

The Town of Cicero Planning Board held a meeting on **Wednesday, April 1, 2009 at 7:00 p.m.** in the Town Hall at 8236 South Main Street, Cicero, New York 13039.

Agenda:

- Approval of the Planning Board minutes from March 19, 2009 (**approved**)
- Site Plan, Uncle Bob's Self Storage, 8239 Thompson Road, Proposed expansion (**to return**)
- Site Plan, Tim Hortons, 6360 East Taft Road, Proposed restaurant (**to return**)
- Zone Change, Raymond Seubert, Miller Circle & Route 81, AG to GC (**recommended denial**)
- Executive Session Discussion: Meeting attendance (**schedule for the next PB meeting**)
- Site Plan, Marble International, 8141 & 8145 Brewerton Road, Proposed retail and storage (**approved**)

Board Members Present: Patrick Leone (Chairman), Richard Cushman, William Purdy, Scott Harris (Ad Hoc), Sharon May and Robert Smith

Members Absent: Christopher Rowe and Jason Mott

Others Present: Wayne Dean, Director of Planning & Development, Heather Cole, Esquire, Wladis Law Firm, Mark Parrish, P.E., O'Brien & Gere and Tonia Mosley, Clerk

The meeting was opened with the Pledge of Allegiance.

Mr. Leone noted the locations of the three fire exits and that there were no formal public hearings tonight. The Board acknowledged the importance of public input encouraging those who would like to speak about an agenda item to do so. Please raise your hand to be addressed by the Chair.

APPROVAL OF THE PLANNING BOARD MINUTES FROM 3/19/2009

Ms. Cole noted a correction on page 14 in paragraph 2. Set the meeting three months out should read set the meeting three meetings out. **Mr. Smith made a motion** to approve the March 19, 2009 Planning Board minutes with the correction noted above. **Mrs. May seconded the motion.** The motion was **approved** with the following vote:

Mr. Cushman:	Yes
Mr. Purdy:	Yes
Mr. Harris:	Abstain
Mrs. May:	Yes
Mr. Smith:	Yes
Mr. Leone:	Yes

**SITE PLAN, UNCLE BOB'S SELF STORAGE
8239 THOMPSON ROAD, PROPOSED SITE EXPANSION
JAMES E. FENSKEN, BRYANT ASSOCIATES, P.C.**

Representative: James E. Fensken, Bryant Associates, P.C.

Mr. Fensken introduced himself noting that the last time he was before the Board was last July. At that time the Board commented on dressing up to the building. The project is located at the corner of Thompson and South Bay Roads. There is an existing facility which Uncle Bob's is looking to expand by adding a climate controlled building. Customers would enter through a doorway to individual rented lockers. The site currently has a lot of brush and weeds here that would be cleaned up. We would put the new structure in there and add a decorative fence with some landscaping in front.

Mr. Parrish noted the expansion would be 15,525 square feet.

Mr. Leone asked for the current square footage. Are we okay with the coverage area?

Mr. Parrish: According to their summary table the maximum coverage is 40%. They are providing 10%.

Mr. Leone stated this is a premier location in the Town. This is an approved use for the site in an Industrial zone. We asked you to update the look, the architectural features of the building and the landscaping around the building. You have included some façade windows, wrought iron fencing and landscaping. Please discuss the sidewalk and the landscaping.

Mr. Fensken: There was some discussion as to whether or not the OCDOT would add sidewalks when they repaired Thompson Road. At this point we are leaving it as an optional item but, if it is required by the Town we will put it in.

Mr. Dean stated the sidewalk should be of 5 feet wide concrete that is 4 inches thick. The drawing submitted shows the sidewalk stopping at the driveway and not continuing to the northern edge of the property.

Mr. Fensken: I have spoken with my client. If the Town requires the sidewalk for site plan approval, we will add the sidewalk. I believe that the property line to the north is in the middle of Mud Creek.

Mr. Leone: The sidewalk must be extended to the northern portion of your property where it is available to be extended to.

Mr. Fensken: That would be the driveway.

Mr. Dean: To the north is a low area with cattails. I am not positive that it is a wetland, but it is a wet area.

Mr. Smith noted if you can park a truck out in front of your administration building, you can put a

sidewalk in there.

Mr. Fensken: I believe that is already paved with asphalt. Do you want it across the driveway?

Mr. Smith: We want it as far as Wayne says you can reasonably take it to your northern property line. We do not expect you to put it in the middle of the Creek. At some point the County will see fit to do what they should do.

Mr. Leone: We had an opportunity to take your building design to an architect, asking him for guidance relative to the appearance of the building. They suggested a little more landscaping. I think that you have done your best dealing with the building and keeping construction costs low. The fence helps. I think that a little more landscaping along those gaps would go a long way.

Mr. Fensken: Understood.

Mr. Leone asked about lighting.

Mr. Fensken: Lighting for the structure would be two different wall packs located at several points around the structure. It is all downcast. A lot of the lighting is over the doors.

Mr. Parrish: I do not believe we have any issues with lighting.

Mr. Smith: You currently park vehicles on the site. Because of the way the location is set up you can not see those vehicles. If you take down the brush and open the area up that might not happen.

Mr. Fensken explained how the site worked including the parking area provided for people entering the structure. I believe that permanent parking will be pushed to the back of the property. People coming in would be able to navigate a passenger car through this area, temporarily park there and unload. Customers are allowed on the site 24 hours a day.

Mr. Leone: What is the width of the drive isle? Is there enough room for a tractor trailer or truck to unload there?

Mr. Fensken: I don't believe that the lockers are of that size, where large items would be stored. There are several different sized units, 90 new units. The drive isle is 10 by 20.

Mr. Leone: If someone parks there can it be two-way? Is there still circulation on the site? I could see it working if it were a one-way drive.

Mr. Fensken: We have provided 25 feet all around the structure. The amount of traffic at the site at one

time is small, at the most 3-4 customers at a time. I don't foresee a time when there would be a huge traffic jam.

More discussion occurred.

Mr. Leone recommended looking at the circulation on the site as one-way to not impede an area.

Mr. Smith: Basically Mr. Leone is asking for a one-way sign for example here by #8 and another at the other end stating do not enter. You will probably have the same enforcement as with your speed limit.

Mrs. May: You can stripe it or sign it.

More discussion occurred.

Mr. Smith: Heather, what can we put in the site plan to prevent the visible storage of vehicles?

Ms. Cole: I would suggest that you designate the area on the site plan as being for large storage vehicles/customer parking. Anything not done that way would be inconsistent with the site plan.

Mr. Dean: The site plan that we have now does not extend back that far. If they show the parking that we are talking about and designate that as day parking or temporary parking I think that would address the issue. The Board could make the stipulation that there will be no visible parking from the road.

Mrs. Cushman: Is there a numbering system for the parking spots? You would have an area for the permanent vehicle storage of boats, trailers, etc. You assign people a storage area. Can't you assign people a parking space?

Mr. Fensken: I do not work for Uncle Bob's so I can not answer as to how they handle their permanent parking.

Mr. Smith: This parking space up here is temporary, one hour parking and visible from the road. All permanent parking has to be screened or invisible from the road.

More discussion occurred regarding the completeness of the site plan.

Mr. Harris had a question relating to traffic. Three years ago I noticed there were a bunch of PODS in the back. I saw people using that for warehousing who where in and out all day. Does that still go on?

Mr. Fensken did not know.

Mr. Leone: I think that we addressed that. I think that there is enough room if you leave this as a one-way design, leaving temporary parking along the edge of the building where people can unload, etc. I think that you need to address your parking field. I would like to know the number of units collectively that you will have there, shown on a complete site plan. I would like to see the number of outdoor permanent parking spaces that you will rent. Show those on the site plan also. You need to address your sidewalk issue and update the landscaping as requested.

Mr. Parrish noted the two types of wall packs on the buildings. One of those is acceptable. The other is not. This is dated November 29, 2007. This is what we reviewed.

Mr. Fensken: I believe we have already addressed that and updated the plan.

Mr. Leone: Will you be lighting your permanent vehicle storage area? It is not lit now.

Mr. Fensken was unsure.

Mr. Leone: If you are you need to show that. You need to show the number of spaces and the distance between the parked rows. You need to make sure you are not filling in a wetland area with storage. Do we want the sidewalk all the way around the corner?

Mr. Smith: Yes. Could a representative from Uncle Bob's be present for the next meeting to answer questions? That is a suggestion.

Jessica Zambrano: Were you talking about sidewalks on Thompson and South Bay Roads to the end of the property?

Mr. Leone: Yes to the best that they can. There might be some wetland issues going north up Thompson towards Mud Creek. They might not be able to extend it. But, if the County does their work in that area, we will be looking to get across Mud Creek.

Mrs. Zambrano: I am very much in favor of sidewalks. I appreciate your efforts to get sidewalks in.

**SITE PLAN, TIM HORTONS
6360 EAST TAFT ROAD, PROPOSED RESTAURANT
TDK ENGINEERING**

Representatives: Bob Bender, Real Estate Project Planner, Tim Hortons
Joe Durand, TDK Engineering

Mr. Bender introduced himself. Since the Board's last comments, we have looked at the project as a whole. There was the issue of some kind of separation between the adjoining properties. We have proposed an eight foot fence there and leaving the majority of the vegetation. The exit/access for larger 30' trucks was another issue. We have pulled the entrance over to this point, out of the driveway that comes in off Northern Blvd. This limits it to a 90 degree curve. It is now widened to allow for an escape lane for larger straight bodied trucks. We kept some gravel parking along this edge of the property for tractor trailers. We will sign this exit to allow no left turns for trucks exiting the location.

The building is now a newer model.

Mr. Leone: Have changes been addressed in your storm water design? You have increased the pavement.

Mr. Bender: I believe that we have decreased the pavement from the original plan. With the adjustment to the drive-up lane, we did not have to follow the parking in that area. We were able to condense the overall site a little further back to the south. We have eliminated some of the impervious area.

Mr. Leone: Is that the new design for the right-in right-out as provided by the County?

Mr. Bender responded no. We just got comments back. They have another new design coming out.

Mr. Durand: It will be similar but for the sweep they want to have an 80 degree turn as opposed to a 90 degree turn at that center isle.

Mr. Bender: Cars don't get angled as much, so you are not looking over your shoulder as much.

Mr. Leone: Jim Stelter from the County did call me. He explained some of the changes. He said that the Department was okay with both drives. He did have a similar concern about trucks making that left where you are saying no truck turn.

Mr. Bender: We will put a DOT designed sign up at that exit to discourage that. There was talk about us trying to light that entrance. That would encompass signage and landscaping. There are over head power lines with multiple right-of-ways going through here. We submitted plans to National Grid and their three divisions. We received multiple paged comments back. They would rather we not do anything.

We have made some changes. There is one little triangle that does not fall within any of the right-of-ways, but it would require a variance because the pylon sign would be too close to the road. National Grid took issue with the pylon sign even though it was not in their right-of-way. The height to their wires was a concern. We are now proposing a monument sign. National Grid has accepted that. Now that it is a monument sign we feel that National Grid will be accepting of moving it into their right-of-way because

it does not create any height issues with the wires.

At the corner we are proposing to do some landscaping. National Grid was very specific about limiting the amount of work that we do there. There can not be anything over six feet tall or anything that has a potential of growing over six feet tall. Their language was very intimidating. We are more than happy to landscape this. For cost and maintenance reasons we do not want to landscape the entire area. You can see what we have proposed. If the Board feels it should be 25% or 50% bigger, let us know. It will have to be all low ground cover and mulch. Give us some direction and we will incorporate it. We intend to take care of most of the area as lawn.

Mr. Durand: There has to be a little give and take with National Grid. They gave us a ton of criterion, but we think that we have satisfied everything. We have drainage swales that we have to work with. They want the grease trap moved out of the easement. They also want us to relocate the hydrant.

More discussion occurred.

Mr. Leone suggested a 25% increase in landscaping.

Mr. Bender: The Board talked about getting light at this entrance. That was a huge no-no with National Grid. We have a directional sign in here that we can light but anything over two feet tall isn't allowed.

Mr. Leone noted that would be fine and requested making those directional signs cast a little bit of light at the entrance. You want customers to be able to see that right-in. Will you do some landscaping around your sign?

Mr. Bender: Yes. I do have the sign package here.

Mr. Smith: You said that you changed your building. Have you changed the seating, etc?

Mr. Bender: No, it still has the same number of seats. We are adding four inches to the back of the building, 1630 square feet to 1640. That is four inches in the back to accommodate some operational storage inside.

Mr. Bender showed the Board architectural and color samples. There is an exterior cooler that is painted to match the building. The dumpster has a board-on-board enclosure. It will match the fence that runs down the property line.

We have what we would ultimately like to see as far a signage. The company only pays for a portion of those signs. The other signs are the franchisee's option. We have shown three wall signs on the

building. More than likely, two would be the most that we would want: one on the front facing Northern Blvd. and one facing Taft. The one facing the parking lot is certainly not a requirement. I suspect that the franchisee will opt not to pay for it. We would like to show the Board the maximum that we would like to see. There is no lettering on the awnings but they do have light fixtures to accent them. They are very low wattage and do not cast any lighting.

Mr. Parrish: I came up with 161 square feet of signage base on the four major signs and excluding the directional signs, menu boards, etc.

Mr. Bender: The monument sign is just over 33 square feet and the proposed building signs are just over 43 square feet. The length of the building is 54 square feet, not including the cooler.

Mr. Leone: You have two building frontages.

More discussion occurred.

Mr. Bender: If we were to eliminate one of the signs it sounds like we would be in the range that you are talking about. We could eliminate the one facing the parking lot. Or if they opted to go with three building signs they could reduce the size to get closer to the maximum figure the Board is talking about.

Mr. Leone: We are doubling the square footage. 125-130 square feet of signage seems reasonable. You should work around that number.

You heard us talk about sidewalks earlier. This is more of an area away from the residential population. We did not require sidewalks at the Nice & Easy and will not require them here.

Mr. Parrish: Will you maintain the 20 foot setback for your monument sign?

Mr. Bender: Yes, so we will not need a variance. We are expecting National Grid to accept the location. The only monument sign we will have will be on Northern Blvd.

Mr. Leone: Has storm water been addressed to your satisfaction Mark?

Mr. Parrish: Yes. The plan does show some wetlands on the south side of the site. They are not being disturbed.

Mr. Bender: We will co-operate with those agencies should they decide to address the drainage. We will be more than happy to coordinate and provide whatever easements are needed.

Mr. Parrish: As it is designed now the storm water ponds on the south side of the site are going to

discharge into the wetland area. We are not improving the situation. It will say as it is.

More discussion occurred.

Ms. Cole noted the County Planning Board's resolution.

Mr. Parrish recommended that the Board get a final set of plans which includes all of the changes discussed tonight before the site plan is approved. The applicant should also execute a maintenance agreement with the Town.

The Board agreed. They addressed the issue of safety and fencing for the storm water pond.

Mr. Cushman: There is no real residential around there. There is a commercial highway with commercial property side to side. I don't think fencing is needed around the stormwater pond.

The Board agreed.

Mr. Parrish noted the Board's discussion of an access easement.

Mr. Bender: We are not creating any kind of connection between the two properties. We are granting an easement to the seller. If he ever wants to make that connection, he would have to go before this Board to be approved or disapproved. There is no language that says the seller is entitled to make that connection.

Mr. Leone: Our concern was for the cross easement on the main drive going to the south. We do not want a traverse of traffic through there. We don't want that to happen. Just because they are given an easement the Board does not necessarily want that to happen.

Ms. Cole: That property would have to come in for site plan approval if changes were made to it. If they tried to ask the Board to make that formal connection you would probably say no.

Mr. Leone: Can we ask them to put a barrier across there or guardrails?

Mr. Bender: I have wetlands there. They can not get through there. This area is all vegetation and wetlands. We understand this is an issue with the Town. We are not building it. Part of our purchasing agreement is, if the seller can get approval for that to happen at some point, we will allow it. It is up to the Board to allow it.

**ZONE CHANGE, RAYMOND SEUBERT, EXECUTOR
MILLER CIRCLE & ROUTE 81
AGRICULTURAL TO GENERAL COMMERCIAL
GREG HOOVER, EAGAN REAL ESTATE**

Representative: Greg Hoover

Mr. Leone reviewed the application. They want to build a 1500 square foot building to do light manufacturing. The Board questioned whether or not GC was the right zone to change to. The use seems to be more Industrial. There was also a concern about switching this zone to either uses because of the allowed uses within those zoning districts. The size of the buildings or uses could be magnitudes larger in GC or Industrial zones. It was also suggested that the 1500 square foot building had a 7900 square foot warehouse attached to it. It is my belief that the 1500 square foot building would serve as an office for what went on in the warehouse. That is not what was presented to the Zoning Office.

My calculations show that you would have 8000 available square feet. That is 20% of what you could build out on the site at 40% coverage.

We are a recommending agency. I am concerned about the overuse of the site and its connections to a residential area.

Mr. Smith read the County's response. The issue before us whether not to recommend the zone change. I feel that we should send a negative to the Town Board.

Ms. Cole: The referral was a little confusing. It says that the County Planning Board determined that the application had no significant adverse inter-community or county wide implications. Then they commented that the zone change was not consistent with the Town's zoning.

Mr. Hoover introduced himself. I understand the dilemma. I also spoke with the staff planner at the County Planning Board to try and get this right in the sense of the uses and right in the sense of possibly improving the property and bringing business to the Town. The business would be a high tech medical one. All of the assembly would be done through microscopes. They develop things for clients all around the world.

My thought as a builder and developer is here you have a piece of land that has changed due to the highway, etc. So what could be there? You could put in pole barns or storage facilities for personal use. But would that be a higher or better looking use for the land?

Mr. Leone: Neighborhood Commercial is proposed to service its own neighborhood. It is meant to be for example a beauty salon or doctor's office. It was not meant for assembly. Assembly is an arguable point.

It appears to be a bigger operation than we were lead to believe. My guess is that it can grow even bigger.

Mr. Hoover: I don't want to characterize it any more than I have been told by the manufacturer and from what I have seen. We asked if the property provides a buffer and answered yes. There are apartments there. We asked if it was a safer use. I don't know if a zoning district exists that is less than GC.

Mr. Leone: Again, we are a recommending agency. You have a right to go to the Zoning Board of Appeals for a use variance.

Ms. Cole: You would have to be able to show that you could not realize a reasonable financial return on the property unless you obtained the use variance. It is a difficult standard to meet.

Mr. Leone: I believe that there are properties throughout the Town that are more inline with your application. They are available based upon some sound plan management program where the Town wants these types of operations to locate. Wayne can provide you with that management plan and the areas where this type of business might be better suited.

Mr. Smith: My problem with your application is not with what you are proposing. The problem is if we recommend that the zoning be changed to GC and your business does not fly, we have just approved auto dealerships, boat sales, shopping centers, gas stations, etc. to move in there. Those things would not be appropriate given the traffic flow in that area. From a planning perspective it makes no sense for what it could deliver down the road.

Mr. Hoover: The property fits a price point and is a particular size. Is there another zone change that might be a better fit?

Mr. Leone: It does not fit in Industrial for what you want to do on the property. I don't see General Commercial, Regional Commercial, General Commercial Plus or Neighborhood Commercial.

More discussion occurred.

Ms. Cole: The Planning Board will make its recommendation. Your application still needs to go before the Town Board. The public hearing is scheduled for the second meeting in April.

Mr. Leone made a recommendation that the Town Board denies the zone change from Agricultural to General Commercial. **Mr. Smith seconded the recommendation.** The recommendation was **approved** with the following vote:

Mr. Cushman:	Yes
Mr. Purdy:	Yes
Mr. Harris:	Yes

Mrs. May: Yes
Mr. Smith: Yes
Mr. Leone: Yes

**SCHEDULING AN EXECUTIVE SESSION
TO DISCUSS BOARD MEETING ATTENDANCE**

Mr. Leone: We would like to revisit the guidelines setup for attendance policies. I would also like to get some attendance information for each Board member over the last year. We would like to speak to those attendance records at an executive session. If there is a trend or something that needs to be addressed, we need to do that.

Ms. Cole: Let me know and I will be happy to prepare a resolution to allow you to go into executive session.

Mr. Smith: We would like to do that at the next meeting.

Mr. Leone asked the Zoning Office to provide the Board with that attendance information and the guidelines that were setup for the attendance policies that were put in place.

**SITE PLAN, MARBLE INTERNATIONAL
8141 & 8145 BREWERTON ROAD
PROPOSED RETAIL STORE & STORAGE FACILITY
MARTIN MEROLA**

Mr. Leone recused himself from the discussion. He left the podium at 8:34 p.m.

Mrs. May chaired the discussion.

Representatives: Martin Merola
Mario Cannata, Applicant

Mrs. May thanked Mr. Merola for getting the DOT letters to the Board in a timely fashion.

Mr. Smith: It seems fairly clear that the DOT is going to give you one driveway with full access.

Mrs. May: Did you note on the plan that there are to be no displays in the green area?

Mr. Merola: I did not make any more changes to the plan until we had the DOT letter. I marked it up by hand with bollards. Mario has already put them in by the gas meter.

Mr. Smith: I have been down there a few times. Some of the questions have been cleared up. Mario has done a great job. He has been very cooperative doing everything he can to try and make the site work. There was an issue regarding the number of junk vehicles, trailers and boats. They have been cleaned up. There was one boat left.

Mr. Cannata: That will go tomorrow.

Mr. Smith: There were some unregistered motor vehicles there. If we approve this we need to include the condition that there will be no unregistered motor vehicles stored on the property unless they are permitted uses through Wayne's office, whatever the Town code allows. He has protection around the gas meters. There was an issue raised by a neighbor about snow that was mistakenly placed. Mario is removing the snow. It will not be placed there again. He is also cleaning up all of the debris. The neighbor is all set. There was a question raised by a neighbor about fabrication done at the site. Mario was kind enough to let me visit the site while they were fabricating. They do some modification for counter tops. They use an air compressor. He has remodeled the whole building. It is insulated. You can barely hear the fabrication outside. I checked with the neighbor and it is not a problem. As a condition of approval Mario will agree that cutting will only be done between 8 a.m. and 5 p.m. If he should ever come back and ask Wayne to do more, the larger equipment is even quieter. There is no noise pollution.

Mr. Cushman: The only other issue we had was the one, full service driveway to the south. The trucks used are approximately 40' total. As long as there is sufficient room on the north side of the property for backing up and/or turning around, I don't have any concerns. Personally, I feel that the DOT should not have closed the other driveway.

Mr. Merola: Page A1.1 includes the note about displays in the grass area.

Mr. Cushman: You found that there was sufficient room for a 40' truck to turn around?

Mr. Merola: The back shows about 90 feet of width. The surveyor also shows the required distance for a 50' regular truck.

Mr. Cannata: The trucks back up into the parking lot from Route 11. This would be done in the morning at 6 a.m. once a month. At this earlier time there is no traffic. It is similar to what we did on Route 31.

Mr. Cushman: The second driveway is still shown as a right-in only. That needs to be eliminated.

Mr. Merola: Yes, we have to make that change to update the site plan.

Mr. Parrish: Where do the trucks need to access the building?

Mr. Cannata: On the north side of the building. They have to back up to it. It is the only way to do it.

Mr. Smith: That rusty old sign frame will be removed. Mario is prepared to put in a new parking lot.

Mr. Purdy: You back the trucks in off Route 11 now?

Mr. Cannata: They can either pull in and back out or back in and pull out.

Mr. Purdy: I don't agree with the State's closing of the second road entrance. If you are going to have one entrance wouldn't that be the side to access the building? Would the entrance be better on the north side instead of the south side?

Mr. Merola: The DOT specified the south side and I agree. You would not be able to get the trucks back here and turn around otherwise.

Mr. Parrish: I don't see that this works without backing into the site or backing out onto Route 11, which I would not recommend.

Mr. Harris: Heather, can we overrule the State with a majority plus one vote?

Ms. Cole: Not that I am aware of.

Mr. Dean asked for clarification on how the site operates. Why do the trucks have to get to the north side of the building? If you store material on the south side it does not make sense.

Mr. Merola: It does not have to be. They are in the containers. They are taken off with a fork lift. The trucks will come down here, turn in and unload. Then they can come down here, turn around and come back out. You are not backing into the road. It works. They can unload with their fork lift like they have been doing from the container.

Mr. Cannata agreed.

The Board noted the problem was solved. They unload on the south side and move it with the fork lifts to the north side.

Mr. Harris: Mark is that doable?

Mr. Parrish: I am sure there is enough room. It will not be a continuous movement, but if they wanted to I am sure that they can jockey themselves around in the back area, assuming that it is not encumbered and the base is good enough so that they can do it. It says broken asphalt. I don't know what the rest of it is.

Wayne tells me that it is gravel. I don't know if it is in condition to support these trucks or if you will have mud and gravel tracked out onto Route 11. Obviously, they have to operate the site that way.

More discussion occurred.

Mr. Cannata: I would like to ask if I can put a 14 by 12 fountain next to the green area.

Mr. Smith: How far in is the State's right-of-way from there? We can put the green space in, but it can not be in the right-of-way.

Mr. Parrish: They are showing a sidewalk to be installed just inside of the right-of-way. So, any of the green area would be outside of the right-of-way.

More discussion occurred.

Mr. Dean: I know that there has been demolition done in the back. I don't know if we have a survey which reflects what has been taken down. No demolition permits have been applied for. It will create a problem during the next assessment. I would suggest that you apply for demolition permits for things that you have already taken down and provide us with a survey of what is actually on the property.

Mr. Parrish: That should be on the site plan.

Mr. Smith made a motion regarding 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. Harris seconded the motion.** The motion was **approved** with the following vote:

Mr. Cushman:	Yes
Mr. Purdy:	Yes
Mr. Harris:	Yes
Mrs. Smith:	Yes
Mrs. May:	Yes

Ms. Cole noted that the County recommended modifications including a single driveway onto Route 11 meeting the requirements of the DOT. The applicant should show trip generation documentation, provide an engineering study, and a mitigation plan if additional run off is created, etc.

Mr. Smith made a resolution to approve the site plan with the following conditions:

1. Receive a new site plan showing the removal of the driveway
2. The new plan shows the fountain. The Board agreed the fountain has to fit. It can not impede the

sidewalk and should not be in the road way easement.

3. No unregistered vehicles are to be stored on the property at anytime.
4. No fabrication cutting will be done outside of the hours of 8 a.m. to 5 p.m. Monday through Friday.
5. The sidewalk and curbing has to be installed within a reasonable amount of time, per the Zoning Department.

Mr. Dean: The business should not be operational right now. I am on record with a letter stating the business is not to open until the site plan is approved and the Zoning Office has done an inspection of the building to make sure that it is safe for occupancy. The applicant has more work to do besides coming before this Board.

Mrs. May seconded the resolution. The resolution was **approved** with the following vote:

Mr. Cushman:	Yes
Mr. Purdy:	Yes
Mr. Harris:	Yes
Mr. Smith:	Yes
Mrs. May:	Yes

Mr. Harris 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 9:05 P.M.

Dated: April 13, 2009

Tonia Mosley, Clerk