

The Planning Board of the Town of Cicero held a meeting on **Wednesday, April 7, 2010** at **7:00 p.m.**, in the Town Hall at 8236 South Main Street, Cicero, New York 13039.

Agenda:

- Pledge of Allegiance
- Approval of the 3.15.10 Planning Board meeting minutes (**approved**)
- Site plan, SEQR, South Bay Fire Department, 8819 Cicero Center Road, Proposed Building (**approved**)
- Site Plan, Sketch Review, Empower Federal Credit Union, 5791 Route 31, Proposed site modification (**to return**)
- Site Plan, Paul Delima Company Incorporated, 8550 Pardee Road, Proposed 8kWp solar array (**to return**)
- Site Plan, Lucien's Entertainment Complex, Inc., 7800 Brewerton Road, Proposed restaurant and night clubs (**to return**)
- Zone change recommendation to Town Board, SEAYCO-THF Cicero Market LLC, Route 11 (tax map #044.-01-17.1) Regional Commercial to General Commercial (**recommended**)
- Sign, Believer's Chapel, 7912 Thompson Road (**approved**)

Board Members Present: Mark Marzullo (Chairman), William Purdy, Jason Mott, Robert Smith, Christopher Rowe, Scott Harris (Ad Hoc Board Member), and Sharon May.

Absent: Richard Cushman

Others Present: Wayne Dean (Director of Planning and Development), Neal Germain (Esquire, Germain & Germain), Mark Parrish (P.E., O'Brien & Gere), Jessica Zambrano (Town Board Liaison), Judy Boyke (Town Supervisor), Douglas Wickman (P.E., C&S Companies), Hon. William H. Meyer Jr. and Tonia Mosley (Clerk).

The meeting was opened with the Pledge of Allegiance.

APPROVAL OF THE PLANNING BOARD MEETING MINUTES FROM 3.15.10

Mr. Smith noted the correct spelling for the attorney representing Riccelli Enterprises Incorporated as Dom Cambareri. **He made a motion** to approve the March 15, 2010 Planning Board meeting's minutes with that correction. **Mr. Mott seconded the motion.** The motion was **approved** with the following vote:

Mr. Purdy:	Yes
Mr. Mott:	Yes
Mr. Smith:	Yes
Mr. Rowe:	Yes
Mr. Harris:	Abstain
Mrs. May:	Yes
Mr. Marzullo:	Yes

**SITE PLAN, SEQR, SOUTH BAY FIRE DEPARTMENT
8819 CICERO CENTER ROAD, PROPOSED BUILDING
KEPLINGER FREEMAN ASSOCIATES**

Representatives: Scott Freeman, Landscape Architect

Mr. Freeman introduced himself. He noted the Board's questions from the last meeting regarding the intersection. We have our review from the County. Jim Stelter is in agreement with the plan as shown. We have also addressed comments from Mark Parrish.

This is the intersection in question. Currently, this is an open parking lot. The Board was concerned with people coming across the parking lot at high rates of speed. We have extended the removal of asphalt here and created a controlled entrance. We have also created a grass strip here. We would have a 2' stone shoulder and a depressed lawn area to collect snow and runoff that would lead into a couple of inlets along the road.

We have added parking calculations to the plan. The use accommodates event parking 99% of the time. But sometimes there is that peak event where you have a few extra cars and so we have added ten gravel parking spaces for overflow.

Mr. Marzullo asked about parking spaces dedicated for firemen. Mr. Freeman showed where those spaces were located.

Mr. Parrish noted the applicants have improved that corner. He had not spoken with Jim Stelter and asked if there was anything in writing from him.

Mr. Freeman responded we can follow up with that. Jim assured me that he would talk to Mark. I will ask him to put something in writing.

Mr. Parrish: They will have to get a permit from the County DOT to do this work. The Board could approve the site plan contingent upon that.

Mrs. May: The dedicated parking for firemen and NAVAC personnel, will that be marked?

Mr. Freeman: Yes. There are signs.

Mr. Mott asked about the planter on the corner. He was concerned with the line of sight.

Mr. Freeman noted that height.

Mrs. May 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. Smith made the SEQR motion as stated by Mrs. May above. **Mr. Marzullo seconded the motion.** The motion was **approved** with the following vote:

Mr. Purdy:	Yes
Mr. Mott:	Yes
Mr. Smith:	Yes
Mr. Rowe:	Yes
Mr. Harris:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

Mr. Smith made a motion to approve the site plan for South Bay Fire Department with a revision date of March 30, 2010 and the contingency that we receive a letter from the County DOT approving the changes discussed. **Mrs. May seconded the motion.** The motion was **approved** with the following vote:

Mr. Purdy:	Yes
Mr. Mott:	Yes
Mr. Smith:	Yes
Mr. Rowe:	Yes
Mr. Harris:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

**SITE PLAN, SKETCH REVIEW, EMPOWER FEDERAL CREDIT UNION
5791 ROUTE 31, PROPOSED SITE PLAN MODIFICATION
NAPIERALA CONSULTING, P.C.**

Representatives: Matt Napierala, P.E., and Neal Zinsmeyer, P.E. Napierala Consulting, P.C.
Gordon Stansbury P.E., Certified Traffic Operations Engineer, GTS
Consultants
Dan Todero, Director of Facilities, Empower Federal Credit Union

Mr. Napierala introduced himself and his peers. We are here tonight regarding an improvement to the site's access/egress onto Route 11 to allow customers safer access, additional spacing for the drive and signalized entry. The NYSDOT is agreeable to this program.

The improvements are accomplished by acquiring the Condon property to the north. We show the existing entrance/exit which is a right-in and a right-out that is relatively close to the Route 11 and Route 31 intersection. We propose removing the structure on the Condon property, removing the existing entrance/exit on the west side of the site and replacing it with a new circulation path with a long throated access onto the property to another drive in the west/east direction. This would serve our site but potentially serve our neighbors to the east.

The DOT wanted us to have some discussions with our neighbor to the north. He declined the offer for access at this point due to his configurations and such. But that is something that the DOT asked us to at least offer.

The improvement moves the entry/exit approximately 90' to the north. It allows for more

stagger and the ability for traffic to move more safely onto Route 11. It allows for a full access movement for left turns in and out as well as right turns in and out.

Mr. Smith: Are there two lanes coming out, one for northbound and one for southbound traffic?

Mr. Napierala: No, we are proposing one lane. It would be a shared left-right lane.

Mr. Stansbury introduced himself. The DOT asked us to look a couple of things. I completed a site visit on Thursday, September 24th during the evening rush hours between 4 and 6 p.m. Peak hours occurred between 5 to 6 p.m. I looked at traffic volumes passing the driveway, existing gaps in traffic, traffic ques (who is backing up from the Route 31 signal) and the length of the traffic ques. For overall traffic volumes we had about 625 vehicles north bound on Route 11 and about 400 south bound passing the site's driveway. Those are consistent with historical counts in the area.

We timed the gaps in traffic. Two different gaps are timed as traffic is passing. One would be a gap in north bound traffic only---when a vehicle could turn right out of the site or right into the site. The other gap would be a simultaneous gap where you have a gap in both north bound and south bound traffic. That would be the time a vehicle could turn left out of the site. The gaps are grouped. A 6-9 second gap means that one vehicle can turn left out onto Route 11. A 10-13 second gap means that two vehicles can turn out. It is summarized in the last two pages of the report.

We did not study the Route 31 driveway. This study only focuses on the Route 11 access improvement. The Route 31 access can not be modified because it is a shared access with the adjacent building. We can not change that without them being on board.

At the time I did the traffic count the Credit Union was doing renovations. I did not count vehicles exiting the driveway. I only looked at operations on Route 11.

With the gap analysis we found that there were fairly long gaps in traffic in both directions in the range of 10-17 second intervals. Given the length of those gaps we had 350 vehicles that could potentially turn right out of the driveway and up to 222 vehicles that could turn left.

More discussion occurred.

Mr. Stansbury: Based upon the gaps in traffic, based upon the traffic ques, and based upon the volumes we are very comfortable that full access could work well at this location. The volume of traffic generated by a bank is typically in the range of 50-100 vehicles per hour. If 75% of those turned left out of this driveway, it would not be close to half of the gaps available. It would be a release valve for the current problems of traffic getting out onto Route 31.

We presented this information to the DOT. I have an email from them which states that Department accepts the assessment presented in our December 16th submittal. It asks us to please progress the design accordingly. A copy of the requirements for a minor commercial driveway was attached.

Mrs. May: Did you take into account the adjoining strip mall? And, did you count the amount of cars available during the day cutting through the Credit Union's site to get to Route 11?

Mr. Stansbury: The DOT required us to develop this as a shared access. The new road in the back has a lot of room for stacking, if it were needed. It would improve operations for the bank and the adjacent parcel. I did not account for the traffic generated by the strip mall, but the volume that it generates compared to the bank does not approach the number we calculated for vehicles turning left. This is an improvement for the entire corner. It takes some of the demand off of Route 31. Their traffic would have the option of exiting out to Route 11 or Route 31.

Mr. Harris: Is sounds like a part of your study was done at peak times. But it seems that you are using standard numbers for the traffic leaving the site.

Mr. Smith: Is it possible to have the numbers for cars leaving the site the next time you come before the Board?

Mr. Stansbury: Actual counts for this Bank?

Mr. Marzullo: It is important to have those numbers.

Mr. Stansbury: That is certainly something we can look at.

More discussion occurred.

Mr. Marzullo: What is your opinion of the location of your driveway on the north side being so close to the driveway of the business to the north?

Mr. Stansbury: That is discussed in the letter on the second page. Our preference was to interconnect to that insurance building. They passed on that. We do not have the power to enforce it. The insurance building is a very low traffic generator, maybe 5-10 vehicles per hour worse case scenario. The left turn movement coming into the bank's site would not impact turning into the insurance company's site. It would be a rare conflict.

Mr. Marzullo: What about vehicles turning right out of the bank's drive and left out of the insurance company's drive?

Mr. Stansbury: The vehicle turning left would have to yield to the vehicle already on Route 11. Many locations have closely spaced driveways. I am not overly concerned.

Mr. Marzullo: That area on Route 11 gets a lot of car hauler traffic at certain times. Did you look at how that would impact the site?

Mr. Stansbury: I was there on a Thursday. Tri-State typically has their auctions on Wednesdays. Obviously, if you have a large volume of tractor trailers on Route 11 to turn left onto Route 31, you are more likely to block the driveway. But, again that would be for a cycle of the light. The primary traffic from the auction would be heading down Route 31 to I-81.

I did the traffic study for the auction site on Route 11. It is my understanding that most of those vehicles are driven down separately to the Route 31 site. It is a storage lot. The auction has a number of employees that run the cars down to the Route 31 site.

But we could look at that. If we count the site we will count it on a Wednesday and look at the haulers, etc.

Mr. Smith: Will you remove all of the buildings on the adjacent site? If so, will you be landscaping and removing all the trees and greenery?

Mr. Napierala: All current structures will be demolished. There is an existing scrub tree area that will remain. For the most part there will be a continuation of the similar landscaping in front of Empower. We will not have large trees so that sight distances can be maintained. I envision some low lying shrubs and a grass area. We will investigate that and provide that information next time.

Mr. Marzullo asked about elevations. I noticed that there was about a 3' fall from the bank's site to the adjacent site they are buying.

Mr. Napierala: We have worked out a grading plan. It is graded at less than 4%. The drainage pattern is to the northeast. We will maintain that allowing the new areas to drain in that same direction.

Mr. Marzullo asked about snow removal. You are very close to the neighboring drive.

Mr. Napierala: We have significant buffers here to the south of the main drive and the east and west. There is adequate room for snow storage on site.

Mr. Parrish: In that area it is pretty level with the existing grade. Beyond the drive and back behind the garage is where the dramatic difference in grade occurs.

More discussion occurred.

Mr. Smith: Is there a problem with headlights coming out of the drive, facing north?

Mr. Parrish: As vehicles go up the north/south drive, vehicles will be pointing directly at the house.

Mrs. May: Does anyone live in that house or is it strictly a business?

Mr. Marzullo: No one lives there.

Mr. Smith: It is nice to see someone try to fix the traffic situation.

Mr. Napierala: We give credit to Empower for purchasing a piece of commercial property just to improve the traffic flow.

Mr. Marzullo: My other concern is the impact that you have on the property to the north—drainage, safety—with the drives being so close. If there was a way to work with that property owner, it would benefit everyone.

Mr. Napierala: There has been communications with them. They had a concern with parking spaces. As soon as we made entry into their property, they would lose parking. The DOT mentioned that if the property to the north was ever re-developed, one condition would be that a means of access was provided to combine those drives. But, for right now, we could not force that issue.

Mr. Smith: Would it be prudent for us to ask Empower to give an easement? It would not be built now but the Town could use it in the future.

Mr. Dean and Mr. Germain agreed.

Mr. Todero: That has been discussed. It is not a problem.

Mr. Napierala: We will include that at our next presentation.

Mr. Marzullo noted the County's comments.

Mr. Germain: Currently the plan shows three lots. I believe that it is two and contemplate a reverse subdivision to form one lot.

Mr. Marzullo: I would like to make this a public hearing.

Mr. Parrish discussed the easement. In addition to trying to get an easement to the property to the north, there is also interior access between these two properties. The adjacent property will need an easement to be able to utilize the drive improvement. Part of the drive goes onto the adjacent property so they will need an easement. So, additional information on the cross access easement will be needed.

Mr. Germain: You will have to provide notice of a public hearing. You could see an updated plan and then have the public hearing or you could do it at the next meeting.

More discussion occurred regarding a public hearing date.

Mr. Toderò: We have discussed whether or not additional site lighting was needed. If the Town would like to see it, we have no problems with adding some.

Mr. Mott: Yes, and with photometrics.

Mr. Parrish: These plans do not show any additional lighting and it is up to the Board to determine if that is needed. I am sure the building's lighting is adequate. It is an existing site. There is a house there, so there is no lighting in the area where this drive would be located. The question becomes do you want to light the drive near the entrance?

Mr. Mott suggested low lighting units.

Mr. Napierala: Can we piggy back the site plan public hearing with the subdivision's public hearing?

Mr. Dean: It would be a simple subdivision, done through the Planning Office. A public hearing is not required.

Mr. Parrish: We will review these plans in detail and get out our usual list of comments incorporating some of the things discussed tonight.

**SITE PLAN, PAUL DELIMA COMPANY INCORPORATED
8550 PARDEE ROAD, PROPOSED INSTALLATION OF 8kWp SOLAR ARRAY
KURT M. STROMAN, ESQUIRE**

Mr. Stroman introduced himself. We are proposing to install a solar array, an 8kWp, open-fueled ground mounted solar array. It would assist in providing power to the roasting facility. Paul DeLima is owned by Drescher Management Group located in the Town of Clay. We also own another company called Warner Energy.

Warner Energy is the company that develops this project. It is involved in wind energy. We installed the windmill currently on the site. Our most recent division is a solar panel company.

This is a thin film solar panel, 50 watts. We are proposing to install 160 of these panels in a 4500 square foot area located along the easterly boundary of our property. There is a 30' sewer easement there. There are some wetland issues in this northern area that we do not want to impact.

The panels would be arranged in groups of 40. They would be set on tables of constructed aluminum. It is a simple, light weight product. They would be constructed to all building codes including the proper wind loading and weight loading requirements. This type of open field array is common in Europe.

We do have the same parent company and are looking at this as a cross-marketing opportunity. The coffee industry is environmentally conscience. We have several competitors that have installed solar arrays. We are the only coffee company that we know of that is powered, at least in part, by wind turbine. We would like to supplement that with a solar array.

There would be about 10' of space between each table. They would be 40 per table—8 across and 5 high---installed at a 25 degree angle. The tables start at about 4' at the lowest point and ramp up in size to just over 7'. In Syracuse we have 3.31 hours per day of sunlight on average. So for 3.31 hours per day this has the potential to generate 8kw.

Most solar panels require direct and absolute sun light. There can be no filtering from clouds. The sun light has to be direct and it has to strike the panel properly. That is not the case for these panels. Any sunlight available, for example sunrises, sunsets, or sun light obstructed by clouds; could potentially generate electricity. They have the ability to turn whatever sunlight there is, direct or indirect, into power.

We are frequently asked why we are putting this on the ground and not on the roof. As of late, Paul DeLima has enjoyed a significant amount of success in coffee roasting, specifically with respect to our private label business. We are currently contemplating the need to expand this facility to accommodate our current production. If we were to install this on the roof and

then had to take it down, that would be cost prohibitive. We would like to keep that option open for the future, but for now to maximize the potential and to get an array in the ground, we would like to install this solar array along the road, open-field.

More discussion occurred regarding the reasons for placing the array in this particular location on the site including better marketability, less tree removal and/or clearing of land, less problems with shading and wetland issues.

Mr. Smith asked if there were potential glare issues with I-81.

Mr. Stroman responded no. The panels are installed at a 25 degree angle facing due south. The sun, on the southern horizon, rises from 12 degrees in the winter to 43 degrees in the summer. Even when the sun is at its highest point in the summer, any glare or reflection from the sun would be deflected off into the environment. It would no effect drivers on Pardee Road or I-81.

We have provided the Board a sketch showing the height of the tables and the distance between each table. The spacing between each table accounts for shading.

More discussion occurred.

Mrs. May: Do you foresee adding more panels in the future?

Mr. Stroman: No.

Mr. Smith: How many square feet of glass will you have?

Mr. Stroman: Approximately 1800-1900 square feet. We would have landscaped grass underneath the tables. Depending upon soil conditions, the posts that support the tables will be driven into the ground, similarly to a highway guardrail.

Mr. Smith: Will there be any motors attached to these to adjust angles, etc?

Mr. Stroman: No. They are on a fixed plane.

Mr. Smith: Are there any safety issues in regards to power?

Mr. Stroman: No. Everything is installed according to New York State Code. The panels are UL approved and tested for a variety of conditions. The cables are approved for a variety of settings. Ultimately everything is approved by the Public Service Commission. NICERTA will be interested in the array, but we are not sure what their role will be. They are interested in open field technology.

This will need to be sent to the County.

More discussion occurred.

Mr. Marzullo: Are you proposing any signage or lighting?

Mr. Stroman: No signage or lighting. I don't believe that there will be any impacts from an environmental standpoint. Water will run off each panel falling off to the ground within two feet. The ground underneath will not be paved.

Mr. Marzullo: Is there any coordination with National Grid?

Mr. Stroman: Yes. Whenever a unit is connected to a National Grid distribution facility, which this will be, you have to coordinate through a public service commission approved process that is then implemented by National Grid. We went through the same process with the wind turbine.

Mr. Dean: If the Board feels they have enough information, we will send this to the County. (The Board approved sending the application to the County).

Mr. Mott: Is Paul DeLima seeking any green initiatives and/or grants to help pay for this?

Mr. Stroman: At the moment we are not, but we may. Potentially that would be NICERTA.

Mr. Dean: The proposed location is in the required road setback from the front property line. So, a variance would be required because it is considered a structure.

Mr. Germain agreed.

Mr. Stroman: We do intend to get on the agenda for the Zoning Board of Appeals.

Mr. Germain: You asked if the Board could take action now and the answer is no. This has to go to the County. The applicant would need to get their variance before this returns to the Planning Board.

Mr. Parrish: Is the Board concerned about any type of screening from the back of these to the structures underneath or anything like that?

Mr. Stroman: This will be significantly screened by the current vegetative cover. There are some fairly large trees along the northern edge of the property, and around the back of this open section of grassland. We have not proposed anything from the road. If you were heading north on Pardee Road or I-81, the framing is all you would see. It blends in. Also with any type of screening, we would be concerned with the potential for shading. It would need to be some type of low lying vegetative cover.

The Board agreed that would be sufficient.

**SITE PLAN, LUCIEN'S ENTERTAINMENT COMPLEX, INC.
7800 BREWERTON ROAD, PROPOSED RESTAURANT & NIGHT CLUBS
THE CRISSEY ARCHITECTURAL GROUP/LUCIEN ALI SR.**

Representatives: Peter Crissey, Architect, Crissey Architectural Group
Lucien Ali Sr., Lucien Ali Jr., applicants.

Mr. Crissey introduced himself and the applicants. The site is located on Route 11. The building on the south side of the site is the old Infinity building. The building on the north side of the site was the old Saturn building. The majority of the paving is as it exists. Very little would be changed in or on the existing buildings. The elevations are not changing. The applicants are leaving the overhead doors.

The Infinity building would become Lucien's Entertainment Complex. It would primarily be a night club, operating between 10 p.m. until 2 a.m. on Friday and Saturday nights. The primary entrance would be the same. Immediately inside is the cashier to take admission fees. To the south we would add a bar. This would be the contemporary music portion of the complex. The former dealer's office would become a D.J.'s booth.

As you progress from the main entrance, immediately to the right is a ramp and/or set of stairs which would take you down to three V.I.P. rooms. Directly above that would be the arcade where games would go. Immediately to the right of that you would be able to go into the rock music portion of the complex. On the way there is a small snack area and coat check area located in the center part of the building. We are also adding some rest rooms.

As you proceed to the rear of the building, we are adding a free-standing bar. In the middle on the top side of that room there will be a stage for live bands. As you move south of the rectangular room in the center of the building, there is an area for coolers and freezers. The lower right-hand corner of the complex would be the country music portion of the building.

There are a series of offices between the country music section and the contemporary music section. At this point, the applicants do not intend to use all of those offices, with the exception of one office for the owner and one security office.

Mr. Marzullo: What are the V.I.P. rooms?

Mr. Crissey: For people who want to spend a lot of money and have a private room.

Mr. Marzullo: Any private parties during the week?

Mr. Ali Sr.: No, only Friday and Saturday nights.

Mrs. May: Are there any other facilities like this locally?

Mr. Ali Sr.: Other than New York City, but nothing in Central New York.

Mr. Crissey: The night club would be in the old Infinity building. It would primarily have

alcohol and snacks. The plan does not contain tables and chairs.

Mr. Smith: What is the planned occupancy?

Mr. Crissey: Your ordinance refers to the American Planning Association. I wrote to them and they answered back with some very vague things on parking. The top of page two shows the occupancies. We took the square footage from each entertainment room and used 5 square feet to show the potential number of occupants.

Mr. Smith: 2,354

Mr. Crissey: I have an idea that will be the posted amount. The applicants would be extremely happy if they had that many people but we don't expect that. The restaurant is 4816 square feet for about 150 people. We show 127 in the one room.

Mr. Ali Sr.: The restaurant would operate from 11 a.m. until about 9 p.m. during the week. Maybe on Friday and Saturday it would operate until 10 p.m. It would be closed when the nightclub is open. There would not be any interference there at all.

Mrs. May: I see that you have patio dining, 112 seats at the restaurant. Will there be any entertainment here?

Mr. Ali Sr.: No.

Mr. May: Will this be a full service restaurant?

Mr. Ali Sr.: It would be more of a tavern type menu, upscale fast food. The best part about that would be the fenced concrete area with the view to Route 11.

Mrs. May: There is a neighborhood not too far from there. I would be concerned about noise travelling over into that residential area.

Mr. Crissey: There would not be any noise generated from the restaurant. We show 267

parking spaces. We are trying to comply with the Town's code for islands. Other than a planter area and a grass area the entire site is paved. Behind the building it eventually becomes Route 481. To the north is Frank Fava's property. Most of the area behind the building is wild. The applicants own another building down the street where employees could park.

More discussion occurred regarding the number of parking spaces that would be needed.

Mr. Smith: There is no delineation between your parking lot and the adjacent property, other than a vaguely painted line. This is wide open. While you have some traffic control here, without some sort of barrier, it will be a free-for-all.

Mr. Crissey: We can certainly put a guardrail up. Historically Sam Dell leased that building also and he wanted all of the space available to be accessible.

Mr. Mott: Is anyone else struggling with these numbers? I see the potential for 2300 people even if it is a bad night and there are only 260+ parking spaces.

Mr. Parrish: I think that we have to take a closer look and see if we can find some better guidelines. We will get back to you with some suggestions.

Mr. Smith: Does the code give any...?

Mr. Dean: No.

Mr. Parrish: Another issue is snow removal.

Mr. Crissey: I believe currently, everything gets pushed to the back.

Mr. Parrish: Off your property?

Mr. Crissey: Probably. And to the south where there is 12' of grass area.

Mr. Parrish: You are reducing that by 5-10 feet.

Mr. Marzullo: The arcade isn't for under age patrons?

Mr. Crissey: Correct.

Mr. Smith: There are no sidewalks on your plan along Route 11. There is enough pedestrian traffic in front of this facility now, to ask for a sidewalk.

Mr. Harris: I like the entertainment concept but you will have to work out the details.

Mr. Marzullo agreed. We would like to see something go there. Wayne, if I was living next door to this I would like to know what my protections are---noise decibels, restrictions, etc.

Mr. Dean: The Town has a noise code. I am concerned with leaving the garage doors in place as we discussed in our previous meeting. Potentially they could be opened in the summer and the noise would go throughout the neighborhood. If they were sealed shut with masonry, you would reduce the noise transmission to the outside. I suggest strongly looking at that.

Mr. Parrish added those doors are located on the south side of the building which faces directly into the residential neighborhood. If those were opened there would be a significant impact.

Mr. Ali Sr.: We do not intend to open any of the garage doors at the nightclub, but we would at the restaurant. We certainly don't want people wandering in and out at that time of night. To get into any of the nightclubs you would have to enter the main entrance through security. Your identification would be checked. So, we are not going to leave doors open so that people can wander in and out. We could make those doors inoperable to some degree, but there is no need to actually take them down or close that area in.

More discussion occurred regarding safety.

Mr. Dean: The building would require sprinklers. Any assembly space with an occupancy of more than 100 requires sprinklers by code.

Mr. Crissey: We are aware of that.

Mr. Parrish: We will do a review of the plan and present a list of comments. Tonight we heard about parking, snow removal, and sidewalks. We have yet to discuss lighting.

Mr. Crissey: All the lighting shown on the plan is existing lighting.

Mr. Dean: Our ordinance does not require parking lot islands.

Mr. Crissey: Then they are gone. We can pick up more parking spaces.

Mr. Germain: I would wait until you received Mark's comments before you set the date for the public hearing. At least then the applicants would be ready for any public comments.

Mr. Marzullo: Can we restrict the number of occupants in a building?

Mr. Dean: Under the current code you can't. It is my understanding that the code maybe changed to allow that, but I am not in favor of that. It would become an enforcement issue and we are not out there at midnight.

Mr. Germain agreed that it would be a nightmare to monitor and enforce.

**ZONE CHANGE RECOMMENDATION TO THE TOWN BOARD
SEAYCO-THF CICERO MARKET LLC
ROUTE 11, REGIONAL COMMERCIAL TO GENERAL COMMERCIAL**

Representative: Eric Hasselbauer

Mr. Hasselbauer introduced himself. You see in this large map the overall subdivision that occurred in 2003-2004 when the Wal-Mart parcel was sold by THF to Wal-Mart. THF retained the land along Route 11. Between the signal lights is the 3.03 acre parcel of land. This parcel is currently zoned Regional Commercial (RC).

In order to develop these lots into usable outparcels, the General Commercial (GC) designation if more appropriate. For the outparcels to be developed with their current RC designation, extensive variances would be required for setback and bulk requirements

The credit union parcel to the north has a GC designation. That designation is consistent with other parcels in the same area. There is a public hearing scheduled before the Town Board next Wednesday.

Mr. Marzullo: Two of the lots would be non-conforming and you would need a variance?

Mr. Hasselbauer: Correct. The two lots next to the credit union have lot depths that are slightly less than the 200' GC requirement. We do have a variance application that is pending. That application is tabled until we resolve the zoning issue.

Mr. Dean: We originally took this to the ZBA. They felt that the 175' depth requested for that lot was a significant change from whatever is required for RC. They suggested having the lots rezoned and then returning to the ZBA. A request of 175' where 200' is required is not a significant request. The GC zoning is comparable to what Target did across the street. Their outparcels are already zoned GC.

Mr. Marzullo: The subdivision and the variance can follow after the zone change?

Mr. Hasselbauer: Exactly. We intend to pursue this through the Town Board and hopefully achieve the rezoning. Then we would go back to the ZBA to address the lot depth area variance. And then ultimately, we would subdivide.

Mr. Smith made a motion to send a recommendation to the Town Board that the zone change be made as presented. **Mrs. May seconded the motion.** The motion was **approved** with the following vote:

Mr. Purdy:	Yes
Mr. Mott:	Yes
Mr. Smith:	Yes
Mr. Rowe:	Yes
Mr. Harris:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

**SIGNS, BELIEVER'S CHAPEL
7912 THOMPSON ROAD**

Representatives: Jim Williams, Syracuse Signage
Elder Gary Bell, Believer's Chapel

Mr. Williams introduced himself and Elder Bell. We are asking to leave the current sign where it is but move the middle portion up and have a full colored message center. The sign would be similar to the one at the nursery down the street.

Mrs. May noted the message could only be changed every 15 seconds.

Mr. Williams agreed. The report that I have here which was done by the Small Business Association on signs in regards to traffic safety, etc; gives the best prospective on what should be done along with the benefits of this type of sign. The church would like to have this colored sign to show upcoming events and to communicate with the community.

Mr. Dean: I don't know if the County has approached the Chapel about taking any additional land along Thompson Road. I'm not sure what the status of the sign will be if the County does take additional land.

Elder Bell: We are currently discussing that with the DOT. We have met with them. They have staked out the area that they want to take to widen Thompson Road. The area that we have would be used for some drainage but it does not effect the location of the sign. The DOT has presented us with an offer for the purchase of that particular piece of property. It will come up for a vote at our Board meeting and then we will wrap things up with them.

Mr. Williams: Again, we are going to leave the sign where it is located, eliminating the excavation costs.

Mr. Marzullo: It does encroach on the easement.

Mr. Williams: Yes slightly. I think that it is approximately 4.5 feet. I don't know how that was done originally.

Mr. Dean: It currently does not meet the 20' setback from the front property line. This is an existing sign.

Mr. Smith: So we don't have to be concerned with the 20' setback?

Mr. Germain: That is correct. It is currently a non-conforming use. If you consider this to be an expansion of the use, then they would have to go to the ZBA.

Mr. Marzullo: It is slightly bigger and it is electronic now.

Mr. Germain: The Board would have to consider if that was an expansion of the use.

Mr. Dean: I do not feel that it is a significant enough change.

Mr. Germain: And I don't think that you have to be concerned.

Elder Bell: The LED sign that we are putting up is replacing another sign. It is essentially the same thing.

Mr. Marzullo: Wayne has determined that it is not an expansion, so we have the authority to approve it.

Mr. Williams: The size of the sign is determined by the linear square footage of the building's front. We have far more square footage than sign.

Mr. Mott: If this gets approved, will the 4 x 8 sheet signs disappear?

Elder Bell: Those will disappear. That is one of the reasons why we want this type of sign.

Mr. Mott made a motion to approve the sign for Believer's Chapel as presented. The sign can not change less than every 15 seconds. Amber alerts would be required. **Mr. Marzullo seconded the motion.** The motion was **approved** with the following vote:

Mr. Purdy: Yes

Mr. Mott: Yes

Mr. Smith:	Yes
Mr. Rowe:	Yes
Mr. Harris:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

Mrs. May made a motion to adjourn. **Mr. Mott 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 9:10 P.M.

Dated: April 10, 2010

Tonia Mosley, Clerk

