



The Planning Board of the Town of Cicero held a meeting on **Monday, February 9, 2015** at **6:30 p.m.** in the Town Hall at 8236 Brewerton Road, Cicero, New York 13039.

**Agenda:**

- Pledge of Allegiance
- Approval of the Minutes from the January 26, 2014 Meeting (**approved**)
- Site Plan, ESQ Realty LLC, 6166 South Bay Road, Proposed Dunkin Donuts restaurant with adjacent commercial tenant space (**approved**)
- Site Plan, David B. Scibior, Whiting Road (Tax Map#088.-01-01.3), Proposed Pole Barn (**approved**)
- Site Plan, Sketch Review, Widewaters Country Squire II Company, LLC, 7980 Brewerton Road, Proposed Restaurants (**to return**)
- Site Plan, Sketch Review, Cicero Dumpster Service, 6188 South Bay Road, Proposed Storage of Construction Dumpsters (**to return**)
- Site Plan, Sketch Review, Fuccillo Automobile Storage Facility, 8860 Brewerton Road, Proposed Vehicle Storage lot (**to return**)

**Board Members Present:** Bob Smith (Chairman), Chuck Abbey, Joe Ruscitto, Mark Marzullo and Pat Honors

**Others Present:** Neil Germain, Planning Board Attorney, Mark Parrish, Planning Board Engineer, Richard Hooper, Director of Codes Enforcement, Vern Conway, Town Board Member and Don Snyder, Zoning Board of Appeals.

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.

Mr. Honors led the Pledge of Allegiance.

**Mr. Marzullo made a motion** to approve the Planning Board Minutes from January 26, 2015. **Mr. Ruscitto seconded the motion.** The Chairman called a vote.

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

**ESW REALTY LLC,  
SITE PLAN,  
PROPOSED DUNKIN DONUTS RESTAURANT WITH ADJACENT  
COMMERCIAL TENANT SPACE,  
6166 SOUTH BAY ROAD,  
ROBERT ABBOTT**

Representative: Robert Abbott



Mr. Abbott: Mr. Parrish reviewed the revised drainage that we have done and he has approved it.

Mr. Parrish: It's approved.

Mr. Parrish: We also have an approval letter from the DOT engineer.

Chairman Smith read the letter aloud: Onondaga County DOT has reviewed the stormwater pollution prevention plan for the proposed Dunkin Donuts at 6166 South Bay Road and they agree with it. Chairman Smith requested a copy be given to the clerk.

Mr. Abbott: We also have the conveyance paperwork for the easement and all the paper work has been signed.

Mr. Germain: I have reviewed it and approved it and I gave it to the supervisor to sign and it has been executed. I spoke to their counsel and they will have it recorded and then give us a copy of the recorded copy.

Mr. Abbott: The last issue was the traffic study. Jim Napoleon provided a letter that he is working on it but due to the weather he has not been able to complete it yet.

Mr. Parrish: Regarding the traffic study, it wasn't this Board that asked for it, it was the County DOT who is issuing the driveway permit. They are going to have to go through that process with the County DOT to satisfy that requirement. If you chose, you could approve it contingent upon them getting that permit, which is going to require that traffic study. If anything significant changes on their site plan as a result of that then they should have to come back in and explain that.

Mr. Abbott: We would do that.

Mr. Germain: They have to do that anyways, that wouldn't be a condition of your approval because they are going to have to go make their peace with the County DOT and if they can't they are going to have to come back.

Mr. Honors: But if DOT does go ahead and give them approval, then they don't need to come back.

Mr. Germain: Correct.

Chairman Smith asked Mr. Parrish and Mr. Germain and the Board members if they had any other outstanding issues. Mr. Germain and the Board members were all set. Mr. Parrish asked about the reader board and indicated that the Board should go through the conditions of a reader board with the applicant.



Chairman Smith asked if the applicant would be willing to display amber alert messages if contact by the Cicero Chief of Police.

Mr. Abbott: Yes they will, they will do any community messages the community brings forward.

Chairman Smith: There will be no bright colors to distract, standard reader board, red letters with a black background. The message is not to change more than every 15 seconds. And that is part of site plan.

Mr. Abbott: Yes, that is pretty standard.

Tom Santurri: (Dunkin Donuts Franchisee) This particular reader board does allow you to use other colors besides red. Like if you were promoting a blueberry muffin, you could do like a blue background, or show a picture of a blueberry muffin. It would be like looking at a color TV basically verses just red letter on a black background.

Chairman Smith: The main thing is it can't change the message more than every 15 seconds and no neon colors that distract drivers.

Mr. Parrish: I think it is flashing, oscillating, animation, those types of things we don't want the sign doing, it needs to be relatively static and wait 15 seconds to change.

Mr. Abbott: The only other item that was added to the site plan, is we would like to have the ability to be open 24 hours, even though realistically they will be open from 5am to midnight but if business dictated it they would like to be able to do it.

Chairman Smith indicated that was on the site plan so that is ok.

Chairman Smith asked Mr. Ruscitto to do SEQR.

**Mr. Ruscitto made a motion** regarding the SEQR. He 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. Abbey seconded the motion** and called a vote.

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

Chairman Smith asked Mr. Germain to put that in the form of a motion.

Mr. Germain: You are going to move for the adoption of a resolution approving the Site Plan application known as ESW Realty LLC, 6166 South Bay Road, Proposed Dunkin Donuts restaurant with adjacent commercial tenant space. The Site Plan last revised February 3, 2015. 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 substantially conform to the original elevations as presented herein.
- 2 The applicant has presented the easement to the Planning Board Engineer and it has been approved from an engineering perspective. I have reviewed and approved of the easement. The easement has been executed by the Town and I have returned it to the applicant. And I have returned it to the Applicant. The applicant now needs to record the easement with the Onondaga County Clerk and provide proof of said filing to the Town of Cicero. No certificate of occupancy shall be given until said proof of recording has been presented to the Town.
- 3 The applicant has agreed to display Amber Alerts when requested to do so by Town officials. This is a condition of approval.
- 4 The reader board signage will not display any neon or loud or overly bright colors and no messages will scroll in an interval of less than 15 seconds. There will be no flashing, oscillating, or scrolling of messages.

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

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

**SITE PLAN, DAVID B. SCIBIOR,  
WHITING ROAD (TAX MAP#088.-01-01.3)  
PROPOSED POLE BARN,  
DAVID B. SCIBIOR**

Representative: David B. Scibior

Mr. Scibior: We had the site plan completed with the necessary information, the engineering has been all done, and the last thing was the description of the lighting. There is only going to be two lights out front, they will only be turned on when someone is there, they will not be on overnight, they only shine light down not to the sides and they are only 100 watt bulbs.

Chairman Smith asked Mr. Parrish if he had anything. Mr. Parrish indicated he provided a review letter, with two issues, one being lighting, which has been addressed and the other being relative to signage, which they indicated they are not having any signage. So he is fine with the site plan. Mr. Parrish indicated there are no other engineering issues.



Chairman Smith asked Mr. Germain if it was noted on that plan that it is for private use, no public storage, etc. Mr. Germain indicated it was on the site plan. Mr. Germain asked if the lighting could be provided to the clerk so it could be part of the file. Mr. Germain indicated there are no other legal issues.

Chairman Smith asked the Board members if they had anything else and they were all set.

Chairman Smith asked Mr. Ruscitto to do SEQR.

**Mr. Ruscitto made a motion** regarding the SEQR. He 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 asked Mr. Germain to put that in the form of a resolution.

Mr. Germain: You are going to move for the adoption of a resolution approving the Site Plan application known as David B. Scibior, Whiting Road (Tax Map #088.-01-01.3), Proposed Pole Barn. The Site Plan last revised 2/5/2015. 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 substantially conform to the original elevations as presented herein.

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

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

**SITE PLAN,  
WIDEWATERS COUNRTY SQUIRE II COMPANY, LLC,  
7980 BREWERTON ROAD,  
PROPOSED RESTUARANT,  
NAPIERALA CONSULTING**

Representative: Bill Andris, Widewaters and Rod Ives, Napierala Consulting



Mr. Andris: This change on the Dairy Queen side of the site. We eliminated the head in parking that was formerly here facing the building. At a tenants request we added some outdoor seating for the restaurant. This building, there is a set back line we are encroaching into by about 5 feet. The reason we did that was because the building face would have been right up against the driveway and we felt there should probably be buffer so we added a little sidewalk here and it will also connect to the parking fields.

Chairman Smith asked Mr. Germain if they will need a variance.

Mr. Germain: Yes, if they are going to violate a setback line.

Chairman Smith: You understood that right, this will have to go before the ZBA for approval.

Mr. Andris: If the plan is agreeable to the Board then we will start the process on trying to get a variance to see where that goes.

The parking has stayed about the same with 44 spaces before and 44 spaces now for the restaurant B section. We haven't finished the engineering so we don't have a grading plan, storm water plan or the site lighting revised yet, but I guess if the layout is acceptable to the Board then we would start that up right away too.

Chairman Smith: Is the front parking lot going to impact highway setbacks or anything?

Mr. Andris: The driveway stayed the same. I think we are still good as far as setbacks. If there is we will get rid of that parking space.

Chairman Smith: Mr. Parrish will review it, this Board cannot approve something that would require ZBA, if it is an issue, before you go before the ZBA, I would think you might want the whole list of things you need from them.

Mr. Honors: That would be one less variance that you have to get, if you are willing to eliminate the parking space.

Mr. Parrish: I don't think that crosses the property line and there is no setback requirement per se for the parking spaces. That's encroaching into an easement, which is not necessarily ideal but it is not necessarily disallowed. If the Board feels there is adequate setback in the buffer area in the front, then that should be fine.

Chairman Smith: The purpose of our visit tonight is to get all the Planning Board issues settled.

Mr. Andris: I believe this actually functions better with a buffer between the traffic and the edge of the building so that is why we did that.



Chairman Smith indicated he didn't have an objection to the 5 feet. The variance is up to the ZBA but if you came back with a variance, he wouldn't have an issue with it. The Board members agreed they liked it better with the sidewalk there.

Mr. Andris: The dumpsters are still in the setback. I don't know if we should go for a variance for them. The trucks need to get to them to pick up the containers. We have tried to angle them differently but then when we angled it towards the southwest it encroached into this driveway which is already at the minimum width that we are allowed.

Chairman Smith asked Mr. Germain about the issue that two separate companies own the two separate parcels.

Mr. Germain: You have a prior application and a condition of the approval was they are going to fix the S curve. The applicant is now saying that a different company owns it so they can't effect or do anything about it. But I think what the Board might want to do is inquire further and say who owns it and who actually controls it. For all we know it is a related entity and we don't know anything about the ownership structure. All we know is that the applicants made the statement that, that's owned by somebody else so we can't do anything about that spot. That statement may be true but it may be owned by a company with related ownership. They maybe have common control, I don't know that but we can ask the applicant to provide us with exactly who owns it and the ownership structure and whoever owns this one so we can see if there is common ownership and see if something can be done. I also note that when you approved the first one and said a condition of getting this approval is you're going to fix that S curve, if that is out there, that site plan is still contingent on that no matter who owns it. So when they bought it they bought it subject to that condition so they would be undoing a site plan of someone they sold it to. That doesn't go away because you sold the property. It may mean that you don't have the ability to affect that property but I don't know if there is any agreement that said by the way, because if it was an unrelated company they should have done their due diligence and found out what was out there. They should have looked at the approval but if it was a related company it really wouldn't matter to them because they knew they had that obligation. I am assuming we are going to ask the applicant to show us the ownership structure and who owns the LLCs of both properties to make sure that there isn't common ownership or an element of common control where they actually do have the ability to affect that property in question. It is still under your review under the Boards review to make any kind of remediation that this Board feels would be necessary.

Chairman Smith: That would also affect the dumpsters because if you move the line you won't have setback issues.

Mr. Honors: I think we can just save time and ask who owns it?

Mr. Andris: I am not sure where that came from, they are separate LLCs but they are both Widewaters LLCs.



Mr. Germain: Its common ownership that can control the property, so when they say we can't do anything about it, just isn't right.

Chairman Smith: You have a very small site. I don't think you are going to find any difficulty with the Board if you wanted to put a Dairy Queen, a single restaurant on that site. But we are in essence trying to put 15 lbs. of sand in a 10 lb. bag, you have to understand if you ask the Board to just approve it or deny it you will probably not get an outcome you will like. The Board is trying to work with you and I don't feel like the applicant is trying to work with us. This site for what you are trying to put on it, has challenges. It is a small site and it has some difficulties. I think you heard the Planning Board tell you our attorney has talked to us and he has some issues and concerns to be addressed. They first came to light because you have two dumpsters in the setback so you are going to have to ask the ZBA to give you a variance on your building. You are also going to have to ask them for a variance on your dumpsters. However if talk to Mr. Germain and you are able to come up with something maybe you move the property line a little, if both entities own it. The Planning Board is trying to work with you on this site because we all want to see a development on it. We have gone from one restaurant to two and we understand that you want to maximize the use of your property but you are going to have to work with us part way on this.

Mr. Andris: Is the dumpster the main issue, if we could do something with the dumpsters?

Mr. Honors: The S curve too, are you trying to convey that you don't want to do anything with it? Is that what you presented tonight?

Mr. Andris: We are asking that we leave the S curve the way it is so we can get the site plan approved.

Chairman Smith: I spent time there this weekend and I discussed this with Mark. I understand given what we are trying to accomplish here if you straighten that S curve out you are cutting off a chunk of parking. This road connects to a four way stop the one behind First Niagara Bank, the one going into Wegmans and right out to Route 11, this is the fourth side of it. There was supposed to be a shopping center here that would be connected but that never came about. It seemed to me if we turned the four way stop into a three way stop and we eliminate this S curve, because you don't need this road. The people can come down straight across and take one of either two exits to get out to the main drive. That allows you to keep enough space for your parking, possibly move your property line a little bit and maybe even add some parking. It may not be ideal but it seems like a possible solution to get you a little more room, to still allow for traffic to come through here and to eliminate the S curve.

Mr. Andris: There is a driveway connection from the Beauty supply to this road. What you are saying is basically eliminate this section of the roadway.

Chairman Smith: So someone at Marshalls they cannot come down here and then run across here cutting off traffic, there is no access from those parking lots to the main drive. They have to go through one of the other openings. It gives you more space, your customers still make it in and out, and maybe



we can eliminate the setbacks. Someday if you should expand we may require cross over. You can eliminate it and send the traffic to your other exits. I was trying to come up with a compromise. I don't know how the rest of the Board feels.

Mr. Honors: I never thought of eliminating it, I didn't think that was an option because you wouldn't have wanted it but if that is something that you would consider then it may work.

Mr. Andris: I never thought of it either, but I will go back to the office, run it by them and see if that is acceptable.

Mr. Ruscitto: It may help the dumpster situation too.

Mr. Marzullo: I would like to see a larger traffic pattern of the area so we can get a feel for it.

Rod Ives(Napierala Consulting) We can get that so you can see the whole plaza. We can blow that up and bring it in next time.

Mr. Parrish: I think that stop would have to stay four ways. I think you still need the access to the Beauty shop. So you can eliminate that portion of the S curve if you continue east on there, very quickly you get to another intersection which comes across. It will require a little bit of work and redoing some parking spaces on the commons site to the east but you can continue that down and really right where they show those spaces that aren't complete there, that is actually a drive aisle that goes all the way across that main access. So I think that's what you are talking about, bringing them across there and then into the site.

Chairman Smith: Just making certain that we are not getting cross traffic.

Mr. Parrish: If you look at the east side of that it has curbed islands so it's not conflicted with the parking. On the west side, some of those parking spaces do back out into it but if you look at it, it has some spaces and then it has some spaces that are associated with the Beauty supply site. Those could be eliminated. I don't know how useful they are to you. I think there is some work, I think this is a good option but I think this is a potential alternative to address these issues.

Mr. Andris: We would need to get the major tenants to agree to it too. By lease they have approval rights on changes to the site.

Mr. Abbey: A blow up of the whole parking area would be helpful to visualize traffic patterns and such.

Mr. Andris: We can do that. Does anybody see any other problems with how this is laid out?

Chairman Smith indicated that signage seemed excellent, no issues with the siding, the drive thru for the Dairy Queen is plenty big. He asked Mr. Parrish if there are any other issues for the Planning Board



besides the engineering that isn't in. Mr. Parrish indicated they have addressed the significant issues and there are some variances and small changes they need to make.

Mr. Honors: I like all the changes that you made.

Mr. Marzullo: Do you have any idea where the main entrance would be for that no name restaurant?

Mr. Andris: We are thinking they will be facing Route 11. They are probably going to have two.

Mr. Marzullo: Would there be anything on the north side?

Mr. Marzullo: I don't know the answer to that.

Chairman Smith indicated the answer should be no because that is kind of tight. There isn't going to be an entrance on that building.

Mr. Marzullo: If you could indicate that on the plan where the entrances are going to be.

Mr. Andris: If there is an issue with the tenants, it is possible to close this off rather than remove it?

Chairman Smith: I don't know that is probably something Mr. Napierala has to work out and you are going to have to work out with your tenants.

Mr. Germain: That would be based on their underlying lease with the tenant and whatever rights that they gave the tenant during the lease. It depends on what your leases say, we don't know what your underlying leases say and it's not the Planning Board's concern.

Mr. Andris: If I do get permission to do this, do we go for the variance next.

Mr. Parrish: You would need the variance before you could get an approval from this Board.

Mr. Ives: Does the ZBA require Planning Board referral for variances?

Chairman Smith indicated the Planning Board and the ZBA work together, they are pretty understand as well.

**SITE PLAN, SKETCH REVIEW,  
CICERO DUMPSTER SERVICE,  
6188 SOUTH BAY ROAD,  
PROPOSED STORAGE OF CONSTRUCTION DUMPSTERS,  
AMRIK SHERGILL**



Representative: Ralph Dodge, Attorney for Applicant, Amrik Shergill, Applicant

Chairman Smith: This was a site plan that was submitted some time ago and it was denied by the Planning Board and I understand that it has been resubmitted for reconsideration.

Mr. Dodge: I want to apologize, I was not involved back then, and I know Mr. Shergill has a good understanding of the English language but I think a little was lost in translation and he really doesn't understand the role of the Board and his obligations in respect to it. I was hoping to clarify a few points and answer questions. Mr. Shergill's predecessor in title granted this easement to NIMO and as the site is situated you have his lot and then a party that owns one and the back side of the adjacent parcel. It is not a NIMO easement is actually owned by NIMO. We have been trying to talk to NIMO and get an approval because I think that is what was being asked for. NIMO has been like go ahead and do it but we don't want to put anything in writing. NIMO has just an easement across this property. An easement, as you know, is a right to use the property not to monopolize it. He is not asking to put a structure up, he is asking to put up dumpster containers, which are constantly being rented out and moved to jobs sites and being cleaned up before they are brought back. One thing in the easement, they recite all the rights that they have and then except for the rights herein granted to the company the grantor shall have the right to fully use and enjoy said premises. If I understand correctly what we were talking about before denying him this site plan approval basically makes the land worthless. These things are movable, they are not structures, and we are not looking for building permits. These dumpsters can be moved, this is an overhead easement, if NIMO has to come in, they can certainly say we have to come in there, move them and they can be relocated quickly. I noticed there are some buffer areas that you wanted with green space and I believe Mr. Shergill has put that on his plan. I also think it is compatible with the neighborhood and there are no others in the Town.

Mr. Germain: The easement was the issue because there were aspects of the easement on the last review that gave NIMO certain rights and they lost some control of certain parts of their site plan that they were actually using. So in other words, NIMO controlled to a degree based on the easement part of the site plan that they were showing you, which was the basis of the denial. What they were asked to do is work it out with NIMO and it appears that they have not been able to do so. I would be happy to look at the easement again in relation to this site plan, I haven't looked at it to know that this causes a large problem with the site plan or how it has been reconfigured. Maybe the site plan has been reconfigured so it is outside the easement area.

Mr. Dodge: The Board felt that it was necessary for NIMO to come in to contest this we could hold a public hearing and as an adjoining land owner NIMO would be entitled to that notice. I think NIMO is just thinking they don't want to bother to go do this. But I don't think that you have the right to deny that simply because of the way the easement is.



Chairman Smith: I know there was some concern because of when you move the dumpsters they go right up in the air and they are under what appears to be high tension wires. It's not like you are putting cars underneath them.

Mr. Germain: I don't have that easement in front of me but I think there was language that they weren't going to obstruct the easement area or do things in the easement area. I don't have it in front of me right now, but I will review it again. There were elements of that easement that NIMO retained more than their typical control of the property from what we saw.

Chairman Smith: I do remember we discussed the gravel, that it was going to be paved part way in here because we didn't want the gravel into South Bay Road, we didn't get that far before. Neil isn't going to have an answer tonight but we can discuss some of the buffering should we be able to get pass the easement part. We usually want it paved 50 feet in.

Mr. Shergill: After if I have to apply to Onondaga County, if I don't want it right now I can leave them like that, if I wanted that to be done than we can do that, right?

Chairman Smith: If you get approval for a site plan, as I understand, there has been some enforcement activity. So, if you get a site plan, which will of course alleviate your enforcement issues, because it was denied, you would have to complete this regardless of Onondaga County, your driveway permit. This would be a condition of site plan, if you agree to it.

Mr. Dodge: What is that width?

Chairman Smith: It would have to be 50 feet in and it would have to cover the driveway. The idea is we aren't going to have mud and gravel going out onto South Bay Road. Regarding the width, it would require an Onondaga County driveway permit, because this is a County road and they will make the decision on how wide the driveway will be.

Mr. Dodge: Your concern about the dumpsters being raised up, would it be sufficient to say, forgetting the easement for a moment, the wires are up 20 feet and this goes up 14 feet, something to that nature.

Chairman Smith: The question you're asking is really going to be a legal question, Mr. Germain will answer those questions on the easement and he will come back and tell us his opinion.

Mr. Marzullo: I think the power authority should get involved in that decision.

Chairman Smith: I think they were before and they probably will again.

Mr. Ruscitto: There is a certain distance that it has to be from the wire, if I understand it correctly. The dumpsters could be raised and not hit the wires but still be too close for codes and what not. I don't know exactly what that is but I know there are requirements.



Mr. Germain: You would have to meet those requirements and they would have to show them on their site plan. They would have to show the requirements and that they met them.

Chairman Smith: Is that a Niagara Mohawk transmission line, I don't think it is the Power Authority, correct? It is National Grid. Should we talk about some buffering, I know we have some green space there but I don't think we talked about what we were exactly looking at.

Mr. Honors: Did this site plan change at all? It looks the same, nothing else has changed has it.

Mr. Marzullo: I think we need to get over the easement issue, before we spend a lot of time on other issues but certainly there are other issues here. Beyond that, this application came before the Board a long time ago and the dumpsters are on site, it's non-compliant. I am not sure that is showing real good faith to this Board. They shouldn't there.

Mr. Dodge: When he first came to me in the fall, I had some medical issues so I couldn't do this sooner with him. I wasn't involved at that time, I am trying to get to the point where we can make everybody happy.

Mr. Marzullo: I think if it is going to happen, there needs to be a lot of buffering. This is a busy intersection on both sides of this and we are concerned with appearance. So now we have these dumpsters and typically we would have them surrounded with fencing, landscaping and none of that is shown on here. Like I said, I think we need to get beyond that easement issues before we get to in depth with your plan and you spend any money on site plan and design.

Chairman Smith: There are no entrances proposed off Thompson. Currently you can come from this site to this site.

Mr. Shergill: Yes, correct, from South Bay Road.

Chairman Smith: You can't get back here by the car wash?

Mr. Shergill: Yes, I can go that way too.

Chairman Smith: While there is no entrance here off Thompson, my concern would be that you drive out here and come out through here. I don't see anything proposed here.

Mr. Shergill: Down there is nothing it is all pavement. I am not proposing anything there.

Mr. Parrish: It is uncontrolled access.



Chairman Smith: Uncontrolled access is not something that we are comfortable with. We would want to know exactly what you are going to have there. We would want controlled access there.

Mr. Dodge: You would have to have that area controlled, you couldn't drive out that area it would have to be blocked with something.

Mr. Honors: Or noted.

Mr. Shergill: I have "do not enter, private property" signs there now.

Chairman Smith: That doesn't work too well, but you own the adjacent property. The problem would be people exiting the car wash and other traffic coming through here uncontrolled. Potentially you could close it off. So there are two access points one from South Bay and the one that is noted and paved between his establishment.

Mr. Dodge: I understand.

Chairman Smith: Mr. Marzullo's comments which I am sure the Board shares about buffering and stuff if we get past the easement, consider how we are going to keep it attractive in the neighborhood. I think our biggest issue is the easement and Mr. Germain and you have to resolve that.

Mr. Germain and Mr. Dodge agreed.

**SITE PLAN, SKETCH REVIEW,  
FUCILLO AUTOMOBILE STORAGE FACILITY,  
8860 BREWERTON ROAD,  
PROPOSED VEHICLE STORAGE LOT,  
DUNN & SGROMO ENGINEERS**

Representative: Greg Sgromo, Dunn & Sgromo Engineers

Mr. Sgromo: The proposal by Fucillo Automotive is to construct a storage lot on Route 11. It is approximately a 5.6 acre parcel up on the corner of Sneller Road and Route 11. Sneller Road doesn't get any traffic since 81 was built, it is essentially a driveway that's utilized by our parcel and another building in the back against Route 81 that uses the same driveway or road. It used to be a pool supply place I believe, and there is a 6800 sq. foot building on the site currently. There is a minimum amount of modifications that would happen to the building, probably looking at putting one or two garage doors so that they could park cars in the building. There are currently three driveways, one on Route 11 and two on Sneller Road, we will be proposing to utilize the same driveways. The gray shaded area is the paved area that we are proposing and the site generally traverses from south to north there is about a four



foot drop in grade across the site. It will be a sheet drainage to a storm water management area which encompasses the area adjacent to the northern property line. It will be a combination of bio retention and a dry storage area for significant flows. There is no fencing or lighting proposed at this time. I think maybe they may want to put some security lighting down the line. It is not meant to be a show area for cars it is a storage lot for primarily new cars for various dealerships and also for used cars for the auction here in Town. One reason this was brought up as a potential issues and one reason we are hoping we can leave this in because the tractor trailers that would come in and drop off vehicles would utilize these two driveways. We don't really want to utilize this driveway because there will be cars parked.

Mr. Parrish: You won't be able to do that without a variance. The Town has a requirement that the access is 150 feet from street line intersections and obviously you are not meeting that requirement. So that one is either going to have to be eliminated or you will need to get a variance for it.

Mr. Sgromo: Understood, I will ask the client.

Mr. Marzullo: I would want that eliminated.

Mr. Abbey: How many cars do you propose to park in that area?

Mr. Sgromo: Somewhere around mid 400 vehicles.

Mr. Marzullo: What kind of traffic is there in and out of that site, how often do those trucks come in? Those are questions we will need answers to.

Chairman Smith: And what hours?

Mr. Sgromo: I don't know I will have to find that out. It's not going to be like the auto auction, these are for access storage for their dealerships and also storage in the interim before they go to the auction. One reason why this location is being chosen because they can pretty much drive that right across to the auction, from there I believe they get picked up there are the auction and sent out.

Mr. Abbey: Are they going to do any repairs in the building?

Mr. Sgromo: No.

Chairman Smith: We would want that in the statement of use, exactly what you are going to do, if you are just going to be storing cars, the statement of use should indicated if you are going to be washing cars, prepping cars or doing service. We just need to know what you are going to do.

Bob Scallion: (Attorney for the Fucillio Automotive Group): The inside of the building will probably be utilized in part for prepping vehicles. These cars are coming in off transporters and are going to be dropped and we are going to get them ready to move from point A to a dealership. So there may be



some preliminary prepping of the vehicle inside the building. That is going to involve washing and polishing. So there is some storage but it will also be utilized for prepping cars.

Chairman Smith: So they would have employees working getting the cars ready inside the building. How many employees do you anticipate?

Mr. Scallion: I don't think there would be more than 10.

Mr. Marzullo: Are there sanitary sewers there?

Mr. Sgromo: No there is not.

Mr. Scallion: Greg and I have talked about the possibility of sewer.

Mr. Parrish: There is no public sewer readily available to this site.

Mr. Sgromo: The issue came up and there are public sewers down at the Commons, which is about 2,600 feet away, in which case we would have to put in a force main along the road and a pump station.

Chairman Smith: You may want to talk to the Town also. We would need to know that, you are obviously going to have water in there and it would be a significant change in use. Also make sure it is noted that there will be no automotive repairs as well.

Mr. Ruscitto: You said there is no fencing and no lighting?

Mr. Marzullo: Signage?

Mr. Scallion: Facade only.

Chairman Smith: What about the building, do we have elevations? You are going to want to have pictures submitted. I don't know how the rest of the Board feels about it.

Mr. Marzullo: It needs some cleaning up, some landscaping.

Mr. Parrish: I think you are going to need a floor plan of what's happening inside, what's there now and if any changes. The asphalt on Sneller Road is also in really bad condition, which is a Town road.

Chairman Smith: Mr. Conway is our liaison to the Town Board, and there should probably be a discussion and someone could take a look at Sneller Road. We would like to have your input.

Mr. Conway: Yes, we will get at it this week if it stops snowing.



Chairman Smith: I don't have an issue with storing the vehicles but I have an issue with how we are going to control the public from stopping there to shop for cars. This site is not being designed for public access, so how are we going to limit their access to the site and make sure that they know it's not a Fucillo car lot.

Mr. Scallion: There is no lighting or fencing proposed at this time. We really haven't gotten in there and started to design what Billy wants to do. Once we get in there, there very well is going to be lighting I just can't anticipate what exactly.

Mr. Parrish: They need to design and show what they want to do now.

Mr. Sgromo asked if the Board if they have a criteria for lighting? Chairman Smith indicated he would have to get with Mr. Parrish about that.

There was further discussion about restricting public access and lighting for security measures. They discussed some conditions for the lighting.

There was a discussion if there was any weight restrictions on Sneller Road and if it was being plowed.

Mr. Parrish: As it is shown the pavement comes right up to the property line on the southern edge of the site, I am assuming you are going to want some sort of buffer in there, 20 feet or 10 feet some sort of green area so we are not paving right up to the edge of the right away.

Mr. Marzullo: I think you might need some snow storage, we are going to want to see some sort of landscaping.

Mr. Sgromo asked if the Board had an idea of how much they wanted and Chairman Smith indicated it should be substantial enough so the trucks can get in and out and operate the site safely. He also stated that the building should be dresses up a little bit too.

Mr. Abbey: The front of the building right now is all glass, so people see that and they would think showroom.

Chairman Smith questioned if auto storage is an acceptable use, the site is zoned GC. Mr. Germain indicated that it fits in line with acceptable uses.

Mr. Sgromo indicated they will come back in with more detailed plan, including lighting, elevations, site access control, building modifications, landscaping, and other things that were discussed tonight. Chairman Smith indicated this will have to go to the County and once a substantial amount of engineering is submitted then they will get it sent to the County for referral.



PLANNING BOARD MEETING  
TOWN OF CICERO

February 9, 2015  
PAGE 18

**Chairman Smith made a motion to adjourn. Mr. Abbey seconded the motion. The motion was approved unanimously.**

**Next Scheduled Regular Meeting: Monday, February 23, 2015 at 6:30 PM**

IN AS MUCH AS THERE WAS NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 8:01pm.

Submitted by Kristin Ryder  
Planning Board Clerk