

The Planning Board of the Town of Cicero held a meeting on **Monday, December 10, 2012** at **7:00 p.m.** in the Town Hall at 8236 Brewerton Road, Cicero, New York 13039.

Agenda:

- Pledge of Allegiance
- Motion to approve the Planning Board meeting minutes from November 26, 2012 **(approved)**
- Notes from the Chairman
- Major Subdivision Preliminary Plan, Tocco Villaggio, 5533 State Route 31, 5 Lots **(approved)**
- Minor Subdivision Preliminary and Final Plan, Miralago Section 3, 5869 Ladd Road, 2 Lots **(approved)**
- Zone Change Recommendation, Corscor LLC & Vision Development (Syracuse Utilities), 9543 & 9583 Brewerton Road, Agricultural and General Commercial to General Commercial Plus **(recommended to the Town Board)**

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

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 three emergency exits in the room. Mrs. May lead the Pledge of Allegiance.

APPROVAL OF THE PLANNING BOARD MEETING MINUTES FROM NOVEMBER 26, 2012

Mrs. May made a motion to approve the Planning Board meeting minutes from November 26, 2012. **Mr. Abbey seconded the motion.** The Chairman asked for a vote.

*Ayes: 7 Nays: 0 Abstained: 0 **Approved***

NOTES FROM THE CHAIRMAN

- Because there are no upcoming agenda items, the scheduled Planning Board meeting for December 17, 2012 is cancelled.
- The Board will hold its scheduled workshop meeting. There is a developer who would like to informally discuss a coffee shop/ice cream project on Route 31.

-The next Planning Board meeting will be the second Monday in January 2013. At that time the Board will hold its' organizational meeting.

**MAJOR SUBDIVISION PRELIMINARY PLAN
TOCCO VILLAGGIO, 5533 STATE ROUTE 31, 5 LOTS, CHA INC.**

Representative: Hal Romans, Surveyor, Ianuzi & Romans

Mr. Romans introduced himself noting at the last meeting we covered everything. The subdivision is 9 residential lots and one commercial lot. If there are no other questions, I ask that the Board votes on this plan tonight.

Mr. Smith commented that it was 2008 when we had our first meetings on this plan with the Town of Clay. The first formal application was in 2010. We are now in 2012. A lot of studies have been done.

As a part of Onondaga County's sustainable development project, SOCPA suggested that this Board reject the application. They did the same thing to the Town of Clay. The project has been studied extensively. It is well within sewer capacity requirements. There are no storm water issues.

We have put sidewalks in to help provide a sustainable community. This is a neighborhood that is adjacent to the Hamlet of Cicero. It will be in walking distance of our communities' post office and fire department. High school students can walk to school if they choose to.

The lack of residences hurts the development of downtown Cicero. By the time this development is done this community will give us 350 to 400 households. It will be right off of Route 31.

With all due respect to Onondaga County, this is sustainable development that will help us build our core.

Mr. Ruscitto added it seems like you have done everything that we have asked you to do. I believe it is a great project for the Town.

Mr. Romans thanked the Board for their positive comments noting the developer will make improvements to Legionnaire Drive and has made many improvements to Route 31 as part of the Lawton Road project. A lot has gone on since 2008. The NYSDOT is well aware of everything that my client has been involved in as part of this project.

This development mirrors what is happening across the line in Clay. As the Chairman stated, you will have a walk-able community to the post office and commercial areas without having to go out onto Route 31.

Mr. Smith noted the two Towns have worked together, something the County as voiced. Both communities have worked together closely to cover all of the aspects that Clay wanted and that Cicero wanted.

Mr. Card agreed that the developer has always been accommodating when addressing issues. They have agreed to up grade Legionnaire Drive at mostly their expense. Along with the state's approval they have agreed to put in a traffic light at the intersection of Route 31 and Legionnaire.

Mr. Honors stated he was all for it.

Mr. Abbey felt that everything had been covered. The Developer has co-operated with what we have asked him to do. It is a nice project.

Mr. Marzullo noted that a traffic study was done and reviewed by our engineer. The impact from this development is minor. Thank you for doing that.

Mrs. May thanked Mr. Romans for his presentation.

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. **Chairman Smith seconded the motion** and asked for a vote.

*Ayes: 7 Nays: 0 Abstained: 0 **Approved***

Mr. Smith moved for the adoption of a resolution approving the subdivision application known as Tocco Villaggio, 5533 State Route 31, 10 lots: 9 residential and 1 commercial. This approval is contingent upon the following:

1. This subdivision approval is based in part upon the applicant's willingness to mitigate the effects that the overall project will have on Legionnaire Drive and the related infrastructure.
2. The applicant has volunteered and agreed to participate with the Town of Cicero in this mitigation process including the satisfactory application of a binder and topcoat on said Legionnaire Drive to the corner of State Route 31.
3. The applicant should be aware of the fact that the Chairman of the Planning Board may delay signing of the final plan until the Chairman verifies that the applicant has executed any and all necessary agreements with the Town and that all security or undertakings are in place.

Mr. Card seconded the motion. Chairman Smith asked for a vote.

*Ayes: 7 Nays: 0 Abstained: 0 **Approved***

**MINOR SUBDIVISION PRELIMINARY AND FINAL PLAN
MIRALAGO SECTION 3, 5869 LADD ROAD, 2 LOTS
ELDAN HOMES**

Representative: Dan Barnaba, President, Eldan Homes

Mr. Germain verified that the public hearing had been closed at the last meeting.

Mr. Barnaba introduced himself noting from an infrastructure stand point, there is nothing to do until the home is constructed. I request that the Board agree to a preliminary plan approval with the subdivision of the property and also adopt final plan approval so that the subdivision map can be filed.

Mr. Smith asked if the zoning was appropriate.

Mr. Germain responded yes.

Mr. Honors asked if issues raised by residents at the public hearing had been resolved via

meetings or agreements.

Mr. Barnaba: Obviously, there is a white elephant in the room. The residents took some initiatives on their end to try and resolve this in their favor.

Mr. Smith: The residents filed an Article 78 on the zone change against the Town Board. That is a separate issue. We recommended the zone change but we do not approve zone changes. Those residents raised the issue today in an email which I forwarded to our attorney who responded.

Mr. Germain: One issue is that the residents are looking to stay or delay this proceeding. Applicants are entitled to ask the Planning Board to take action if the Planning Board chooses to do so. I have reviewed the action. It is an Article 78 proceeding. The court did not grant a stay. There is nothing to enjoin you from acting.

It is not against this Board. It relates to zoning and not to the proposed subdivision.

Mr. Smith: This is separate from that application, correct?

Mr. Germain: Correct. So, there is nothing within that action that would prevent, delay or otherwise enjoin the Planning Board from acting.

Mr. Barnaba responded to Mr. Honor's question stating when I bought this the house/property had been on the market for quite some time. On many occasions I visited the site. On one of my visits I met Mr. Panek and his wife who happened to be outside at the time. Another resident joined us—the neighbor across the street. We had some conversations about what I intended to do with the property.

I never imagined they would show up at the public hearing. They did not express themselves as being so opposed to this project that they would be an obstacle. There seems to be a misunderstanding. They seem to think that as a group of residents they are a part of the approval process. I file applications with the Town and request approvals. Those requests are heard at the Town. I don't go door to door to neighbors asking what they might want in exchange for allowing me to subdivide a piece of property in order to build a house.

If the residents had approached me or come to me I like to think that I would have been more than agreeable. I built many of their homes. I would have certainly put their minds at ease by doing things like showing them the blue print, showing them the plan---showing them what we are planning on building.

To answer Mr. Honor's question, there has been nothing. Nor, have I gotten any correspondence from them.

Mr. Smith: Mr. Germain made a good point at the last meeting. The Town attorney was very clear afterwards. The Town Board does not want us to start involving ourselves in private contracts between individuals, that we could tie the Town into trying to enforce covenants that the Town is not party too.

Mr. Germain: It presents a difficulty when we start trying to get involved in party contracts between a developer or applicant and their neighbors. Once we do that, we have involved ourselves in a process where these neighbors would eventually come to the Town and look for enforcement.

We would become entangled in agreements that go far beyond the scope of a simple subdivision approval. That is what we are seeking to avoid.

Mr. Smith: Unless things have changed and Mr. Barnaba is not bound to it, his contract is for a house that exceeds \$250,000 and is in keeping with the neighborhood.

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: 7 Nays: 0 Abstained: 0 **Approved***

Mr. Smith moved for the adoption of a resolution approving the subdivision application known as Miralago Section 3, 5869 Ladd Road, 2 lots. There are no contingencies but it is

recommended that the Chairman of the Planning Board delay signing the final plan until the Chairman verifies that the developer has executed any and all necessary agreements with the Town and that all securities or undertakings are in place.

Mr. Smith noted, specifically, I think that we were referring to the driveway and the sewer arrangements?

Mr. Germain: Any agreements or undertakings that they have to make with the Town that are involved in this process. You would verify that those undertakings, if any, were in place.

Mr. Smith: The County wants a driveway off the road inside the subdivision, which you have already agreed to do.

Mr. Barnaba: I am not sure if the Town has a fee or agreement to tap the Town's sewer.

Mr. Card asked if there was a park fee.

Chairman Smith responded no, this is only two lots. In the past we have not asked for park fees on subdivisions under 3 lots. Correct?

Mr. Germain: That is my understanding. You would have the ability to assess a park fee if you so chose.

Mr. Smith: We haven't in the past.

Mrs. May agreed.

(The motion continued.) **Mrs. May seconded the motion.** Mr. Smith asked for a vote.

*Ayes: 7 Nays: 0 Abstained: 0 **Approved***

**ZONE CHANGE RECOMMENDATION
AGRICULTURAL AND GENERAL COMMERCIAL TO GENERAL COMMERCIAL PLUS
CORSCOR LLC AND VISION DEVELOPMENT, SYRACUSE UTILITIES
9543 AND 9583 BREWERTON ROAD**

Representative: Gene Scorzelli. President, Syracuse Utilities

Mr. Smith: This is our recommendation to the Town Board who has a public hearing scheduled for their next meeting.

Mr. Scorzelli introduced himself noting his request for a zone change for the Brewerton Road locations. In the future, we plan on putting a shop and an office in the back of the Kinney Drug/McDonald's area. We are looking to expand. We are also looking at the traffic light which has an easement.

Mr. Germain noted that those issues would be addressed during the site plan approval process. Right now we are discussing your request for a change in the zoning.

Mr. Smith: The property is currently Agricultural (AG) and General Commercial (GC) and your request is to change that to General Commercial Plus (GC+). Do you have the size of the lots to be changed?

Mr. Procopio: They are described in the legal descriptions included with the application. They are also shown on the map. The property to the east is currently zoned GC. As you head west he is asking to change that portion of AG behind the existing GC area. There is also a section behind Vision Development. All of those areas would be changed to GC+.

Mr. Smith: Does any of this fall within the Brewerton Hamlet Gateway Overlay District?

Mr. Card: Why do you want to change from GC to GC+?

Mr. Scorzelli responded it is a closer fit to what we intend to use the property for. Our existing zone is not conforming.

Mr. Germain: What we have is a blended property—it has a lot of different zones in it. I believe they are looking for a use that would be approvable or more closely related to the GC+ zoning.

Mr. Smith: It is similar to the Empire Crane situation. If the Town Board grants him the zone change, he would come back to the Planning Board for site plan approval.

Mr. Abbey asked for clarity on the water tower's location.

Mr. Scorzelli: It is located in the square which is located in the middle of our property.

Mr. Smith: They also show the tower's easement.

Mr. Scorzelli: I believe the total acreage we are looking to change to GC+ is around 9 acres.

Mr. Smith: It will require a SPEDES permit.

Mr. Scorzelli: The application includes the 3 acres we are looking to purchase behind the McDonald and another 5-6 acres that we own now. We do own another +/- 4 acres in the back that we would be leaving AG. Those acres abut housing and include power lines.

Mr. Procopio: It does appear to fall within the Brewerton Hamlet Gateway Overlay District.

Mr. Smith: We should ask the Town Board to pay attention to that in any recommendation that we make.

Mr. Parrish agreed noting a portion of the property on the north half of the existing site, from the water tower site to the east is within the Hamlet Gateway Overlay District. So there are specific requirements for that district that are out-lined. The Town Board should be aware of that and take that into account.

The Planning Board should also be aware of that during site plan approval.

There were no other questions from the Board or its professionals.

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. **Chairman Smith seconded the motion** and asked for a vote.

*Ayes: 7 Nays: 0 Abstained: 0 **Approved***

Mr. Marzullo moved for the adoption of a resolution recommending the application of CORSCOR LLC, Vision Development and Syracuse Utilities for a proposed zone change more fully set forth in the application dated November 6, 2012. As part of the said recommendation, this Board recommends that the Town Board consider part of the zone change would include land within the Brewerton Hamlet Gateway Overlay District. **Mrs. May seconded the motion.** The Chairman asked for a vote.

*Ayes: 7 Nays: 0 Abstained: 0 **Approved***

Mr. Smith noted potentially this is the last meeting for Mr. Card and Mrs. May. We don't know what the Town Board is planning but we would like to thank them for their service. Everyone on the Board has enjoyed your company and in-sight. It has been a pleasure.

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 7:40 P.M.

Submitted By:
Tonia Mosley, Clerk