

The Planning Board of the Town of Cicero held a meeting on **Wednesday, May 5, 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 minutes from April 7, 2010 (**approved, the 4.19.10 PB meeting was cancelled**)
- Site Plan, Design Shop Signs, 5676 Route 31, Proposed Addition (**approved**)
- Site Plan, Arrow Auto Glass, 5859 Route 31, Proposed auto glass repair & replacement (**to return**)
- Site Plan, Pathfinder Bank, 6194 Route 31, Proposed bank with drive-thru (**to return**)
- Informal discussion, Publishing draft PB minutes on the Town's web page (**approved**)
- Informal discussion, Request for traffic study review, Carmel Runne
- Informal discussion, Guidelines for parking

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 & Development), Mark Parrish (P.E., O'Brien & Gere), John J. Marzocchi (Esquire, Germain & Germain), Jessica Zambrano (Town Board Liaison) and Tonia Mosley (Clerk)

The meeting was opened with the Pledge of Allegiance. The Chairman noted the locations of the emergency exits and requested that all cell phones be turned off.

APPROVAL OF THE PLANNING BOARD MEETING MINUTES FROM 4.7.10

Mr. Smith made a motion to approve the Planning Board minutes from April 7, 2010. **Mrs. May seconded that 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, DESIGN SHOP SIGNS, C. SUTTON
5676 ROUTE 31, PROPOSED ADDITION
IANUZI & ROMANS**

Representative: Hal Romans, Surveyor, Ianuzi & Romans

Mr. Romans noted the location of the project adding the last thing we needed to resolve was the cross easement agreement. I have provided a copy of the proposed cross easement to your attorney. The proposed cross easement is shown on the drawing as 4' by 24'

The only other additional thing that was changed is the proposed stockade fence around the dumpster pad.

Mr. Smith noted the site had an easement agreement that was never recorded. How can we assure that does not happen again?

Mr. Marzocchi introduced himself as the legal representative from Germain & Germain. He recommended making the easement a condition of site plan approval. It then becomes the applicant's responsibility to make sure that the agreement gets recorded.

Mr. Romans agreed.

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

Mr. Smith made a motion to approve the site plan for Design Shop Signs at 5676 Route 31 dated September 21, 2009 with a revision date of April 29, 2010. Approval is conditioned upon review of the cross easement agreement by Legal and the filing of said agreement. **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, ARROW AUTO GLASS
5859 ROUTE 31, PROPOSED AUTO GLASS REPAIR & REPLACEMENT
IANUZI & ROMANS**

Representative: Hal Romans, Surveyor, Ianuzi & Romans

Mr. Romans introduced himself. This is the old service station on the north side of Route 31, east of the parking area. It was been vacant for a number of years. As a part of our submittal we provided a copy of a letter from the DEC which states that the fuel tanks have been removed properly. The site currently contains a masonry building and canopy. It has two curb cuts each with full access.

The company I represent is Arrow Auto Glass. They replace auto glass. Approximately 80% of their replacement services are done at their customer's location outside of the site. About 20% of the replacement work would be done on site. Arrow Auto Glass currently leases a location up the road. The intent is for the applicants to have their own place.

The intent would be to have one two-bay garage. We have spoken with the NYSDOT who recommended removing the westerly curb cut. We will do that. I will be meeting with them Friday to verify that the remaining curb cut meets their requirements for access.

We would remove the asphalt curbing from the area where we are proposing a sign. I received sign details tonight. After talking with Wayne, the applicants decided to put down what they would like for signage, realizing it would be subject to the building's square footage and the Board's review.

The hours of operation are typically 8 until 5. Trucks are taken home by employees at night. We show 9 spaces for parking. I do have the authority to put a couple of spaces under the canopy for customer cars that are removed from the bays after they have been repaired. The applicants plan on cleaning up the area.

Mrs. May asked if the proposed driveway was directly across from Fastrac's drive.

Mr. Parrish responded the site's curb cut would almost be directly across the street from Fastrac's curb cut.

Mr. Romans: No traffic study is needed per the DOT. This is not a high traffic use. I will talk to the owner about the building's aesthetics. It might be vinyl with some brick. Currently the trim is white. There would be 3 employees on site during working hours with most employees being off site. But I will check on the total number of employees. The possible number of customers per day would be 6-12. There would be no materials stored outside.

There would be a pylon sign and signage on the canopy. Other businesses in the area have signage on their canopies. There would not be any signage on the building.

Mr. Marzullo asked about removing the canopy.

Mr. Romans noted that the applicants wanted to keep it, using the space underneath to park customer's cars.

Mr. Parrish: The applicant has 438 square feet of signage. The building's frontage is 90 feet. Typically, the Planning Board allows for twice the amount of frontage. That calculation includes the entire sign as opposed to just the letters.

Mr. Dean: My only concern about the canopy is that it is on the property line.

Mr. Romans: That is due to the state taking more land. It is an existing, non-conforming feature. The only changes to the site would be the building's façade and the canopy's signs.

Mrs. May asked if the canopy's signage was needed. Generally, the Board felt the sign's colors were too bright.

Mr. Romans noted he would discuss that with the applicants.

Mr. Rowe and Mr. Smith did not have a problem with the canopy.

Mr. Mott added the canopy has a function for the business. He requested that the canopy match the building.

Mr. Dean noted the signage calculation was on the high side. He suggested maybe having the name printed one time on each side of the canopy.

Mr. Smith requested more details regarding the building's aesthetics, lighting, landscaping, etc, noting the location's prominence in the Town.

Mr. Romans: There is some existing landscaping. We would like to increase that, but it is in the state's right-of-way. There is no room on the west side due to tarvia.

Mrs. May asked about planters in the front of the building.

Mr. Romans responded the applicants would like to keep the sidewalks located on the front of the building instead. There is a large drop-off between this property and the former Waffleworks property next door. That drop-off is located on the Wafflework's site. There is one existing pole light which would be used. Residential light fixtures would be added to the building. There would not be any lights under the canopy. Snow would be stored in the back.

Mr. Marzullo: Can you give the roof a steeper pitch with a gable?

Mr. Romans: I can look at that, but it would be expensive.

Mr. Dean noted the application would be sent to the County for their May 26th meeting.

**SITE PLAN, PATHFINDER BANK
6194 ROUTE 31, PROPOSED BANK WITH DRIVE-THRU
DUNN & SGROMO ENGINEERS**

Representative: Greg Sgromo, Dunn & Sgromo Engineers

Mr. Sgromo introduced himself. The site is located on Route 31 across from the Lakeshore Plaza. It is a little over one acre in size and is currently vacant. It is my understanding that the site received Planning Board approval contingent upon coming back before the Board with building details. This application has that additional data.

It would be a 2500 square foot bank. The drive would be located across from the Lakeshore Plaza's drive. There are provisions for a connection to the Union Hall's adjoining property. The DOT is okay with both drives—this site and the Union Hall---staying open for now. We might have to wait until the Union Hall comes in for site plan approval to gain a shared access because there are still some legal issues that the Union Hall needs to work out.

The only changes to the site have to do with comments from neighbors. The proposed detention basin in the back has been changed to an underground detention basin. There will still be a solid fence for neighbors along with evergreens for further buffering. Otherwise, the building and landscaping will remain the same as proposed previously.

Mrs. May asked who prepared the photometrics.

Mr. Sgromo responded the lighting vendor.

Mr. Smith: There were some issues with a neighboring property. Are there any contingencies or options to buy that property?

Mr. Sgromo responded no.

Mr. Smith noted a pad was already approved for the site. He asked if this design adhered to that approval.

Mr. Parrish: That is what our review would determine, if this plan is consistent with the previous plan. There are some details lacking from this plan including details on the underground basin, cut sheets for lighting, utility plans, architectural features, etc. We will provide a set of comments.

Mr. Sgromo stressed it was the exact same signage with the exact same building design. 5 parking spaces were added along with a by-pass lane.

Mr. Marzullo: Signage was not previously approved.

Mr. Dean: A cross access agreement would be needed.

Mr. Sgromo: From us stating that we would allow it to happen? (Mr. Sgromo agreed.)

INFORMAL DISCUSSION: PUBLISHING DRAFT COPIES OF PLANNING BOARD MINUTES ON THE TOWN'S WEB PAGE

Mr. Marzullo noted he attended the last Town Board meeting where a resident commented that the Town was not posting unapproved Town Board minutes. The Town Board agreed to post their unapproved minutes. I thought I would bring this issue before the Planning Board. I don't have a problem with posting unapproved Planning Board minutes.

Mr. Rowe agreed.

Mr. Harris noted over the years there have been a couple of miss-representations in the minutes that needed to be corrected. That is why we review them. We make changes to make the information accurate. That is the only issue I can think of.

Mr. Purdy: Unapproved minutes aren't a legal document, correct? If mistakes are in the minutes people should understand that what they are reading as unapproved minutes are not factual at that point.

Mr. Marzocchi: Clearly there should be some disclaimer on the website that states those minutes are unapproved and would be approved at the next Planning Board meeting. You can

do it. There is certainly nothing wrong with it. I would recommend noting those minutes as unapproved in the same manner as the Town Board notes their minutes as unapproved.

Mr. Smith made a motion to post the unapproved Planning Board minutes on the Town's website after the Planning Board's work session, labeled and/or watermarked clearly as unapproved by the Planning Board. **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 |

INFORMAL DISCUSSION: REQUEST FOR TRAFFIC STUDY REVIEW, CARMEL RUNNE

Mr. Marzullo: The plan approval for Carmel Runne contained some conditions. It was conditioned that no additional site plan and/or subdivision approvals could occur on the site without a traffic study. Clough Harbour submitted a traffic study to me on April 15th. They are asking us to review it and approve it without an actual site plan. I am not sure that is something that we need or should do.

Mr. Mott: How do we approve something when we are not sure of what we are looking at? It is all relative to a site plan.

Mr. Parrish: I want to caution the Board. Part of the reason for a traffic study is to see the impact on the entire development. Obviously, you don't know what would be built, but you can come up with a range of prospective uses and project outcomes. If this was only done on a site by site basis, each study would show that the impact was negligible. But, taken as a whole, the impact would be greater.

A subdivision might not really impact a site plan, but the resolution did state that a traffic study would be required for both. We don't have either of those in front of us and so part of the

issue is we don't know what we have and so how can the Board do its review. But I want to cautiously say, we don't know what it is going to be but you do need to take a look at it based upon certain assumptions---based upon what could go in. As the project develops, you would see whether or not the assumptions that were made are being met. You make projections as to what you think could go on the site and then you look at the impacts cumulatively as opposed to a site by site basis. In doing that you could then try to hold the developer responsible for mitigating the impacts for the whole development. For example, the impact of one hotel in an area might be minimal. But the impact of 20 hotels, taken not individually but as a whole, would be greater.

I don't think the Board really has a basis for review, but I want to caution us not to narrow it down to one project per say, but the project being the development of the whole.

Mr. Smith: We can canvass the project as a whole. When the time comes that is our intention.

More discussion occurred.

INFORMAL DISCUSSION: GUIDELINES FOR PARKING

Mr. Smith noted the Town's lack of parking guidelines. There is nothing in the Code. There are a lot of circumstances where there should be some guidelines for us to work with. Code changes would need to be done through the Town Board.

Mrs. Zambrano: I would like to pick up on what Bob said about making changes to the Code. Let's really talk about it and let's really start that process. How do we do that? Who is responsible for those parts of the Code that are inadequate?

Mr. Smith: The Planning Board could make recommendations to the Town Board. We could make recommendations for Code issues that affect planning.

Various Board members recommended forming a committee to address code changes and the individuals who should be included on that committee.

Mrs. Zambrano: Realistically, we would need to do this in phases. Cost is an issue.

Mr. Parrish suggested prioritizing a list of things that need addressing in the code, and then addressing them one by one.

More discussion occurred.

Mr. Marzullo made a motion to adjourn. **Mrs. May seconded the motion.** The motion was approved unanimously.

IN AS MUCH AS THERE WAS NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 8:15 P.M.

Dated: May 10, 2010

Tonia Mosley, Clerk

