

The Planning Board of the Town of Cicero held a meeting on **Monday, October 24, 2011** at **7:00 p.m.** in the Town Hall at 8236 Brewerton Road, Cicero, New York 13039.

Agenda:

- Pledge of Allegiance
- Site Plan, South Shore Veterinary Hospital, Lot 7 Elta Drive, Proposed Veterinarian Hospital and Clinic **(to return)**
- Site Plan, McDonald's, 7911 Brewerton Road, Proposed Restaurant and Drive Thru **(to return)**
- Amended Final Subdivision, Kildare's Meadow, Corner of Orangeport and LeBeau **(approved)**
- Approval of the minutes from the October 10, 2011 meeting **(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, Planning & Development), Neal Germain (Esquire, Germain & Germain), Mark Parrish (P.E., O'Brien & Gere) and Tonia Mosley (Clerk)

The meeting was opened with the Pledge of Allegiance. The Chairman noted three emergency exits and asked that all cell phones be silenced. He also reminded the students in the audience that their paperwork needs to be filled out before it can be signed by Board members.

**SITE PLAN, SOUTH SHORE VETERINARY HOSPITAL
LOT 7 ELTA DRIVE, PROPOSED VETERINARIAN HOSPITAL/CLINIC
NAPIERALA CONSULTING**

Representatives: Neal Zinsmeyer, P.E., Napierala Consulting
Dr. Kevin J. Hammerschmidt, D V M

Mr. Zinsmeyer introduced himself and the project. We are on Lot 7 of the Elta Drive Business Park. It is more of a flag lot near the corner of Button Road and Route 31. Our driveway is directly off of Elta Drive. The DOT will not allow a direct drive to Route 31.

We have a 6,400 + square foot veterinary hospital with 32 parking spaces. Dr. Hammerschmidt needs about 25, so parking is more than adequate. Around the building will be a concrete curb and sidewalk for access. We have the typical enclosed dumpster pad. Landscaping includes some trees up front and shrubbery to accent the building.

The doctor to the east of us stopped his sidewalk at his property. We will continue that west under a NYSDOT permit. There is a simple grading plan which sheds all of the water away from the building. We have some swales around the perimeter of the parking lot which will be collected by the existing infrastructure system of the overall Park. The erosion control plan contains simple stuff such as silt-fencing and a stabilized construction entrance---all the things to meet the requirements that we need to.

The lighting plan contains two pole mounted fixtures. They are on your plan sheet. We show zero spill over at the property line and have enough light for safety.

Dr. Hammerschmidt's current practice is across the street, in an approximately 3,000 square foot facility. He wants to move to a larger building. The highlight for him is visibility. He is currently tucked in the corner. He wants that visibility for his current use and future use---a long term investment. For the Dr. to be able to move is a huge business venture.

The Dr. and I are here tonight to answer any questions that the Board might have.

Mrs. May: How do you plan on enclosing your dumpster?

Mr. Zinsmeyer: It will be three-sided with an open gate. It includes stockade fencing, on a concrete pad.

Mrs. May: Will there be any signage on the building?

Mr. Zinsmeyer: We do have our elevation plan which shows two signs. We do not have a completed signage plan. It is still in the works. We know that we are allowed roughly 70 square feet of signage. That is what we will provide.

Mrs. May: Will any of that be lit internally or externally?

Mr. Zinsmeyer: It might be. It will not be back lit. It should be similar to the dentist's. There might be landscape lighting.

Mr. Parrish: I have seen the lighting schematic. After tonight's meeting I will give the Board a detailed review for site lighting, etc.

Mr. Smith: You have a morgue on the property as a part of your business. Will you be doing any cremations?

Dr. Hammerschmidt: We will not be doing any cremations on site. It would simply be short term storage until transportation to a crematorium.

Mr. Smith: Will you be doing any boarding?

Dr. Hammerschmidt: Just hospitalization which I believe is within town code. Any animals staying would be sick.

Mr. Card: You already operate within the Town. Nothing would change besides the location?

Dr. Hammerschmidt: Yes, we currently operate in Cicero. We do not have any overnight boarding as such. It is just hospitalized animals that need to stay for medical care.

Mr. Marzullo: What do you plan for the walk out section of the basement?

Mr. Zinsmeyer: We got involved through the construction team. They determined that it would be less expensive to construct with the basement because the on site material is so poor. They would have to excavate a lot out and bring in that much more fill to come up to the slab on grade. So, it is cheaper to go with a walk out basement.

Mr. Marzullo: How tall would the retaining wall to the west be?

Mr. Zinsmeyer: Four to five feet to provide for an access door out that side of the building.

Mr. Marzullo: Because that is visible to Route 31, I'm wondering if some landscaping should show up along that wall.

Mr. Zinsmeyer: We could definitely think about that.

Mr. Smith: Do you have a color pallet of the exterior materials? Can you provide one for us to review?

Mr. Zinsmeyer: The plan would be to use neutral colors, something similar to the dentist's office next door. Would you want actual samples or colors?

Mr. Smith: I am sure that Mark can provide you with what we generally look for.

Mr. Parrish: It is usually just a color rendering.

Mr. Abbey: So your new building would be about double plus the square footage of your current space?

Mr. Zinsmeyer: Correct.

Mr. Smith: Does the 6,400 + square feet include the basement that is proposed?

Dr. Hammerschmidt: It does not. It is just the finished use of the building.

Mr. Smith: So that will sit vacant?

Mr. Zinsmeyer: From the very beginning I was advised that a slab for that site just has not worked for some of the other buildings. They told me right away that should be a basement, even before we did the geotechnical stuff. It's a lot of storage.

Mr. Smith: That is a reasonable explanation. It is just that it does have egress to the outside.

Mr. Card: You mentioned that drainage is compliant with the plan of the development, correct?

Mr. Zinsmeyer: We spoke with Wayne and Mark. I believe that there was a master plan when Nate Marra did the entire housing development and Elta Business Park as well.

Mr. Card: Hasn't the DEC changed its' requirements since then?

Mr. Parrish: They are slightly different. But, these projects are grandfathered in because they had previous approval. If they had a previously approved storm water management plan they don't have to comply with the current requirements.

Mr. Zinsmeyer: The site is less than one acre. Even if we were not held to the approved master plan, we would be held to Town standards and not DEC standards.

Mr. Smith: Businesses do change hands. The basement area is large. Is there anything that we can do within the approval process to make sure if it does change hands down the road that we have a shot at it?

Mr. Germain: I would not suggest that.

Mr. Dean: You show a monument sign on the corner. Is that an existing sign?

Mr. Zinsmeyer: Yes.

Mr. Dean: Will you be adding signage to that?

Mr. Zinsmeyer: Most likely. I am assuming that the Town will not allow a stand alone monument for this project.

Mr. Dean: If you want a stand alone sign you have room to put it on your property. But again, that counts against your 70 square feet. If you wanted to do something different, you could request it from the Board. They have gone over what is allowed in the past.

If you put the sign on your parcel, people may question how to get in because there is no driveway to Route 31. It seems like it would be better suited at the entrance to the business park. It might be better to have a small sign located off the cul-de-sac.

Mrs. May: I would like to see the sign at the entrance to the road with maybe a smaller sign on the building.

More discussion occurred.

Mr. Honors asked for clarification. Would signage included on the existing monument count against their allowed square footage?

Mr. Dean: I don't think so because it is not on their parcel.

Mr. Parrish: That was previously approved signage for the entire subdivision. Typically if that is the case we don't count that against their square footage.

Mr. Ruscitto: How big could that sign be?

Mr. Zinsmeyer: Maybe 3 x 2 at the most.

Mr. Parrish: There are slots for individual tenants.

Mr. Dean: We will submit this to the County. Their next meeting is November 23rd. We should have their comments back by the Planning Board's meeting on the 28th.

Mr. Marzullo: We could be ready by the 28th if you have addressed comments by our engineer and this Board.

Mr. Smith: If this was approved what is your construction schedule? We have started to put sunset provisions on developments. I was looking for a year or two.

Mr. Zinsmeyer: We have some leasing concerns, etc. We wanted to get through the approval process, to know where we were at. It would probably be no longer than a year.

**SITE PLAN, MCDONALD'S
7911 BREWERTON ROAD, PROPOSED RESTAURANT AND DRIVE THRU
BOHLER ENGINEERING**

Representative: Chris Boyea, McDonald's

Mr. Boyea introduced himself. We are here tonight asking for approvals for site plan review and to start the SEQR process for a proposed McDonald's that would be located next to the Solvay Bank on Brewerton Road. This property has been before you in the past and previously received approvals for a Ruby Tuesday's. We were involved in that process as well.

McDonald's was made aware of the site. It is a much smaller footprint than the Ruby Tuesday's. We are proposing a 3,900 square foot restaurant—much smaller than the previously proposed 5,000-6,000 square foot Ruby Tuesday's. It has less seats with about 70-80 where Ruby Tuesday's was about 150.

In general, all of the site demands for this location have gotten smaller. The high intense use of a Starbucks, morning rush hour traffic, heightened drive-thru uses are now gone. We now have a 9 to 5 bank. And we are going from a very large, casual, 150 seating restaurant to a McDonald's. We are also taking the drive-thru traffic that was basically at Starbucks and circulating them back through.

Mr. Smith: Have you accounted for the drive-thru ATM at Solvay Bank? There was a lot of traffic there tonight.

Mr. Boyea: Yes. There is some traffic there but we might be talking about 10 vehicle trips per hour at the ATM. It is far less than if the Starbucks were there.

Mr. Card: How long does your McDonald's propose staying open?

Mr. Boyea: 24 hours. We might not stay open every day 24 hours. It is on a case by case basis. We get an approval for them to stay open for 24 hours so that in the event that it makes sense for the store to do that, they can. Generally they have later hours on weekends similar to a Taco Bell or Wendy's. We would want to be competitive with those businesses.

This location has a large, expansive vacant lot behind us. It is all part of one property. Without anyone immediately adjacent to us that may be impacted, we would definitely ask for the 24 hours a day operation here.

We are proposing 45 parking spaces. This is a signalized intersection. You would enter here and have access to these parking spaces here. These parking spaces here stay with Solvay Bank. Drive-thru traffic would come around the back. We have two ordering menu boards that would be behind the restaurant which keep with our current McDonald's proposals. Vehicles move to a pre-pay window, a pick-up window and then exit out to the traffic light or to the cross access into the neighboring property.

We have parking along the rear, angled parking here and a couple rows of parking here.

Our business has changed over the years. When McDonald's were originally built in the 70's many more people ate within the restaurant. Today that is completely opposite. Where we once had more people in our restaurants we now have more people in our drive-thru. At this point more than 50% of our business is drive-thru. So, when we build a new facility we invest many dollars to make sure that the drive-thru experience is a good one. The process must be efficient. Traffic must flow well.

That is where the side-by-side drive-thru comes into play. We have gotten it field tested over the last ten years and want to bring that to the Town.

Mr. Smith: You have one that was completed about 6 months ago on South Bay. The drive-thru works wonderfully.

Mr. Boyea: It is a big investment on McDonald's part, but there is a benefit to it. As far as the rest of the utilities on the site, the access is shared so there are no new proposed curb cuts on Brewerton Road. The utilities are already in. A sewer line has been brought to here, stubbed in. A water line is up here and stubbed in as well. We have all of our utilities installed and approved by the County's water and sewer authorities. Those demands will go down because we are not going to use them as much as a full service restaurant/bar.

Greenspace on this lot goes up because we are proposing less building. That is a benefit to this whole area which then ducktails into the stormwater. The stormwater system was designed, approved and permitted. It is fully built.

Mr. Abbey: Will this new store replace the one on Circle Drive at some point?

Mr. Boyea: Correct. The proposed site is a leased lot. This is a simple site plan modification from the approved Ruby Tuesday's. McDonald's does own the Circle Drive location. It would be de-branded and probably offered for sale. Perhaps the mall will buy it, but that is unknown at this time.

Mr. Smith: Do you represent McDonald's corporate or the franchise holder?

Mr. Boyea: McDonald's Corporate. The proposed is a brick faced building with white material to add definition to the building. There are canopies over the front door, the side door and along the drive-thru side of the building to protect customers from weather conditions. There will also be small canopies over the order points. Again, we want to make sure that the drive-thru experience is a good one for our customers.

Mr. Card: Are you proposing putting the front door where people would have to walk in the path of the drive-thru?

Mr. Boyea: Yes. This is the front of the building facing Brewerton Road. But our main door is actually on the side. We wanted to make sure that our handicap accessible spaces don't have to cross that travel path.

Mr. Marzullo: Does the parking in front of the building have two-way traffic?

Mr. Boyea: There is two-way traffic here. It is there to maximize parking. If we were to angle those parking spaces we would lose that count.

Mr. Marzullo: That seems a little confusing. I would like to discuss that more and have Mark look at it.

Mr. Boyea: Sure. The thought process there was to make a very clear turn around space. So if someone was to come in and find no available spaces to park, there would be a lot of signed and striped areas to do a proper three-point turn.

Mr. Smith: Your drive-thru lane looks like it is 10 feet wide. Generally, we require a drive-thru lane to be 15.

Mr. Boyea: We have a 10 foot wide, concrete drive-thru lane. Immediately adjacent to that is a 12' or 15' wide asphalt pass-thru lane.

Mr. Smith: Is there a barrier in between?

Mr. Boyea: No. That line indicates the transition from concrete to pavement.

Mrs. May: If someone needed to exit the drive-thru lane for an emergency, would they be able to do that successfully and easily?

Mr. Boyea: For most of the way, yes. There would be maybe a two minute window right here where someone might have to wait to get out. They could what we call "bale out" before they get in, while they are waiting here, or immediately after down here.

More discussion occurred.

Mr. Dean: Will this have a WI FI network?

Mr. Boyea: Correct, it will have wireless capabilities.

Mr. Dean: Taking that under consideration, I am concerned about parking. People tend to sit and relax longer.

Mr. Smith: Will the developer continue to rent the corner out to seasonal food operations? Parking there can get a little tight. We lose a number of spaces when that is set up on the corner.

Mr. Boyea: I can not state if he will or will not, but I can certainly ask him that question.

Mr. Ruscitto: Will there be a kid's play area?

Mr. Boyea: There will not.

Mr. Card: Is the cross access agreement in place or pending?

Mr. Boyea: The nicest thing about this project is that everything is in place, cross accesses, everything. As New York State would call it, this is shovel ready. We are in the process of switching the names from Ruby Tuesday's to McDonald's, but the same owner owns both properties. That makes it very simple.

Mr. Smith: Can you take a look at traffic? When you come out going north onto Brewerton Road, there is no green arrow. There is also no green arrow from Brewerton Road north into the site. I understand what you are saying but there is going to be more traffic, it will be much quicker then if there was the Starbucks/Ruby Tuesday's. We have been told in the past that banks are big generators. Have you done any traffic studies? Have you considered making it easier? The entrances to Taco Bell and Pep Boys are close. I think that we did a traffic study previously.

Mr. Parrish: Yes. I don't remember the specifics, but in order to get the light there, I am sure that they did a traffic study.

Mr. Boyea: It won't be that difficult. We could certainly do an update to the traffic study that was done. Another nice thing about the traffic is that you no longer have conflicting uses on the site. For example, the bank would not necessarily be open for our breakfast rush.

More discussion occurred.

Mr. Dean noted that the site plan has been submitted to the County.

Mr. Card: There will be confusion when people are pulling into McDonald's. They will want to go to the left. Is there anyway to channel that traffic?

Mr. Boyea: It was designed and permitted by the DOT. We could certainly take a look and see. Typically a small island or something that would channelize or break the two up is not preferred.

Mr. Card: I could see that as being a potential problem. Cars coming out might be forced to make a wider swing and cars coming in would gravitate to the center line.

Mr. Boyea: We might be able to widen the stripe down the middle or something to clearly define exit and interior traffic. Again, I will put that down as something to look at when we dust off the traffic report.

More discussion occurred.

Mrs. May: What is the maximum amount of time it takes once you place your order, until the order is served?

Mr. Boyea: It does vary a lot. Maybe an average order might be 60-90 seconds. But, you do get some larger orders where we might have a hard time filling within that time---producing food from the back of the kitchen to the front of the kitchen and out the window. But again that is where the side-by-side drive comes in. We can now enter people at the queue depending upon what they order.

Mr. Smith: Where are you going to park the people who have to wait? That is the only issue at your place on South Bay Road.

Mr. Boyea: One of the reasons for that side-by-side drive is to avoid that situation. But, in case it ever happens we do have some parking in here for people on hold. We could sign one of those spaces as such. We don't typically designate that with the new design, but we could put up signage if the Board wishes.

We will have free standing signs out front. There is a pole sign already there which was designed for Ruby Tuesday's. We will match the square footage of that box. Building signs are shown on the elevations, and are designated on the site plan. We have submitted a sign package.

Is there any need to continue the SEQR process with lead agency or isn't it required?

Mr. Parrish: You submitted a short environmental form, correct?

Mr. Boyea: Correct.

Mr. Parrish: It is not required.

Mr. Boyea: Then we will proceed with a full site plan design that we will submit to the Town's engineer based upon this layout and then return. We will make the small changes requested tonight as well and come to the next available meeting.

Mr. Smith: There were folktales about Ruby Tuesday's finding something under the soil from the old auto dealer. Is that correct?

Mr. Boyea: To cut through all of the folklore, there was a layer of peat underneath the soils. That is not good because peat biodegrades and compresses thereby shifting the soils. In order to meet Ruby Tuesday's criterion, a crazy amount of money has been put into the site. For many months you may have noticed big piles of stone that were stockpiled. That was ballast. A very expensive amount of stone just sat on this site as weight to compress the soil until the geotechs came back out and said that core samples were good. Then they had to truck all of that stone off of the site.

**AMENDED FINAL SUBDIVISION PLAN, KILDARE'S MEADOWS
CORNER OF ORANGEPORT AND LEBEAU
BUTTERNUT LLC**

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

Mr. Marzullo: We do have one more item. Mr. Romans called Wayne, Mark and me regarding a minor issue and time constraints. I told him to come in.

Mr. Romans introduced himself thanking the Board for letting him present tonight. This is Kildare's Meadows. You approved this final subdivision plan in its entirety. The intention of

my client was to file it all as one section. But, because he has to finish getting the final approval from National Grid on the road crossing, we are breaking this into two sections. Section 1 is every lot except for the two lots here that were on this stub street. So, the section line is here. This map has been revised from the one that you approved previously. The only difference is that you would have seen these two lots up here. We updated the notes for acreage.

National Grid now has their head quarters in Mass. Everything takes that much longer. We are told that it will be ninety days until the final document is signed. The problem is that the builder has commitments on a couple of lots in what is now Section 1 that he would like to get started. Because of the way that meeting schedules go between your Town Board and your Planning Board, if we did not make it to tonight's Planning Board meeting, we would have been out the next two Town Board meetings.

That is the only change. The road connection is built.

Mr. Smith: Neal, could you state the words? I would be happy to propose a resolution approving and moving forward with this. How should it be worded?

Mr. Germain: You would simply have a resolution approving the amended plan as submitted on whatever date....

Mrs. May: August 24th.

Mr. Germain...to approve the amended plan as of that date.

Mr. Smith made a motion to approve the amended plan as submitted dated August 24th. **Mr. Marzullo seconded the motion.** The motion was **approved** with the following vote:

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

APPROVAL OF THE MINUTES FROM THE OCTOBER 10, 2011 MEETING

Mr. Smith made a motion to approve the Planning Board minutes from the October 10, 2011 meeting as presented. **Mrs. May seconded the motion.** The motion was **approved** with the following vote:

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|---------------|-----|
| 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. **Mr. 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 8:00 P.M.

Tonia Mosley, Clerk