

The Planning Board of the Town of Cicero held a meeting on **Monday, October 8, 2012** at **7:00 p.m.** in the Town Hall at 8236 Brewerton Road, Cicero, New York 13039.

Agenda:

- Pledge of Allegiance
- Notes from the Chairman
- Approval of the Planning Board Minutes from September 24, 2012 (**approved with one correction**)
- Minor Subdivision, Preliminary and Final Plan, Public Hearing, Park Fees, Joseph's Landing Amended, Northwest Corner of South Bay Road and Wayfarer Drive, 7 Lots (**approved**)
- Site Plan, Proposed Oneida Savings Bank ATM Kiosk, Route 31 (**approved**)
- Electronic Message Sign, Sacred Heart Church, 8229 Brewerton Road (**approved**)

Board Members Present: Bob Smith (Chairman), Joe Ruscitto, Greg Card, Pat Honors, Sharon May and Mark Marzullo

Board Member Absent: Chuck Abbey

Others Present: Neil Germain (Esquire, Germain & Germain), Mark Parrish (P.E., O'Brien & Gere), Steve Procopio (Code Enforcement Officer) and Tonia Mosley (Clerk)

Chairman Smith opened the meeting by noting the emergency exits and asking that cell phones be silenced. Mrs. May led the Pledge of Allegiance.

NOTES FROM THE CHAIRMAN

Chairman Smith reminded those present that the County would present their Sustainability Plan at the October 10, 2012 Town Board meeting at 5p.m. He encouraged those who could attend to do so.

APPROVAL OF THE MINUTES FROM SEPTEMBER 24, 2012

Mr. Card noted the Town Board's October 5, 2012 meeting date should be corrected to read October 10, 2012 within the Notes from the Chairman section on page 1. **Mrs. May made a motion** approving the minutes of the September 24, 2012 Planning Board meeting with the correction noted above. **Mr. Marzullo seconded the motion.** Chairman Smith asked for a vote.
*Ayes: 6 Nays: 0 Abstained: 0 **Approved***

**MINOR SUBDIVISION, PRELIMINARY AND FINAL PLAN
PUBLIC HEARING AND 277 PARK FEES
JOSEPH'S LANDING AMENDED
NORTHWEST CORNER OF SOUTH BAY ROAD AND WAYFARER DRIVE
TAX MAP # 088.-08-21.0, 22.0, & 23.0
7 LOTS, GROUP ONE DEVELOPMENT
(SEE ATTACHMENT A: O'BRIEN & GERE LETTER DATED 10/4/12)**

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

Chairman Smith made a motion opening the public hearing regarding the application of Group One Development LLC for a subdivision approval known as Joseph's Landing Amended located on the northwest corner of South Bay Road and Wayfarer Drive. **Mr. Marzullo seconded the motion.** Mr. Smith asked for a vote.

*Ayes: 6 Nays: 0 Abstained: 0 **Approved***

(The public hearing opened at 7:05 p.m.)

Mr. Romans introduced himself noting the Board's request for a review of the grading plan by Mark Parrish. Mr. Parrish received this grading plan from LJR Engineering.

We also added a note on the plan that states there will be no driveway access to South Bay Road. We show an easement that will be abandoned in its' entirety. We show another easement here.

Other than that, the amended preliminary plan and the final plan look the same. All of the roadways are in. We are here tonight asking for approval of both.

Mr. Parrish noted he had provided the applicant with a few comments on the plan which they addressed and were then reviewed by Mr. Romans. There are six proposed residential lots. Two of those lots have services to them, but the applicant will have to extend laterals to the other 4 lots from across the street. That will need to be done during house construction. The Town should be contacted accordingly for those installations.

Mr. Germain cautioned the Chairman against signing the map until he receives proof that everything in conjunction with abandoning the easement has been taken care of.

Mr. Smith asked if there was anyone present who would speak for the project. (There was no response.) He asked if there was anyone who would like to speak against the project. (There was no response.) **He made a motion** closing the public hearing. **Mrs. May seconded the motion** and the Chairman asked for a vote.

*Ayes: 6 Nays: 0 Abstained: 0 **Approved***

(The public hearing was closed at 7:07 p.m.)

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** and asked for a vote.

*Ayes: 6 Nays: 0 Abstained: 0 **Approved***

Mr. Smith moved for the adoption of a resolution approving the subdivision preliminary and final plan application of Group One Development LLC dated August 22, 2012. In addition 277 park fees are assessed at \$ 475 per lot for six lots. Mr. Romans clarified that the preliminary plan's last revision date is September 18, 2012 and that the final plan's last revision date is October 4, 2012. **Mr. Marzullo seconded the motion.** Chairman Smith asked for a vote.

*Ayes: 6 Nays: 0 Abstained: 0 **Approved***

**SITE PLAN, PROPOSED ONEIDA SAVINGS BANK ATM KIOSK
STATE ROUTE 31, TAX MAP # 069.-06-02.1
SHERIDAN ENGINEERING**

Representative: Mike Sheridan, Sheridan Engineering

Mr. Germain explained that one of the questions from the workshop meeting was whether or not an easement was received for parking along the Colonial property. I checked it out with the County Clerk and it is on record. They have provided us with a copy of the recorded instrument that does in fact give us the parking rights back there.

They have submitted a new easement which crosses over the front and gives access to the back. I have reviewed them all. From a legal perspective they are all approved.

Mr. Sheridan introduced himself explaining we have reduced the landscaping height to 40-42" junipers. We show the queuing of cars, 3 cars can queue comfortably. Essentially, they are out of the right-of-way.

We have revised the lighting plan. We now have two poles that are pushed back further into the lot. The luminary at Route 31 is shielded. Lamp wattage has been reduced while still meeting the state's banking regulations.

We have removed the parking in this area and re-hatched it. I believe those parking spaces were not a part of the previously approved Colonial Laundromat/OIP site plan.

Mr. Parrish verified those parking spaces were not a part of a previously approved site plan.

Mr. Sheridan explained the plan was submitted to the Onondaga County Department of Transportation (OC DOT). We discussed lighting levels as well as access onto Route 31. I explained that we were not changing any curb cuts and that the lighting was shielded. We do not require an OC DOT permit.

More discussion occurred regarding the queuing area and traffic flow on the site.

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** and asked for a vote.

*Ayes: 6 Nays: 0 Abstained: 0 **Approved***

Mr. Marzullo moved for the adoption of a resolution approving the site plan application from Sheridan Engineering last dated September 28, 2012 for the ATM kiosk. **Mrs. May seconded the motion.** The Chairman called for a vote.

*Ayes: 6 Nays: 0 Abstained: 0 **Approved***

**ELECTRONIC MESSAGE SIGN, SACRED HEART CHURCH
8229 BREWERTON ROAD**

Representative: Gary Natali

Mr. Smith explained that digital signs, electronic message boards are at the approval of the Planning Board. There were a few things that had to be changed on this application because the existing sign encroached into the New York State Department of Transportation's (NYSDOT) right-of-way. That issue has been resolved with the movement of the sign to a location shown on the map.

The sign's location within 20 feet of the public highway was another issue. A 20' setback is required by Code. Sacred Heart did apply to the Zoning Board of Appeals (ZBA), who granted them a variance. That is no longer an issue.

The Chairman introduced Gary Natali, ZBA Chairman and Sacred Heart Church representative.

Mr. Natali explained that he had met with Joe Sallin from the NYSDOT. He agreed that when the church was built in 1963 the existing sign was probably not within the right-of-way. He theorized that as Route 11 was rounded and expanded the sign's location moved into the right-of-way.

Mr. Sallin thought I could go forward but that the approval would be difficult. With that in mind, we appealed to the ZBA asking for a one foot variance---which was granted. That is approximately where the church wants to place the new sign. Hal Romans from Ianuzi & Romans will stake out the road boundary for us. We will then measure the 1' from there.

Mr. Smith: So the sign will not be in the right-of-way?

Mr. Natali responded no. We might even stretch the one foot, making it bigger.

Mr. Procopio verified that the variance was granted by the ZBA.

The Chairman asked for details regarding the sign's construction.

Mr. Natali explained that he was not involved in that phase. I have to go along with what you see in the sign application.

Mr. Smith asked the Board's professionals if they had any concerns about the proposed sign.

Mr. Procopio stated he did not have any issues. He referred to the section of the code that deals with free standing signs noting the proximity to the ground should be no closer than 6 feet. This would be closer, but this Board has the authority to grant those signs closer than the required 6 feet. I do not think that the sign would be an obstruction to the road's line of sight.

Mr. Parrish and Mr. Germain did not have any comments.

Mr. Card asked for LED restrictions from the code.

Mr. Procopio replied typically the Planning Board has approved a time limit restriction, no scrolling, etc. Those are general standards all though they are not written within the Town's code.

Mr. Smith noted the 15 second and no bright color rules typically used by the Planning Board.

Mr. Germain added that would be part of the Board's approval.

Mr. Natali explained that the sign would not be too flashy. It would not be on late at night. It is a new venture for the church. For right now the sign would show church events, for example masses.

Mr. Smith asked if the sign would obstruct the view of drivers. Does the DOT have any issues with it?

Mr. Natali responded no. There is a lot of room for visibility as you come around the bend.

Mrs. May suggested adding some sort of landscaping to the base of the proposed sign other than grass.

Mr. Natali agreed.

Mr. Smith noted the Town generally requires electronic signs to post Amber Alerts— notifications of missing children, etc. He believed that the Chief of Police co-ordinates that.

Mr. Germain suggested moving for the adoption of a resolution approving the sign application of Sacred Heart Church for an electronic sign permit conditioned upon the Church agreeing to have Amber Alerts; a 15 second rule which means messages will not scroll or move across the board within any amount of time less than 15 seconds long; and that landscaping will be added to the base area of the sign keeping with its current condition. The applicant agrees not to use any buoyant or overly distracting colors and/or color patterns. **Mr. Smith made a motion** as stated by Mr. Germain above. **Mrs. May seconded the motion.** The Chairman asked for a vote.
*Ayes: 6 Nays: 0 Abstained: 0 **Approved***

Mrs. May made a motion to adjourn. **Mr. Smith 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 7:41 P.M.

Tonia Mosley, Clerk

ATTACHMENT A: OBG LETTER DATED 10.4.12

October 4, 2012

Planning Board

Town of Cicero
8236 Brewerton Road
Cicero, New York 13039-1517
Attention: Robert Smith, Chairman

RE: Josephs Landing Amended Subdivision Plan
FILE: 0101/25439.436

Dear Board Members:

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

1. Revised Preliminary Plan dated August 22, 2012 revised September 18, 2012
 2. Final Plan dated October 4, 2012
 3. Grading and Erosion Control Plan dated June 22, 2010 revised September 14, 2010.
- Ianuzi & Romans Land Surveying, P.C. prepared Items 1 and 2 and L.J.R. Engineers, P.C. prepared Item 3.

The 3.82-acre site is located on the northwest corner of the intersection of South Bay Road and Wayfarer Drive. It is proposed to amend Lots 1, 2, and 3 of the subdivision to create a single General Commercial GC lot and six (6) Residential R-M lots. Our comments are as follows:

- 1) Stormwater runoff from the site is tributary to drainage facilities located along Wayfarer Drive and a swale and storm located along the rear of the lots. These drainage facilities discharge to a stormwater management area constructed as part of the development of Joseph's Landing, which provides stormwater mitigation for the project. Sump pumps from the residential lots can be directed to the swale located along the rear of the lots.
- 2) The site has frontage on Wayfarer Drive, which is a Town highway, and on South Bay Road, which is a County highway. A note has been placed on the Plan indicating that no driveway access will be allowed to South Bay Road. The Plan shows the location of driveway to the commercial lot can meet the Town Code requirement of a 150-foot setback from street line intersections.
- 3) The site is located within the Lakeshore Sewer District. Sanitary sewer service can be provided from an 8-inch diameter Town sewer located along the east side of Wayfarer Drive. Laterals that were installed for the previous commercial lots are available for two of the residential lots and the commercial lot. However, it will be necessary to extend laterals across Wayfarer Drive for four of the residential lots. The Applicant should contact the Town of Cicero to coordinate installation of the laterals.
- 4) The site is located within the Central Water District. Water service can be provided from an 8-inch water main located along the west side of Wayfarer Drive. The Applicant should coordinate with the Onondaga County Water Authority relative to provision of water service.
- 5) The site is not located within a floodplain as identified on the 1994 FEMA Flood Insurance Rate Maps.
- 6) 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.

ATTACHMENT A PAGE 2: OBG LETTER DATED 10.4.12

7) The Board should identify appropriate park fees for the project.

Upon approval of the Final Plan by the Planning Board, it is recommended the Chairman delay signing the Final Plan until the Town Attorney has verified the Developer has the necessary agreements and securities in place.

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

Very truly yours,

O'BRIEN & GERE ENGINEERS, INC.

A handwritten signature in black ink, appearing to read "Mark C. Parrish".

Mark C. Parrish, P.E.
Managing Engineer