drive and could potentially reduce the traffic at that light on Caughdenoy Road.

Ms. Mitchell: Obviously we would prefer full access but I think they would be happy having some sort of entrance on that north end of the site. All the approvals are up to Goodwill but because it is a land lease I would have to check with Widewaters since they are the owners.

Mr. Marzullo: Asked about cross connections, easements should be provided for cross connections.

Mr. Germain: It would be difficult, you have your chance to affect this piece right now, later on if you have someone to the north or the south this piece will be out of the mix and that person to the north or the south will be in the position of saying there is nothing I can do they won't give it to me. This site is before you now and it may not be before you later when you are working on an adjacent site and you need that access agreement it will not be available to you unless they wish to grant it.

Mr. Marzullo: Mr. Parrish where would you suggest we should have them?

Mr. Parrish: That is difficult, if you look at Hess as it is right now you might be able to determine a location where interconnection would make sense. The same thing to the south, which is even a little more problematic because there is the building on the property line and takes up the front half so you couldn't make a connection there as the site currently stands again if that building were to be demolished and you were to redo the site you might want an interconnection at that location. It is difficult for me to make that recommendation. I might ask the applicant to provide suggestions as to what they would think would be reasonable and what they would be willing to provide for the cross access.



Chairman Smith: Doesn't Widewaters own the parcel, I know there is about 7 feet piece of land between the strip mall and this parcel.

Ms. Mitchell: That area is all in the wetlands, looking at the property in the south I think it is more difficult to provide that cross easement with the site plan and we do need all the parking we have now and to the north I don't see Goodwill or Widewaters having a problem to have access to those three houses off of that drive.

Chairman Smith: Those are residential zoned so you would have to have three separate easements. Certainly a cross connection between the Hess would be good for someone who may go in there in the future.

Mr. Marzullo: We are looking for easements for the future.

Chairman Smith: Mr. Honors?

Mr. Honors: I think the right in only entrance is a good solution to the Caughdenoy Road entrance.

Chairman Smith noted that the board agrees that the right in only is a good solution for that entrance.

Mr. Marzullo: I think add a couple of stop signs and look at the cross access easements.

Chairman Smith: If you can do this quickly and we can bring it back to the board in two weeks for determination.

Mr. Hart: Could we do SERQ this evening?

Mr. Germain: Not at this time because there are going to provide you with a lot of additional information that you are going to want to consider in your determination.

Chairman Smith: Have you had a comment from the County because Caughdenoy Road is a County road. Do you think you can have their approval by May 7?

Mr. Hart: The comments we got were on the site distance out by eliminating those trees there. I believe so if there is no lefts out that might even make it better for the County, yes I will try to get something from the County.

Ms. Mitchell: We will traffic study complete by then as well.



**SITE PLAN,
A&P MARINA, 7512 W. MURRAY DRIVE
PROPOSED NEW BUILDING
HARMONY ARCHITECTURAL ASSOCIATES**

Representative: William J. Ferraldo, Architect and Owner of Harmony Architectural

Mr. Ferraldo: We have done some of the recommended adjustments from our last meeting. The applicant is committed to developing the new access driveway. There is about 1300 sq. feet of new of pavement going in that will meld into the current entrance, and there culvert is already installed underneath in anticipation of this. The building will remain the same but there are some areas that will be changed during demolition. The new signage, plantings, color scheme and lighting was discussed by the applicant.

Mr. Parrish indicated that the lighting plan was fine.

Mr. Ferraldo indicated that the profiles for pavement, concrete walks and gravel are all standard fare.

Chairman Smith wanted to make sure that the existing drive will no longer be in use by requiring the applicant remove the payment in the Town's 20 foot easement. So that the new drive is clearly established and the old road is no longer.

Mr. Ferraldo agreed that they will be removing the pavement in that area. They are also going to be planting 7 arborvitaes between the adjacent parcel and they will be approximately 6-8 feet tall at planning.

Mr. Germain: You are going to terminate the access is what you are going to do to the old drive.

Mrs. May: I have a few questions. Is there retail on site? Do you do any repairs or trailer inspections on site? What about the gas pumps and they oil tanks on site?

Kevin Atkins: (Applicant) The gas pumps are gone, the oil tanks get pumped out when full and we don't do any trailer inspections or repairs but we could sell someone a tire and we would dispose of the old tire accordingly.

Mr. Abbey: Is the rain garden no longer being done?

Mr. Ferraldo: Yes, that is correct, the applicant decided no longer to do the rain garden to instead do a swale.

Chairman Smith: That is fine we never intended for the rain garden is sized for a 100 year storm we just wanted to slow the water down to the lake.



Chairman Smith asked the each of the board members if they had anything additional at this time. The board members had nothing further at this time.

Mrs. May made a motion regarding the 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. **Chairman Smith seconded the motion** and called a vote.

In favor: 5 Opposed: 0 Abstained: 0 Motion approved unanimously

Chairman Smith: Neil, would you construct a resolution approving the application.

Mr. Germain: You are going to move for the adoption of a resolution approving the Site Plan application known as A&P Marina, 7512 W. Murray Drive, Proposed New Building. The Site plan Site Plan last revised 4/11/2014. The Planning Board notes that it has received and considered the County's Referral regarding this matter. This approval is strictly conditioned on the following:

1. The color schemes and renderings and/or elevations as presented by the applicant to the planning board in regard to this application shall be incorporated by reference into this site plan and the board's approval thereof. Accordingly the actual project must conform to the original elevations as modified herein.
2. The applicant shall as a condition of this approval remove the pavement in the Town road right-of-way and on the site between the edge of the proposed drive and the property line thereby terminating this access point. This shall be done to the satisfaction of the codes department.
3. The applicant will close the current entrance and move the access point to the new entrance before any permits will be issued by the town.
4. The trees to be installed between the adjoining properties will be no less than 6 feet in height and shall be adequate to meet their purpose in screening and buffering the site.

Chairman Smith made a motion as stated by Mr. Germain above. **Mr. Abbey seconded the motion.** The Chairman called a vote.

Chairman Smith made a motion for an amendment. **Mrs. May seconded the motion.** The Chairman called a vote.

In favor: 5 Opposed: 0 Abstained: 0 Motion approved unanimously

Chairman Smith asked the each of the board members if they had anything additional at this time. The board members had nothing further at this time.



PLANNING BOARD MEETING
TOWN OF CICERO

April 28, 2014
PAGE 9

Next Scheduled Regular Meeting: May 7, 2014 at 6:30 PM.

Mrs. May made a motion to adjourn. Chairman Smith seconded the motion. The motion was approved unanimously.

IN AS MUCH AS THERE WAS NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 7:46pm.

Submitted by Kristin Ryder
Planning Board Clerk