

The Town of Cicero Planning Board held a meeting on **Monday, October 18, 2010 at 7:00 p.m.**, in the Town Hall at 8236 South Main Street, Cicero, New York 13039.

Agenda:

- Approval of the Minutes from the October 6, 2010 meeting (**approved**)
- Amended Site Plan, Empower Federal Credit Union, 5791 Route 31, proposed site plan modification, Napierala Consulting, P.C. (**approved**)
- PUD Review & Recommendation, The Landings at Maple Bay (MLSC Dev.), 8514-8518 Lakeshore Road, Proposed 13 units, Ianuzi & Romans (**to return**)
- Site Plan, Mavis Tire/Cole Muffler, Brewerton Road, Proposed retail store, Mastroianni Engineering (**to return**)

Board Members Present: Mark Marzullo (Chairman), Greg Card, Pat Honors, Chuck Abbey, Robert Smith, Richard Cushman and Sharon May

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

Others Present: Vern Conway (Town Board Liaison), Neal Germain (Esquire, Germain & Germain), Mark Parrish (P.E., O'Brien & Gere), Steven Procopio (Code Enforcement Officer), Tonia Mosley (Planning Board Clerk)

Absent: Wayne Dean (Director of Planning & Development)

The meeting opened with the Pledge of Allegiance.

**OCTOBER 6, 2010 PLANNING BOARD MEETING MINUTES**

**Mr. Smith made a motion** to approve the October 6, 2010 Planning Board meeting minutes.

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

Mr. Card:	Yes
Mr. Honors:	Yes
Mr. Abbey:	Yes
Mr. Smith:	Yes
Mr. Cushman:	Abstain
Mrs. May:	Yes
Mr. Marzullo:	Yes

**AMENDED SITE PLAN, EMPOWER FEDERAL CREDIT UNION  
5791 ROUTE 31, PROPOSED SITE PLAN MODIFICATION  
NAPIERALA CONSULTING, P.C.  
(SEE ATTACHMENT A: OBG EMAIL DATED 10/14/10)**

Representative: Neal Zinsmeyer, Napierala Consulting, P.C.

Mr. Zinsmeyer introduced himself to the Board. This shows the site plan approved last June. We are here for the driveway connection here. We had proposed this driveway to go straight through to the neighboring property to the east. During construction there was some miscommunication on that plan. Therefore, our site plan change is to move this driveway down south allowing traffic to flow into our driveway. As a result we will lose four parking spaces, but gain one parking space here. We will restore the area that was disturbed to its original condition. Nothing else has changed as a part of this project.

Mr. Smith asked about the temporary road.

Mr. Zinsmeyer responded the way it is now is the way that proposed plan shows.

Mr. Marzullo: The restoration where the driveway was going, that will be put back?

Mr. Zinsmeyer: Yes, the contractor seeded and mulched the area to get it back to its pre-existing condition.

Mr. Card: I have talked to the neighbor. This looks like a better plan.

Mr. Zinsmeyer: Based upon Empower's side, we do feel that the traffic will flow better to the ATM. It does direct traffic to Empower's benefit.

Mr. Marzullo: How are you with the easements?

Mr. Zinsmeyer: The easements are before our attorney, Ted Spencer. He is still writing the language for the agreement. Obviously, the agreement will benefit the neighbors to the east as well as the neighbor to the north. This plan changes the agreement that was going to be in place.

Mr. Marzullo: The easement abuts your property line?

Mr. Zinsmeyer: Yes, we will connect to the shared access easement.

Mr. Smith: You are granting them an easement, correct?

Mr. Zinsmeyer: Correct, in their benefit, yes. Per Mark's comments the plan did not show the easement. This plan does. Our attorney will review it with Neal Germain.

Mr. Germain: The Board would make their approval subject to our review and approval of that easement, if you choose to go forward.

Mr. Abbey: At the work session we talked about not doing that, and cutting it into the drive through to eliminate un-needed black top.

Mr. Zinsmeyer: The branch manager for Empower said that they are stacking up to six or seven cars. The worse case scenario would put stacking behind the building here. If we turn the driveway down to soon, we might have a point of conflict between people waiting at the drive through and people coming in.

More discussion occurred.

Mr. Parrish: I think that the only other issue is the subdivision. They have responded in an email that they are in the process of completing that.

Mr. Zinsmeyer: That goes hand and hand with the easement.

Mr. Marzullo: Drainage was a concern here. Can I assume that this is better since there is more area for snow storage?

Mr. Parrish: Yes. It is fairly similar.

Mr. Zinsmeyer: There is a minor reduction in pavement.

**Mrs. May made a motion** regarding SEQR. She read: Be it 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. Card:	Yes
Mr. Honors:	Yes
Mr. Abbey:	Yes
Mr. Smith:	Yes
Mr. Cushman:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

**Mr. Smith made a motion** (assisted by Mr. Germain) to adopt a resolution approving the revised amended site plan submitted by Empower Federal Credit Union last dated October 7, 2010 conditioned on the applicant supplying and for review and approval of an acceptable easement. The easement is to be acceptable by the Town and the neighbor to the east. **Mrs. May seconded the motion.** The motion was **approved** with the following vote:

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

**PUD REVIEW & RECOMMENDATION, THE LANDINGS AT MAPLE BAY  
MLSC DEV., 8514-8518 LAKESHORE ROAD  
PROPOSED 13 UNITS, IANUZI & ROMANS  
(SEE ATTACHMENT B: OBG LETTER DATED SEPTEMBER 16, 2010)**

Representative: Hal Romans, Surveyor and Planner, Ianuzi & Romans

Mr. Romans introduced himself. I think that it has been a few months since we last met with the Board. We have received review comments from the Board's engineer, Mark Parrish and responded to those. We have also provided the draft declaration for the condo association.

Mr. Smith: You said that you submitted the HOA. Mark has seen it, but I did not get it.

Mr. Romans: We were asked by the Planning Department to send an email attachment. They were going to get it to all of you.

Mr. Smith: I got the comments about a condo association. It was changed from an HOA to condos. I wanted to see the HOA rules. I would love to see the condominium bylaws. I did not get the HOA ones or the new condo bylaws.

Mr. Romans: For the record there are no HOA ones.

More discussion occurred. The Clerk noted information that was emailed to Board members October 12<sup>th</sup>.

Mr. Romans: The submittal plans from September 13<sup>th</sup> answered the first review letter by Mark Parrish and comments from the Town Board. At that time it was determined that it was going to be a condominium association. The client's attorney started the draft declaration and the bylaws and got that together. My submittal of October 12<sup>th</sup> took the verbiage of HOA off the plans, converted it to condominium, took the lots that were shown as part of an HOA, and got rid of those and shows them as 13 units on a condominium association property.

It is 13 residential units. The geometrics of the plan have not changed. We revised some minor details for grading according to Mark Parrish's comments. I took the site data chart that is on Sheet 3 and changed it to what it would be like as far as a condominium association. We got rid of the lot sizes. The size of the units, the number of units, the setbacks for the units to the main property line all remain the same so nothing like that changed.

Mr. Marzullo: Why make the change? Why go from townhouses to condos?

Mr. Romans: It provides a better mechanism for the client to have control over the marina. It's a private road. There are also tax advantages.

Mr. Smith: Neal can you speak to the change of ownership and maintenance for that use?

Mr. Germain: I believe that they can obtain the same type of control over the marina and the other items that they are discussing whether it is a condominium association in control of it or a home owners association in control of it. There really is not a significant difference that I can see as to which type of vehicle would give you better control.

Advantages for the client do include a tax advantage. In my opinion that is really what this is all about. The difference is the cost treatment.

Mr. Marzullo: So if you have a \$250,000 condo you would be paying less in property taxes than a on a \$250,000 townhouse.

Mr. Germain: Correct. That is my opinion as to what he is saying about an advantage to the client. If you were to put a development next to that with the exact same unit, you could sell it for the exact same price but one would be taxed at a rate discounted by approximately 38%.

Mr. Marzullo: That does not seem fair.

Mr. Germain: That is a common opinion of condominiums.

Mr. Marzullo: Is it an allowable use? In what zoning?

Mr. Germain: It is an allowable use. I believe that it is an allowable use in the zoning that they are proposing. But they are asking you to give them a Planned Unit Development and to treat it as such.

Mr. Marzullo: is it allowable in the existing zoning?

Mr. Procopio: The existing zoning is R10.

Mr. Germain: This configuration would probably not be allowable under an R10.

Mr. Procopio: I don't see condominium listed under any of the residential zones.

Mr. Romans: We approached the Town Board attorney first to see what was allowed in Cicero. It is my understanding that it is not something specific to one type of zoning and that theoretically you could apply for a condominium association on any residential/commercial zone. It would be something that goes before the Town Board for a final decision just like a PUD goes before the Town Board for a final decision. It is not something that usually shows up in a municipal code.

Mr. Germain: It is a form of ownership. I think your question is if you had a project right now, could you put zero lot lines on that lot, as it stands now? The answer to that question is no. They would need to establish a PUD so that they can build condos there.

Mrs. May: Steve, what did you find out?

Mr. Procopio: In the Town ordinance under the definition of townhouse they do mention condominium. But at the same time it says each dwelling has a separate utility service and a separate filed lot.

Mr. Germain: You can have a condominium in this Town.

Mr. Marzullo: By state statute.

Mr. Germain: It does not necessarily have to be in your Town law. A condominium is a form of ownership created by the State. But, that does not necessarily mean that you would have to approve that plan or recommend that plan the way that it is. There maybe other issues in that plan that you cause you to not recommend it.

Mr. Marzullo: Does this body have the authority to say we do not recommend it based upon the fact that we don't think that the tax setup is equitable?

Mr. Germain: That would almost certainly be challenged.

Mr. Marzullo: Does the Town Board have that authority?

Mr. Germain: The Town Board would more than likely be challenged on that as well. If the applicant were denied it would be up to them to challenge under an Article 17 proceeding or whatever proceeding they choose.

Mr. Smith: Do they have to approve the condominiums or can they just not approve the PUD?

Mr. Germain: You are not obligated to approve a PUD, if you find during your review of the project that the project is not consistent with what you would want to approve in a PUD. There maybe other elements of that project that you find unacceptable.

Mrs. May: Hal what was the reason for changing it to condominiums?

Mr. Romans: As far as I know, I believe that it was primarily the water attached to that. We looked at the property originally as going to an RM. 17 units would have been allowed in a conventional RM townhouse. We did not want to do 17 units and crowd the site. So we dropped four units thinking that we would go through with the PUD. At that time everyone was thinking of an HOA.

My client has done condominium associations in the Rochester area. They brought that up and asked if the Town of Cicero would allow that. We checked with the Town Board attorney. He checked into it and said that from everything he has seen, it is allowed in the Town of Cicero.

There has not been one done here in a while. There might be one in Cicero. In know in Clay there are a couple of them.

Mrs. May: Would these condos be rentals or would people buy them?

Mr. Romans: Buy them.

Mr. Smith: Basically they would own the interior of the home.

Mr. Romans: Typically they could do what ever they want to the inside of the building and typically the outside of the building is controlled by the condominium association. They own the footprint without being responsible for maintenance of the outside, etc.

Mr. Smith: One of the reasons for the PUD was the project across the street. At the last public meeting that was dead. Then you checked on it and they were still negotiating for that. Now that we are back to considering the place across the street, what changes have been made in the plan to accommodate that? Do you have any plans?

Mr. Romans: Logistically and geometrically there are no changes to the plans. The option would be that the access drive shown on the north side of the property would have the ability to provide access from the property across the street to the marina.

Mr. Smith: That would generate a lot more traffic if they built houses across the street. The marina is a lot bigger than you would need for these 13 townhouses. We would be looking at people using golf carts and things like that to get to the marina from their houses across the street.

Mr. Romans: Potentially you could. By the way, we do have that gated now in response to the Board's request. The applicant still believes that road would not be used in the winter on a regular basis. It would only be used in an emergency situation.

More discussion occurred.

Mr. Smith: Is it possible or feasible to have the access to the marina come off the private drive?

Mr. Parrish: We were never given any plans showing any proposed grading for that access drive. It has always remained where it is shown now. I think that there is a proposed sidewalk that goes down.

Mr. Romans: There is a proposed walkway there. I have had engineers look at the possibility of putting a similar sized driveway in that same location. It does get to be problematic because you are near the stormwater facility and the grading is difficult to work with. One thing that we can do is if we gate that driveway we can move it further to the east to allow for stacking within the site. Instead of the gate being right at the Lakeshore Road area, you could push it to the east 100-150 ft.

Mr. Cushman: How about the phasing of the retaining wall?

Mr. Romans: Typically what happens is all of the site work would be done first. The idea would be to make the building location pads ready, so that you could do the units as they are being sold.

Mr. Smith: If you remember we had the retaining wall at the Bluffs put in first. That worked out well. I don't think that we got any complaints from the DEC or had any silt issues. I think that we required double silt fencing and retaining walls to be put up before the site was opened up. It did a good job of keeping dirt out of the lake.

Mr. Romans: The walls that we show are on the north sides of Units 1 and 2, on the east sides of Units 3-5 because of grading and a little bit on the north side of Unit 6. Basically the units are slab on grade where you are driving into the garage and then going up. It is not like the Bluffs where it is continually along the lake's shore. Realistically these walls would only be 3-4 feet tall. It is just enough to make sure that the grade does not drop off too sharply.

Mr. Smith: Is there an issue with getting the retaining walls in before you start? The Developer is shaking his head saying no there is no issue.

Mr. Romans: I can put that as part of the construction phase.

**(A motion is made.)** Mr. Marzullo: If the Board does not have any more questions I would suggest that we table this until the Board has a chance to read the condo law (the declaration).

**(The motion is seconded.)** Mr. Smith: I agree.

Mr. Romans: Just to be clear, the primary concern is moving the gate back. Do you want us to do that at this point, move it to the east so many feet?

Mr. Cushman: It would not hurt to do that now regardless of the agreement across the street. If that agreement falls through, it still gives you area for stacking to keep cars off of Lakeshore—for whatever reason.

Mr. Romans: I made it deep enough so that one full sized SUV could pull completely off the road in front of the gate and still open the gate.

Mr. Smith: Part of the reason for doing this road is for emergency access back here. We just did a gate similar to this off of Taft Road. It is an electric gate. The Fire Department and the Highway crew have access to opening it and closing it. Is that the same idea that you have here?

Mr. Romans: Yes for the Fire Department definitely. I don't know that the Highway Department would have access here because it is all private roads.

It is a private drive. We have the asphalt tip-up instead of the concrete valley gutters. It is more economical in the future when you overlay. All that you would have to do is grind off the old bump and then you could repave and install new asphalt tip-ups.

The motion was **approved** with the following vote:

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

Mr. Abbey: How far were you thinking about moving the gate back?

Mr. Romans: It sounded to me like at this point it was not advantageous to move it. Right now it is at a point where a full sized vehicle could pull completely off the road.

Mr. Abbey: I was thinking about a full sized truck pulling a 30' boat to put in the marina.

Mr. Romans: I could move it another 25'. But boats can not launch here.

Mr. Abbey: There are no parking areas for boats?

Mr. Romans: Typically the garages are big enough for that too.

Mr. Smith: In the interest of saving time you might want to pay attention to Mark's comment 4c, so that when we come back we have some details on docks and the pavilions.

Mr. Romans: I talked to Wayne Dean about that. It is typically done when the individual building permits are done. But I can provide some basic information.

Mr. Smith: You are asking us to make a recommendation. We want to see it.

Mr. Romans agreed.

**SITE PLAN, MAVIS TIRE/COLE MUFFLER  
BREWERTON ROAD, PROPOSED RETAIL STORE  
MASTROIANNI ENGINEERING**

Representative: Joe Mastroianni, Mastroianni Engineering

Mr. Marzullo: This is just for discussion. Mr. Mastroianni does not expect any type of decision or motion tonight.

Mr. Mastroianni introduced himself. We were here in September and received comments from the Board and the engineer. We have made some plan adjustments. I realize no one has had time to look at them but I wanted to bring the Board up to date as to where we are on the project.

There was some discussion regarding the status of the property. The property was subdivided off in July. It is owned by Rhinebeck Realty. Mavis will lease the property.

Mr. Smith: So the ownership of all three lots will remain with the developer?

Mr. Mastroianni: This lot was subdivided off. It is owned by Rhinebeck. I am not sure about the other two lots. It is not owned by Seayco anymore.

As the leaseholder Mavis has an agreement with the owner to stay within this enfold, 75' back from the highway line of Route 11. And so the westerly face of the building is right on that line. We can not really go any further this way. I approached the client about shortening the building by 7' or 8'. They said that they did not want to and if possible to keep it the way that it is. It is a corporate size and so we are leaving it that way for now.

We have a free standing sign here. It is 20' back from the highway line, and 10' back minimum from the side lot line. We have reduced the amount of signage we had. The building is 122' long. The signage is down now to about 218.

On the four corners we are putting lights. There is also a pack light at each end. This sheet shows the photo simulation which has dropped down to less than a foot candle by the property lines and the road lines.

Mark asked that the garage doors be shown on the building. We estimate that about five parking spaces would be reserved for storing vehicles when they get done and are waiting for their owners to return. We have 27 spots all together. Typically there would be eight people per shift, leaving us with 14 other spots. Remember some people will come in for tire changes and their vehicles would be in the bays.

The hours of operation would be 8 until 6. On Thursdays they might be open a little later.

We included a 5' sidewalk on the far west side as requested. Some of the bigger landscaping was moved off the sewer easement.

Mr. Parrish: What is the extent of the sidewalk?

Mr. Mastroianni: Basically we are doing it from the property line down here to the line here. It is 5' wide.

Mr. Smith: It is not on the plan who owns the adjacent lots. Is that something that we can verify?

Mr. Germain: The applicant has to verify who owns the adjacent lots.

Mr. Marzullo: That is a requirement for site plans isn't it?

Mr. Parrish: Yes. You need that information for the sidewalk. It will leave gaps. I think that at the last Board meeting the Board had asked that it be connected from the southern drive to the SEFCU site.

I believe that the subdivision was done as a simple subdivision, administratively possibly, with the land swap for the SEFCU site.

More discussion occurred.

Mr. Marzullo: I think that there is still a question as to whether or not we would require or have the ability to require sidewalks along the entire parcel. I guess that would be a question as to whether or not it was discussed during the subdivision.

Mr. Honors: For clarification, why would that be on them to continue past their site? They are leasing the property.

Mr. Marzullo: It might not be their responsibility. It maybe the original property owner's responsibility if the Board said if you sell this off, we want sidewalks to go all the way through.

Mr. Parrish: There was a recommendation on these parcels for the zone change. It was one parcel at that time. The zone change application showed a single parcel. Again, I think that the subdivision happened administratively as a simple subdivision plan. If you recall during the SEFCU project there was a shifting of lot lines there. The property up front was granted to Seayco for the extra lane from Route 11. SEFCU received a slice of property along the back in return.

There have been continual discussions about sidewalks. The intent has always been to get a sidewalk across that entire frontage, as these lots develop.

Mr. Smith: How does the 14' thing work out that we would normally request at the end of a building?

Mr. Parrish: Obviously it can only be a one way drive. If the Board is happy with the traffic circulation pattern and the way it is controlled with signage and striping, then you have the ability to approve it. If the Board isn't happy with the pattern you would ask the applicant to make whatever modifications were needed to satisfy you.

Mr. Card: With the volume of traffic and the amount of spaces available you are really only talking about 13 open spaces correct?

Mr. Mastroianni responded more or less. He gave signage details for traffic flow.

More discussion occurred. The Board discussed the building's façade colors.

Mr. Mastroianni: The free standing sign would be 12'8" to the top.

**Mrs. May 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 9:15 A.M.

Dated: October 27, 2010

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Tonia Mosley, Planning Board Clerk

ATTACHMENT A

**From:** Mark Parrish  
**To:** Cicero Planning Board  
**CC:** Zinsmeyer, Neal  
**Date:** 10/14/2010 10:11 AM  
**Subject:** Empower FCU Revised Site Plan  
**Attachments:** Letter to Mark Marzullo 10-08-10.pdf

The following are comments on the October 7, 2010 Site Plan submittal for the Empower FCU project. The Plans have been prepared to address revisions to the recently approved Site Plan that were necessary as permission to connect the northerly access drive to the adjacent property could not be obtained.

- The impacts on the traffic circulation pattern should be reviewed with the Applicant.
- The access easement should be modified so the parcel east of the site has access through the site to Route 11.
- It is recommended the Planning Board Attorney confirm an appropriate easement is granted that allows the properties north and east of the site to have access across the site to the Route 11 entrance.
- It should be confirmed adequate parking is available on the site due to the loss of the four parking spaces.
- The Plan does not materially change any impacts relative to drainage. However, it is recommended the fill in the area where the northerly access drive was located be removed to the maximum extent possible to maintain existing drainage patterns as much as possible.
- It should be confirmed that the subdivision combining the lots that comprise the site has been completed.

Mark C. Parrish, P.E.  
MANAGING ENGINEER

O'BRIEN & GERE

ATTACHMENT B

September 16, 2010

**Town Board**

Town of Cicero  
P.O. Box 1517  
Cicero, New York 13039-1517  
Attention: Judy Boyke, Supervisor

**Planning Board**

Town of Cicero  
P.O. Box 1517  
Cicero, New York 13039-1517  
Attention: Mark Marzullo, Chairman

RE: The Landings at Maple Bay Planned Unit Development

FILE: 0101/25439.382

Dear Board Members:

We have reviewed the following materials in regard to the above referenced project:

1. Boundary and Topographic Survey dated April 7, 2010 last revised September 13, 2010
2. Demolition Plan dated August 23, 2010 revised September 13, 2010
3. Site Plan (2 sheets) dated April 7, 2010 last revised September 13, 2010
4. Grading and Erosion Control Plan dated June 22, 2010 revised September 14, 2010
5. Drainage and Sanitary Sewer Systems Plan dated June 22, 2010 revised September 14, 2010
6. Drainage and Sanitary Sewer Systems Details dated July 8, 2010 revised September 14, 2010
7. Grading and Erosion Control Details dated July 8, 2010 revised September 14, 2010
8. Water Quality and Sand Filter Details dated July 8, 2010 revised September 14, 2010
9. Sanitary, Drainage and Private Road Profiles dated June 29, 2010 revised September 14, 2010
10. Grading and Erosion Control Plan dated June 22, 2010 revised September 14, 2010
11. Stormwater Pollution Prevention Plan revised September 2010.

Ianuzi & Romans Land Surveying, P.C. prepared items 1 to 3 and W-M Engineers, P.C. prepared items 4 to 11.

The 2.68-acre site located on the east side of Lakeshore Road approximately 200 feet north of West Murray Drive. The lot contains a number of structures and a marina. It is proposed to demolish the existing structures and construct thirteen residential units. The residential units will be attached in groups ranging from two to five units. The site is zoned Residential R-10. The above information has been submitted for approval of a Planned Unit Development (PUD) zone change for the site. A PUD provides the Developer the flexibility to deviate from the Town standards as may be deemed appropriate by the Boards. As such, the comments herein include information noting where the proposal does not conform to the typical Town requirements for subdivisions and Town sanitary sewer, drainage and highway construction standards. This information is provided for the Boards to consider when making their recommendation or approval on the project. Our comments are as follows:

- 1) Storm water runoff from the site is tributary to Oneida Lake. As the project disturbs more than 1-acre of land a NYSDEC SPDES Permit for Stormwater Discharges from Construction Activities is required for the project. The SPDES Permit requires stormwater quantity and quality and sediment and erosion control measures be provided. Storm water quality mitigation is to be provided by a sand filter system and

ATTACHMENT B CONTINUED

infiltration trench. Storm water quantity mitigation is not necessary as the site discharges directly to Oneida Lake. The design of the stormwater management facilities is acceptable. All drainage facilities on the site are to be private facilities that will be maintained by the Homeowner Association that is to be created for the development. In accordance with the Town Local Law for Stormwater Management and Erosion & Sediment Control a Stormwater Control Construction and Maintenance Agreement should be executed with the Town for the stormwater management areas.

- 2) Access to the site will be provided from Lakeshore Road, which is a Town highway, by a private road that will access eleven of the residential units and two driveways that will access the other two lots. The Plan also provides for a gated gravel access drive to the marina that is to be located along the northerly edge of the property. The Homeowner Association will be responsible for maintenance and snow removal associated with the private road. The following are additional comments relative to site access:
  - a) If the private road is approved it is recommended the Town state as a condition of approval that the road will not be accepted as a Town road in the future.
  - b) Consideration should be given to locating the proposed marina access along the southerly property line or from the internal private road to eliminate the need for traffic from the site to travel along Lakeshore Road and reduce the likelihood of snowmobile traffic from utilizing the area.
  - c) It is proposed to use asphalt kick up curbs instead of concrete gutters or curbing as an edge treatment for the road.
  - d) The Board should confirm that adequate area and circulation is provided for snow removal particularly at the end of the private road.
- 3) The site is located within the Lakeshore Sewer District. The site will be provided sanitary sewer service by extension of a Town sewer from an 8-inch Town sanitary sewer located along Lakeshore Road. The general layout of the sanitary sewer system appears acceptable and will be reviewed in detail during the Contract Drawing approval process.
- 4) The Board should review the landscaping, lighting, signage, and architectural elevations with the Developer. The following are some comments for the Boards consideration regarding these and other miscellaneous issues:
  - a) Lighting is to consist of pole mounted lights along the private road and adjacent to Lots 1 and 2 and bollard lighting along the marina walkways. The design of the lighting generally appears reasonable and results in minimal light trespass onto the adjacent properties.
  - b) The following are items relative to the bulk regulations for the site. As previously noted the PUD allows for the bulk regulations to be altered as determined by the Boards. However, the following are comparisons to the R-M Multi-family Residential zoning requirements, which would be the closest zoning classification to the site use:
    - i) The size of the lots for the residential units is 1,710 to 1,800 square feet, which is less than the 5,445 square feet required. However, it is noted the overall density of the site is less than that allowed by the R-M zoning.
    - ii) The height of the structures is 49.5 feet, which exceeds the 35 feet in the R-M zoning requirements.
    - iii) The front, rear and side yard setbacks are 0 feet as the lots generally encompasses only the proposed structure. It is noted that the setbacks for the front, rear and side yards are provided along Lakeshore Road and the remainder of the outer property lines.
  - c) The existing marina is in poor repair and a note on the Plan indicates the existing gabion baskets are to be repaired in kind. Details of site features such as the pavilion, fire pit, and dock have not been provided.
  - d) The Plan provides information on the responsibilities of the Homeowner Association for the operation and maintenance of the site. It is recommended a copy of this agreement be provided for the Boards' review.

ATTACHMENT B CONTINUED

- 5) The site is located within the Cicero Oneida Lake Water District. The site will be provided water service by extension of a public water main along the private road from and 8-inch water main located along Lakeshore Road. The Developer should coordinate with the Onondaga County Water Authority relative to provision of water service to the development.
- 6) A portion of the site including areas where structures are located is within a 100-year floodplain as identified on the 1994 FEMA Flood Insurance Rate Maps. Development within these areas should be in accordance with the Town Flood Damage Prevention Code.
- 7) The site does not contain a Federal Wetland as identified on the National Wetland Inventory Map or a State Wetland as identified on the New York State Freshwater Wetland Map.

If you have any questions or comments, please do not hesitate to contact us.

Very truly yours,

O'BRIEN & GERE ENGINEERS, INC.



Mark C. Parrish, P.E.  
Managing Engineer

