

The Planning Board of the Town of Cicero held a meeting on **Monday, November 12, 2012** at **7:00 p.m.** in the Town Hall at 8236 Brewerton Road, Cicero, New York 13039.

Agenda:

- Acknowledge Veterans Present
- Pledge of Allegiance
- Notes from the Chairman
- Approval of the Planning Board Minutes from October 8, 2012 **(approved)**
- Major Subdivision Preliminary Plan, Sketch Plan Review, Schedule Public Hearing, Tocco Villaggio, 5533 State Route 31 **(Public Hearing Scheduled for 11/26/12)**
- Minor Subdivision Preliminary & Final Plan, Miralago Section 3, 5869 Ladd Road **(Public Hearing Scheduled for 11/26/12)**
- Minor Subdivision Final Plan, Park Fees, Lyons Runne Section 2A **(approved)**
- Site Plan/Sketch Plan Review, Proposed AutoZone, Brewerton Road, Tax Map #045.-01-04.0 **(to return)**
- Minor Subdivision Preliminary & Final Plan, Schedule Public Hearing, Estate of Robert Wood, 8037-8043 Brewerton Road **(Public Hearing Scheduled for 11/26/12)**

Board Members Present: Bob Smith (Chairman), Joe Ruscitto, Pat Honors, Chuck Abbey, Sharon May and Mark Marzullo.

Absent Board Member: Greg Card

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 in the room and asked that all cell phones are silenced. Being Veteran's Day, he recognized the veteran in the room, Amy Franco, thanking her for her service. Then he asked Mrs. May to lead the Pledge of Allegiance.

#### **NOTES FROM THE CHAIRMAN**

- Mr. Smith noted many active agenda items. Therefore, the Planning Board will hold meetings in December.
- On December 4<sup>th</sup> at 9:30 a.m. the Syracuse Metropolitan Transportation Council will have a meeting at the Village of North Syracuse Community Center, 700 South Bay Road. Those who wish to attend should respond by November 27<sup>th</sup>. Let the Chairman or the Clerk know if you

want to attend.

-Cady Brothers were in and told that they would need a site plan for their auto dealership at 8024 Brewerton Road. Steve will follow up with that.

**APPROVAL OF THE MINUTES FROM OCTOBER 8, 2012**

**Mrs. May made a motion** to approve the minutes noting the correct spelling of Attorney Germain's name. **Mr. Marzullo seconded the motion.** The Chairman asked for a vote.

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

**MAJOR SUBDIVISION PRELIMINARY PLAN, SKETCH PLAN REVIEW  
SCHEDULE PUBLIC HEARING  
TOCCO VILLAGGIO, 5533 STATE ROUTE 31, 5 LOTS, CHA, INC.**

Representatives: Hal Romans, Surveyor, Ianuzi & Romans Land Surveying, P.C.  
Amy Franco, RLA, Landscape Architect IV, CHA

Mr. Smith noted for the record as this project is reviewed the Planning Board is taking into consideration the development that is going to occur immediately contiguous to the Town of Cicero. We will consider the number of residences and the amount of development that will occur on Clay's side. That development will have an impact on the Town of Cicero.

Mr. Romans introduced himself and Ms. Franco as representatives for the applicant, JoLu Development Company. We are discussing this approximately 26.8 acres on the border between the Town of Clay on the west and the Town of Cicero on the east. The second page shows the parcel behind it that goes north.

Page one shows one commercial lot. The balance would be nine lots for apartments. At the request of the Town's engineer, the total amount of unencumbered lot area has been added to the plan for each of the apartment lots. We also show the number of units that have been proposed as a part of this project---on a lot by lot basis.

This project includes the extension of Legionnaire Drive going west to the Cicero town line and

connecting to the Town of Clay. The intersection of Legionnaire Drive and Lawton Road going south becomes a four-way intersection per the New York State Department of Transportation (NYSDOT). The interconnection with the Town of Clay provides for another access point further to the west.

Mr. Smith added that access point is right-in right-out only. That is all that the State will approve.

Mr. Romans agreed. Basically, the right-in right-out is located north going into the new Clay portion of this project. There is an existing access point that comes out of Lawton Valley Hunt which will be right-in, right-out only.

Ms. Franco clarified that has been completed.

Mr. Romans noted typically with apartment projects the applicant breaks the area up into a number of lots to be able to finance each block of apartments. That is why we have 9 different apartment lots. It is a financing tool that saves the applicant from returning to the Board. Each of those nine lots shows the unencumbered areas which exclude all drainage easements for detention facilities, roadways, etc.

Legionnaire Drive comes across here connects into the portion that goes north into Clay, and then comes back into Cicero here. At that point it goes into a temporary turn around.

Mr. Smith explained that eventually this project should be around 450 households, between the apartments and the single family dwellings. Until this reaches Burnet Road Legionnaire Drive would handle the bulk of that traffic. That is why we were concerned about that intersection and that section of road.

Your commercial lot is approximately 8.3 acres. That should attract a good commercial client which will generate more traffic. The traffic from the commercial lot will also use Legionnaire Drive.

Mr. Romans agreed noting the primary access to Route 31 is going to be Legionnaire. That will be the only full access intersection---the only four way intersection. That is what the NYSDOT envisioned, and what they require for this section of Route 31. Legionnaire Drive opposite

Lawton Road will become that four way intersection and hold the bulk of the traffic for the project.

Mr. Smith added the Town has received a copy of a letter from the New York State Department of Transportation (NYSDOT) to James Trasher; P.E. dated October 5, 2012 which indicates that the State is scheduling that traffic light for installation, within the components that are required, next year. I understand that the developer has already paid for it. He noted that this letter has been circulated to the members of the Planning Board and to be considered in regard to this application and made a part of the permanent record.

Ms. Franco noted that was correct. It is currently in the design stage. As part of this development the developer is looking at re-doing the existing portion of Legionnaire Drive.

Mr. Smith explained that the Town is not looking for the existing portion of Legionnaire to be in compliance with the new road specs. It is an existing road which was never completed. It is my understanding that the developer has agreed to put 1.5" of binder and 1.5" of final coat on. It is also my understanding that the Town has agreed to put under drains in and take out the concrete gutters. Even though it is not a part of his project, the developer recognized that the traffic that this road generates will be significant.

There was a question about unencumbered spaces, density and a potential problem with Town Code.

Mr. Romans explained. When you look at the zoning definition for lot area, it excludes all the land used for public roads, transmission lines and utilities that are not on the site and drainage easements. It is my understanding that the overall area for the project supports 148 units. But, after reviewing the unencumbered areas, roadway areas and detention facilities and removing them from the calculation that number of allowed units drops down. I know that is really geared toward residential single family lots.

The drainage easements for detention facilities are shown in a preliminary phase. They can change slightly as the applicant heads toward the final plan. But, it looks like the applicant will be approximately 6-7 units over.

Mr. Smith noted that was not a question for this evening, but that it was something that the Board needs to be aware of. Is that something that can be resolved?

Mr. Germain: Yes that is something that can be resolved. Depending upon how the plan comes out we can work towards that. I would have to look into it. I would be happy to meet with Hal and go through this to try and find a solution.

Mr. Romans believed that they would be looking at 144 units within the Town of Cicero. The number is critical for the applicant because he does want to be able to do the improvements on Legionnaire. He was counting on those 144 units to help him do that.

Mr. Abbey mentioned the driveway from the Post Office and its adjustment.

Mr. Romans explained that driveway would be re-located further north, further away from the intersection.

Mr. Smith: The Supervisor received some communications about that which he forwarded to me. I contacted the Post Office to explain that we were in the middle of this review process. I have not heard a response back from them.

Ms. Franco noted her conversations with the Post Master. But, because the Post Office does not own the property, the Developer is limited as to what he can do.

Mr. Smith: If the Post Office does not respond, what the Developer has will continue. That could create an issue for the Post Office. They have been contacted and copied.

More conversation occurred regarding the recommendations from the DOT and stacking at the intersection.

Mr. Smith: I believe the Town Board is looking to pass an ordinance about no parking signs down one side of Legionnaire. That way the Legion would still be able to use part of Legionnaire Drive for their event parking. There would also be no parking signs from the corner to your potential driveway to the Post Office. These things would help manage traffic along that Drive.

Mrs. May asked if any adjustments would be made for the physician's building and their driveway.

Mr. Romans responded no, that would remain the same.

Mr. Smith asked that the driveway be shown on the site plan.

Mr. Marzullo asked for information on this project's impact to Routes 31 and 81 at its' full buildout. He thought there was some discussion about a traffic study for this location.

Ms. Franco responded that study was included in the DOT's requirements for the stop light at Route 31. They had us look at that.

Mr. Parrish offered to look at the traffic impact study, but reminded the Board those were state highways. We will review the plan and get a letter out to the Board.

Ms. Franco added the DOT was involved with that entire design. We did what they required, whatever they wanted us to look at.

Mr. Romans noted the DOT was fully aware of the full buildout of the project to the north because they are trying to get the Developer to help pay for it. He wanted to make sure everything was included at that time. This has been going on for 2 or 3 years.

More discussion occurred.

Mr. Germain reminded the Board that at some point there would be a final plan review. You are going to set a public hearing date for the subdivision and make a recommendation. The project will also come back for site plan review.

Mr. Smith added there would also be a site plan review for the commercial section, when the applicant has a tenant.

Mr. Germain noted the Board would move for the adoption of a resolution calling for a public hearing to be held on November 26, 2012 commencing at 7:00 p.m., local time to consider the subdivision application known as Tocco Villaggio. **Mr. Marzullo 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      Motion approved.*

**MINOR SUBDIVISION PRELIMINARY & FINAL PLAN, SCHEDULE PUBLIC HEARING  
MIRALAGO SECTION 3, 5869 LADD ROAD, 2 LOTS, ELDAN HOMES**

Representative: Dan Barnaba, President, Eldan Homes

Mr. Barnaba introduced himself and gave a brief review of the project. He noted his previous zone change request that came before the Board. We were given a positive recommendation to the Town Board and were granted the zone change from Agricultural to R-12. Now we are back before this Board asking for the subdivision of one of those lots into two lots.

I believe this is a minor subdivision. I was not aware of the policy about if a minor subdivision required a public hearing or not. If it is required we would appreciate the opportunity to schedule a public hearing tonight. If it is not required, perhaps the Board is inclined to act tonight or consider and act at a later date.

Mr. Germain believed the application required a public hearing.

Mr. Barnaba responded then our request is to schedule a public hearing. You see in front of you our preliminary plan. We have taken an existing house, Lot 54, and created an additional lot, Lot 55. Basically, we are splitting the parcel in half.

It is our intent to provide Lot 55 with water and sewer. There are convenient accesses to public water, sewer and gas. It will have the same utilities as the surrounding parcel. The lots would have separate driveways. Lot 55's driveway would access Miralago Lane. We do have a buyer for this lot that is waiting on the subdivision. The house located on Lot 54 is currently for sale and would continue to use the driveway off of Ladd Road.

Mr. Procopio noted the lateral for Lot 55 would have to go across the road to the existing sewer.

Mr. Barnaba agreed. I am not sure of the Town's policy for that---if the Town has a contractor or if I have to supply my own contractor.

Mr. Marzullo read the following: Move for the adoption of a resolution calling for a public

hearing to be held on November 26, 2012 commencing at 7:00 p.m. local time, to consider the subdivision application known as Miralago Section 3. **Mrs. May made a motion** as stated by Mr. Marzullo above. **Mr. Smith seconded the motion** and asked for a vote.

*Ayes: 6      Nays: 0      Abstained: 0      Motion approved.*

Mr. Procopio informed the Board that the County's response would not be back by the November 26<sup>th</sup> meeting date.

**MINOR SUBDIVISION FINAL PLAN, PARK FEES  
LYONS RUNNE, SECTION 2A, 23 LOTS  
EASTSIDE OF CICERO CENTER ROAD ADJACENT TO MARINER'S LANDING  
IANUZI & ROMANS  
SEE ATTACHEMENT A: OBG LETTER DATED 10/29/12**

Representative: Hal Romans, Surveyor and Planner, Ianuzi & Romans Land Surveying P.C.

Mr. Romans introduced himself. The next section of Lyons Runne is approximately 10.3 acres. It is 23 lots laid out in the same configuration as the approved preliminary plan. There is no need for a turnaround because all of the roads connect. All lots would front onto Town roads. I believe everything has been put in except for one swale. The Developer's contractor, Lanco, will put that in. I assume that will be on Mr. Parrish's punch list. I think a lateral needs to be added also.

Mr. Parrish noted his letter to the Board. I really did not have much to comment on. There are a few notes on the plan—two driveway locations on Lots 7 and 24 with some plowing requirements from the Highway Superintendent that need to be adhered too. They also show stop sign locations. The Board should identify Park Fees for the final plan associated with the project.

Mr. Germain read the following: Move for the adoption of a resolution approving the subdivision application known as Lyons Runne Section 2A, plan dated April 2, 2012. **Mrs. May made a motion** as stated by Mr. Germain above. **Mr. Honors seconded the motion.** Chairman Smith asked for a vote.

*Ayes: 6      Nays: 0      Abstained: 0      Motion approved.*

Mr. Germain read the following: Upon review and preliminary approval of the plan known as Lyons Runne Section 2A it has been determined that there are 23 lots in the Lyons Runne Section 2A subdivision. In accordance with #277 of the Town Law the Planning Board hereby assesses \$10,925 in lieu of "Park and Rec" lands as, and for, the statutory fee of \$475 per lot on said subdivision. **Mr. Marzullo made a motion** as stated by Mr. Germain above. **Mrs. May seconded the motion.** Mr. Smith asked for a vote.

*Ayes: 6      Nays: 0      Abstained: 0      Motion approved.*

**SITE PLAN/SKETCH PLAN REVIEW  
AUTOZONE, BREWERTON ROAD, TAX MAP# 045.-01-04.0  
PROPOSED AUTOZONE STORE  
DUNN & SGROMO**

Representative: Greg Sgromo, Dunn & Sgromo Engineers, PLLC

Mr. Sgromo introduced himself. The project that we have in front of the Board is an approximately 15,600 square foot retail store to be located on Brewerton Road south of the Aspen Dental. The AutoZone is primarily auto parts. It has a warehouse and retail component.

As you will hear later today, the entire site is 10.6 acres of which we are looking to subdivide out approximately 2.3 acres located at the front half of the parcel. There are public utilities available. There will be a driveway to serve the site located immediately across from Lincoln Avenue. The parcel connects to the Target site via an existing access easement to the north.

Mr. Smith asked for the distance from the Target/Wal-Mart intersection to the driveway.

Mr. Sgromo responded from this location here, it is approximately 300 feet. It is about 500 feet from the edge of the AutoZone's parking area to the signal. Our entrance has been reviewed by the DOT, but we do not have their formal written comments yet. They do like the concept.

Mr. Smith added you are breaking this into two, so you will have another commercial lot to the west that would also have access. That is something that the Board should consider. AutoZone might not always be an AutoZone. Is there an opportunity for cross access with the lot to the west?

Mr. Sgromo responded yes. But, at this point, there are no plans for anything back there.

Mr. Smith: Where would that cross access be?

Mr. Sgromo: Right down this drive isle. They would use the same drive isle.

Mr. Procopio noted the lot to the south which contains the heating company. That lot is not owned by this applicant/developer.

Mr. Smith asked for clarification on warehousing.

Mr. Sgromo responded that is the way the applicant had us word the application. You go to the counter and order a part. Parts are obtained from the warehouse area in the back.

Mr. Smith asked if there would be a delivery service.

Mr. Honors responded they normally do.

Mr. Sgromo explained that a section of Brewerton Road would be re-stripped to allow stacking into the site. He showed the Board where truck traffic would enter the site by pulling into a driveway and backing up. That area can handle eighteen wheelers. We have proposed 67 parking spaces---a requirement from AutoZone.

Various Board members questioned if that much pavement and impervious area was needed--an area which might cause stormwater run-off.

Mrs. May noted the application states that the maximum number of employees at one time is five. She noted the applicant is looking for 70 off street parking spaces.

Mr. Sgromo offered to check that amount with AutoZone. I know that we were trying to squeeze in as many spaces as we could. Maybe we can delete some of that if they are not actually needed.

Mr. Smith asked if repairs would occur on site.

Mr. Sgromo responded no repairs.

Mr. Smith asked if there were any opportunities for a cross easement access with the lot to the south. We are looking to keep as much traffic off of Brewerton Road as possible.

Mr. Marzullo agreed that it was something that should be looked at---at least getting an easement. Especially if the lot to the south changes at some point.

Mr. Smith noted the sidewalk proposed across the front.

Mr. Sgromo explained that all drainage goes to the west. A portion of the site would go into the basin; the rest of the site goes into a closed system via a sand filter area and into a basin. Its' size meets all DEC requirements. I submitted a copy of this to O'Brien & Gere for their review.

There is a lighting plan in your packet. Signage is include also. We are asking for a little more sign square footage than standard per your code. Basically, they have about 100 linear feet of frontage and are asking for 374 sq. ft. of signs. There would be a pylon sign and building signage. We realize that the pylon sign is currently located 15 feet from the property line---less than the footage stipulated by code.

Mr. Ruscitto explained that the applicant would need to move the sign, or need to get a variance for the sign's location. That is not something that this Board can approve.

The Chairman added this Board can consider the appropriate square footage for a sign as part of site plan approval. But, we can not determine setbacks. Is this the same sign package submitted at other locations in the area?

Mr. Sgromo noted he would find out. There is another AutoZone location on Taft Road.

We have included the building's floor plan. I believe it will be flipped, but would have the same layout.

More discussion occurred. The Board asked that the applicant review the plan for less parking,

(and more landscaping), less signage (without flood lighting), and possible easement accesses. They requested a letter from the DOT and exact driveway/intersection distances.

Mr. Sgromo thought the pylon sign had flood lighting. Otherwise, the signs were lit internally. It appears as if the logo is painted on the building.

**MINOR SUBDIVISION PRELIMINARY & FINAL PLAN, SCHEDULE PUBLIC HEARING  
ESTATE OF ROBERT WOOD, 8037-8043 BREWERTON ROAD  
2 LOTS, C.T. MALE ASSOCIATES**

Representative: Dave Sliski, C.T. Male Associates

Mr. Sliski introduced himself noting the purpose of this subdivision is for the AutoZone development. The site is currently two tax parcels. The developer wishes to divide the overall parcel into two separate lots. Lot 1 would be used for the AutoZone development. Lot 2 would be the remaining portion of the parcel and would be retained by the owner.

We are proposing access to Lot 2 via a cross access easement through Lot 1. Lot 2 could also utilize the ingress/egress easement through the Target parcel.

There is a proposed 20' utility easement which runs north of the proposed cross access easement from Brewerton Road, back to Lot 2.

Lot 1, the proposed AutoZone parcel, would be 2.275 acres. Lot 2 would be 8.314 acres.

Mr. Smith: The parking spaces we questioned for AutoZone would be the access to Lot 2.

Mr. Sliski responded correct. They would utilize the thoroughfare through the parking lot.

Mr. Smith: Lot 2 is potentially suitable for a large commercial establishment. If this is the access point, it looks like it is the only one, we could end up with some considerable traffic generation right through the AutoZone and right out onto this intersection. That traffic would not be motivated to use the traffic light.

Mr. Sgromo (Dunn & Sgromo Engineers, PLLC): I think that there are some limitations as to what can be put on Lot 2. A large portion of the rear of that site is wetlands. There are only about 200 feet between us and the wetlands.

Mr. Parrish: One of the comments that I will have for this plan is that the applicant shows the limits of the wetlands so that the Board can get a better idea as to what is actually developable.

Mr. Smith: You understand the concern. That wetland delineation would have a big impact on our concerns. If the developer could use the entire 8+ acres, we could have a supermarket or anything in there. All of that traffic would try to utilize the Lincoln Avenue access. The amount of developable land will have an impact on that entrance. That does explain the parking spaces for the AutoZone.

Mr. Sliski: The back half of Lot 2 is definitely all wetlands. The bulk of the area that is probably suitable for development would be along the southern part of Lot 2.

Mr. Smith: What Lot 2 could produce would be a question for site plan. Would the Estate of Robert Wood retain ownership of both Lots 1 and 2?

Mr. Sliski: I don't know how the ownership of the AutoZone would be handled. I do know that Lot 2 would be retained by the owner.

Mr. Smith: Is there a cross access agreement for Lot 2 with the property to the south? Is that possible?

Mr. Sliski: It has not been discussed.

Mr. Smith: Do you think there is enough there to request one, or is there too much wetland?

Mr. Ruscitto: It does not look like there is wetland between Lot 2 and the property to the south. They could get there without going through the wetland. It is something that we have requested in the past. Someday, when the building to the south comes in for site plan approval, an agreement would be in place. We would be able to keep more traffic off of Brewerton Road.

Mr. Parrish: It you are looking at getting an easement across Lot 2, it would seem like you would want to do that when the site plan for Lot 2 comes up. Otherwise you are really guessing as to what is going to happen there and how you could accommodate that.

More discussion occurred.

Mr. Marzullo read: Move for the adoption of a resolution calling for a public hearing to be held on November 26, 2012 commencing at 7:00 p.m. local time to consider the subdivision application known as the Estate of Robert Wood. **Mr. Honors made a motion** as stated by Mr. Marzullo above. **Mrs. May seconded the motion.** Chairman Smith asked for a vote.

*Ayes: 6      Nays: 0      Abstained: 0      Motion approved.*

Mr. Procopio clarified that the County's response for this application would not be back by the November 26<sup>th</sup> meeting date.

**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 8:35 P.M.

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Tonia Mosley, Clerk

ATTACHMENT A: OBG LETTER

October 29, 2012

**Planning Board**

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

RE: Lyons Runne Section No. 2A Final Plan  
FILE: 0101/25439.437

Dear Board Members:

We have reviewed the following for the above referenced project for conformance with Town Code requirements for Final Plans and effect on Town utilities and roads:

- 1) Final Plan dated April 2, 2012
  - 2) Grading Plan dated May 18, 2012 last revised March 28, 2006
  - 3) Final Road Profiles (3 sheets) dated May 18, 2012 last revised October 3, 2005
- Ilanuzi & Romans Land Surveying, P.C. prepared the above items.

Lyons Runne Section No. 2A consists of 23 single-family residential lots along Josette Junction, Angus Path, and Cattlemans Crossing Road. The site is zoned Residential R-12. The above materials are in general conformance with Town Code requirements for Final Plans subject to the following comments:

1. The Plan contains notes relative to the location of driveways on Lots 7 and 24 and the location of street and stop signs. It is recommended these be reviewed with the Developer.
2. The Board should identify appropriate park fees for the project.

The Developer has completed improvements to the road and utilities for the subdivision. The Town Engineer should provide a letter to the Town Board recommending required security deposits for utilities and uncompleted work. 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.

ATTACHMENT A: PAGE 2

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". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Mark C. Parrish, P.E.  
Managing Engineer