



The Planning Board of the Town of Cicero held a meeting on **Wednesday, May 7, 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 28, 2014 Meeting (**approved**)
- Site Plan, Goodwill, 7933 & 7937 Brewerton Road, Proposed retail store (**approved**)
- Minor Subdivision Preliminary & Final Plan, The Birches Part of Section 4 Amended Subdivision, 9399 Birch Tree Road, 2 Lots (**did not appear**)
- Site Plan, Sketch Review, Empower Federal Credit Union, 5791 State Route 31, Proposed site improvements (**to return**)

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

Others Present: Neil Germain, Planning Board Attorney, Mark Parrish, Planning Board Engineer, Richard Hooper, Director of Zoning Enforcement, and Don Snyder, Zoning Board Member

Chairman noted the next meeting would be held on Wednesday May 21, 2014 because of the holiday schedule.

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. Ruscitto led the Pledge of Allegiance.

Mr. Abbey made a motion to approve the Planning Board Minutes from April 28, 2014. **Mr. Honors 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



Chairman Smith indicated that during the last meeting the boards concern involved the access onto Caughdenoy Road and cross access easements and since then an issue has come up with fire department and some issues regarding the hydrant and the flow of water. Would you like to start with those items?

Mr. Hart: Access off Caughdenoy Road, there were issues with turning left from that entrance, so in response to that we have made it a right in only, so eastbound traffic would take a right in, there would be no traffic heading north on that driveway at all it would be one way in. We have created a sweeping right hand turn so it makes it more prominent of a right hand turn in. We will have do not enter signs at the south end of that drive. We have also added two stop signs, so anyone heading south on that road will have to stop twice, in response to trying to cut down on people cutting through.

The other issue was cross access easement, we were looking at a cross access easement to allow access to these properties to the north and to the south and eventually even to Hess from the Widewaters parcel. We have gone back to Widewaters to discuss it and they have a couple concerns at this time, first being they don't know what is going to go there into those areas, what those will be developed in the future and whether they will be in concert with what we have proposed now for the Goodwill and the bank. So they need to be careful on allowing access to adjacent parcels when they are not sure if it will have a negative effect on the leases that they sign with their tenants. At this time they are wary about going into that cross access easement.

Ms. Mitchell: Widewater understands why the planning board wants the cross access easements as far as planning in the future but they said that anything that they would write up now would be so vague that it wouldn't do anything. So they would prefer to wait until that area is being developed and they have agreed to work with whoever the developer is as long as it isn't something that is in direct competition to the current tenants. But they are willing to work for access to that road to the north if appropriate in the future they didn't feel they could do it now not knowing what it was going to be.

Chairman Smith asked if Chief Barrett from the Cicero Fire Department could speak to the hydrant and flow issues.

Chief Barrett: We have reviewed the plans and we have concerns about the existing hydrant on Caughdenoy Road and the other existing hydrant is on the east side of Route 11. If we were to have to go the building or area for a fire we would have to shut down Route 11, which is a 5 lane highway. We did some research and it shows roughly 25,000 to 30,000 cars pass daily there. The code says that a hydrant has to be within 600 feet. I know the sprinkler system is a wet system but in order to get water to the building our recommendation is to have a hydrant added to the front area and another added on the corner off Caughdenoy Road to supply the sprinkler room and the building as well as we have sufficient water for our engines. I think it is in the best interest of all parties, even though the cost may be up a bit. I talked with codes and Chairman Smith, the 8" main off Caughdenoy Road and you are going to reduce down to 6.



Chairman Smith: They have 10" at Caughdenoy and they are bringing a 6" line at present down, they would have to increase the size of the pipe to 8".

And in response to the fire hydrant in front of the car wash, the code says if you have 4 or more traffic lanes and have a traffic count of more than 30,000 vehicles per day. Hydrant spacing shall average 500 feet on each side of the street. We really can't consider this hydrant as protection for the building. The hydrant does measure to code, which is 600 and we measured it to be 590 feet. But there are concerns from the applicant's point of view what the flow is going to be. The counts we got from NYS DOT from 2012 were between 25,000-30,000 cars. This building is going to employ about 15 people and admirably you are employing some people that may have some challenges, and the fire load is going to be clothing so it seems reasonable that we talk about the concerns of the fire department.

Mr. Hart: One point to make is we are trying to get coverage off two separate lanes two mains, one on Route 11 and one off Caughdenoy. What the Fire Chief is trying to do is get coverage, because they are two separate systems, so in case there's a water issue on one we still have coverage from the other. The main for our building is coming off Caughdenoy, what we can do is come into our building, increase the piping if required, we have to increase our backflow we were going to propose a 4" backflow but we will probably have to go up to a 6" to get the flows we need. Then we would come out and service a hydrant that would be placed where the fire department would like it. It is really close we are probably adding 35 to 40 feet of 6" main to get out to the hydrant. The bigger issue is a hydrant located in the lawn area out here, we want it to come off the main on Route 11 so we have that redundant system we couldn't do that as part of our building because our building is serviced by Caughdenoy. So what we can do is, at a minimum is put that one hydrant in off our building up in the northeast corner of our site and then talk to OCWA about what we can do to try to get a public serviced hydrant to service that other location.

Chairman Smith: I did speak to the Supervisor and one Town Councilman and I don't think it's out of the question I think they understand, because I think there is a 3/4 inch service main that was brought across the street to go the Citizens Bank.

Mr. Hart: So that is not amenable to service a fire hydrant.

Chairman Smith: If they install the private fire hydrant, does that address the fire departments concerns?

Chief Barrett: Yes it does, the biggest thing is getting the two different water sources. So our goal is to continue to talk to OCWA and the Town about the secondary hydrant.

Mr. Ruscitto: Is the sprinkler system a wet or a dry system?

Chairman Smith: They will have a wet system, the sprinklers are active, so there is water in the system so the water will go off before the fire department would get there.



Chairman Smith asked if the board had anything further for the Fire Chief and thanked the Chief for his time and review of the materials.

Mr. Hart: I passed out the subdivision map that we are proposed for this site to combine the two lots into one as requested by the Town Engineer and we have submitted the traffic study that was prepared and they show that there will be no impact at the signal at our driveway.

Chairman Smith asked Mr. Parrish and Mr. Germain and the board if they had any issues to discuss.

Mr. Parrish: No comments, you have addressed the outstanding issues.

Mr. Germain: No legal issues.

Mr. Ruscitto: The road is going to be a "right in only", so a one way road, maybe you could make it a little more narrow.

Mr. Hart: We did reduce it from our original plan. It is 15 feet now which I don't think we could do any less to be sure to allow for fire trucks down the lane.

Mr. Abbey: I look forward to working out the details of that extra hydrant on the south side which would obviously benefit the other businesses in the area too.

Mr. Marzullo: Is the signage on the plan?

Mr. Hart: Yes the site plan does show the amount of signage for the entire site and we also submitted at the last meeting a full signage package showing all the signage.

Mr. Marzullo: The cross access, the planning board is in charge of smart planning and design and part of that is traffic control. The county has commended us for the job we have done along Route 11 and the cross connections that we have used. The Planning Board attorney described where we were on cross connections at this time and that it would be up to the goodwill of the applicant. When the cross connection was put in for Citizens Bank we didn't know what was going to be put in there. From my perspective it doesn't make good planning sense to not have the cross connections from Hess and the south parcel. I am very much in favor of the project but without those cross connections in place tonight I would vote no to the project.

Mr. Hart: Your first comment regarding Goodwill and Citizens Bank does make sense but the cross access easement was created because Widewaters owned both parcels so they were granting a cross access easement to themselves and they have control over both those lands and they can control what goes there. The other issue with Hess is that there storm water basin and what looks like wetlands could pose physical problems if we tried to create cross access from there.



Chairman Smith: That site was originally approved for 40,000 square foot retail at one time when the site was laid out.

Mr. Honors: I see Mark's point asking for the cross access easements however I do see the applicant address many of our concerns.

Chairman Smith: I agree with Mark's position, this situation presents some unique concerns. Goodwill had expressed some concerns about the site to the south, they are planning on doing some landscaping. We have a site there and have yet to receive site plan from the Town, which I am sure Richard is working on. Goodwill is going to be building a beautiful building with a lot of value next to a site that is unattractive that doesn't meet the criteria and doesn't come up to code and you are stuck with it, so there is some reason for the concern there. The Hess gas station does present some challenges. I agree with Mr. Honors that we have had some issues that the applicant has shown good faith and I am leaning towards giving them some latitude because they have tried to address our concerns.

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: Neil, would you construct a resolution approving the project as presented.

Mr. Germain: You are going to move for the adoption of a resolution approving the Site Plan application known as Goodwill, 7933 & 7937 Brewerton Road, Proposed retail store. The Site Plan last revised May 6, 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. I have a photo copy of the site which indicates 2 separate proposed Fire Hydrant Locations. I ask that this be marked and entered in to file as an exhibit (Attachment 1). This site plan approval is conditioned on the applicant installing a single fire hydrant at the proposed location marked in the North East part of the property. There is no requirement to install a hydrant in the other location marked on the exhibit (Attachment 1), said hydrant shall be in accordance with all applicable fire protection standards. Further no certificate of occupancy shall be issued until said Fire Hydrants are installed.
3. The lots will be combined to form a single lot via a simple or administrative subdivision.



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

Ayes: 4 Nays: 1 Abstained: 0 **Approved**

Mr. Smith made a motion as presented by Mr. Germain above. **Mr. Abbey seconded the motion.** Chairman Smith asked for a roll call vote.

Mr. Ruscitto: Yes

Mr. Abbey: Yes

Mr. Honors: Yes

Mr. Marzullo: No

Mr. Smith: Yes

The resolution was **approved.**

**MINOR SUBDIVISION PRELIMINARY & FINAL PLAN,
THE BIRCHES PART OF SECTION 4 AMENDED SUBDIVISION
2 LOTS, IANUZI & ROMANS**

Representative: Hal Romans, Ianuzi & Romans

Failed to Appear

**SITE PLAN, SKETCH REVIEW
EMPOWER FEDERAL CREDIT UNION
5791 STATE ROUTE 31
PROPOSED SITE IMPROVMENTS
NAPIERALA CONSULTNG**

Representative: Neal Zinsmeyer, Napierala Consulting Professional Engineer, P.C.

Mr. Zinsmeyer: In 2009-2010 we were here for Empower Federal Credit Union, they are now looking to expand again. They have purchased the Bill Meyers property and they are working on subdividing that now.

Chairman Smith: That will be handled in the codes office with a change in lot line, is that correct Neil?

Mr. Germain: Yes, that is correct it will be a simple subdivision.



Mr. Zinsmeyer: There are 5 key components:

- 1) the subdivision
- 2) Satellite ATM service - ATM transactions are growing so they want to get the ATM service away from the building service. So that people that need the teller service you can stay at the teller. But people that need the ATM can use those separate. The ATM will be eliminated on the building. Where the ATM is now, they are putting an old style drop drawer.
- 3) Employee parking – They want to get it away from the building. They are going to provide 15 spaces and signage there as well. There is dedicated parking for openers and closers so they can get in and get out. There are additional sidewalks and crosswalks going in as well to get to the building.
- 4) Eliminating the 7 parking spaces where the current employee parking is so it should eliminate the conflict of traffic backing up into each other.
- 5) They are going to bump out one more drive-thru on that canopy for teller service, the whole automated tube service as well. And a bump out for a pass by lane there as well, because their transactions are just multiplying so much.

Again for this plan safety is their concern, doing so by getting rid of the parking at the back of the building and the employee parking away from the building as well and to provide the ATM circulation there for just ATM transactions only.

Mr. Honors: At the current location you are going to have three drive-up teller lanes, plus a night drop box plus a pass thru-lane on the outside, correct?

Mr. Zinsmeyer: That is correct.

Chairman Smith: You are going to have to eliminate the parking at the back of the building because right now it causes a choke point.

Mr. Zinsmeyer: Correct, all the parking is gone and as well it is paved right now almost to the back of the building so all that area is going to become green space now to provide that circulation that loop around the building. It gives a better radius point for circulation. Also we are eliminating the dumpsters. Empower wheels their stuff out on the day of pick up for security reasons so the dumpster is gone completely.

Chairman Smith: This is access to a parcel that comes around down to Route 11. About 5 years ago we approved a plan for a hotel and a restaurant, which the site plan has expired now. But there is interest in that area now, where people are looking at it. This area here would be a great place for us to request one of the cross access easements, so that if a hotel or restaurant does come in they will have easy access to your ATMs instead of having to go out onto the highway. We don't know what the plan will be but in case it is there, but this is a good opportunity knowing we are going to have commercial



development next door to ask for that cross access easement. It may even benefit your customers exiting to the north but there is a real benefit to the Town of Cicero.

Mr. Zinsmeyer: I will have to discuss that will Empower. Do you think the Town will ask for an entire cross easement?

Mr. Germain: You are just looking for some kind of cross access easement to go from that site to the next site to allow traffic to flow through the sites.

Chairman Smith: Which we would require when someone comes in for site plan they are going to get asked for the same thing. Yours will be a filed easement and we would say to the owner on the other side that we would require their traffic pattern to allow access to Empower as well.

Mr. Zinsmeyer: I will discuss it with Empower. A concern would be I am not sure they would want to give access not knowing what that is, say it is going to be something other than a hotel, like a fast food chain. They may not want a fast food chain having cross access. Would they have a say in what that is?

Chairman Smith: No, the cross access goes to the Town of Cicero.

Mr. Zinsmeyer: We did grant a cross access easement back in 2010 for this whole loop.

Mr. Marzullo: We would want to easement so that if the future planning board decides that it's a smart planning move we have ability to do it.

Mr. Zinsmeyer: I will discuss it with Empower and I will suggest it to them. I know we're here for a preliminary view but we provided you with a full lighting plan, a grading plan, a full sediment control plan, and I have discussed the 5 highlights of the site. If there are any questions or concerns I would be happy to address them now.

Chairman Smith: Mark do you have any items you would like to discuss at this time?

Mr. Parrish: Not at this time, we will be taking a look at the site plan, lighting at the ATMS is something we look at along with drainage.

Chairman Smith: Mr. Abbey and I did a site visit and the lighting requirements for that banking code have been turned down. The regulators have realized that the lighting was a problem. So they have improved the regulations.

Mr. Zinsmeyer: The lighting around an ATM is unachievable at times, including on this plan. In regards to lighting there are three poles that are existing, and we are going to put a second head on those facing the employee parking lot and we are going to add four more poles to meet the banking code the best



we can. We are trying to meet the code the best we can with the limits that we have. Again these ATM units come prepackaged, they have the lights in them that meet code.

Chairman Smith: We had a concern if there is adequate lighting where the employees are going to be crossing the lane of traffic to get to the bank.

Mr. Zinsmeyer: There is a two foot candle and a two foot candle there.

We also provided a signage plan. These are small ways signs, because there might be a little confusion now with the ATM being away from the building so the intent here is to direct people around safely especially for the first time users. But once you know where it is you will know where to go. So there are a couple of way signs here and then another small monument sign on Route 11. These are the cut sheets of the standard ATM services out there.

We are actually doing 5 or 6 of these for Empower they are known for taking existing buildings and making them into their own and they just don't have the capacity that they need.

Chairman Smith asked if the board members had any concerns that they would like to address.

Mr. Ruscitto: Just a comment about the easement, I understand your concern about not knowing what is going to go there, but again that's not something we can control.

Also where you have the 7 parking spaces, you are eliminating that and then where the grass area is noted now is that the extent of the grass area or is that going to increase to where the parking spaces are being eliminated.

Mr. Zinsmeyer: That is all new grass area back there.

Chairman Smith: Could you tell us how much pavement we are adding?

Mr. Zinsmeyer: There is a number in the chart, we did an existing outline and a proposed outline. Bill Meyer's piece takes up about 8,400 sq. feet of asphalt. This proposed project comes up with 8,300 sq. feet we wanted to keep within that area of no impact. Also some of our sidewalk is porous.

Mr. Marzullo: I am impressed with the applicant, where the new ATM is going it looks like there could come some issue of the employees getting out if there is a backup at the ATM. Did you look into a bypass at all?

Mr. Zinsmeyer: Actually this plan is the growth plan now. Their first goal is to only put in one ATM, they will wire and plum for both of them and if that problem does occur of stacking they will install that second ATM.

Mr. Honors: I think it improves the safety of a busy corner.



Chairman Smith: I think it's a great project, but the cross easement is going to be very important. They can call our attorney and he can explain how we have done this on many parcels.

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.

Next Scheduled Regular Meeting: May 21, 2014 at 6:30 PM.

Chairman Smith made a motion to adjourn. Mr. Honors 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 7:36pm.

Submitted by Kristin Ryder
Planning Board Clerk