



The Planning Board of the Town of Cicero held a meeting on **Monday, February 27, 2017** at **6:30 p.m.** in the Town Hall at 8236 Brewerton Road, Cicero, New York 13039.

Agenda:

- ❖ Pledge of Allegiance
- ❖ Approval of Minutes from the February 13, 2017 Meeting (**Approved**)
- ❖ Minor Subdivision Preliminary & Final Plan, Set Public Hearing for March 13, 2017, Sun Auto Dealership, 8010 Brewerton Road, 2 Lots, CHA Consulting, Inc. (**Approved**)
- ❖ Site Plan, Public Hearing, UCK Two, LLC (Sun Auto Dealership), 8010 Brewerton Road, Proposed Auto Dealership, CHA Consulting, Inc. (**Public Hearing Opened at 6:44pm and Closed at 7:02pm**)
- ❖ Major Subdivision Preliminary Plan, Wallington Meadows Section 8, Whiting Road (Tax Map No. 087.-01-60.1), 49 Lots, Calocerinos Engineering, PLLC (**Adjourned per applicant request**)
- ❖ Site Plan, Long Qin, 5647 Bear Road, Proposed spa, Long Qin (**To Return**)
- ❖ Site Plan, Shawn Bird, 5711 South Bay Road, Proposed Music Store, Shawn Bird (**Denied**)

Board Members Present: Bob Smith (Chairman), Chuck Abbey, Mark Marzullo and Greg Card.

Others Present: Neil Germain, Planning Board Attorney, Mark Parrish, Planning Board Engineer and Richard Hooper, Codes Enforcement.

Chairman Smith opened the meeting by noting the locations of the two 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. Card led the Pledge of Allegiance.

Chairman Notes: The Board will be attending the symposium. Mr. Hooper will be joining us. This will fulfill the state requirement for continuing education.

Approval of Minutes of February 13, 2017 meeting:

Mr. Card made a motion to approve the Planning Board Minutes from the January 23, 2017 meeting. Mr. Abbey seconded the motion. The Chairman called a vote:

In favor 4 Opposed 0 Abstained 0 Motion approved unanimously



Public Input: The Board will accept comment on any ACTIVE Application currently before the Planning Board. Comments must be directed to the Board. If comments are relative to an Application with a scheduled Public Hearing, please hold those comments until the Public Hearing.

Speakers must speak from the podium, provide their name and address to the Clerk, be recognized by the Chair and speak into the microphone. Comments are held to 3 to 5 minutes per speaker. Comments required longer time should be submitted to the Board in writing for consideration and in the Application file.

**MINOR SUBDIVISION PRELIMINARY & FINAL PLAN
SET PUBLIC HEARING FOR MARCH 13, 2017
SUN AUTO DEALERSHIP
8010 BREWERTON ROAD, 2 LOTS
CHA CONSULTING, INC.**

Chairman Smith asked Mr. Germain to draft a resolution calling for a Public Hearing.

Mr. Germain: You are going to move for the adoption of a resolution calling for a Public Hearing in the matter of UCK Two, LLC (Sun Auto Dealership), 8010 Brewerton Road, Minor Subdivision Preliminary & Final Plan, 2 Lots. This public hearing shall commence at 6:30 pm or as soon thereafter as the matter may be heard at the regular scheduled meeting of the Planning Board on Monday, March 13, 2017.

Chairman Smith put this in the form of a motion. Seconded by Mr. Card.

In favor 4 *Opposed* 0 *Abstained* 0 *Motion approved unanimously*

**SITE PLAN
PUBLIC HEARING
UCK TWO, LLC (SUN AUTO DEALERSHIP)
8010 BREWERTON ROAD
PROPOSED AUTO DEALERSHIP
CHA CONSULTING, INC.**

James Trasher, representative, CHA Consulting, Inc.

Mr. Trasher: This is a proposed demolition and reconstruction of a new 40,000 square foot dealership. Access road and continuing that road out to a point along Route 81 for a billboard and some vehicle display area along Route 81. We still have two existing curb cuts along Route 11. One on the southerly side, left in, right out. You can enter from both directions with right out only. We will coordinate with the NYS Department of Transportation. We proposed a curved island coming in to separate the proposed display area. Helps with confinement of



drainage. Main display sales area between the proposed building and US Route 11. Access to the north was previously constructed under the previous application. We would like to continue that on with our customer entrance for sales. The service department will now be located on the same side of the road. We currently have sales on the easterly side of the road and westerly side of the road is service. We are now consolidating into one building. We completed storm water management plan, including a pond. This was submitted to the engineer for review. Provided elevations as well.

Chairman Smith asked Mr. Germain to review the general rules of a public hearing.

Mr. Germain stated that anyone wishing to speak for or against the project would be given an opportunity to be heard. Anyone wishing to make any comments would be recognized and asked to approach the podium and provide their name and address for the record. Only the comments from the person recognized to speak at the podium would be considered.

Chairman Smith opened the public hearing at 6:44pm.

Chairman Smith asked anyone to who wished to come forward to speak for the project, against the project, or wanting to comment to approach the podium.

Ron Gazowski – 5669 Fairview Avenue:

Mr. Gazowski: My concern is that we need a fence just like Walmart has. The berm and trees are not working. We need something to stop debris from coming into our yard. The lighting needs to face away from our property. The light is coming in the windows. The loudspeaker wakes me up. The loudspeaker turned off would make me happy.

Chairman Smith: The Board has expressed concerns about the berm. Those discussions are going on. To summarize, your concerns are the berm, lighting and noise.

Mr. Gazowski acknowledged and agreed that those were his concerns.

Robert Stenzi - 5993 Hebburnese Trail on behalf of his daughter on Fairview Avenue:

Mr. Stenzi: We need a fence there. The berm does not work. It is going to take a long time for the trees to grow. We need a fence. The lights. The PA system. Can they get rid of that? Maybe cell phones for employees to reduce the noise. I have a grandchild that is affected. Another question is what was the timeframe for the construction of the building. Will the fence go up before the construction? There is nothing that Fairview can do in their front yard to block the debris.

Chairman Smith: To summarize, your concerns are the fence, the noise and the scheduling of the barrier go up before the construction starts. Get rid of the PA system.

Mr. Stenzi acknowledged and agreed that those were his concerns.



Fay Gregory 5671 Fairview Ave:

Ms. Gregory: The height of the building. Talking about the berm. The berm is sinking. We can now see the cars through the fence. The berm must have been soft soil. With the height, are we going to be able to see the building over the fence?

Chairman Smith: Commercial Code allows 60 foot building in height. They cannot go over 60 feet. Whatever we will build, it would be see the building. Same as you would now. I think it is about the same height.

Ms. Gregory: Is there possible way that we can have a walk through on the building? Can we see where everything is going to be? We are trying to visualize it. What are we going to see when we look out our window. How high is the fence going to be. How high is the berm going to be.

Chairman Smith showed Ms. Gregory the building site plan, including the elevation.

Ms. Gregory: Construction hours- what are they? There will be a lot of dirt and dust. When we make a phone call to the town, we would appreciate a call back.

Chairman Smith: There are rules. The applicant is familiar with the SWP and dirt/dust.

Mr. Gregory: What about the noise level? The height of the building is a big concern for me.

Chairman Smith: It is going to be nicer looking that what is there now. The Board has had discussion with them and working on how to address the berm issues.

Chairman Smith: To summarize, you concerns are the berm/fence height, the height of the building, construction dirt and noise level.

Ms. Gregory acknowledged and agreed that those were his concerns.

Tom Gregory - 5671 Fairview Avenue:

Mr. Gregory: I worry about the wetlands.

Chairman Smith: Wetland mitigation is already in place. They have to follow strict state and federal wetlands rules.

Mr. Parrish: Crossing wetlands in two areas. They are building culverts so the wetlands will not be affected.

Mr. Gregory: The other print that I saw had wetlands closer back towards Fairview. I've been back there and I know there are more wetlands that what is showing up here. Are we going to get water problems now?



Chairman Smith: We approve these projects and improving storm water retention.

Mr. Parrish: Not all rain events will be retained completely on the site.

Mr. Gregory: The berm and fence. It was supposed to be 6 foot and it isn't.

Chairman Smith: To summarize, your concerns are the effect on the wetlands and the height of the berm and fence.

Mr. Gregoy acknowledged and agreed that those were his concerns.

Tim Murphy - Noel Road:

Mr. Murphy: Walmart cracked the foundation with their trucks. This is just Phase 1. What is Phase 2? I called the Corp of Engineers. There are federal wetlands. This is under view. Is it a paved parking lot or stone?

Chairman Smith: Paved.

Mr. Murphy: The walkie talkies are a good idea. The PA system disrupts the quality of life. The lights need to be shielded. It is ridiculous. The berm height, the fence, the setback. You should let them see what it is. Berm height. What is the zoning?

Chairman Smith: General commercial.

Mr. Murphy: They didn't do well with us regarding setbacks. Light shining in the houses and cars. If you don't get a high enough fence, the light is going to go right into the homes. Don't destroy the quality of life. I don't trust you. They did it to us.

Chairman Smith: We are looking to improve it.

Mr. Murphy: Are you still not taping the Minutes?

Chairman Smith: No, we are not.

Mr. Murphy: Isn't that your fiduciary responsibility?

Chairman Smith: We are only taking comments on Sun Auto at this time.

Chairman Smith: To summarize, your concerns are berm, fencing, noise, managing construction and lighting.

Mr. Murphy acknowledged and agreed that those were his concerns.



Chairman Smith Closed the public hearing at 7:02pm

Mr. Hooper: Setbacks are front 50 feet, rear 25 and side 15 feet for General Commercial.

**MAJOR SUBDIVISION PRELIMINARY PLAN
WALLINGTON MEADOWS SECTION 8
WHITING ROAD (TAX MAP NO. 087.-01-60.1)
49 LOTS
CALOCERINOS ENGINEERING, PLLC**

Removed from agenda for applicant request.

**SITE PLAN
LONG QIN
5647 BEAR ROAD
PROPOSED SPA
LONG QIN**

Long Qin, Applicant

Mr. Germain: There was an initial meeting and a follow up. I sent a letter to the applicant informing the applicant that his application did not meet the minimum requirements of the Town Code. The property owner was copied on this letter as well. The correspondence asked the applicant to bring the application up to code standards so that it could move forward in the process. It also informed the applicant that the application would be deemed abandoned if the applicant failed to provide the necessary materials. I am giving a copy of my letter to the applicant marked as Exhibit A to the clerk to include in the applicant's file. Nothing has been submitted to bring the application up to code standards. You have two basic options: Option 1 is to act on the application and declare it to be abandoned and withdrawn or you can proceed in any manner in which you see fit.

Chairman Smith: Mr. Qin, is there any reason why you have not provided the necessary materials?

Mr. Qin: I don't know how to do it. The survey was too old. I called and got a new survey. I gave one to Richard Hooper.

Chairman Smith: In my opinion, I would give you two additional weeks to get the materials that are required by Town Code into the Board for review. If you don't get those materials into Mr. Hooper's office so that we can review them at the next meeting, I will most likely propose a resolution denying the application due to insufficient information. You cannot wait until the day before the meeting to submit your materials. Do you understand?



Mr. Qin: Yes.

The Board agreed to allow the applicant to return in two weeks.

**SITE PLAN
SHAWN BIRD
5711 SOUTH BAY ROAD
PROPOSED MUSIC STORE
SHAWN BIRD**

Mr. Germain: I spoke with Mr. Bird today. I am going to submit a copy of the email stating that the property owner will not allow the easement. A copy of the email is being submitted to the clerk as Exhibit A for the applicant's file.

Chairman Smith: We have dealt with this property before. If any property calls for a cross access easement to manage the traffic and make it accessible between the properties, and considering that the Board did not ask to have it built. Before I ask Mr. Germain to construct a resolution denying the application, I would like to get the Board's comments, if any.

Mr. Abbey: We made it perfectly clear to the applicant.

Chairman Smith: The owner will not allow the cross easement.

Mr. Hooper: There have been several telephone calls from the property owner, the daughter, the applicant, the attorneys.

Mr. Card: Was she informed that any applicant will need the same cross easement?

Mr. Germain: Yes, I explained it to her and her attorney.

Mr. Card: Unfortunately, the applicant is in the middle here.

Mr. Marzullo: I feel bad for him.

Chairman Smith: The applicant has asked us to make a decision on the site plan tonight.

Mr. Marzullo: Are we being overly hardened on this one?

Mr. Germain: There is no guarantee that he is buying the property. We don't have the details.

Chairman Smith: I believe that at some point, given the major traffic generator we have on the corner, and we put the light in there, this property is going to someday have a lot of traffic. Absolutely reasonable for us to request a cross easement.



Chairman Smith asked Mr. Germain to draft a resolution denying the application.

Mr. Germain: You are going to move for the adoption of a resolution denying the application known as Shawn Bird, 5711 South Bay Road, Proposed music store. This denial is based in part on the applicant's failure to provide adequate traffic flow through the site.

Chairman Smith put this in the form of a motion. Seconded by Mr. Card.

In favor 4 *Opposed* 0 *Abstained* 0 *Motion approved unanimously*

Chairman Smith: Do any members of the Board have anything additional? The Board did not have anything further.

Mr. Card made a motion to adjourn. Mr. Abbey seconded the motion. The motion was approved unanimously.

Next Scheduled Regular Meeting: Monday, March 13, 2017 at 6:30 PM

IN AS MUCH AS THERE WAS NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 7:16 pm.

Submitted by Lisa L. Stewart
Planning Board Clerk