

The Town of Cicero's Planning Board held a meeting on **Monday, April 20, 2009** at **7:00p.m.**, in the Town Hall at 8236 South Main Street, Cicero, New York 13039.

Agenda:

- Approval of the Planning Board minutes from April 1, 2009 (**approved**)
- Preliminary subdivision plan, Shiva Estates, Guy Young Road, Public Hearing, Discussion (**to return**)
- Final subdivision plan, Airport Business Park, 5801 East Taft Road, Proposed office complex (**approved**)
- Site plan, Tim Hortons, 6360 East Taft Road, Proposed restaurant (**approved**)
- Sketch plan, Northern Pines Golf Club, 6722 Route 31, Proposed expansion (**to return**)
- Site plan, Karate John's, 5686 Route 31, Proposed martial arts center (**to return**)
- Site plan, Cicero Baptist Church, 6696 Lakeshore Road, Proposed community church (**to return**)
- Final Subdivision plan, Hancock Airpark, West Taft & Thompson Road, Set public hearing (**to return**)
- Executive session: Employment discussion

Board Members Present: Patrick Leone, (Chairman), Richard Cushman, William Purdy, Christopher Rowe, Sharon May, Jason Mott, Robert Smith and Scott Harris (Ad-Hoc)

Others Present: Wayne Dean, Director of Planning & Development, Heather Cole, Esquire, Wladis Law Firm, Mark Parrish, P.E., O'Brien & Gere, Charlotte Tarwacki, Town Board Member, Jody Rogers, Director of Parks & Recreation, Chief Carvel, Cicero Fire Department and Tonia Mosley, (clerk)

The meeting was opened with the Pledge of Allegiance. Mr. Leone noted the locations of the three fire exits and encouraged audience input on agenda items. He noted that there were two formal public hearings tonight.

APPROVAL OF THE PLANNING BOARD MINUTES FROM 4/1/09

Mrs. May made a motion to approve the Planning Board's meeting minutes from April 1, 2009.

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

Mr. Cushman:	Yes
Mr. Purdy:	Yes
Mr. Rowe:	Abstain
Mrs. May:	Yes

Mr. Mott: Abstain
Mr. Smith: Yes
Mr. Leone: Yes

**PRELIMINARY SUBDIVISION PLAN, SHIVA ESTATES
GUY YOUNG ROAD, 14 LOTS, FISCHER ASSOCIATES
PUBLIC HEARING, SEQR DETERMINATION, PARK FEES**

Ms. Cole noted that the applicants had sent an email stating that they would not be present tonight.

Mr. Parrish gave details on the project. It is a residential subdivision located off Guy Young Road. There are currently two stub roads that come in off Guy Young. This is a continuation of those two stub roads. The applicants are proposing to develop the remaining lots in 4-5 phases.

Mr. Dean added the applicants called the office this afternoon. They have still not received a formal answer from the DOT. I believe that would be from both OCDOT and NYSDOT.

Mr. Leone: We are waiting for a response regarding the traffic on Route 11 and Guy Young. Mrs. Rogers is here to discuss Park access with us. This project has the buckeye pipeline, a high pressure petroleum line, across the west side of the property. There are very specific issues relative to crossing that pipeline. We had talked to the applicant about bringing utilities all the way to the Park's border.

Mr. Parrish noted that was not shown on the plan but it was discussed along with the access which stops short.

Mr. Leone believed it was the intent of the Planning Board to have that access completed by the applicant and to get utilities and paving across the buckeye pipeline to marriage up with the Town's property.

Mrs. Rogers presented the Board with a letter stating her concerns. She stated that she had reviewed the map with Mr. Dean and Mr. Parrish. I would like the point of access to come all the way to the property line. I would prefer that it stays 60 feet wide all the way to the property line. The Town's property is east of the subdivision. I think that the first road that you see going to the property line is where we are looking for a connection. I believe that the sewer line would end here or here. We would still have quite a distance to get it to the Town's property

line. The County Health Department has required the majority of park facilities in the Town to have access to sewers.

That is a perfect spot for us to access the park. It is far enough from the homes on Guy Young for us to put in a potential parking lot. We would go from that point into the Park itself. On the maps that I looked at there was some discrepancy about property lines as they related to the National Grid power line easement that crosses the south corner of the property. Potentially I would like to put in a bike/walking path from Orangeport to Guy Young in the easement for National Grid or CXS.

Ms. Cole added Mrs. Rogers and I looked at this and there is a discrepancy between the maps that she has and the subdivision maps. The National Grid easement is not shown in the same place. In some portions it cuts across a corner of the property and in some portions it does not. It is something that the developer's professionals need to look at.

Mr. Leone: There is an issue with crossing the buckeye pipe line. It is costly. It has very specific requirements. The Board will continue to push forward with Mrs. Roger's concerns.

Mrs. Rogers added this revolves around the 277 fees normally issued for subdivisions. We would prefer to take the access and utilities as opposed to the fees.

Mr. Leone noted that he did not have a problem with that for this phase of the project. I would like to re-address the issue for the next phases. Parks fees are due when the final maps are signed.

Ms. Cole: When we get to the point where you are going to approve the preliminary plan you can very specifically note that for this phase we are not going to be taking park fees, but for future phases that is up for negotiation.

Mr. Leone opened the public hearing at 7:12 p.m. by asking if there was anyone who would like to speak in favor of the project. (There was no response.) He asked if there was anyone against the project. (There was no response.) ***Mr. Leone left the public hearing open.***

**FINAL SUBDIVISION PLAN, AIRPORT BUSINESS PARK
5801 EAST TAFT ROAD, PROPOSED SINGLE STORY OFFICE COMPLEX
BENDERSON DEVELOPMENT, PUBLIC HEARING STILL OPEN**

Representatives: Matthew Oates, Engineer, Benderson Dev., Paul Curtin, Esquire

Mr. Curtin noted that the ZBA has approved the variance for the size and configuration of the lot. There were some questions raised regarding easements between the contiguous properties. Mr. Oates can answer those questions.

Mr. Leone noted the applicants have received an approved a site plan modification relative to driveway issues and parking lot counts. We also dealt with some access and sewer easements. Those have all been addressed.

Mr. Oates noted the existing Benderson property and the existing Pyramid property. Benderson owns Airport Business Park with frontage here and here. The Pyramid Taft Road Company owns the land to the west between Benderson's property and Interstate 81 which encompasses the main access drive and the signal. There is a cross access agreement that has been in place for years that covers all of the property shown for cross access, utilities, pedestrian access--- everything flowing through including the main access drive to Taft Road.

We have discussed with the OCDOT, Pyramid, Pioneer (who works with Pyramid on this property) and Jim Stelter about the signal at Taft Road. OCDOT will be taking down that signal and will maintain the existing equipment for possible future use somewhere else.

For our access to Taft Road we have an access easement from our property across the property owned by Pyramid. It cannot be closed or eliminated.

Ms. Cole noted that she had not seen the cross access agreement between Benderson and Pyramid. They have provided me with a draft sanitary sewer easement agreement that does look acceptable. They have also provided a cross access agreement with themselves, between the two lots they are proposing to subdivide. We need to make sure that the reference points for how the lots are denoted on the plan and in the agreement are consistent. I have spoken with Mr. Curtin about that.

Mr. Leone opened up the public hearing at 7:25 p.m. by asking if there was anyone who wanted to speak in favor of the project. (There was no response.) Is there anyone who would like to speak in opposition of the project? (There was no response.) ***Mr. Leone closed the public hearing at 7:26 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.** The motion was **approved** with the following vote:

Mr. Cushman:	Yes
Mr. Purdy:	Yes
Mr. Rowe:	Yes

Mrs. May:	Yes
Mr. Mott:	Yes
Mr. Smith:	Yes
Mr. Leone:	Yes

Mr. Leone made a motion to approve the subdivision that was approved with a variance from the ZBA and has a last revision date of April 17, 2009 with the following contingency: approval is contingent upon both legal and engineering's approval of the easements that are being drawn up. **Mrs. May seconded the motion.** The motion was **approved** with the following vote:

Mr. Cushman:	Yes
Mr. Purdy:	Yes
Mr. Rowe:	Yes
Mrs. May:	Yes
Mr. Mott:	Yes
Mr. Smith:	Yes
Mr. Leone:	Yes

**SITE PLAN, TIM HORTONS
6360 EAST TAFT ROAD, PROPOSED RESTAURANT
TDK ENGINEERING**

Representatives: Joe Durand, P.E., TDK Engineering
Bob Bender, Tim Hortons

Mr. Bender introduced himself and Mr. Durand. We have revised our plans reflecting the comments from last month's meeting with two minor exceptions. One, the lighting plan does not reflect the four decorative lights over the awning. We did not have a final on those. It is the 225 watt addition. Second, the County has not gotten back to us with a design for the curb cut. We understand that we will have to have their final approval before we can proceed. They have said that the final design is forth coming.

Mr. Durand explained that is our design that is shown from discussions with the County.

Mr. Bender: We have revised the sign package to eliminate the third wall sign. This gets us down to 120 square feet. We have moved the monument sign far enough from the right-of-way so that we will not need a variance. We did not move it much further to the corner because of certain easements and grading issues. So it is roughly in the same spot as it was, but pulled back from the property line near the entrance off Northern Blvd. We have added a sign off the East Taft Road exit for no trucks making a left hand turn. We have increased the amount of

landscaping by over 25% at the corner as we discussed. We have also added a little landscaping around the directional sign coming in from the Northern Blvd. driveway. We did not add any signage to Taft Road.

Mr. Parrish asked for details on the awning lights.

Mr. Leone: We talked about buffering last time along the west side of the property which included fencing and some plantings. We talked about the easement access going from the south to the north of the site that is interfered by wetlands. The owner of that property would have to come to this Board for access.

Mr. Parrish: It should be clear that the north and east elevations are going to have building mounted signage.

Mr. Bender: The only other thing that was discussed was the maintenance agreement. We have no problem with it but we cannot enter into that until we own the property, which will not happen until all approvals are in hand. We have placed that in our attorney's hands. They have your attorney's contact information. We understand that it will be a condition of the building permit.

Mr. Leone: The storm water issues have been addressed. We agreed that in this instance and with this location, it did not need to be fenced. We also agreed that this was a non-residential area that does not require sidewalks.

Mr. Smith: Did we get the inspection fees for the engineer at the end of the site plan? We have inspection fees to cover a final inspection by the Town's engineer. They will submit a letter to Board members that the site plan has been completed as approved. Mark can tell you what the fee would be for this.

Mr. Parrish: I believe it would be around \$500.

Mrs. May: As you come into the site from Northern Blvd. is there a sign on the concrete island?

Mr. Bender: The lit sign is to the north of the driveway in that area. In the island is a DOT type sign that states no left turn.

There were no other questions from the Board, Zoning, legal or engineering.

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. Cushman:	Yes
Mr. Purdy:	Yes
Mr. Rowe:	Yes
Mrs. May:	Yes
Mr. Mott:	Yes
Mr. Smith:	Yes
Mr. Leone:	Yes

Mr. Leone made a motion to approve the Tim Hortons site plan located at 6360 East Taft Road with a revision date of April 6, 2009 as submitted and reviewed tonight with the following contingencies:

1. Final engineering approval by the Planning Board's engineer of the approval from the OCDOT for the Northern Blvd. entrance design.
2. The total sign package has been approved for 120 square feet. That includes both north and east elevation wall mounted signs, the monument sign and other signage as presented.
3. A storm water agreement shall be done with the Town.
4. Final inspection fees will be paid as required by the Town. **Mrs. May seconded the motion.** The motion was **approved** with the following vote:

Mr. Cushman:	Yes
Mr. Purdy:	Yes
Mr. Rowe:	Yes
Mrs. May:	Yes
Mr. Mott:	Yes
Mr. Smith:	Yes
Mr. Leone:	Yes

**SKETCH PLAN, NORTHERN PINES GOLF CLUB
6722 ROUTE 31, PROPOSED EXPANSION TO AN EXISTING
MAINTENANCE BUILDING AND CONSTRUCTION OF A PAVILLION BUILDING
JOE MASTROIANNI**

Representatives: Joseph Mastroianni, Engineer
John Wozniczka, Applicant

Mr. Mastroianni introduced himself. The golf course is located on Route 31 and west of Cicero Center Road. There are two parts to the project. The first part is an enclosed pavilion. There is

currently not enough room in the existing clubhouse. There will be a septic field developed also, a mound system. There will also be utilities, both water and electricity. The building is roughly 80 x 40 with a small patio coming out on each side. It will have two bathrooms but no kitchen. It will not have any outside lighting and would only be used when the golf course is open, not after hours.

Mrs. May asked if any cooking would be done at the existing clubhouse to be carried over to the pavilion.

Mr. Mastroianni responded any cooking would be catered. Currently people have drinks, soda, etc.

Mr. Leone: We have to view it as an assembly area. My guess is that you would have to establish its occupancy rating through the Zoning Office. Then you could establish if you have enough parking. The amount of restroom space that you have needs to comply also. We would like to see some architectural on it.

Mr. Wozniczka: We will want to cater everything from now on.

Mr. Leone asked for the basic color scheme.

Mr. Wozniczka responded tan with green asphalt roofing.

Mr. Mott asked for septic details.

Mr. Mastroianni talked about a mound system. After talking with Jeff Till from the County, we are assuming a maximum of 70 people for the building, 3 gallons per day. The County thought that would be adequate. We sized it similar to a 2-3 bedroom house. The old tank would be removed. It would tie in with the existing pump house system, all tied into one system. The current standard leech field would be abandoned. Originally the building was going to be at grade elevation. We have now raised it two feet. We will have a lift station.

Mr. Leone asked if there was a storm water issue.

Mr. Parrish stated they would look at that.

Mr. Mastroianni described the second part of the project. There is an existing building where golf carts are serviced. We are looking to expand that 30 feet. We would be just behind the building setback line.

Mrs. May: What is done with the waste oil when the golf carts are serviced?

Mr. Wozniczka: The carts are electric. I bought all new carts last year.

Mr. Mastroianni continued. The expansion will have overhead doors on each side. It will be steel to match the existing building. We have a proposed landscaping plan around the pavilion, etc.

Mr. Leone: What is going on along Island Road? Are you doing some subdivision of lots? Is that a part of this overall golf course?

Mr. Wozniczka: There was an area cleared last year. We cleared the brush but left the trees. There was a lot of junk there. I was going to sell off two lots. It is a part of the golf course.

Mr. Leone: Are there wetlands there? When you come in for site plan approval, it includes the entire site.

Mr. Wozniczka: It is not on the map.

More discussion occurred regarding AG zoning, possible wetlands and the subdivision process.

Mr. Leone: If you are doing any lighting, additional signage, etc. it needs to be on your site plan. Landscaping needs to show up along with your parking field.

Mr. Smith: Is the entire parking lot paved or will you be adding more pavement?

Mr. Wozniczka: We will not be expanding the pavement. We don't have the money.

Ms. Cole: Are we sending this to the County?

Mr. Leone: Yes, we will need the County's response.

Mr. Parrish: We will look at the plan and get any comments that we have to the applicant.

Mr. Smith: Will you be prepared to discuss wetlands and any residential development at the next meeting? It will save time if you have those things so that we can discuss them.

Mr. Leone: We need to see your entire parcel.

**SITE PLAN, KARATE JOHN'S
5686 ROUTE 31, PROPOSED MARTIAL ARTS CENTER
JOHN ANNABLE**

Representatives: Hal Romans, Surveyor and Planner
John Annable, Applicant

Mr. Romans introduced himself and Mr. Annable. Mr. Annable would be relocating and expanding into a 7,000 square foot building, plus 3,500 square feet on the second floor for a total of 10,500 sq. ft. If we went with a one story building, we would want the 7,000 sq. ft. The upstairs would be for offices and upper level staff. He needs the 7,000 sq. ft. for changing rooms, workout areas, etc. The building would only have one occupant. The site is .9 acres.

Mr. Leone: Would it be handicap accessible? Would they need an elevator?

Mr. Dean: They might have to. They will need something.

Mr. Romans: The area is zoned commercial. There is a guide rail on this section of property which forces the driveway to be on the side that we are on. That is the high side of the lot. All drainage goes to the drainage way on the west side of the property. We show 47 parking spaces which is needed for the transition times between classes, the overlap. There is room for landscaping. Parking is 20 feet from the road boundary and so grass would be there. We also have the area in front of the building between the driveway here for grass.

As we go further there may be a slight modification to the parking lot lay out. It would be one-way going counter clockwise.

Mr. Leone: You have parking on either side of a 19' drive.

Mr. Parrish: There are standards or guidelines for parking lot design. You might also look at angled parking. We can provide some guidelines to them on that.

Mr. Dean: I have barely seen the building drawings so I have not run the numbers yet to determine how much is actual instruction space or usable space. But, realizing what happens down the street at his current location and how that lot fills in, I don't feel like it is a lot of parking, I think that it is needed for what he wants to do. I also feel he has enough greenspace around the edges and in front around the building.

Mr. Romans: Mr. Annable was hoping that if he ever needs to expand in the long term future, there might be an opportunity to pick up additional property to the south.

Mr. Annable: The average size of a class is 15. 20-30 per class would be nice. I would like to have some kick boxing going on while the kids are working out for parents who are already sitting there with their children. It would be more of a family ordeal.

Mr. Romans: When you look at the instances where he has those transitions, and those periodic times when all the classes show up for testing with their parents, grandparents, etc. the 47 spaces does not sound like a lot.

Mr. Leone: I think you need to look at Mark's idea about angled parking and make sure that you do not have any turning conflicts. Have you looked at orientating your building any differently?

Mr. Romans: We looked at a couple of different options. Because of the way the site drains, and the possibility of future expansion, this makes the most sense. The residence behind is way behind. We will landscape that area for head light swing.

Mr. Smith: Has the fire chief looked at this? Can trucks get in with this angling?

Chief Carvel: How far is the building from the road? On a busy day we could not get the apparatus in the parking lot.

Mr. Romans: We will have him look at that.

More discussion occurred.

Mr. Leone: We need to see architectural on the building, landscaping, lighting, driveway locations, etc.

Mr. Romans: The driveway is located positioned where the last applicant that met with the DOT and was approved by them. It is the only possible location since the rest of the lot has guiderails in front. There is no other place that the driveway can go.

Mr. Leone: Make sure that you have room for snow storage.

Mr. Romans: He has some space on site, but he will need a plan in case he has to take the snow off site.

Mr. Leone: Do we need more information before we send this to the County?

Mr. Parrish: They would be looking at County wide implications. I don't think that the details of the parking layout should concern them.

Board members agreed to send the application to the County.

Mr. Parrish: Even though this is less than an acre, I would like to get some sort of water analysis. The general policy is there is not supposed to be an increase in runoff off of the site regardless of the size.

More discussion occurred.

**SITE PLAN, CICERO BAPTIST CHURCH
6696 LAKESHORE ROAD, PROPOSED COMMUNITY CHURCH
L.J.R. ENGINEERING, P.C.**

Representatives: Alex Wisniewski, L.J.R. Engineering
Carl Novak, Pastor

Mr. Wisniewski introduced himself and Mr. Novak. This is a new site with ample parking. The church is looking for a new home in the Cicero area. Services are currently being held in the old Burlington Coat Factory building at Driver's Village. They have approximately 70 members. The site is located a little west of the South Bay Road intersection and is the former Stars on the Lake property.

The site is approximately 4.1 acres and is zoned general commercial. It abuts R-10 and GC zoned property. It is currently approximately 9300 sq. ft of former restaurant, with associated parking areas. There is approximately 1.5 acres of hard surface on the site. The rest of the site is

undeveloped. There are no wetlands or floodplain issues associated with the property, but there is a man-made pond in the back. The entire frontage of the site is currently asphalt. A cedar row and fence currently separates the property from the residential property to the west.

All public utilities are available including sewer. We have a proposed demolition plan. I have met with Jim Stelter at the site and presented this plan. We propose limiting the westerly driveway to entrance only and provide full access at the easterly boundary where you have ample site distance. Mr. Stelter loved the plan and submitted a letter with the application which states he agrees to the proposed access. There is an opportunity to enter at the west, drop off congregation members at the front access point or go around back, park and enter the ramp entrance at the rear east corner of the building.

The plan represents the full buildout. I cannot speak to how quickly that full buildout would occur.

Mr. Leone noted that the landscape plan is not the same plan as depicted in the picture.

More discussion occurred.

Mr. Wisniewski.: The front entrance element extends less from the building than what was shown on the original site plan. This extends 5 feet out from the building's façade. The doors are along the same building line.

There was some discussion about whether or not a variance would be needed.

Mr. Smith: How soon would the renovations start and when will they be completed?

Mr. Novak: We are hoping to successfully get through this process and purchase the building in early June. We would start working on the building with hopes of October.

Mr. Wisniewski: There are 75 proposed parking spaces.

Mr. Novak: Wayne figured the square footage of the auditorium area at 2100. At 10 sq. ft. per person that would be 210. At three people per car that would be 70 spaces.

Mr. Leone: Is your intent to have other functions other than your congregation? Are you going to rent out banquet space? Will you have weddings there? I want to make sure that you have ample parking and not park on Lakeshore Road.

Mr. Novak: The intention is to do the things a normal church does. We have no desire to rent out space for any other purposes.

Mr. Parrish: They have ample space to expand the parking lot if the need arises.

Mr. Wisniewski: The drainage patterns will be maintained as they are today. No SPEDES permits would be required. There will be two pole mounted lights in the rear parking area, one at the entrance only and the rest would be building mounted fixtures.

More discussion occurred regarding the entrances and exits.

Mr. Novak responded to Mrs. May's questions about monument sign lighting being downcast. We want it to be illuminated. Mrs. May was concerned that traffic not be blinded by the lighting along Lakeshore.

Mr. Wisniewski discussed the lighting on the cut sheets.

The Board agreed this was a good location and agreed to send the application to the County.

**FINAL SUBDIVISION PLAN, HANCOCK AIRPARK
WEST TAFT & THOMPSON ROAD,
PROPOSED SUBDIVISION OF EXISTING ROADWAYS
METROPOLITAN DEVELOPMENT ASSOCIATION OF SYRACUSE & CNY
IANUZI & ROMANS**

(There are no representatives.)

Mr. Leone: We need to set a public hearing date for this. The applicant has done some road improvements. They now want to subdivide those roads and turn them over to the Town. What would be a reasonable time frame?

Ms. Cole suggested the second meeting in May, May 18th.

The Board agreed.

EXECUTIVE SESSION

Ms. Cole noted that the Board would need to make a motion to enter into executive session to discuss the employment history of particular persons. I believe that you would want you ad-hoc member and your attorney to join you. **Mr. Smith made a motion** as stated above by Ms. Cole. **Mrs. May seconded the motion.** The motion was **approved** unanimously. The Board entered into executive session at 8:38 p.m.

Mr. Leone noted the Board would reconvene after the session, but the only person who needed to stay would be the clerk.

Mr. Smith made a motion to close the executive session. **Mr. Cushman seconded the motion.** The motion was **approved** unanimously. The Board reconvened the regular Planning Board meeting at 8:54 p.m.

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

IN AS MUCH AS THERE IS NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 8:55 P.M.

Dated: May 1, 2009

Tonia Mosley, Clerk