

The Planning Board of the Town of Cicero held a meeting on **Wednesday, August 5, 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 7.20.09 (**approved**)
- Site Plan, Northern Pines Golf Club, 6722 Route 31, proposed expansion, Joseph Mastroianni, P.E. (**to return**)
- Site Plan, Joseph Ross, 6414 Island Road, Proposed pole barn (**to return**)
- Site Plan, All Custom Log Cabins Inc., 5731 & 5745 Sneller Road, Proposed display and sales, Ianuzi & Romans (**approved**)

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

Others present: Wayne Dean (Director of Planning & Development), Heather Cole, Esquire (Wladis Law), Michelle Baines, P.E. (O'Brien & Gere) and Tonia Mosley (Clerk)

Absent: Jason Mott (PB Member) and Mark Parrish P.E. (O'Brien & Gere)

The meeting was opened with the Pledge of Allegiance.

Mr. Leone noted the locations of the 3 fire exits and that there were no public hearings today. He encouraged all of those who would like to speak about an agenda item to do so requesting that they be addressed first by the Chairman and that they use the microphone in the front.

APPROVAL OF THE PLANNING BOARD MINUTES FROM 7.20.09

Ms. Cole requested on page 11 in item #3 that the words for the telecommunications tower be added to the motion. **Mr. Smith made a motion** to accept the Planning Board minutes from July 20, 2009 with the added words noted by Ms. Cole above. **Mr. Cushman seconded the motion.** The motion was **approved** with the following vote:

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

**SITE PLAN, NORTHERN PINES GOLF CLUB
6722 ROUTE 31, PROPOSED EXPANSION OF AN EXISTING MAINTENANCE
BUILDING AND CONSTRUCTION OF A PAVILION BUILDING
JOSEPH MASTROIANNI**

Representatives: Joseph Mastroianni
John Wozniczka, Applicant

Mr. Mastroianni noted that he had received emailed comments from the Town's engineer Monday. The changes distributed tonight address those comments. Previously, the proposed building was going to be block. It will now be a stick built structure with the same size and dimensions. The colors will remain the same earth tones. The building would be used for golf club gatherings. Currently, the applicant puts up temporary tenting. In the future a couple of bathrooms and a small kitchen facility would be added. It would not be an around-the-clock restaurant.

We show parking and sanitary facilities going to the structure; however that is not planned to be done for a year or two. We show a septic system to service this structure and the club house. There is another building used for cart maintenance. We are proposing to add a 30' extension to that.

The comments from the Town's engineer included showing the water line. That is done. There was also a question about entrances.

Mr. Leone asked which entrances were permitted driveways.

Mr. Mastroianni: According to the DOT, these three are. This one up here is fairly new and does not have a permit. But, I have met with...

Mr. Leone: What is the width of that driveway?

Mr. Mastroianni: The one up top is 24 feet. The DOT has a formal permit for that. The DOT was fine with the ones down here. They only questioned the one here.

Mr. Mastroianni described each driveway detailing their widths, their uses, when they existed and which had DOT permits.

Mr. Smith: Do we have any communication from the NYSDOT which says they are happy with this?

Mr. Mastroianni: Kelly has not finished her review.

Mr. Leone noted the Town's code for commercial driveways is 22 feet. I would like to see something from the DOT that recognizes those driveways and their proximity to each other. I am surprised that they have accepted them. That is probably the reason someone is asking for traffic information.

Mr. Mastroianni: Up here Maintenance will have access around to this side of the course. There is a safety issue coming through here with golfers parking and getting out of their cars. The golf carts themselves are not allowed out into the driveway. The paved areas are for patrons.

Mr. Leone: We need more information on the limited use of that driveway.

Mr. Smith: It is our understanding that your maintenance equipment exits the one building, goes down Route 31 and goes back into the property down here. Is that the purpose of those driveways? Are these for deliveries?

Mr. Mastroianni: Yes for delivery vehicles.

More discussion occurred.

Mrs. May: When you add the 30' to the cart building in the front, will you still meet the required setback?

Mr. Mastroianni: Yes, it is shown on the plan.

Mr. Leone: What is the occupancy rating for the new building?

Mr. Dean: Probably 213 based upon the gross dimensions of the 80 x 40 building.

Mr. Mastroianni: They are looking at about 70 people maximum.

Mr. Leone: Have you addressed the parking needs for a building that size along with the parking level you require for the club house building? What is the purpose of relocating this building?

Mr. Wozniczka: All of the maintenance equipment and all of the lawn mowing equipment is going to be moved closer to the cart barn so that the maintenance work can be done there. The little building next to it is a mechanics' shop. We are going to turn that into a service building for the driving range. We don't have any place there for people to take balls, etc.

Mr. Leone: Your table shows 87 parking spaces plus three handicap spaces for a total of 90. Have you seen the County's response?

Mr. Mastroianni: The County's response talks about traffic flow frequency.

Mr. Leone: Based upon the size of the building and everything else you are doing, they are looking for trip generations.

Mr. Mastroianni agreed. For that building, he might get something in there on a weekend once or twice a month, at most.

Mr. Leone: You don't think that it would be used more than that?

Mr. Wozniczka: This year it has been used maybe 4 times.

Mr. Leone: But you don't have a building there yet, you have a tent. Is this something that you might consider renting out in the future as a banquet hall facility, etc? We need to understand that.

Mr. Wozniczka: It would be for our own purposes.

Mrs. May: I went by there a couple of weeks ago. There were so many cars that they were parked all over the lawn way past the proposed pavilion into where the driving range was.

Mr. Wozniczka: Yes, there is a strip of land there probably about 75 x 150 that is all gravel. Cars park there all of the time.

Mr. Leone: I think that we need to get permits for each of the driveways. They have to be brought to Town specifications. They have to be contoured correctly to the road so that they are usable from either direction.

Mr. Wozniczka: We drive tractor trailers in and out of both of those driveways all of the time. I don't know what else the Board needs.

Mr. Leone: You will have to bring them up to Town code, 22 feet for two-way traffic, unless you restrict it to a one-way exit only approach. You will have to get some traffic counts, trip generations based upon the size of the pavilion not at your current use but at what it can be used for. And you need to map out parking based upon the potential use.

More discussion occurred.

Mr. Leone: You are making the place better, nicer. Let's make the design work for what you are trying to do. Let's decide what this operation is going to be. You are talking about bathrooms.

Mr. Mastroianni reminded the Board that bathrooms would be done in the future.

Mr. Dean: According to Health Department standards, you will need them.

Mr. Leone: I thought you were putting them in now with the leach field.

Mr. Mastroianni: We will put a leach field in to replace what is in here. The leach field will take care of both facilities.

Mr. Leone: But that is not what you are suggesting. That is not what the drawing shows. The drawings shows a septic tank and leach field will be hooked up to this building.

Mr. Mastroianni: At the previous meeting, the Board said they wanted to see everything that could possibly be done in the future, including any kind of septic improvements, lighting, subdivision, etc. That is what we have shown.

Mr. Leone agreed. It was also my understanding that the building could not be occupied without bathrooms. That question was presented in the revisions done to your first drawings.

Mr. Dean: County health regulations require permanent rest rooms if the facility is used more than 10 times per year.

Mr. Leone: It is hard to believe that it will not be used more than 10 times per year. That backroom is used all of the time.

Mr. Harris: We are pleased with the improvements. It is a great facility. We want to make sure that it is able to handle the type of traffic you will have. We hope that you can rent it as often as possible. I believe it will not be heated at this point, but at some point it might become a year-round facility. We need to see how this will look long term.

Mr. Leone agreed it was a good place. But the facilities need to accommodate the building.

Mr. Mastroianni recapped: We need to determine everything. We need a letter from the DOT stating the driveways are permitted and to show the permit for the fourth driveway. We need to show parking.

Mr. Leone: Show how the drives intersect to the roads, their widths and how they are going to be used in and out. They need to be brought up to code.

Mr. Mastroianni: When someone buys the facility from someone else, the new owner has to bring the site up to code? These were existing drives.

Mr. Leone: When an applicant comes in for site plan things must be brought up to code. All of these things become a part of the puzzle when you ask for site plan approval. I am surprised that the state does not have a problem with the site having four driveways. I believe it is a SEQR issue. That is why we need to see the permits.

Mr. Mastroianni: Permits allowing the drives or a letter stating they agree with the drives? We are not going to re-permit existing drives.

Mr. Leone: They need to understand that these other drives exist and service the same facility.

Mr. Mastroianni: We will get a letter from the DOT stating that we have approval for this up here and that the other ones are accepted as is. They have the same plan you have.

Mrs. May: Even though you say that this proposed pavilion will only be used a few times per year, you should consider that people at golf courses host wedding receptions, bridal showers, etc. You may want to take that into consideration when you are doing the building.

Mr. Smith: If that is a parking area where it says framed lean-to on the plan, please add that parking area to your plan.

Mr. Leone: Your drives need to have flow for cars and tractor trailers. I would like to see the areas defined. I would like to see how vehicles get turned around. I do not want to see trailers backing out onto Route 31.

Mr. Wozniczka: We have been bringing in 10 wheeler loads for a month. My father is putting in more cart paths. Tractor trailers can drive-in and turn around.

Mr. Smith: Is the car path you are building a part of this existing path, or are you adding additional paths?

Mr. Wozniczka: Existing. We tore up the bad ones and put in new ones.

Mr. Leone asked about the septic system.

Mr. Dean: There is an existing system for the club house.

Mr. Leone: It is failing?

Mr. Wozniczka: It works fine. I don't know who said it was failing. Has it been inspected by anyone here? It was repaired two years ago and it does work fine now.

Mr. Mastroianni: Currently, the existing system is in this area here. When I went out there to do the perk holes etc, there was no odor or wetness on the ground from where the existing lots are. But the existing lots will not service the increase in people.

Mrs. May: In the back of the clubhouse there was a portable john.

Mr. Leone: You said the leach field will not service the increase in people.

Mr. Mastroianni agreed. The total that you get here, if you put in bathrooms or anything else, you will not be able to tie into the three lines that are there. They would not have the capacity.

Mr. Leone: What are the people at the facility going to do for bathrooms for the next two years?

Mr. Wozniczka: We will put them in if that is the case. I did not know that had to be done right away. What I heard at the last meeting was that we had to come up with a design for the system and that is what we did. We thought we would do the building first.

Mr. Smith: If you are going to bring 213 people together, you have to have bathrooms.

Mr. Mastroianni: That number is accelerated. We have said from day one that the plan is for about 70 people. Tonight's number is 3 times that much. It is not what we have stated.

Mr. Dean: The code requires you to go by the square footage of the building. There is an allotted square footage per person. It is not what you say it is going to be. You have to use the facts.

Mr. Rowe: That is why we are saying the parking has to be adequate for both buildings. We have to plan for 213 people.

Mr. Leone: If you are saying it is only going to be 70 people, are you going to tell us it is 70 and then stop at 70 people?

Mr. Wozniczka: No, we can't do that. We are having our 4th formal outing for this year on Saturday. 150 people were asked to attend. Not everyone will show up, so there might be 120 people.

Mr. Leone: Based upon your design you have parking for 90 people.

Mr. Wozniczka: Does that include the gravel lot? We will put that on the plan.

Mr. Leone: Wayne will have to come up with the parking space number. You have the golf course, the driving range and people at your outing. Do you have enough parking?

More discussion occurred regarding trip generations, peak hours, etc.

Mr. Leone: Are you adding lighting to your parking fields?

Mr. Mastroianni responded no additional lighting is planned. Additional landscaping around the building is shown. No signs will be added.

Mr. Leone: You have shown your planned subdivision. I appreciate that. I see they did a walk through.

Mr. Mastroianni: They located wet areas. There are no wetlands shown on the NYS wetland map. They are shown on the Federal wetland map. They did not do a full blown wetland identification. They identified the outline areas of wet areas. Based upon the size, etc, they might not be considered wetlands.

Mr. Leone: Did they say there was not wetland vegetation?

Mr. Mastroianni: I glanced through the report. They said these are the wet areas. They were not asked to do a full wetland delineation. What they have shown are the spots on there.

Mr. Leone: You have to be careful that you are not disturbing wetlands when you go back into those subdivision areas and when you are putting your driveways in. The burden of proof is on the owner.

More discussion occurred.

Mr. Leone read a portion of the County's response as follows: may wish the applicant to re-subdivide the three parcels into a single lot.

Mr. Mastroianni: The golf course is made up of multiple parcels. I think that decision is up to the owner.

Mr. Mastroianni showed the Board the three parcels and what was on each parcel.

More discussion occurred.

Mr. Smith: If you are going to have a parking lot here, which will be added to the map, and that parking lot is on Lot 58 to service Lot 57---we generally ask to have the lots combined.

Ms. Cole: It is a separate parcel. Typically you look for some sort of easement agreement or something to assure that if the one lot was sold off, the right to use the parking lot would still exist. Or, combine the lots. Wayne brought up the fact that the 3-4 part subdivision to the east would need a public hearing. If you wanted to set that hearing up for a few meetings out, you could do so.

More discussion occurred.

Mr. Smith: Is the pavilion involved in the parcel included in the subdivision?

Mr. Mastroianni: The parking is.

Mr. Smith: They need to decide what they are going to do. Will there be an easement or will there be a lot line removal?

Ms. Cole: I think that is their decision to make, one or the other. It is the land owner's decision. If you decide to not do a lot line removal, make sure some sort of easement agreement is in place for parking, ingress/egress, etc. between the two lots.

Mr. Smith: In my opinion they should remove the lot line. We have had people do that in the past. It is what the County recommends.

The Board and Mr. Dean agreed.

Ms. Cole noted that subdivision would be a fairly simple process which would not need to come before this Board.

Mr. Dean detailed what the subdivision application would need, noting that the applicant had most of what was needed already.

The Board agreed it would be a simple process. Mr. Wozniczka did not agree.

Mr. Mastroianni requested a hearing date for the subdivision that would need to come back before the Planning Board.

Mrs. May: That would be September 21, 2009.

**SITE PLAN, JOSEPH ROSS
6414 ISLAND ROAD, PROPOSED POLE BARN**

Representative: Joseph Ross

Mr. Ross introduced himself. I am seeking approval for a cold storage building at 6414 Island Road.

Mr. Leone read the County's referral stating the map shows existing state wetland boundaries and the state 100' wetland buffer on the site as currently delineated by the NYSDEC. It is my understanding that the NYSDEC shows, supposedly in error, wetlands across your site. I can not encourage you enough to get a letter from the state that corrects that error. It clearly states they do not believe that the wetland exists, but it is contrary to what the wetland map shows. You want to get that corrected.

Mr. Ross: That is through the state, correct? Does it have any bearing on this Board's decision? Wouldn't it be an issue between me and the state? They really can't come back to you. It should not hold back a permit from the Town.

Mr. Dean: I can not let you build in a wetland. I can not issue a permit if it there is a question, if it is in the wetlands.

Mr. Leone: No one believes that it is in the wetland. But they are shown on the map. The Town's engineer is suggesting it is an error on the map but that is still what is before this Board.

The question is does the Board want that rectified. Under SEQR we can not allow you to build in the wetland, even if our engineer believes the map has an error. Your approval requires a super majority vote. If two or three Board members don't feel comfortable, your application would be denied. We are saying to you, you should really get the issue addressed.

Mr. Cushman: Whether we approve the site plan or not, Wayne can not issue the building permit. It is between you and the state but it affects what the Town can do.

Mr. Leone: Most everything else has been addressed. You have the right zoning for what you are trying to do. You have the room and the facilities to meet your needs. We have talked about a small sign, landscaping and buffering. There are no other issues.

Mr. Ross: We will get it addressed. It is not a problem.

Mr. Leone: With that letter we can supersede the County Planning Board and move to approve.

Other Board members agreed and thanked Mr. Ross for his patience.

**SITE PLAN, ALL CUSTOM LOG CABINS INC.
5731 AND 5745 SNELLER ROAD
PROPOSED LOG CABIN MANUFACTURING, DISPLAY AND SALES
IANUZI & ROMANS
(SEE ATTACHMENT A: LETTER FROM D. BECKWITH)**

Representative: Hal Romans, Ianuzi & Romans
Dave Beckwith, All Custom Log Cabins, Inc.

Mr. Romans addressed the comments from the engineer and the last meeting. We have submitted a letter from the OCDOT for driveway approval. We will center line stripe the driveway. We show how a truck would be able to turn around in this area here. They would be able to pull in and then back into this area. The site is two tax parcels. With site plan approval it would be combined into one parcel. We have submitted what the sign would look like and its location. It would have flood lights. The sign meets code. There would also be a sign across the front of the building.

The cabins are here. We showed you at the last meeting would they would look like. They will have a residential porch lantern. There will not be any flood lights on the displays. We included landscape lights in the area. The applicant will add some landscaping and flowers to the displays.

Mr. Leone asked if one of the displays would be used as an office.

Mr. Beckwith responded no.

Mr. Romans: We show some landscaping around the outside of the assembly area. We have also provided to Wayne and Pat a narrative of the operation so that the Board would know what goes on. The lighting on the existing building will continue to be used. We will have additional landscaping across that building also.

Typically, the log cabin package goes to the address where it will be built. At the site on Sneller, the interior stair railings, cupboards, etc. would be done. Some of the larger stair components would be assembled back here. Then those items are shipped to be added to the cabin.

The display cabins would be sitting on piers. The idea is to get a visual impact from Route 81.

Mr. Leone: Your synopsis states all of our sales for the cabins will be done either in the sales office of the existing building or one of the model cabins. I wasn't sure if you were going to have an office in one of the cabins.

Mr. Beckwith discussed the cranes. The crane company has a sign out there now which states they are coming soon. They have been using the abandoned right-of-way, the County road. I have checked into it and it is not legal. I want it on record that I do not want that to happen, unless the County is going to go ahead and pave it and open that road back up.

Mr. Leone: Where is their access to that lot?

Mr. Romans: I believe that it is further down to the east.

Mr. Smith: The sign on the crane says the future home of Empire Crane.

Mr. Beckwith: They have done some bull dozer work there.

Mr. Dean: It is a sign that requires permitting. It is on their property.

Mr. Beckwith: They are using the abandoned easement to come across these sites for access, instead of going to their access.

Mr. Leone: Have you talked to the County about buying that easement? You might want to beat the crane company to it. The County does sell them. If the crane company buys it for their access, then it is what it is.

Mr. Romans: I believe New York State may have that. They did the actual appropriation, so it might be something through New York State even through it is a County road. By law if they do put it up for sale they are supposed to put it up for sale to the contiguous properties. Legally they have to give you a chance to purchase the property. Maybe you could split it with the other guy.

Mr. Beckwith: We are doing to all of this work to make the property look the way that we want it to. I don't want a gutted up dirt path or trail to go through it.

Mr. Romans: The sign square footage on the building is 24. It is 3 x 8. On the V-type sign it is 32 sq. ft. for a total of 56 sq. ft. We will make sure there will not be any glare. July 10th was the last revision date.

The County's response talked about accommodating the OCDOT with a traffic study. We have provided their letter.

Mr. Smith: Are we set with the billboard access?

Ms. Cole: It is across the site, correct?

Mr. Romans: Yes. It is noted on the plan. It is mentioned in the existing deed.

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

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

Mr. Leone made a motion to approve the All Custom Log Cabins Inc. site plan with a revision date of 7.10.09 with the information as provided by the applicant. Mr. Romans noted there was a note on the site plan stating the lots would be combined with site plan approval. **Mrs. May seconded the motion.** The motion was **approved** with the following vote:

Mr. Cushman:	Yes
Mr. Purdy:	Yes

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

Mrs. May made a motion to adjourn. **Mr. Harris 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 8:26 P.M.

Dated: August 14, 2009

Tonia Mosley, Clerk

ATTACHMENT A

ALL CUSTOM BUILDING, INC.

DBA,

ALL CUSTOM LOG CABIN CONSTRUCTION

**988 S. APALACHIN RD.
APALACHIN NY 13732**

BUSINESS PROCEDURES FOR SNELLER RD PROPERTIES

< After the completion of our Model Cabins Construction process, including any of the driveway, parking, & landscaping that are going to be done throughout the entire project, the exterior construction work or noise will be at a definite minimum. We may have material truck deliveries approximately once a week. All of our fabricating of our custom cabinets, railing & stair systems will be done inside of the existing building which was originally used as a automotive garage & therefore created more noise & exterior vehicle traffic than our operation creates. We may have 1 of our skid steer fork lifts bring in our materials from the staging area as our 2 to 3 fabrication employees need it. 95% of our Custom cabins are built on site, not transported to that site.

All of our Sales for the Cabins will be done in either the Sales office of the existing building, or 1 of the Model cabins. Our projected times of operation at this address is 9am-7pm weekdays, & 9am- 4pm on Saturdays. We do not have any intention or need to have more than 10 employees ever at this location. We will have more realistically, not more than 5 after the Model cabin build process is over. Very seldom do we have more than 5 different customers at the model location at 1 time. Most of our work is a one on one process with each of our customers, therefore keeping our traffic & operational noise level at a minimum.

If anyone has any more questions or concerns, please feel free to contact me

Regards,
David T Beckwith
All Custom Log Cabin Construction