

The Planning Board of the Town of Cicero held a meeting on **Monday, March 26, 2012** at **7:00 p.m.** in the Town Hall at 8236 Brewerton Road, Cicero, New York 13039.

Agenda:

- Pledge of Allegiance
- Approval of minutes from the March 12, 2012 meeting (**approved**)
- Site Plan, McDonald's, 7911 Brewerton Road, Proposed restaurant and drive thru (**approved**)
- Site Plan, Spinning Wheel Entertainment Complex, 7380 Thompson Road, Proposed bumper boats and go-kart complex (**approved**)
- Zone change recommendation to the Town Board, MLSC Development, LLC. (The Landings at Maple Bay), R-10 Residential to Planned Unit Development (PUD), 8514-8518 Lakeshore Road (**recommended**)
- Discussion: Determining which projects should come before the Planning Board.

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

Others Present: Neal Germain (Esquire, Germain & Germain), Mark Parrish (P.E., O'Brien & Gere), Steve Procopio (Code Enforcement Officer), Jim Corl (Town Supervisor), Chet Dudzinski (County Planning Member), Assistant Fire Chief Dave Cowburn (South Bay Fire Department), Fire Chief Kevin Purdy (South Bay Fire Department) and Tonia Mosley (Clerk)

The meeting opened with the Pledge of Allegiance. The Chairman noted emergency exits and asked that cell phones be silenced. He also welcomed former Town supervisor and current County Planning Board member, Chet Dudzinski to the meeting.

**APPROVAL OF MINUTES FROM THE MARCH 12, 2012 MEETING**

**Mr. Smith made a motion** to approve the minutes from the March 12, 2012 Planning Board meeting. **Mrs. May seconded the motion.** The motion was **approved** with the following vote:

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

Mrs. May: Yes  
Mr. Marzullo: Yes

**SITE PLAN, MCDONALD'S, 7911 BREWERTON ROAD  
PROPOSED RESTAURANT & DRIVE THRU  
BOHLER ENGINEERING**

Representative: Chris Boyea, Bohler Engineering

Mr. Boyea introduced himself to the Board noting the project has not changed much since their last meeting. We have worked out all of the site plan issues including layout, orientation and signage.

One of the bigger items the Board asked us to address was consulting with the New York State Department of Transportation (NYSDOT) for their input. We did receive their comments. Those comments are minor and our plans have been revised to include them. The NYSDOT asked that we push our access back as far as possible giving the entrance a longer throat. This allows more cars the ability to stack should the traffic light be red. This change also adds more green space along Route 11.

Some of the drive-thru lanes were widened. We added landscaping and revised lighting to comply with previously approved light poles on the site. We have also reduced signage per this Board's request.

Mr. Smith asked if the applicant was willing to comply with all of the NYSDOT's requests.

Mr. Boyea responded correct. They would like us to do a post-study and we have agreed to do that. They have also asked us to look at road striping in this area—extending those pavement markings another 20 feet.

Mr. Germain noted that Mr. Boyea was referring to the March 16, 2012 letter from the NYSDOT.

The Chairman asked for signage information.

Mr. Parrish noted the 108.25 square feet proposed.

Mrs. May asked for an estimate of the amount of time patrons would have between ordering their food and picking up their orders.

Mr. Boyea responded an average of 60 seconds noting that it depends upon the food order, time of day, etc.

Mr. Smith asked about parking spaces for patrons with larger orders.

Mr. Boyea noted those spaces are a part of the proposal. Your engineer's comments included lighting. There are some hot spots where drive-thru signs are located. Sconce lighting is attached to the building in that location with 100 watt bulbs. They are intentionally brighter in that area, but we have reduced lighting everywhere else. Those hot spots are isolated and are necessary for drive-thru operations. As noted in the past, McDonald's has more drive-thru customers. We want to insure that those windows are well lit.

The drive-thru's rear lane and side lane have been widened. We are seeking approval for a 24 hour operation. The hours of operation are market driven. This location might only be open 24 hours on weekends. In a typical McDonald's the drive-thru might be open 24 hours and inside hours might be between 5:30 and midnight.

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

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

Mr. Marzullo: Yes

**Mr. Smith made a motion** for the adoption of a resolution approving the site plan application of McDonald's to be located at 7911 Brewerton Road last dated January 30, 2012. Mr. Germain added this approval will be contingent upon the applicant's compliance with the terms and conditions as outlined in a letter from the New York State Department of Transportation to the Town dated March 16, 2012. I would note that the applicant is here and has previously agreed to comply with those terms. **Mrs. May seconded the motion.** The motion was **approved** with the following vote:

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

**SITE PLAN, SPINNING WHEEL ENTERTAINMENT COMPLEX**  
**7380 THOMPSON ROAD, PROPOSED BUMPER BOATS AND GO KART TRACK**  
**M.V. WEISS & ASSOCIATES, JASON HORNE**  
(SEE ATTACHEMENT A: O'BRIEN & GERE LETTER DATED 3.23.12)

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

Mr. Weiss explained that at the last meeting there were several items that the Board wanted us to incorporate into the Phase I part of construction. That included driveway modifications here and here and severing parking between the two parcels. We have done that. I believe that we have addressed all of the comments in Mr. Parrish's engineering letter. The only question left would concern the sound generated by the electric karts. My client took it upon himself to bring one of the karts. It is in the parking lot if anyone wants to hear that noise level, or take a spin. It is virtually nothing.

Mr. Horne agreed that the karts were virtually silent. We will not be doing a sound system.

Mrs. May asked for the pond's depth.

Mr. Horne responded approximately two feet. The boats do not generate much noise either.

Mr. Weiss added there will be a fence around the pond area, similar to what you would have around a pool. I believe that we have complied with the law as far as security is concerned. There is no additional signage, no additional lighting. We have provided our justification for parking. In the summer it would be 70 spaces, in the winter 50. If in the future the site needs additional parking the undeveloped property over here could provide room for 60 additional vehicles. But, we have not designed that portion yet as it would be used for a future need.

Mr. Smith asked what type of events happen in the winter.

Mr. Weiss responded winter parking would be used for events within this building.

Mr. Horne explained we have a funhouse with an indoor play-set and large jungle gym for birthday parties, etc.

Mr. Marzullo asked for the project's construction schedule for each Phase.

Mr. Horne: If things go well we plan on having Phase I completed mid-summer of this year. I don't know if we can get Phase II completed next year. We will probably wait one season and start it the following year—spring of 2014.

Mr. Honors: You noted no additional lighting. You won't need lighting for karts in the evening?

Mr. Horne: We get mosquitoes pretty bad by dark. We won't have evening hours. There is existing lighting out by the driving range, but we don't normally go past 9:00---unless we have some special party or something.

Mr. Weiss clarified. The lighting over here is used for the driving range. When the whole facility is built, they will be eliminated. Since we won't operate at night, they are not needed.

Mr. Card: Can you address landscaping on the west end of the parking lot?

Mr. Weiss responded we are providing a hedge to screen lights from the road. The plan notes how high that would be.

Mr. Smith: We are approving Phase I and 2?

Mr. Germain: Yes.

Mr. Parrish stated that all of his concerns were addressed. The only issues for discussion were sound impacts. We have not received any hard information on that so it is really up to the Board to satisfy any of their noise concerns.

Mr. Honors: How many karts would be on the track?

Mr. Horne: I own all of my cars but they would be converted over to electric. On a track this size we could run up to 20 karts at a time. But, we will probably run 10-12 at one time. We would have 10 on the track and 10 charging.

Mr. Smith: If the applicant converts the karts back from electric, is there anything that we should include in the resolution so that sound would not become an issue?

Mr. Germain: You would probably rely on the applicant not violating the Town's noise or nuisance ordinance.

Mr. Procopio agreed that they would be subject to the noise ordinance.

Mr. Weiss noted that the site was adjacent to Riccelli's tree line on one side and a substantial vegetative buffer on the other side.

More discussion occurred.

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

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

**Mr. Smith moved** for the adoption of a resolution approving the site plan application of Spinning Wheel Entertainment Complex last dated January 13, 2012. I am not including the sunset provision because you did the phasing plan. **Mrs. May seconded the motion.** The motion was **approved** with the following vote:

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

**ZONE CHANGE RECOMMENDATION TO THE TOWN BOARD  
MLSC DEVELOPMENT, LLC (THE LANDINGS AT MAPLE BAY)  
R-10 RESIDENTIAL TO PLANNED UNIT DEVELOPMENT (PUD)  
8514-8515 LAKESHORE ROAD, IANUZI & ROMANS**

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

Mr. Romans gave a brief description of how the project has gone from a Condominium Association to a Home Owners Association (HOA). All of the verbiage reflects this change. The

applicant has gone from 3 story buildings to 2 story buildings.

The Town Board had questioned whether our road cross sections met the Town of Cicero's requirements. I have modified the plan from concrete valley gutters to asphalt tip-ups. This is a private road about 318 feet long. There is a turnaround here located over our storm water structure which meets NYS Fire Code for turnarounds on a private road of this length.

I sent these drawings to the Onondaga County Water Authority (OCWA) for their comments. The review that I got back from Pat Sherlock was yes, he had seen this before. The only change that he will probably have us do is make the easement to the water line encompass the entire easement we show for the ingress/egress. That is to ensure that OCWA can do laterals coming off of the main.

I also sent the package to the South Bay Fire Department (SBFD). They had comments which I answered today. Those comments were:

1. A need to validate fire hydrant locations. Will there be a fire hydrant on the dead end road? Yes there is a fire hydrant proposed here and an existing hydrant which sits here at the entrance. The hydrants are about 300' apart. If OCWA thinks that we need to have another one, we would add it, but this is usually what a public cul-de-sac would get.
2. The turnaround. I show that the turnaround is approved by the NYS Fire Code as far as a turnaround on a private road of this length. It just meets that code requirement. I do have the ability to make it about 10' longer if that is something that the Town would like.
3. The PSI rating of fire hydrants. If hydrants do not meet a certain PSI rating for fire service the SBFD recommends that we have the water line come in on this side of the road and dead end in here. They recommend that we loop it back. We have the room to do that. We will also discuss this with OCWA to get their approval.
4. The ability to access a dry hydrant if it was installed in the marina. Depending upon the depth of the marina, a dry hydrant might not function. We would probably make the marina 5-6 feet deep. We don't want to make the marina substantially deeper than the channel going out because it would silt back in. The equalization culvert is not very deep. If the channel is shallower than the grade, it will naturally silt in. We do not plan on having really large boats here. So, dry hydrants would probably not work at this site.

Again, the hydrants that we have are typical of any cul-de-sac that does not have access to a dry hydrant. We will talk to the fire department during our DEC permit process. If the fire department still feels that they need a dry hydrant after we have made the improvements for the water main, we would put it in. The worse case scenario would be that the dry hydrant does not work.

5. How tall would the retaining wall be along the access road? Typically, these walls are within the 3-4 foot range. The SBFD was looking at some of the areas where the existing roadway and the asphalt walkway/access road are located.
6. The floodplain. The fire chief agreed. We have shown where those floodplain areas are located from the current maps. The new FEMA drawings that are under review and expect to be accepted show that the buildings will be outside of the floodplain. If we have to go through the Letter of Map Amendment (LOMA) process to get the maps revised a head of time, we will so that these houses will not need to pay for flood insurance. Floodplains are 100 year. There are 500 year floodplains in other areas, but typically those are outside of a 100 year. 500 year are for properties that are inundated with flooding but are not required to have flood insurance.
7. Access for aerial ladders and other fire fighting equipment for the homes facing the lake. The fire department was concerned for those homes that come off of the back side of the property. We reviewed the grading plan to show that the fire department's equipment would have the access they require.
8. Access area for boat rescues. We show a 30' turnaround down here which the fire department noted would be sufficient for their equipment. We would also provide them with a key to the gate. The intent was always for the existing road here to be maintained and used as an access for any emergency vehicles. The walkway here is asphalt; the back portion here would be gravel.

Assistant Fire Chief Dave Cowburn noted the SBFD'S appreciation for the changes which were made to the plan in their favor. But we are a volunteer fire department. A number of these homes have bedrooms that face the lake. Access to those bedrooms at night will require ground ladders which we will have to carry. That is why it was paramount for me to have the ability to bring in an aerial piece on that stretch of road. We also talked about hydrants. We need to raise the existing hydrant because it is too low to the ground to allow for easy access.

The roadway to the lakeside is only accessible to us on the far side of what you see in the

harbor. The other access point is a walkway. We would not be able to get down that access because it is too narrow. The walkway would only be paved as a walking service and not for truck service.

I explained to Mr. Romans that when OCWA does their test, I don't want it to just be a test on the end hydrant. I need to have a flow test on the hydrant before and on the hydrant after so that I know what is available, even though it is a 10 inch line, to that dead end hydrant. I am requesting that OCWA do that so that I can be comfortable with a potential fire flow. Your exposure increases when buildings are attached. The amount of gallons per minute (GPM) needed would change to handle a fire. The site goes up in elevation. There would be friction loss in our hoses coming in. Those changes need to be addressed.

Those are fire fighting things that I tried to relay to the applicant which they were appreciative of. I think that the Board needs to be aware of these things too.

Mr. Romans: As the Chief said, we have agreed to raise this fire hydrant. We will also relay SBFD's hydrant/pressure concerns to OCWA making sure that they contact the fire department. If it is needed we would loop the water back here. I assume this might be something that the Board would include in their recommendation which we would then have to do. The Town Board would also make that a condition of the zone change. We have no problem with that.

We are proposing a 6' high stockade fence along our property line adjacent to Cooper's. Code requires that the fence be a certain distance back from the lake. That fence should not present a problem for the fire department.

More discussion occurred.

Mr. Card asked about the proposed fire pit.

Mr. Procopio noted in residential settings you are allowed to have a recreational fire, 3 feet in diameter, 2 feet in height. It has to be 25' from the structure. Because the Town of Cicero has a population over 20,000, we have the open burning restriction year-round. The Chief referred to a ban on open burning. We don't allow open burning, we allow recreational fires. Open burning examples include burning trash or burning brush, which is not allowed.

The March to May restriction is for opening burning. That is different.

Mr. Romans explained that the fire pit would be about 28' from the structure. The circular part that is the actual burning area is about 3.5 to 4 feet in diameter. It is surrounded by stone for pictorial purposes. We realize that it must conform to code and that it does require a building permit. Because we realize that people along the lake like to have recreational fires, we decided that it would be best to have a specific place dictated for that to prevent things from getting out of hand. There would be one place for it, on HOA property. The HOA would maintain it.

The County had two issues with the zone change. The first one dealt with their reading of the Town's definition of the intent of a PUD. Your code's statement of intent for a PUD reads that the Planned Unit Development District is designed in recognition of the fact that not all reasonable land uses are provided for in this chapter. Further, it maybe possible that a mix of uses on a particular site is not otherwise provided for would be a reasonable evaluation of the comprehensive plan of the Town and would serve to promote the general welfare of the public. This is only 2.7 acres. The idea was that for any non-conforming existing uses of a property, as that property was being re-developed, that it should try to conform to the comprehensive plan. This shows as residential and we are making it residential. It was also a non-conforming commercial marina.

The County's second issue was fire safety. I think that we have addressed that.

Mr. Smith noted that the Town's Comprehensive Plan was accepted but not adopted. Normally zoning issues are left to the Town Board.

Mr. Germain agreed. The original question was about the County's recommendation, or lack thereof. You are talking about the County's interpretation of your own PUD. I am sure that this Board with its' positive or negative recommendation to the Town Board will consider those issues and that the Town Board will consider those issues and make their own determination as to the appropriateness for the PUD.

Mr. Romans read from the County's referral which recommended disapproval because they felt

the site's layout did not meet the mixed use intent of the proposed PUD. My answer to that is the Town already has a commercial use next door. So, you already have mixed uses in the area. The parcel is only 2.7 acres. There is not a lot of room for 3 or 4 different uses.

More discussion occurred.

Mr. Marzullo asked if the turnaround works for the fire department. The applicant says they can make it bigger if necessary.

Chief Kevin Purdy responded that the width and the depth should work for them.

The Chairman thanked the Board's professionals for their comments and asked if there were any other questions.

Mr. Parrish: I don't see anything substantially different from the previous plan. There have been a couple of minor changes relative to the height of the building and Hal covered that.

**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 Eight of the Environmental Conservation Law of the State of New York. **Mr. Marzullo Seconded the motion.** The motion was **approved** with the following vote:

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

**Mr. Smith made a motion** for the adoption of a resolution recommending the application of MLSC Development, LLC also known as The Landings at Maple Bay for the proposed PUD last amended January 31, 2012 to the Cicero Town Board. As part of said recommendation this

board recommends that the Town Board consider the following in regard to the application:

1. The Planning Board recommends that the Town Board seriously consider a two year sunset provision in their approval of this project.
2. The road, sanitary and storm sewer are private and owned by the Home Owners Association. It is recommended that they be built in accordance with applicable Town standards.
3. There should be a restriction on the Home Owners Association prohibiting the subletting of docks by owners.
4. The gate at the north will be fully installed when construction begins. Mr. Marzullo asked that there be some sort of coordination with the Fire Department for access and key to said gate. Mr. Romans stated that the Fire Department would have access to whatever we put there to lock it.
5. Trash removal. Mr. Romans stated there is a note on the plan which states that the HOA will handle trash removal.
6. Mr. Germain added the Planning Board recommends that the Town Board consider the comments presented by the Fire Department and safety people that were here and appeared tonight. Those comments are incorporated into the minutes. Those comments include but are not limited to the need for OCWA to test the lines for flow in accordance with the recommendations of the Fire Chief.

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

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

#### **DISCUSSION:**

#### **DETERMINING WHICH PROJECTS SHOULD COME BEFORE THE PLANNING BOARD**

Mr. Marzullo explained that there have been some questions regarding which projects should be brought before the Planning Board and what role the Planning Board or the Chairman should play in that decision process.

Mr. Germain noted that generally, an applicant starts by talking with the code enforcement officer about a project. If it is within a set of parameters, the code enforcement officer has the ability to simply grant an approval and the project can move forward. There have been times when the code enforcement officer has asked for input or suggestions. That typically happens during work sessions. At that point if you are asked for your input or suggestions, any board member who is there is certainly free to provide whatever suggestions, guidance or comments they might have. There really is not a restriction on it.

Ultimately, authority is based on what is in the Code and what is reserved to the zoning officer to make the determination---which he is empowered to make under the Code. But, if the zoning officer seeks advice, guidance, recommendations or basically wants to run something past whomever, he or she certainly has that option. There isn't any prohibition from any board member to give their comments. You don't necessarily have the final say. In those circumstances the final say would still rest with, pursuant to the Code, the zoning officer.

In those situations it is not a conflict of interest. You are not being asked to step in and make a decision, because it is not your decision to make.

The authority ultimately rests with the zoning officer. There might be projects that you never see, because they stop at his desk.

Mr. Smith: A few times in the past, the codes officer has come to our meeting, gone over a project and asked for input from the Board. Is there a reason that we can or can not do that? It was not something that we took a vote on.

Mr. Germain: There had been meetings when Wayne Dean came in, I guess, looking for direction. There is really nothing wrong with seeking that direction or input. The ultimate question would be does the zoning officer have to follow it. The answer is no. But he could certainly seek or ask for help or solicit opinions.

Mrs. May: So if a project comes in and Steve feels that it can be handled administratively, he just does it. He does not have to contact any of us or the Chairman.

Mr. Germain: He just does it. If it is one of those projects that is within his authority, he just

does it. If it is one of those projects where everything falls in-line, he just does it.

Steve has no control over what an applicant presents him with. He reacts to whatever comes in. He has a set of criteria that he follows. If he finds that it does not need site plan review he goes one way. If he finds that it does need site plan review, he goes the other way. He is empowered to do that.

If the zoning officer solicits an opinion you can offer it. Even if he does not, you can still offer it. I am saying that you might not get the chance to offer an opinion, because the code officer could just approve a project at his desk. The bottom line is, there is a certain process that the code officer is empowered with--to make certain decisions with. If he seeks guidance, you can give it to him. There is not a prohibition on that.

Mr. Procopio read the section of the code which defines site plan review/application and plan requirements (Section 210-27 Part A). He then noted the problem comes in when you have a lot of old businesses and/or old commercial sites that may or may not have site plan approval or have whatever approvals were given years ago that did not use this process. It might fit the criteria of how the site was used.

Mr. Germain: Yes, but I think that one of the criteria is that it had to have a previous site plan. If you don't have that previous site plan, you are not following that criterion. When Steve brings projects into the work sessions, we talk about criteria a lot.

More discussion occurred.

Mr. Germain: Ultimately, Steve has to satisfy himself about said project. It is one of the challenges that he has to go through on a daily basis.

Mr. Ruscitto: Personally, I would never question it either way but what makes me think differently about this is, you are basically giving one person the opportunity to oversee something that seven people could have overseen. It would be crazy for everything that came through the door to have to come before us. But, there are times when one set of eyes might not be good enough. Sometimes, that person has a tough decision to make when they are standing alone.

Mr. Marzullo: The nice thing is that Steve has the ability to bring something to the Planning Board, even if it meets the criteria.

Mr. Germain: That is correct. He can always require something to come before this board. But, it is not any individual that is empowered to make that decision. It's the Town Code.

Mr. Procopio: The other question this raises is when it comes to pre-existing site plans----I have had this discussion in work sessions before and with the Supervisor----when it comes to use, the code does not recommend a specific use. For example, when you have a site plan for mercantile that is preapproved and a different type of mercantile is proposed, code does not say that it has to come back before the Planning Board. Sometimes it is a vastly different use where different things need to be looked at.

Mr. Germain: Steve is saying that when he feels there is a significant change in use, he is going to put it through the Board's site plan approval process. That is something that he is certainly entitled to do. The Code gives him wide discretion via its criteria to make those kinds of decisions.

Mr. Marzullo: When in doubt, bring it to us.

**Mr. Marzullo made a motion** to adjourn. **Mrs. May seconded the motion.** The motion was **approved** unanimously.

IN AS MUCH AS THERE WAS NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 8:15 P.M.

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Tonia Mosley, Clerk

ATTACHMENT A:

March 23, 2012

**Planning Board**

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

RE: Spinning Wheel Site Plan Review  
FILE: 0101/25439.376

Dear Board Members:

We have reviewed the following materials in regard to the above referenced project for compliance with Town Code requirements relative to Site Plans and effect on Town utilities and roads:

- 1) Site Information Plan dated December 15, 2011 revised January 13, 2012
- 2) Demolition Plan – Phase 1 dated December 15, 2011 revised January 13, 2012
- 3) SWPPP-Erosion & Sedimentation Control Plan–Phase 1 dated December 15, 2011 revised January 13, 2012
- 4) SWPPP-Erosion & Sedimentation Control Notes & Details–Phase 1 dated December 15, 2011 revised January 13, 2012
- 5) Grading and Utility Plan–Phase 1 dated December 15, 2011 revised January 13, 2012
- 6) Layout & Landscape Plan–Phase 1 dated December 15, 2011 revised January 13, 2012
- 7) Demolition Plan–Phase 2 dated December 15, 2011 revised January 13, 2012
- 8) SWPPP-Erosion & Sedimentation Control Plan–Phase 2 dated December 15, 2011 revised January 13, 2012
- 9) SWPPP-Erosion & Sedimentation Control Notes & Details–Phase 2 dated December 15, 2011 revised January 13, 2012
- 10) Grading and Utility Plan – Phase 2 dated December 15, 2011 revised January 13, 2012
- 11) Layout & Landscape Plan – Phase 2 dated December 15, 2011 revised January 13, 2012
- 12) Site Details & Specifications dated December 15, 2011 revised January 13, 2012
- 13) Stormwater Pollution Prevention Plan dated December 15, 2011.

M.V. Weiss & Associates prepared the above items.

The 16.25-acre site is located on the east side of Thompson Road approximately 600 feet north of East Taft Road. The site contains an existing entertainment complex along with associated parking, utilities, landscaping, and other site improvements. It is proposed to add a go-cart track, bumper boat area, a rock climbing wall and other miscellaneous facilities to the operation along with associated site modifications. The project is proposed in two phases with the first phase consisting of the go-cart track. The western portion of the site is zoned GC, General Commercial and the eastern portion of the site is zoned AG, Agricultural. Our comments on the Site Plan are as follows:

- 1) The site has frontage on Thompson Road, which is a County highway. The site has two curb cuts onto Thompson Road and the parking area is shared with the property to the north. It is proposed to relocate the curb cuts, provide additional green area along Thompson Road and eliminate the access to the adjacent parcel. These modifications are to be completed as part of Phase 1. The Board should review the access, parking and site circulation with the Applicant. Approval for the modifications to the driveways will need to be obtained from the Onondaga County Department of Transportation.

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- 2) As the project results in the disturbance of more than 1-acre of land a NYSDEC SPDES Permit for Stormwater Discharges from Construction Activities is required for the project. The Permit requires stormwater quantity and quality mitigation along with sediment and erosion control measures be provided. Stormwater quantity and quality, including the provision of the runoff reduction volume is provided by infiltration basins to be located adjacent to the go-cart track and bumper boat areas. 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.
- 3) The Board should review the landscaping, lighting, signage and architectural elevations with the Developer. The following are comments regarding these and other issues:
  - a) The Plan shows the location of existing lighting and notes on the Plan indicates the existing site lighting is to remain and no additional lighting is proposed.
  - b) The Plan shows the location of existing signage and a note on the Plan indicates no additional signs are proposed at this time.
  - c) The Board should consider if information should be provided on the potential sound impacts from the project, in particular the go-carts and any exterior speaker systems.
- 4) No modification to the sanitary sewer or water services to the site is proposed.
- 5) The site does not contain a State Wetland as identified on the New York State Freshwater Wetland Map or a Federal Wetland as identified on the National Wetland Inventory Map.
- 6) The site is not located within a 100-year floodplain as identified on the 1994 FEMA Flood Insurance Rate Maps.

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

