

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

Agenda:

- Approval of the 6.21.10 Planning Board meeting minutes (**approved**)
- Site Plan, Lucien's Entertainment Complex Inc, 7800 Brewerton Road, Proposed Restaurant and Night Clubs (**to return**)
- Site Plan/Sketch Plan, HMT Inc., 6268 State Route 31, Proposed Expansion (**to return**)
- Site Plan, Valero, 6188 South Bay Road, Proposed Parking Lot (**to return**)
- Major Subdivision Preliminary Plan, Proposed Extension, The Crossroads, Route 11, 60 Lots (**denied**)
- Riccelli (**to return**)

Board Members Present: Mark Marzullo (Chairman), Chuck Abbey, Robert Smith, Christopher Rowe, Richard Cushman and Sharon May

Board Members Absent: Scott Harris (Ad Hoc Board Member)

Others Present: Wayne Dean (Director of Planning & Development), Neal Germain (Esquire, Germain & Germain), Mark Parrish (P.E., O'Brien & Gere), Douglas Wickman (P.E. C&S Engineers) and Tonia Mosley (Clerk)

The meeting was opened with the Pledge of Allegiance. The Chairman welcomed the Planning Board's newest member, Chuck Abbey.

**APPROVAL OF THE PB MINUTES FROM 6.21.10**

**Mr. Cushman made a motion** to accept the June 21, 2010 Planning Board meeting minutes.

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

Mr. Abbey:	Yes
Mr. Smith:	Yes
Mr. Rowe:	Abstained
Mr. Cushman:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

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

Representatives: Hal Romans, Surveyor, Ianuzi & Romans  
Peter Crissey, Architect, Crissey Architectural Group  
Lucien Ali Sr., Applicant

Mr. Romans introduced himself and his peers. Since the last meeting we have worked to increase and define the site's parking. Mr. Ali has control of two nearby properties on the same side of the road but further south that would handle approximately 30 parking spaces. Employees would park there, off site.

We modified the site plan here changing it from diagonal parking to a two-lane traffic lane. Coupled with a one-way lane here and here, this allows us an additional 25 parking spaces. We now have 284 parking spaces on site. The minimum lane width is 20', with 19.6' here. The one-way lanes are 16'. I know that the Code requires 20'. If we had to go for a variance, we would. I feel that is sufficient for one car to move. We tried to determine if there were any other off-site locations suitable for additional parking. We found there was nothing open/available for this type of use within this general area.

We completed a traffic study via Gordon Stansbury and submitted that to the DOT. The report concludes that based upon the hours of operation, the project would not have an impact to the main road. All traffic would occur after peak hours.

We don't know if 284 on site parking spaces will be adequate so we are asking the Board to allow us to proceed with the plan and possibly have a review in nine months. In other words, your approval would be conditioned upon a nine month review. During that time if there are any complaints or issues that come up that the Board would like to meet with us to discuss or resolve we would be more than happy to do so. It would give us time to see what kind of numbers we would get. You don't have one individual driving to night clubs. Most people arrive in one vehicle that has a designated driver. So, you would not necessarily need to have one parking space per patron. If this is a success, this would give Mr. Ali the chance to seek more parking, maybe across the street.

I know that Mr. Parrish did a review of parking based upon a number of items. He came up with a broad range for what parking could be required. We feel the restaurant will be winding down at the time the clubs would be ramping up. We feel 284 spaces make the site viable.

We did not encroach on any existing greenspace, etc. with the parking. The building would be sound proofed to ensure the noise level is kept inside. Mr. Ali is also willing to hire an off duty Sherriff Deputy to monitor the parking situation. There would also be security inside. My client wants to have a nice place, a safe place where things are kept inside. He wants to be a good neighbor.

Mr. Smith: Councilor, can we do an approval where we can come back? There is no real basis for us to determine the special needs for this type of project. I honestly don't believe 1400 people will show up. The applicant has stated that he is willing to come back after a period of time and/or if problems do develop. If problems do develop we could re-address them modifying the site plan.

Mr. Germain: There is a precedent for that type of conditioned approval. You would be proposing a 9 month look back period, where you give them the conditional approval. During the 9 months you would assess how the site is doing. It might be an enforcement problem. They would need to come back at the end of the nine months. The applicant would be subject to whatever conditions you wanted to add and/or delete at that point. You would need to be careful about how the approval was structured to spell out exactly what you would expect from the applicant.

Mr. Smith: You would be able to construct such language?

Mr. Germain: Yes. They could even propose it and we could review it.

Mr. Marzullo: Would we have the power to rescind the site plan?

Mr. Germain: Yes.

Mr. Marzullo: Could we ask for a review anytime within that time frame? Could be ask them to come in before the 9 month period?

Mr. Germain: Yes, you could structure it that way.

Mr. Marzullo: I am leaning towards a 12 month review period, with the ability to have the applicant come in at any time to review issues that might come before us.

Mr. Germain: The approval could be conditioned and/or structured any way that the Planning Board saw fit. Again, you would want to word the approval carefully noting what type of notice you would give, to whom, what the consequences would be, etc.

More discussion occurred.

Mr. Romans: My client would be agreeable to what ever time frame the Board would like. If there were problems before that, he wants to be aware of them. He is a local gentleman who has had a lot of successful ventures in the area. He would not be hard to get a hold of. He watches and controls his developments closely. We are fully in agreement with the general principles outlined tonight. I know this still has to go to County Planning for their review so we would have time to work out any language that would be acceptable to the Board.

Mr. Ali noted the days of operation for the night clubs would be Friday and Saturday, while the restaurant would operate seven days a week.

Mr. Romans added snow would probably need to be removed off site.

The Board approved sending the application to the County.

Mrs. May: Will the one-way areas be posted or striped?

Mr. Romans: I picture a combination of both. We have islands where signs could be posted. I picture the arrows you see as painted on the asphalt.

Mr. Ali: The dumpster is located behind the restaurant and will be enclosed.

Mr. Smith: Would you consider entertaining private parties outside of your normal days of operation? There should be some catering business.

Mr. Ali: The nightclubs would not be equipped to do that. It would have to be done out of the restaurant. We don't have any plans to do that now, but we could consider it.

Mrs. May: Would there be any adult dancers?

Mr. Ali: Absolutely not.

Mr. Abbey asked for the restaurants' hours of operation.

Mr. Ali: 11 until 10 p.m.

Mr. Cushman expressed his concerns for parking and the lack of expansion room.

Mr. Romans: We looked at combining parking with Frank Fava's property. Realistically, it does not work. The only way it would work is if his building was removed. We are hoping the project is a success. If we have a problem where more parking is needed, you would be surprised at how creative we could get. But, we may find out the 284 spaces is sufficient.

Mr. Smith asked about the barricade between the site and the Fava property. Does it cut the parking lot off and prevents cross traffic? It is currently wide open.

Mr. Crissey responded yes. Those are planters.

Mr. Dean: What initiates the start of the review process, the approval or the opening of the clubs themselves?

Mr. Marzullo: I think it would be the certificate of occupancy. Mr. Chatfield should coordinate the approval time frame, etc. with Neal. For the record we did receive a letter from Mr. Fava that notes his concerns with overflow parking on his property. I think that we should make the site plan a public hearing given the scope of the project.

Mr. Crissey gave a brief review of the building's internal layout. The outside will remain the same, but is re-painted. There will be a sign on the building which will be internally lit.

Mrs. May: What are the VIP rooms used for?

Mr. Crissey: Some people like to get away from the crowd. These people would probably have their own server. Those areas may have furniture.

I believe that we have addressed all of Mark's questions so far. We have submitted our traffic study to the DOT but do not have a response yet. We have also submitted a photometric study.

Mr. Parrish asked that the most recent plan be submitted for his review and comments.

**Mr. Marzullo moved for the adoption of a resolution** calling for a public hearing on August 4, 2010 commencing at 7 p.m. local time to consider the application of Lucien's Entertainment Complex for site plan. **Mrs. May seconded the motion.** The resolution was **approved** with the following vote:

Mr. Abbey:	Yes
Mr. Smith:	Yes
Mr. Rowe:	Yes
Mr. Cushman:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

**SITE PLAN, HMT INC.  
6268 STATE ROUTE 31, PROPOSED EXPANSION  
HARMONY ARCHITECTURAL ASSOCIATES**

Representative: David P. Colegrove, AIA, Harmony Architectural Associates

Mr. Parrish: A condition of approval for the previous site plan stated if Lot 2 was developed they would have to close off their access to Route 31 and combine access with another entrance that would be across from Button Road. An inner connection would be made. I don't think that the previously approved plan was ever built out.

Mr. Colegrove introduced himself agreeing that the project does have some history. Previously, the owner Paul Wells was looking to subdivide the property and to develop both Lots 1 and 2. Since he has not had any options on Lot 2 he is looking to make his existing building work for his business HMT. The company deals with high voltage maintenance and service. Most of the people who work in the building are engineers or CADD operators.

The building is approximately 4500 sq. ft. About one third of that space is warehouse space that houses testing equipment and parts to be serviced. The applicant is proposing to spread his employees out through the existing building for proper office spacing and to develop a new 5700 sq. ft. warehouse space at the rear of the building. The additional warehouse space would incorporate the test facility and add storage and indoor equipment servicing area.

We are proposing revising the lot lines to accommodate what Paul wants to do. Lot 2 would change from 5 acres to about 2 acres and Lot 1 would change from one acre to about 4 acres. Lot 1 would include the existing cell tower.

The existing driveway would be changed. It would be moved east to Button Road. This change accommodates the turning movement needed for tractor trailers. Tractor trailers would come in off Route 31, drive past the warehouse, back in and then drive forward out towards Route 31. Most deliveries are done by box trucks, with the remainder done by tractor trailers 2-3 times per week. A good portion of the paved area in front of the warehouse building is to accommodate the movements of the warehouse trucks.

More discussion occurred.

Mr. Parrish noted this would be a simple subdivision that would be handled via the Zoning Office.

Mr. Smith: Do we need to ask for cross access agreements now?

Mr. Colegrove: That is something that we would consider. Our struggle with the cross access was trying to make two usable lots. Where the driveway entrance is now, really makes no sense for either lot when considering on site truck movements.

At the rear portion of the existing warehouse we would be filling in two garage doors with windows. A canopy would be placed over the door. A couple of windows and a door would be added on the side. All finishes include split face rock on the lower portion of the building and metal siding on the rest. There would be two tones of metal siding. The main entrance would have a new canopy.

Our existing sign would be relocated 20' inside of the property line. Landscaping would be done around the base of the sign and along the front of the building. We would have wall mounted down cast lights. Some are on the back of the building but they are not intended to illuminate the parking lot. The hours of operation are generally 8 a.m. until 5 p.m. A sidewalk would be added, maintained and located within the States' right-of-way.

Mr. Smith: That is where the State wants them.

Mr. Dean: The new building addition is separated from the main building by a corridor/connector. Why isn't it adjacent to the building?

Mr. Colegrove responded we never considered that because it was a warehouse building. The floor elevation is a couple of feet lower and we are trying to work with the existing grades.

Mr. Smith asked the representative to cover the existing and paved surfaces in detail. We really don't want anymore impervious pavement then we have to have.

Mr. Colegrove detailed those areas. We would have 40 parking spaces. We have 25 permanent employees that are always in the building and we have 15 technicians that are in and out of the building at any given time.

More discussion occurred. Mr. Colegrove noted the dumpster's location. The Board agreed that the plan should be sent to the County. Mr. Parrish noted that he would put together a comment letter for the site plan incorporating some of the Board's comments. He stated he would meet with the applicant's engineer on Tuesday to go over the stormwater.

Mr. Smith suggested less paving and to look at truck movements.

**SITE PLAN, VALERO  
6188 SOUTH BAY ROAD, PROPOSED PARKING LOT**

Representative: Amrik Shergill, Applicant

Mr. Dean: An application was submitted a couple of weeks ago with a different hand drawn sketch. I did not feel it was worthy of distribution.

Mr. Smith felt the discussion should be tabled until the proper documentation was obtained. That is what we require of other applicants. This is not consistent.

Mr. Shergill introduced himself noting that he has been in business on the corner of South Bay and Thompson for the last ten years. I applied for a digital sign some weeks back and asked Wayne if I had to come to a meeting. He said no; let them discuss the need first. After your meeting I asked Wayne again. He said that there was another issue, my dumpsters. People don't like my dumpsters here and there and so you would tell me what to do with them.

That property is now clean. Everything is taken care of there. I have two properties, 6190 and 6188.

Mr. Marzullo explained that the current site plan does not allow dumpsters to be placed there. So you want the dumpsters to be put on the new lot that you purchased?

Mr. Shergill: Yes. The lot is right behind the gas station.

Mr. Marzullo: You would need to submit a detailed site plan application for us to review. It should be submitted in time for our work session.

Mr. Shergill: I did not know that before. Wayne told me he would submit whatever he has. I will provide that for the next meeting.

Mr. Cushman: What are you going to park?

Mr. Shergill: The dumpster and the truck.

Mrs. May: I go by there everyday and see at certain times you sell used cars.

Mr. Dean: That was approved on the original site plan.

Mr. Shergill: A previous owner did. I don't sell used cars.

Mr. Marzullo: The dumpsters are not permitted right now. So, you have to go through a formal site plan process to see if the Board will allow that type of use on the site. You need to present a detailed site map to the Board for us to use.

Mr. Shergill: They are not permitted on the lot?

Mr. Marzullo: No.

Mr. Shergill: I am not talking about the gas station; I am talking about the back property.

Mr. Marzullo: No, there isn't a site plan on the other property that allows that.

Mr. Shergill: In the beginning when I planned to buy the trucks and the dumpster I checked with Wayne. I said I would be using the lot as a parking lot. I asked if I could do it and he said he did not think there would be any problem.

Mr. Dean clarified. I said that it was one of the permitted uses there, but you still have to have site plan approval.

Mr. Marzullo explained that yes it does fall within the zoning, but you still have to go through the site plan approval process.

Mr. Cushman noted what the applicant would need: a set of plans showing the lot, dimensions, setbacks, fencing, lighting, dumpster locations, etc. Then you would have to come in before this Board to discuss it.

Mr. Dean: One other item that I think should be required is permission from the power company. There is a power line through there. I don't know if it is permitted to put things

under a power line. The power company is generally very strict.

Mr. Shergill noted that his dumpsters are different from a stable structure that can not be moved. The dumpsters can be moved everyday. The property will be kept clean. There are other properties along the street that park under power lines.

Mr. Smith: Does this fit the definition of an equipment/storage lot?

Mr. Dean responded that he would check.

Mr. Shergill asked about his digital sign for the gas station.

Mr. Dean: He wanted a LED sign where the existing sign is. That was a previous application before the Board. I believe that we refused to look at it because of the dumpster issue.

Mr. Smith: We wanted a site plan.

Mr. Marzullo noted that could be a part of the site plan process.

More discussion occurred.

**MAJOR SUBDIVISION PRELIMINARY PLAN, PROPOSED APPROVAL EXTENSION  
THE CROSSROADS, ROUTE 11, 60 LOTS, DARRYL SANFORD**

Representative: Darryl Sanford

Mr. Marzullo noted that the plan was approved in 2005, reapproved in July of 2007 and received a one-year extension in July of 2009. Due to the economy things have not progressed as planned and so the applicant is before us again, asking for another one-year extension.

Mr. Sanford: This is an old project that is standing by waiting for the economy and things to change.

Mr. Marzullo asked Mr. Parrish if he had received Jody's email. She kind of indicated that there

would be a road access but there really isn't, it's walking. She also mentioned utilities?

Mr. Parrish: There are a couple of projects that are adjacent to the Park in this area. There was a Bear Springs subdivision that was never approved but that did go through a fairly significant amount of review. There was going to be a road access with that project because it was in a location that made sense.

My recollection is that a road access on this project did not make sense but, that the Board did want to keep the potential for non-motorized vehicles and pedestrians to go through. And also perhaps to get utilities to go through there. That is why we have the easement.

Mr. Marzullo: Where it says sewer easement, does that include water if we wanted to bring water?

Mr. Parrish: We probably would want to amend that to say utilities. Water could be provided to the Park off of Route 11. When the final plan comes in you would have the ability to make those little changes if needed.

Mr. Smith: Since 2005 when the original application came in, haven't there been changes in stormwater regulations, etc?

Mr. Parrish: Not really. The requirements are pretty similar relative to water quality and quantity now as they were back then.

Mrs. May asked if there were wetlands on the property.

Mr. Parrish: Yes, quite a bit.

Mr. Sanford: 1.1 acres through the center.

Mr. Parrish: That is just where you were going to fill. There are significantly more on the property.

Mr. Sanford: Right. The plan was to mitigate that back to the west side which is all wetlands.

Mrs. May: Can that increase?

Mr. Parrish: It can. The DEC typically allows three years for a delineation to be accepted. After three years typically they would have you re-delineate it. That could increase, decrease or stay the same. From the information provided, I gather that there has not been mitigation approved as of yet and so the developer would still need to go through that process. During that process the agencies would look at the delineations and determine if they have changed.

If they have changed significantly from what is shown on these plans and if it has an impact on the lots adjustments would have to be made. I assume the developer would have to come back and present those changes to the Board.

Mr. Smith asked for zoning.

Mr. Parrish: R-10

Mr. Smith: What were the last few subdivisions that we did?

Mr. Cushman: R-15

Mrs. May read a portion of the applicant's letter to the Board noting that Mr. Sanford was asking for an extension of the preliminary approval from June 2005 to allow more time for the banking and real estate markets to become more friendly and to secure financing or a partnership arrangement for us to finish the project properly. What makes you think that you will be able to do that? If the Board granted you another year you would be back after that?

Mr. Sanford: If we can't get it done, of course I will be back. We have so much money and time invested in this that we do not want to lose it. I believe that it is good for the Town to have more housing.

Mrs. May: But I don't believe that you have done anything in five years.

Mr. Sanford: We have struggled. Financially it has gotten worse. When everything was going

well in 2006 we had trouble getting financing for other reasons. 2007 brought problems with the mortgage companies. We would like to sell it or find a developer who would partner with us—or investors.

Mrs. May: How much of an extension are you asking for this time?

Mr. Sanford: Just a year to get us a little further down the road. I am sure that the project will still be viable whether you extend our approval or not. It is just that it would take a lot of money to start all over again. We won't be able to do it. We would be done.

Personally, I don't see how it hurts the Town to extend the approval for another year. It would give us one more year, one more chance to try to get something done with it, to recover what we have done with it and to make a viable project from it.

Mr. Marzullo: What was approved in 2005 basically meets all codes in place today?

Mr. Parrish: Yes. As far as zoning regulations, nothing has changed significantly. It is zoned R-10 but a number of the lots are R-12 size. A few of them are smaller, but not many. Unless a zone change is put in place here, it is R-10 and can be developed as R-10.

Mr. Marzullo: It complies with the existing zoning.

Mr. Parrish agreed.

**Mr. Marzullo made a motion** to extend the major subdivision preliminary plan for The Crossroads through July 20, 2011. **Mrs. May seconded the motion.** The motion was **denied** with the following vote:

Mr. Abbey:	Yes
Mr. Smith:	No
Mr. Rowe:	Yes
Mr. Cushman:	No
Mrs. May:	No
Mr. Marzullo:	Yes

Mr. Sanford: As my life crumbles, I was just curious if I could ask the members who said no what is the harm in staying one more year and having the chance to get it done?

Mr. Cushman: 2007 was probably the best real estate year in Central New York within the last 15 years. If you went through a two year span up to then and could not develop anything at that time, then I don't see much future in extending it and extending it. I don't see it getting much better then what it was in 2007.

Mr. Smith: The reason for my no vote is we have too many plans sitting around this Town that just sit in the books and all of a sudden get developed. We have an entire section of Wallington Meadows that was supposed to get developed recently that has not been approved. We have too many developments that get approved and that just sit on the books. From a Town's perspective we want to see Cicero improve. If we are approving it there is an expectation that it is going to get built.

We would deny a future Planning Board the opportunity to look at a project through fresh eyes.

#### **RICCELLI TRUCKING**

Mr. Marzullo: We received an email from Hal Romans regarding Riccelli Trucking and sending its' application to the County.

Mr. Dean: Yes, to expedite the process. There is not much there. They are not making any significant changes.

Mr. Marzullo: It is just a sign, correct?

Mr. Dean: It is the site. They are re-using the site. It is a change of use, which is why I brought them in. I want to make it perfectly clear that there is no connection between the two parcels.

They indicated that they would not be storing these storage boxes there. They store them at another location, off site. It is hard for me to understand why they would not have some of the boxes stored here, but they don't show any. They are not making any changes to the site per say.

Mr. Marzullo agreed that it was good to send the application to the County. The Board agreed.

**Mr. Smith made a motion** to adjourn. **Mr. Cushman 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 8:37 P.M.

Dated: July 14, 2010

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Tonia Mosley, Clerk