

The Planning Board of the Town of Cicero held a meeting on **Monday, January 9, 2012** at **7:00 p.m.** in the Town Hall at 8236 Brewerton Road, Cicero, New York 13039.

Agenda:

- Pledge of Allegiance
- Approval of the minutes from the November 28, 2011 meeting (**approved**)
- Appointment of Tonia Mosley as Planning Board Clerk for 2012 (**approved**)
- Appointment of O'Brien & Gere as Planning Board Engineer for 2012 (**approved**)
- Appointment of Germain and Germain, LLP as Planning Board Attorney for 2012 (**approved**)
- Appointment of Sharon May as Deputy Chairperson for 2012 (**approved**)
- Establish 2012 Schedule for Planning Board Meetings
- Site Plan, Spinning Wheel Entertainment Complex, 7380 Thompson Road, Proposed Bumper Boats and Go Kart Track (**to return**)
- Discussion: Ad Hoc Position

Board Members Present: Mark Marzullo (Chairman), Joe Ruscitto, Greg Card, Chuck Abbey, Robert Smith and Sharon May (Ad Hoc)

Others Present: Neal Germain (Esquire, Germain & Germain, LLP), Mark Parrish (P.E., O'Brien & Gere) and Tonia Mosley (Clerk)

Absent: Pat Honors (Board Member) and Wayne R. Dean (Director of Planning & Development)

The meeting opened with the Pledge of Allegiance. The Chairman noted fire exits and asked that cell phones be silenced.

APPROVAL OF THE MINUTES FROM NOVEMBER 28, 2011

Mr. Marzullo made a motion to approved the November 28, 2011 Planning Board minutes.

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

Mr. Ruscitto:	Yes
Mr. Card:	Yes
Mr. Abbey:	Yes
Mr. Smith:	Yes

Mrs. May: Yes
Mr. Marzullo: Yes

APPOINTMENT OF TONIA MOSLEY AS PLANNING BOARD CLERK FOR 2012

Mr. Marzullo made motion to appoint Tonia Mosley as Planning Board Clerk for 2012. **Mr. Smith seconded the motion.** The motion was **approved** with the following vote:

Mr. Ruscitto: Yes
Mr. Card: Yes
Mr. Abbey: Yes
Mr. Smith: Yes
Mrs. May: Yes
Mr. Marzullo: Yes

The Clerk thanked the Board.

APPOINTMENT OF O'BRIEN & GERE AS PLANNING BOARD ENGINEER FOR 2012

Mr. Smith made a motion to appoint O'Brien & Gere as the Planning Board Engineering Firm for 2012. **Mrs. May seconded the motion.** The motion was **approved** with the following vote:

Mr. Ruscitto: Yes
Mr. Card: Yes
Mr. Abbey: Yes
Mr. Smith: Yes
Mrs. May: Yes
Mr. Marzullo: Yes

Mr. Parrish thanked the Board.

APPOINTMENT OF GERMAIN & GERMAIN, LLP AS PLANNING BOARD ATTORNEY FOR 2012

Mr. Smith made a motion to appoint Germain & Germain, LLP as the Planning Board attorney for 2012. **Mrs. May seconded the motion.** The motion was **approved** with the following vote:

Mr. Ruscitto: Yes

Mr. Card:	Yes
Mr. Abbey:	Yes
Mr. Smith:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

Mr. Germain thanked the Board.

APPOINTMENT OF SHARON MAY AS DEPUTY CHAIRPERSON FOR 2012

Mr. Marzullo made a motion to appoint Sharon May as Deputy Chairperson for 2012. **Mr. Smith seconded the motion.** The motion was **approved** with the following vote:

Mr. Ruscitto:	Yes
Mr. Card:	Yes
Mr. Abbey:	Yes
Mr. Smith:	Yes
Mrs. May:	Abstain
Mr. Marzullo:	Yes

Mrs. May thanked the Board.

ESTABLISH THE 2012 SCHEDULE FOR PLANNING BOARD MEETINGS

After some discussion, **Mr. Marzullo made a motion** to schedule Planning Board meetings for 2012 on the second and fourth Mondays of the month, starting at 7:00 p.m. with the following exceptions: the May 28th meeting (Memorial Day) would be switched to May 21st and the December 24th meeting (Christmas Eve) would be switched to December 17th. The Board would still meet on October 8th (Columbus Day). Work sessions will be the Wednesday preceding each meeting starting at 8:00 a.m. **Mr. Smith seconded the motion.** The motion was **approved** with the following vote:

Mr. Ruscitto:	Yes
Mr. Card:	Yes
Mr. Abbey:	Yes

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

**SITE PLAN, SPINNING WHEEL ENTERTAINMENT COMPLEX
7380 THOMPSON ROAD, PROPOSED BUMPER BOATS & GO KART TRACK**

Representatives: Jason Horne, Applicant
Mark Weiss, M.V. Weiss & Associates

Mr. Weiss noted the project had been before the (Zoning Board of Appeals) Board on July 6th for a determination allowing the development to occur within the site's existing zones. Part of the site is zoned Agricultural, the other part is zoned General Commercial. Your code allows recreation in GC zones.

There is an existing parking lot that could accommodate approximately 100 cars and an existing building which houses an in-door fun area.

Mr. Smith asked if the ZBA's findings cover the Planning Board. Normally, we could not approve this.

Mr. Germain explained that the ZBA gave Mr. Weiss an interpretation that allows for the proposed use. As long as the applicant is consistent with the interpretation that they received from the ZBA, the Planning Board is covered.

Mr. Marzullo stated that he had read those ZBA minutes. Basically they said the applicant already had a similar use on the front parcel. That application received a unanimous vote. When that process occurred, I know that communications were going on between the ZBA, the Planning Board attorney, the Planning Board engineer and the Town Board attorney.

Mr. Card verified that the existing structure had an indoor play area, bounce house. There is a batting cage over here, an existing swing, and an existing mini golf course.

Mrs. May asked if the spinning ride was like the swings seen at a fireman's field day or carnival. Will that have a fence around it?

Mr. Horne responded a very small version of that, a kid's version. It does have a fence around it. We do everything to New York State Safety Laws/Labor Board.

Mr. Weiss gave details about how the site drains. Due to financial restraints, Jason has decided to do this project in two phases. Phase 1 would be the construction of the go-kart area.

Mr. Smith asked for the construction schedule of the phases.

Mr. Weiss responded the end of spring for Phase 1. Phase 2 would be as the monies allowed, hopefully the following year.

Mrs. May asked when the bumper boats would go in. What is the depth of that water?

Mr. Horne responded during Phase 2. Most bumper boat ponds or pools are 2.5 to 3 feet at the most.

Mr. Weiss explained that Phase 1 would be the go-kart track. Phase 2 would be the bumper boats, the paved walk way area in here, and the plantings associated with the re-configuration of the parking. We would be cleaning that up, making better access for emergency vehicles and patrons. Phase 2 would also include construction of this dumpster enclosure.

Mr. Marzullo asked how much parking was allocated to the project.

Mr. Weiss responded all of it. I believe that the restaurant uses it for overflow parking, in the event that their facility reaches capacity.

Mr. Smith inquired if that was within a formal agreement.

Mr. Weiss noted that Mr. Horne was the purchaser, under contract, for this entertainment facility.

Mr. Marzullo wondered if Mr. Horne was the buyer of the business or the buyer of the real property.

Mr. Horne explained that he currently owns the business and that he is under contract to

purchase the property.

Mr. Smith asked if there would be an agreement with the restaurant to continue to use the parking area.

Mr. Horne replied once I own the property, they will no longer have access to the parking area. They try not to put cars there. They know that if I am busy, they can not put cars there. They normally use the ball fields as much as possible.

Mr. Parrish explained, in general, if someone uses another owner's property, they need an agreement or easement to utilize that property. It has to be granted by the property owner, and I assume, be a part of the sale if Spinning Wheel wants to continue to use it as overflow parking.

Mr. Weiss noted each site stands by itself and could meet code. I know that parking requirements are at the discretion of this Board, but what we are proposing exists now. We would be severing the pavement along here. In Phase 2 that would be cut off by a grass strip. If the restaurant wanted to access our site, they would have to come out onto Thompson Road and come into the driveway.

Mrs. May asked if the applicant would put in other things to buffer that area, besides grass. How wide would that area be?

Mr. Weiss responded just grass. He guessed that it would be between 5 to 10 feet wide. Phase 2 does contain some buffering along the front---a clipped, low hedge to buffer cars from the road. We are also pulling the pavement further away from Thompson Road by adding a larger green buffer area.

Mr. Smith inquired about closing up and defining the two entrances in Phase 1 and whether that would be a hardship.

Mr. Abbey asked if the driving range would be eliminated.

Mr. Weiss noted it would be made smaller and relocated. In the event that Phase 2 never

happens, Phase 1 is a stand along project.

Mr. Smith noted if Phase 2 did not occur the separate drives would not happen, unless they were included in Phase 1.

Mr. Horne added two separate drives currently exist.

Mr. Weiss explained that the existing drives just don't flow as well.

Mr. Smith asked if they were open.

Mr. Marzullo responded that they were not, but that they were pretty wide.

Mr. Smith noted the Town likes to close up entrances. We would not ask you to build all of Phase 2, but that you close up those entrances and delineate them better. If Phase 2 does not get done, the Town would not have that improvement. It needs to be addressed in Phase 1 somehow.

Mr. Weiss asked if the Board might consider getting the go-kart track in during the first year. In the second year, if Phase 2 does not occur, the entrances would be done.

Phase 1 is a stand alone situation where we deal with storm water requirements. There would be some increase to impervious areas. There should be a reduction in the amount of water exiting the property. We would use infiltration basins. There would be a temporary basin here to handle the increase in storm water. There would also be storm infiltration basins inside the go-kart track area.

Mr. Smith asked if the go-karts would be powered by gas or electricity.

Mr. Horne stated they were going with electric.

Mrs. May asked about signage.

Mr. Horne noted they would use the existing signage.

Mr. Marzullo asked for details regarding the temporary basin.

Mr. Weiss noted the temporary basin would be shallow, no more than 9 inches deep. In Phase 2 that would be eliminated. We would use porous pavements for all of the paved area. We will bid out three different options: porous concrete, porous asphalt or permeable pavers. Dependent upon cost, Jason will be able to pick which one he would use.

Mr. Horne noted that he would probably phase out the driving range. It isn't really the business I am going after. I am looking at more of a fun center.

Mr. Weiss noted the temporary drive would only be for construction so that trucks can access this area.

Mr. Smith: Do you have any sound effects?

Mr. Horne responded no. We will have a P.A. system in the building to broadcast instructions, etc. The attendants will also have microphones for use along the track. Most of the time the attendant will stop the kart and go out to talk to the person. It is not like Darien Lake with lots of karts on the track. We are limited to 10 to 12 karts on the track at one time.

Mrs. May asked about retail on the site.

Mr. Horne noted the only retail we have is our food. We have a few picnic tables for our ice cream shop. We sell pizza, etc. too. We never got into retailing golf equipment; we don't have a pro shop. The pro shop was removed long before I took over.

Mrs. May asked about hours of operation.

Mr. Horne responded currently, we are only open until eight in the summer. We don't operate in the dark. There are no lights back there.

Mr. Weiss noted we have not proposed any lighting for that reason.

Mr. Card: You currently lease the property. Under your lease you are allowed to do this?

Mr. Horne: Yes, the owners have already signed off on this. The site does have separate tax map numbers.

Mr. Weiss explained the rock climbing wall would happen here in Phase 1. Its' location would change in Phase 2. If we need more parking, this area has been left undeveloped for that need. We are allowing for future development as well.

Mr. Marzullo noted next time when we get together, we want to be comfortable with parking, how many customers you expect, etc.

Mr. Smith noted that the Planning Board has been placing a sunset provision on site plan approvals. If we approve this in two phases, you might want to give some thought about what is reasonable to be built in Phase 2.

Mr. Marzullo added we typically do two years. If for some reason you can not get Phase 2 done within that time, you might have to come back before this Board.

Mr. Card asked if the applicant's lease was long enough to complete the project. When do you anticipate closing on the property?

Mr. Horne hoped by the end of this year. After Phase 1 is done, we would close on the property, build our cash flow up again and then do Phase 2. I have a five year lease with an additional five year option.

Mr. Parrish stated he would get a detailed review of the plans to the Board and the applicant. I doubt that this has been forwarded to the County, so the Board might want to send a copy to them. I think that it is good enough to send now. (The Board agreed.)

Mr. Weiss noted he had already coordinated a lot of the storm water system with Ellen Hahn (NYSDEC).

Mr. Germain suggested the applicant investigate if the parking out front is dedicated to your business. Are there any easements that will allow other parties to use it? Someone might have the right to park there.

Mr. Weiss and Mr. Horne agreed to check on that, plus cleaning up the entrances in Phase 1.

DISCUSSION: THE AD HOC POSITION

The Chairman noted that the Town Board has made a decision to have this Board go to a five member Board. The State dictates that be done through attrition. As such, Mrs. May was not re-appointed as a regular member, but she was appointed as our ad hoc. She will be attending all of our meetings so that we have an odd number. There is a good chance that next year, the next member whose term is up, would not be re-appointed. At that time Sharon would be an ad hoc that only filled in when necessary.

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 7:40 P.M.

Tonia Mosley, Clerk