

The Planning Board of the Town of Cicero held a meeting on **Monday, October 10, 2011** at **7:00 p.m.** in the Cicero Town Hall at 8236 Brewerton Road, Cicero, New York 13039.

Agenda:

- Pledge of Allegiance
- Approval of the minutes from the September 26, 2011 meeting (**approved**)
- Site Plan, KK Cicero Corp., 8098 Brewerton road, Proposed retail and office building (**approved**)

Board Members Present:

Mark Marzullo (Chairman), Joe Ruscitto, Greg Card, Pat Honors, Chuck Abbey, Bob Smith and Sharon May

Others Present:

Wayne R. Dean (Director of Planning & Development), Neal Germain (Esquire, Germain & Germain), Mark Parrish (P.E., O'Brien & Gere) and Tonia Mosley (Clerk)

The meeting opened with the Pledge of Allegiance. The Chairman noted the three emergency exits and asked that all cell phones be silenced.

**APPROVAL OF THE PLANNING BOARD MINUTES FROM SEPTEMBER 26, 2011**

**Mr. Smith made a motion** to approve the Planning Board minutes from the September 26, 2011 meeting. **Mrs. May seconded the motion.** The motion was **approved** with the following vote:

Mr. Ruscitto:	Yes
Mr. Card:	Yes
Mr. Honors:	Yes
Mr. Abbey:	Yes
Mr. Smith:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

**SITE PLAN, KK CICERO CORP.  
8098 BREWERTON ROAD (FORMER CHILDTIME)  
PROPOSED RETAIL AND OFFICE BUILDING  
PLUMLEY ENGINEERING, P.C.**

Representative: Julian Clark, Plumley Engineering, P.C.

Mr. Clark introduced himself noting that he was here two months ago discussing this site plan. Basically, the owners would like to obtain permission to increase the use of the building to child care, retail and/or office space. At that meeting the Town requested some changes which I have completed.

We eliminated additional pavement in front of the building that was in front of a driveway. It is now all grass with the exception of a paved sidewalk to the entrance. We have addressed the issues from the Planning Board engineer's letter. I believe that SOCPA came back saying that they were okay with the plan. We did add the sidewalk to the front along Route 11.

We are here tonight to request approval but I do have one item for discussion—the sidewalk. We contacted the DOT to see if they would be okay with that. Their comment was that they would like to see the crosswalk put in across the Walmart entrance, which would include pedestrian signals and so forth. That would greatly increase the cost to the applicant. Originally the DOT was okay with just putting in the sidewalk and now we are talking about tripling the cost.

There are two options. We could add a note to the site plan stating that we would put in the sidewalk in the future if the crosswalk ever got installed with someone else. Or, we could just put the sidewalk on our property so that we would not have to go to the DOT to obtain any approvals from them.

Mr. Smith: Mark do you remember--I think when the bank was approved we stated when the road was expanded that they had to put the crosswalk in at that time. They are supposed to widen that road eventually. And when there is future development the bank was supposed to put a sidewalk up through there and put the crosswalk in—on their side.

Mr. Parrish: There is a sidewalk in front of the bank.

Mr. Clark: They have a crosswalk along Brewerton Road, but not across the Walmart entrance.

Mr. Parrish: The discussion I recall was when this got developed through here they have to run a sidewalk up along the access road. I don't remember a discussion about the crosswalk.

Mrs. May asked for clarification.

Mr. Clark: The DOT wants a crosswalk across the Walmart entrance which would include pedestrian crossing signals.

Mr. Marzullo: They have the authority to impose that upon you if you put the sidewalks in?

Mr. Clark: If I went for a DOT permit they could try and force that upon us.

Mr. Marzullo: Because if you put a sidewalk in their right-of-way you would need to get a permit.

Mr. Clark: Right. I could trim it back so that I do not go into the Walmart right-of-way.

Mr. Parrish: Is that the part where they are requesting the crosswalk?

Mr. Clark: Yes. Because there is a hydrant and a power pole in the right-of-way I did not have room to put the sidewalk totally there. I kept it on our property except for this small spot here.

Mr. Dean: When they do these improvements and/or expand the back parcel another driving lane will be put in. Some major modifications will be done there including a left turn lane and sidewalks. It seems like it would be more appropriate to do the crosswalks at that time.

Mr. Smith: So just put the sidewalk in on your property.

Mr. Card: Is that okay? In the past we have required that the owner to put it in the easement. We just did that with Mavis/Cole Muffler right?

Mr. Marzullo: They (DOT) prefers that, but they don't have the final say.

Mr. Smith: And, it won't fit.

Mr. Card: I don't think that it fits in front of Mavis either. It is almost on the road. So your drawing proposes that you put it on your property.

Mr. Clark: Yes, except for the very end where the handicap ramp is.

Mr. Card: And you are proposing that you would not put that little end on there so that you would not have to ask for a permit from the DOT.

Mr. Clark: Correct. I was a little nervous that might be where the DOT was headed, so I sent them an email. She responded back that they would request that a crosswalk be put in.

Mr. Marzullo: I am wondering if we can make a request that the crosswalk not be required at this point. Can we say never mind?

Mr. Germain: No. You cannot control what they are going to do.

Mr. Smith: Wayne's point is well taken. At some point a major modification will be done. At that time sidewalks, crosswalks, etc will be required.

Mrs. May had a question regarding dumpsters. Is it enclosed? We would like to see that enclosed with stockade fencing so that it is hidden.

Mr. Card: You are not proposing any additional lighting.

Mr. Clark: Correct.

Mr. Parrish: What about signage?

Mr. Clark: There is no signage there now. They are not proposing any because they are not sure of who or what is coming in. They would come back in at another time for that.

Mr. Dean: The Zoning Office could handle that as long as it conforms to Code. If the applicants go over what is allowed, they would have to come back to this Board.

**Mrs. May made a motion** regarding SEQR. She read: Be it further resolved that the Planning Board of the Town of Cicero hereby determines that the proposed action will not have a significant effect on the environment and that this resolution shall constitute a negative declaration for the purposes of Article 8 of the Environmental Conservation Law of the State of New York. **Mr. Card seconded the motion.** The motion was **approved** with the following vote:

Mr. Ruscitto:	Yes
Mr. Card:	Yes
Mr. Honors:	Yes
Mr. Abbey:	Yes
Mr. Smith:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

Mr. Dean: Is the entrance to Route 11 two ways, for ingress and egress?

Mr. Clark responded yes.

Mr. Dean: Is it a right-out or can you turn left also?

Mr. Clark: It is a full out driveway.

Mr. Dean: I don't know if we are making a dangerous situation. Vehicles cannot turn left at the light. I don't know that we are not encouraging people to go through the site to make a left turn onto Route 11.

Mr. Parrish: The reason for not having the left turn out of the Walmart drive is volume. They did not want to have that much traffic without the extra lane. But, I understand what Wayne is saying. That is a difficult movement.

Mr. Clark: I think at the last meeting we decided to wait and see what SOCPA said. They did not come back with any comments.

Mr. Dean: I just wanted to bring it to the Board's attention. SOCPA did not have a problem with it.

**Mr. Smith made a motion** to approve the application for KK Cicero Corporation at 8098 Brewerton Road dated 8/12/2011 as presented and a final draft date of 9/30/2011 with the conditions that the dumpster be enclosed with stockade fencing and that the concrete sidewalk as required in front of the building is installed to the NYSDOT right-of-way. **Mrs. May seconded the motion.** The motion was **approved** with the following vote:

Mr. Ruscitto:	Yes
Mr. Card:	Yes
Mr. Honors:	Yes
Mr. Abbey:	Yes
Mr. Smith:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

**Mr. Marzullo made a motion** to adjourn. **Mrs. May 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 7:30 P.M.

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Tonia Mosley, Clerk