The Planning Board of the Town of Cicero held a meeting on **Monday, April 22, 2013** at **7:00 p.m.** in the Town Hall at 8236 Brewerton Road, Cicero, New York 13039.

Agenda:
-Pledge of Allegiance
-Notes from the Chairman
-Approval of the Minutes from the April 8, 2013 meeting **(approved)**
-Site Plan/Sketch Review, Mid-Country Properties, LLC, 9206 Brewerton Road, Proposed Equipment Sales/Rental Business **(to return)**
-Site Plan, JADAK, 7279 William Barry Blvd., Proposed Building Expansion **(approved)**
-Zone Change Recommendation/Site Plan, Tocco Villaggio, 5533 NYS Route 31, Multi-Residential (RM) to Planned Unit Development (PUD) **(recommended to the Town Board)**

Board Members Present: Bob Smith (Chairman), Joe Ruscitto, Chuck Abbey, Pat Honors and Mark Marzullo
Others Present: Neil Germain (Esquire, Germain & Germain), Mark Parrish (P.E., O'Brien & Gere), Steve Procopio (Code Enforcement Officer), Doug Wickman (P.E., C&S) and Tonia Mosley (Clerk)

Chairman Smith noted the 3 emergency exits located in the room and asked that all cell phones be silenced. Mr. Marzullo led the Pledge of Allegiance.

NOTES FROM THE CHAIRMAN

Mr. Smith announced a change in the hours of operation for the Town of Cicero. Starting Monday, May 6, 2013 the Town of Cicero will have regular business hours Monday through Friday, 8:00 a.m. until 4:00 p.m. The time change reflects an increase is security measures for court proceedings.

APPROVAL OF MINUTES FROM THE APRIL 8, 2013 MEETING

Mr. Abbey made a motion to approve the Planning Board meeting minutes from April 8, 2013. **Mr. Ruscitto seconded the motion.** The Chairman asked for a vote.
Ayes: 3 Nays: 0 Abstained: 1 **Approved** (Mr. Honors joined the meeting after this vote.)

SITE PLAN/SKETCH REVIEW MID-COUNTRY PROPERTIES, LLC
9206 BREWERTON ROAD, PROPOSED EQUIPMENT SALES/RENTAL BUSINESS
IANUZI & ROMANS

Representatives: Hal Romans, Surveyor and Planner, Ianuzi & Romans
Bud Pecoy, Mid-Country Properties, LLC
Joe Panebianco, Mid-Country Properties, LLC

Mr. Smith noted the Planning Board made a zoning recommendation on this property to the Town Board.

Mr. Romans introduced himself. The site is approximately 7.39 acres on the east side of Brewerton Road, south of Mud Mill Road. This tax parcel is bisected by National Grid's power line easement. Currently, the property is vacant. The portion in the front along Brewerton Road drains toward that National Grid property and a ditch. The property to the east of NIMO's easement drains to the back.

The proposal is for an 8,000 square foot building during the first phase and the potential for a 10,800 square foot building during a second phase. My clients are looking to get the first phase underway. It would be for sales and rental of equipment similar to the Sun Belt equipment rental on Taft Road. There would be one entrance to accommodate both phases. Handicap parking for Phase 1 is out front with additional parking in the back. The building has the ability to bring vehicles through it via bay doors on the south and the north.

There is a connection to the back parcel through the easement. We have submitted drawings to National Grid for their review. That connection is allowed by deed, but National Grid gets the final sign-off. A gravel driveway goes back to the combination display/equipment parking area located in the back along Route 81. We show two signs.

The lighting plan shown is specifically for Phase 1. I have no spill over to the adjacent properties. There is lighting for the parking lot in the back. The building has wall packs. All are cut-off and shielded. There are two pole lamps proposed on the eastern portion of the property.

The grading plan was prepared by Bryant Engineering. It shows drainage and the proposed stormwater management areas located on the west side of the National Grid section and the southeast corner of the property. There is a proposed septic system for Phase 1 and a second system for the building in Phase 2. We would maintain the general drainage pattern. There is an existing 24" culvert. We propose a 30" culvert.

Sheet 5 shows the construction proposed. Sheet 6 gives details. There would be a one story steel building. We show what that building would look like and it's landscaping.

There is a potential for six employees. The hours of operation would be Monday through Friday 7 a.m. to 8 p.m. and Saturday 8 a.m. until noon.

We show 29 parking spaces for the first building and 54 for Phase 2.

Mr. Marzullo asked if the applicant was looking for approval for both phases.

Mr. Romans responded my clients would like to start Phase1 immediately. They had some people who were interested in a building in Phase 2, but nothing is under contract.

Mr. Parrish noted he had not had a chance for a thorough review but, the applicants are not showing lighting for Phase 2. I assume they don't have architectural elevations or a grading plan for that. The utilities aren't shown.

Mr. Smith: I don't think that the Planning Board has shown an appetite for approving phases that we are not able to determine. I don't see us approving a phase that is to be determined.

More discussion occurred.

Mr. Germain: Phase 2 is on the site plan. To avoid confusion you might want to take it off. I don't think that it is a decision which says it will not be approved when you are ready and can show exactly what you would like to put there. I would imagine that you could come back in for site plan approval for that phase of the project. But, if you have it on now, you are really asking for site plan approval for what you are submitting---including an approval of Phase 2 which has a lot of unknowns.

Mr. Romans: I can ghost that off of the plan.

The sign locations are shown but we don't actually have a sign picture yet. My client is looking at a franchise. They would dictate signage and come back for that.

Mr. Marzullo: Does the sign near Route 81 need state approval?

Mr. Romans: That is why we are meeting with the New York State Department of Transportation (NYSDOT) on Thursday. We will review three things with them: our driveway, our drainage and our signage.

Mr. Smith: Will there be lights on the display out by Route 81?

Mr. Romans: We show two lights to light the graveled area. The proposed pole mounted sign by Route 81 would be lit internally.

Mr. Abbey: What type of rental items would they be dealing with?

Mr. Romans: It could be anything from a powered posthole digger to an excavator or dozer. Equipment covers the homeowner and the professional.

Mr. Ruscitto: Would repairs be done on site?

Mr. Pecoy: Just your basic repairs of our equipment. We have a mixture of both large and small equipment.

Mr. Smith asked about traffic for deliveries and tractor trailers.

Mr. Romans: I don't think that there would be a lot of lowboy traffic, but there would be some. I have talked to the NYSDOT and made sure that the 30' wide entrance is per their recommendation. Equipment has the ability to turn around in that driveway.

Mr. Smith: Does your maintenance include things like oil changes?

Mr. Pecoy responded yes, the full scope of work on our equipment for normal maintenance and preventative maintenance.

Mr. Panebianco: In terms of the truck traffic, the inventory is limited especially when you get to the larger assets. These are not daily rentals. A dozer or backhoe can go out for a month or two months at a time—even for an entire season. If we have two dozers in our inventory they are not coming and going every day.

Mr. Smith: I want to make sure that your weekend warriors who come in with SUVs and trailers have the room that they need to drop off equipment.

Mr. Romans: I think that they do. We have a 30' wide driveway at the throat. The bulk of the parking is in the back.

Mr. Parrish: You show 3 maybe 4 overhead doors. What are they for? What is the interior of the build-

ing like? Who would be going in and out?

More discussion occurred.

Mr. Parrish: Besides the display/storage areas shown, would there be other areas where equipment is stored or displayed outside of the building?

Mr. Romans: Those are the only two areas for display.

Mr. Panebianco: We are really geared more for tool rental. But I don't want to limit us to just the small tool rentals. We could have bigger equipment, for example boom lifts. It is not feasible to come in right now with two million dollars worth of boom lifts when there are other equipment companies just down the road.

Mr. Honors: My concern would be seeing a lot of boom lifts up in the air along Route 81 or Brewerton Road.

Mr. Panebianco: Route 81 is more for our display area. We want it to look nice. It would not be a congested storage area.

Mr. Parrish: Has anything been done for the septic system design?

Mr. Romans: I believe it has been submitted to the Health Department, but will confirm that.

Mr. Smith: My concern with where you would be storing equipment is the way it would appear. If we designate certain areas for display and/or equipment storage and certain areas for parking, you would be stuck with it as drawn.

There will be more site plan enforcement within the Town. You need to have those areas shown clearly. Equipment storage is a use. Your site plan should reflect all of your needs. If not, you would need to come back in for a site plan modification.

Mr. Romans: I will review the site's needs with my client.

Mr. Marzullo agreed a good understanding of the display area is important for both parties.

Mr. Procopio: Obviously, this business is going to grow. If they run out of room, they would have to come back in for a site plan modification. Storm water and septic systems need to be there. My

concern is do they have what they need now and what they need for the future.

Mr. Germain: I think what you are talking about is delineating on the site plan exactly what you want. Think forward. Error on the side of caution; you might expand. Delineate that properly on your site plan. This site plan acts as a guide for both you and the Town so that everyone is on the same page.

Mr. Parrish: Will you be doing any fencing?

Mr. Romans: Along this back portion? No.

Mr. Parrish: Any dumpsters?

Mr. Romans: It was going to be internal, but I will confirm that. This front area here is a true display area. It will probably end up being a display area and equipment storage area. I will add the correct verbiage for that. I will confer with my client about future expansion.

Mr. Panebianco: What if we made all of Phase 2 storage? You are absolutely right. If we are going to grow this business we will need equipment storage. It is obvious that the Board is particular about what is seen as you drive up Brewerton Road. This will be 100% better than anything else on Brewerton Road. We are here to enhance the area, enhance our business and to make this a win-win for everyone.

Mr. Marzullo: Can you provide us with images of your other areas? That would be very helpful.

Mr. Panebianco: Of course. My main facility is about 10 acres. Keep in mind there is a lot of equipment there. We have a lot of heavy equipment but it is a showpiece.

More discussion occurred.

Mr. Germain: This requires the Planning Board to approve the proposed use. That use falls somewhere between Industrial and General Commercial. If it were me, I would have that proposed use on the plan so that later on there is no confusion about what was granted.

SITE PLAN, JADAK
7279 WILLIAM BARRY BLVD., PROPOSED BUILDING EXPANSION
EDGEWATER MANAGEMENT COMPANY, INC.
(SEE ATTACHMENT A: OBG'S JADAK ENGINEERING REVIEW LETTER DATED APRIL 22, 2013)

Representatives: Gary Malfitano, Edgewater Management Company LLC
Jim Emerick, Napierala Consulting

Mr. Malfitano introduced himself. This is our second appearance before this Board for the JADAK expansion. The current facility is 15,000 square feet: single story, block building. We are proposing to add to that existing building a two story addition with a 20,000 sq. ft. footprint that is 40,000 sq. ft. total.

About 60% of the existing building is office; 40% is light assembly. The entire existing facility would be dedicated to light assembly with the 40,000 sq. ft. addition being used for office space which includes engineering, design, sales and administration.

Your engineer recommended a few changes since our last meeting. Mr. Napierala has addressed those changes.

Mr. Parrish: From our standpoint we are pretty much satisfied with the plan as presented. But, I do want to bring a couple of things to the Board's attention. The applicant needs a little refinement on the Stormwater Pollution Prevention Plan (SWPPP). I don't think that it will end up with any significant changes. If you do approve the site plan tonight, I would ask that you do it contingent upon those issues being resolved. Our office needs to sign-off before they get their permit from the DEC, so we have to make sure that this happens.

The other issue is the easement. There is a drainage easement through the site that needs to be re-located. I can't speak for the attorney, but he does have that information.

Mr. Germain: I have been presented with an outline of the actual easement. The easement would be re-located. Then the Town would be granted the new easement. The paperwork does not have the final mapping information on it. I don't have the legal description. But, what I have is acceptable subject to the approval of the final location map.

I would suggest some kind of condition that would be subject to my review and approval. A building permit can not be issued until this has been approved and recorded.

Mr. Emerick: We do have that information. The surveyor is gathering the description. We showed it on the site plan, but we will present it to you.

Mr. Parrish: They are adding an additional sign on the site. Lighting is fine. They are not showing any outside storage for equipment areas so I am assuming that there will not be any of those on the site.

Mr. Malfitano: There isn't any storage. We do not require any. The equipment currently stored in trailers will be located 100% in the new facility.

I would like to present another potential sign location. The sign Mr. Parrish spoke of was a small directional sign that showed visitor parking in one area and deliveries in another.

Mr. Smith: Mr. Abbey and I visited the site. Their signage seems somewhat inadequate for the size of the facility. It will be a beautiful facility, a real asset to the community.

Mr. Malfitano: This is a potential sign, not something in the immediate plan. At the Planning Board's recommendation we included a sign that would be on the glass, two-story portion of the building. It is actually in the interior. It would be more like a decal. Potentially, it could be back lit. It is not exterior lettering.

Mr. Abbey asked for the approximate size.

Mr. Malfitano: I would say it is about 104 sq. ft. Again, it is an interior sign.

Mr. Smith: If it is an internal sign it is fair game. You don't really need us. This has moved along quickly because of some business concerns. But, if any Planning Board member wants to visit the site, the applicants have graciously extended an invitation to do so.

Mr. Ruscitto made a motion regarding SEQR. He 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: 5 Nays: 0 Abstained: 0 **Approved unanimously.**

Mr. Smith moved for the adoption of a resolution approving the application of JADAK for site plan approval, said site plan bearing the date of April 18, 2013. This approval is subject to the following conditions:

1. The applicant supplying a map and description of the easements to be abandoned and acquired by the Town to the Planning Board Attorney for approval. Once approved the applicant shall supply proof that said easement and abandonment are filed with the Onondaga County Clerk prior to obtaining a building permit.

2. Mr. Germain added the following: This approval is also contingent upon the applicant supplying a new SWPPP to the Planning Board's Engineer for approval.
3. This approval is also contingent upon the applicant obtaining a building permit on or before November 22, 2013.

Mr. Abbey seconded the motion. Mr. Smith asked for a vote.

Ayes: 5 Nays: 0 Abstained: 0 **Approved unanimously.**

ZONE CHANGE RECOMMENDATION/SITE PLAN, TOCCO VILLAGGIO
5533 NYS ROUTE 31, MULITPLE RESIDENTAL (RM) TO PLANNED UNIT DEVELOPMENT (PUD)
CHA

(SEE ATTACHMENT B: OBG'S TOCCO VILLAGGIO ENGINEERING REVIEW LETTER DATED APRIL 16, 2013)

Representatives: James Trasher, P.E., CHA
Amy Franco, RLA, CHA
Hal Romans, Surveyor, Ianuzi & Romans
Joe Alberici, JOLU Development

Chairman Smith explained that this project has been before one of the entities for most of the last five years. Please review your material. Then we will have comments from our engineer and comments from the Board.

Mr. Trasher introduced himself and his peers. We submitted a bunch of different documents to the Town and the Town's Engineer. The most notable is the narrative that explains what we are proposing. You can see the proposed on the screen.

Our proposal for the Planned Unit Development (PUD) on the rear portion of the project is in conjunction with the Town of Clay's Planned Development District (PDD). It is a combination of commercial, apartments for sale and homes. On the Cicero side in the lower portion is the commercial block. That is currently zoned commercial. The rear portion would be for combined apartments, for-sale residential which puts us into the PUD.

With the Planning Board's recommendation, the Town Board has control over zoning. As part of the project we did DOT improvements. Improvements to Legionnaire were requested by the Board. All of these items tie into what we are looking for here tonight.

We have had comments on stormwater from Mr. Parrish along with other comments which we have addressed. Additionally we were asked about the sewer. Everyone has been copied on letters from Onondaga County Department of Water Environment Protection (OCDWEP) on Oak Orchard's sewer

capacity. Per Tom Rhoads' (Commissioner, OCDWEP) request, we have submitted all the past dialog of meeting minutes with Nick Caposa, Chris Dickman and Ron DeTota as they relate to sewer capacity. The paperwork was submitted to OCDWEP. We will have to submit a BSP-5 form for wastewater disposal. That was based upon conversations with Tom Rhoads.

This is the packet of information that went to them. We can leave a copy with you as well. It sort of high lights everything that was done.

Mr. Smith clarified. We are not approving sanitary sewer hook-ups. We never do. If the Town Board approves the project, whether you get sewer connections is outside of this Board's jurisdiction. We do not have to have those approvals to recommend this project, correct?

Mr. Germain: Correct, we are just making a recommendation.

Mr. Trasher: That was just to bring you up to date as to where we stand on this project and the different meetings we have had with OCWEP. We have given detailed site plans, landscape plans, lighting plans, drainage, utility plans; the building's look, layout and footprints. If there are questions or additional information that you think I should put into the record I will do so.

Mr. Parrish: There are a few issues relative to site access that the Board should consider when making their recommendation. The first Phase of the project is Lots 2 & 3: two apartment buildings containing 72 units total. Those lots will have access onto Legionnaire Drive. Phase 2 is the lot above that. If the road in Clay is not constructed by the time the applicant wants to develop Phase 2, there is a note on the plan indicating access would be through Phase 1. I would ask that the Board consider whether you feel that is appropriate or whether you feel Phase 2 should not be developed until such a time that the road in Clay is developed. You have emergency access to consider along with all of the traffic that would access onto Legionnaire Drive.

Mr. Smith: This is a PDD for the Town of Clay, correct?

Mr. Germain: It is simply a different nomenclature for the same thing. The process in Cicero is a little different from the process in Clay, but it is essentially the same thing.

Mr. Smith: Is there any commercial property in Clay's PDD?

Mr. Trasher responded yes. Here is the loop road. There are apartment units and patio homes back here. Along the front is office/commercial property. We also have two little spurs that are for-sale patio homes.

Clay has approved their PDD. This area would be Phase 1. The road to Legionnaire Drive would be constructed. Pareti Place would be constructed so that you would have this access---two means of ingress/egress off of NYS Route 31. The buildings here would be constructed: a community center and apartments.

Mr. Trasher continued detailing the phases within the Town of Clay portion of the project.

More discussion occurred regarding the Route 31 corridor and accessibility.

Mr. Marzullo asked for clarification on the area to be delineated and its current zoning.

Mr. Smith responded basically the first phase.

Mr. Parrish noted that area is currently zoned Multi-Residential (RM).

Mr. Marzullo: How does this application comply with the intent for the PUD?

Mr. Germain: The PUD they are seeking is a whole new zone. The applicant gives you a sketch of their intentions which goes to the Town Board and the Planning Board. The intent is to allow flexibility to create a use.

Mr. Marzullo: When you read the intent it talks about a use that is not provided for in RM. It is provided for. That is all that is in this area.

Mr. Germain: Residential Multi-family is provided for in the code per say. What they are asking for is a specific use. They considered the bulk regulations, the number of units and type of units. They are asking for your consideration to make a recommendation to approve that type of zone.

Mr. Marzullo: There was the density issue with the previous application. It seems to me that they should go for a variance. When you read the intent it says that the PUD is designed in recognition of the fact that not all reasonable uses are provided for. But Residential Multi-family is provided for.

More discussion occurred.

Mr. Parrish: This use is essentially a Multi-Residential use which is allowed by the RM zoning. The issue is that the density they are proposing is not consistent with RM zoning. Therefore they need to use the PUD process to obtain that density.

If you look at the last part of the letter it does note that the PUD zoning allows for variance from typical zoning requirements. We did provide the Board with a comparison of the bulk regulations for RM zoning---which this use meets the definition of RM. But, there are issues with the bulk regulations of RM, for example density and setbacks, which this project does not meet. Therefore they are going through this PUD process. Essentially, it is a variance or deference from the zoning that Town code allows for. The main difference between the project's zoning as RM or PUD is density.

The density problem arose because these lots are heavily encumbered by drainage easements that are being used for stormwater management. There is no area outside of the building area that is available for anything else other then drainage. A majority of the lots have that issue. In the Town of Cicero's definition of lot area the area encumbered by the stormwater management, and some other things, can not be included in the calculation of lot area.

More discussion occurred. Mr. Romans noted that the Cicero side was designed to be in harmony with Clay's side. Mr. Germain explained that the Planning Board does not determine if the application's intent is met. That would be a decision made by the Town Board.

Mr. Smith: The Town had an agreement under the first zone change regarding Legionnaire Drive and sidewalks. Are all of those things still in place?

Mr. Trasher: It is all the same. The sidewalk goes from the Town of Clay to Legionnaire Drive. We are not re-locating the Post Office driveway. Legionnaire will be widened and re-constructed as part of the project by Mr. Alberici.

Mr. Smith: Will this come back to us in any form?

Mr. Germain: If the Planning Board decides to recommend it and it gets approved by the Town Board, the project will come back in the form of a subdivision. In the Town of Cicero PUD approval is site plan approval.

Mr. Romans: We do have preliminary subdivision approval from this Board. Typically we would not come back in for final approval until improvements, such as roadways, have been constructed and reviewed by the Town's engineer and finally accepted by the Town. We would come back one time for each section of final plan.

Mr. Smith: The Town Board's public hearing on this was left open, partly because they were waiting for our recommendation.

Mr. Parrish: We talked about the access for Phase 2 through Phase 1. The next issue is that Lots 2, 3 & 4 and Phases 1 &2 will have some interconnections that will need to have cross access easements. Prior to approval the appropriate easement should be provided to the Town Board attorney or the Planning Board attorney for approval. I recommend that part of the Planning Board's recommendation acknowledge that those easements need to be provided prior to approval or whenever the Town Board feels that is appropriate.

Item 1C discusses parking. When the application first came in there was some discussion about the amount of surface parking that was provided and whether or not it was adequate. They have increased the amount of surface parking that was provided. My letter goes through that in some detail. The applicant also provided some additional information on the number of bedrooms in each unit. In my opinion the amount of surface parking seems to be reasonable. Parking provided with the garages will provide additional parking for residents or storage. Again the amount of surface area parking seems to be reasonable.

Mr. Smith: These garages are going to be equipped with garage door openers so they are more readily usable as a garage, correct?

Mr. Alberici: Correct

Mr. Parrish: The next issue in the letter discusses sewer service. I don't believe that there is anything that this Board needs to do relative to that. The applicant needs to follow through with final approvals from the Town Board.

For stormwater issues, again I don't really think I have anything that would require action by this Board. The applicant is providing the necessary stormwater mitigation, etc. so I would say that they are in compliance with those requirements. Again, that would require final approval from the Town Board.

There are not any floodplains or wetlands on the site.

Item 7A discusses lighting. Our recommendation is that they use a fully enclosed full cut-off type of fixture. The applicant has proposed another one that is consistent with the lighting proposed in Clay.

Signage is very reasonable. It is only a 24 square foot monument sign at the entrance onto Legionnaire Drive.

The next issue talks about the zoning codes as we discussed earlier. Lots 5&6 essentially have no area outside of the drainage easements that is not building or parking. There is not much room, if any, on

those lots that can be used for anything other than those purposes.

That summarizes our letter on issues that we would recommend from an engineering standpoint to be considered for your recommendation.

Mr. Marzullo: There isn't any room and it seems like a pretty good drop off. From the building down you have 5-6 feet.

Mr. Parrish: Correct

More discussion occurred regarding the reasoning behind removing easements, etc. from lot area calculations.

Mr. Smith: Are these apartments or are these condos?

Mr. Alberici: On the Cicero side they are all 2-3 bedroom apartments.

Mr. Smith: Will any of the stormwater facilities be graded and seeded?

Mr. Parrish: No, those are all essentially ponds.

Mr. Marzullo: Is there a sliding glass door on these?

Mr. Parrish: Is there any access out of the rear of these buildings?

Mr. Trasher: These are two story units. You have a veranda coming out of the back of the upper floor plan. There is a patio that comes out of the lower floor.

Mr. Parrish: Those patios on the back of the units are going to essentially drop right off into the stormwater basins. While it is mobile it is fairly steep with a 25-33% grade. It does meet engineering requirements for stormwater.

Mr. Romans: If safety is an issue, obviously something will need to be done. If that is what your concern is for those patios.

Mr. Trasher: With regards to lighting, the lighting we have proposed is similar to what Joe Alberici has at all of his complexes. It is lower ornamental lighting, not parking lot lighting. It is low level lighting.

Mr. Smith: If it is the same lighting I don't have an issue with it. I don't know how the rest of the Board feels. What is the schedule for this happening?

Mr. Trasher: Mr. Alberici would like to start as soon as he gets the approvals, likely by the end of summer.

Mr. Smith: Are we to some degree being asked by the Town Board as a recommendation does this Planning Board think that this is a good use, this density for this piece of land and do we think that engineering, traffic and other issues are being addressed? We do not change zoning.

Mr. Germain: You do not change zoning. That is correct. You are charged by the Town Board to make a recommendation, to review the application; basically to look at site plan approval at this stage. Then you would make a recommendation one way or another to the Town Board. The Town Board will make the final action on it.

Mr. Smith: So basically we are saying do we think that on this parcel of land in conjunction with what Clay is doing; do we think that this is a good use. And engineering wise, does it answer our traffic concerns, pedestrian movement, stormwater---all of the considerations that we would have with a normal site plan.

If we took the zoning determination out of the equation, which is not ours, Mark's issues are very well taken. They are issues that the Town Board should consider.

Mr. Marzullo: At this point it is almost like a site plan for us.

Mr. Smith agreed.

Mr. Marzullo: I like the project. Mr. Alberici's projects are wonderful and I'm thrilled that he wants to do business in the Town. But, I still have a problem with whether or not this should be a PUD or if it should go for a variance. I also don't like Lots 5&6. I think that the density is not appropriate.

Mr. Romans: Variances on density are not given. By doing a PUD it gives the Town Board and the Planning Board the power to review site plan documents until their final approval. That is the power that the Town and the applicant have. The applicant says I need this density and this layout to work in my development. The Town has the power to look at everything up front. I think that this PUD benefits both the Town and the Developer.

Mr. Smith: I agree with Mark. If these were not rental units, and they are rental units, it would be

different from what we are approving. They are clearly rental units on the Cicero side. Yes there is a town line that goes through the community but, I think Clay's intent, and I know Cicero's intent, is to build a community. This would be consistent across the town line. It is going to be a neighborhood.

Mr. Alberici agreed.

Mr. Smith: We have covered traffic extensively. We don't necessarily agree with the NYSDOT, but they have approved it. They are happy with it.

Mr. Ruscitto: I'm not comfortable with the traffic from Phase 2 going through Phase 1. I think that it would be a big traffic problem.

Mr. Germain: As part of your recommendation you might state that it is the Planning Board's recommendation that Phases 2 & 3 should not be developed until such a time as Pariti Place has been accepted by the Town of Clay.

More discussion occurred.

Mr. Romans: I think that the quick answer would be that before Phase 2 gets built, that section of road up to that connector would have to be built.

Mr. Parrish: That is essentially what Mr. Germain recommended.

Mr. Romans: Mr. Alberici is saying that he is fine with that.

Mr. Ruscitto: I am also concerned with the drop off on Lots 5 & 6. Could there be some sort of fencing? Residents would have to know ahead of time what that is going to be like. There are issues with usability and safety.

Mr. Romans: On those back patios we could add some sort of railing or barrier.

Mr. Trasher: It would be the same material used for the second story railing.

Mr. Abbey asked for and was given clarity on RM densities versus PUD densities.

Mr. Marzullo: If I am asked to vote tonight it will be no. I'm not comfortable with Lots 5 & 6. I like the project. I think that it could be an asset to the Town. We are kind of circumventing the regulations for RM on this application. My main concern is Lots 5 & 6. That would be something that the Town Board

would really have to look at if it gets to that point.

Mr. Honors: I do like the project. I was concerned with where the Town of Clay stood for their PDD process. You did clarify that was approved. I was concerned with what might happen if Pareti Place was never developed. I would recommend that Phase 2 not be built until that road was taken care of.

Mr. Marzullo: The easements for Lots 5 & 6, are we looking at a one or two year storm? How high is that water going to come up?

Mr. Parrish: I don't have that number off the top of my head but there is a permanent pool there, at the base of those slopes. I don't recall exactly what the slope is. It's either a 3-on-1 or 4-on-1. That would go to just about the top of the easement during a 100 year storm. The water level would fluxuate.

Aquatic benches are designed to be wet. However, stormwater management design standards do provide for a safety bench. The final design will be reviewed through the Town Board.

Mr. Smith: Does this plan, as it is presented, meet stormwater requirements?

Mr. Parrish: I did not do a detailed review on the design of the stormwater management area beyond the feasibility of it. Again, the final design will be reviewed through the Town Board.

Mr. Smith: Do you see any obvious difficulties with stormwater?

Mr. Parrish: From an engineering standpoint, no. It meets the requirements.

Mr. Smith: This has not been an easy process. We have spent a lot of time on it. From a planning perspective I'm looking at what we want to see in that area. There is a need for rental properties. The Developer has an outstanding reputation. Their neighborhoods are assets to the communities that they are in. It is probably the best use that we can get for the site. The commercial piece will be subject to site plan approval.

I imagine that this will be a difficult decision for the Town Board. Mr. Marzullo's concern regarding intent is the kind of discussion the legislative body has to consider. We are always trying to come up with the best solution.

Mr. Ruscitto made a motion regarding SEQR. He 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: 4 Nays: 0 Abstained: 1 **Approved**

Mr. Germain read the following resolution: Move for the adoption of a resolution recommending the application of Tocco Villaggio for the proposed PUD last amended 4/2/2013 to the Town Board. As part of said recommendation this Board recommends that the Town Board consider the following in regard to this application:

1. It is the Planning Board's recommendation that Phase 2 and 3 of the project should not be developed until Pareti Place has been accepted by the Town of Clay.
2. The Planning Board further recommends that cross access easements for Lots 2, 3 & 4 should be provided to the Town Board's attorney for review and approval prior to final approval of the project.
3. The Planning Board recommends that the lighting fixtures should be consistent with those installed on the Clay side of this project.
4. In view of the grade and elevation of units on Lots 5 & 6, the Planning Board recommends that appropriate safety measures such as railings be installed to insure the safe use of these units.

Mr. Smith made a motion as presented by Mr. Germain above. **Mr. Abbey seconded the motion.** Chairman Smith asked for a roll call vote.

Mr. Ruscitto:	Abstained
Mr. Abbey:	Yes
Mr. Honors:	Yes
Mr. Marzullo:	No
Mr. Smith:	Yes

The resolution was **approved.**

Mr. Ruscitto made a motion to adjourn. **Mr. Abbey 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 9:15 P.M.

Submitted by:
Tonia Mosley, Clerk

ATTACHMENT A: PAGE 1

April 22, 2013

Planning Board
Town of Cicero
8236 Brewerton Road
Cicero, New York 13039
Attention: Robert Smith, Chairman

RE: JADAK Building Expansion Site Plan Review
FILE: 0101/25439.450

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) Topographic Map dated November 28, 2112
2) Demolition Plan dated March 8, 2013 revised April 2, 2013
3) Layout Plan dated March 8, 2013 last revised April 18, 2013
4) Grading, Drainage, and Erosion Control Plan dated March 8, 2013 revised April 2, 2013
5) Utility Plan dated March 8, 2013 revised April 2, 2013
6) Landscaping Plan dated March 8, 2013 revised April 2, 2013
7) Lighting Plan dated March 8, 2013 revised April 2, 2013
8) Site Details (3 sheets) dated March 8, 2013 revised April 2, 2013 (Sheet C-10 last revised April 17, 2013)
9) Stormwater Pollution Prevention Plan (SWPPP) dated April 2013.

Ianuzi & Romans Land Surveyors, P.C. prepared Item 1 and Napierala Consulting prepared Items 2 to 9.

The 6.7-acre site is located at the northwest corner of the intersection of William Barry Boulevard and Stewart Drive in Hancock Airpark. The site contains a 15,000 square foot building for use as light assembly and offices along with associated parking, utilities, landscaping and other site improvements. It is proposed to construct a two-story addition onto the west side of the building with a 22,150 square feet footprint with a total floor area of 40,000 square feet along with associated modifications to the other site features. The site is zoned General Commercial Plus. Our comments are as follows:

1. The site is located within the Town South Sewer District. Sanitary sewer service to the existing building is provided from an 8-inch Town sanitary sewer located along William Barry Boulevard. It is proposed to extend a new lateral from the sewer to serve the addition. A note has been placed on the Plan stating the Town of Cicero is to be contacted to coordinate connection to the sanitary sewer.

2. Stormwater runoff from the site is tributary to drainage facilities along William Barry Boulevard and a swale along the north side of the site. These facilities discharge to a stormwater pond located on the east side of William Barry Boulevard just north of the Gaylord Building. As more than 1-acre of land is to be disturbed a NYSDEC SPDES Permit for Stormwater Discharges from Construction Activities is required for the project. The SPDES permit requires stormwater quantity and quality mitigation along with erosion and sediment control measures be provided for the project. The existing stormwater pond was designed to provide stormwater quantity mitigation for the site. The Developer's Engineer has reviewed the design of the pond and determined it is also adequate to provide storm water quality measures. However, the required pre-

ATTACHMENT A: PAGE 2

treatment of the water quality volume will be provided on site by a pea-gravel diaphragm along the edge of the site. It is our understanding the NYSDEC has indicated provision of runoff reduction volume and green infrastructure measures is not required due to the previous mitigation provided for the project. The SWPPP should be updated to include a discussion of this information. The stormwater and sediment and erosion control measures are in general conformance with the requirements of the SPDES Permit.

The project includes extension of a storm sewer from the Town storm sewer located along Stewart Drive. A note has been placed in the Plan directing the contractor to contact the Town of Cicero Highway Department to inspect the connection.

The project requires the relocation of a Town easement that contains a flood route from a low point in Stewart Drive. A map and description of the easements to be abandoned and acquired should be prepared and presented to the Planning Board Attorney for review and approval.

3. The site has frontage on William Barry Boulevard and Stewart Drive, which are Town highways. The main access to the site is from William Barry Boulevard with an emergency entrance onto Stewart Drive. The emergency entrance onto Stewart Drive is to be eliminated and replaced with two entrances located further from the intersection with William Barry Boulevard. The Board should review onsite traffic circulation and the number of parking spaces provided with the Applicant.

4. The site is within the Taft Road Water Supply District No. 3. Water service for the site is provided from an 8-inch OCWA water main located along the east side of William Barry Boulevard. It is proposed to extend a water service to the addition from a 10-inch water main located along the north side of Stewart Drive. The Developer should contact OCWA to coordinate provision of the water services.

5. The Board should review the landscaping, lighting, signage, and architectural elevations with the Developer. The following are comments regarding these and other miscellaneous issues:
   a. The lighting appears reasonable for a site of this type.
   b. The location of any outside storage, equipment, dumpsters, etc. should be shown on the Plan.
   c. The existing signage is to remain on the site with the addition of a directional sign at the Willian Barry Boulevard entrance to direct delivery vehicles to the Stewart Drive entrances. For the Board's information the building frontage on William Barry Boulevard is 100 feet and the total area of the signage is 40 square feet.

6. There are no wetlands on the site as identified by the New York State Freshwater Wetland Map and the National Wetland Inventory Map.

7. The site is not located in a 100-year floodplain as identified on the 1994 FEMA Flood Insurance Rate Maps.

ATTACHMENT A: PAGE 3

Please do not hesitate to contact the undersigned if you have any questions or comments.

Very truly yours,

O'BRIEN & GERE ENGINEERS, INC.

Mark C. Parrish, P.E.
Managing Engineer

ATTACHMENT B: PAGE 1

April 16, 2013

Town Board
Town of Cicero
P.O. Box 1517
Cicero, New York 13039-1517
Attention: Jim Corl, Jr., Supervisor

Planning Board
Town of Cicero
8236 Brewerton Road
Cicero, New York 13039
Attention: Robert Smith, Chairman

RE: Tocco Villagio Planned Unit Development
FILE: 0101/25439.449

Dear Board Members:

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

1) Legend and General Notes dated February 12, 2013 last revised April 2, 2013
2) Existing Conditions Plan (2 sheets) dated February 12, 2013 last revised April 2, 2013
3) Proposed Zone Change dated April 1, 2013
4) General Layout Plan dated February 12, 2013 last revised April 2, 2013
5) Site Layout – Phase 1 dated February 12, 2013 last revised April 2, 2013
6) Site Layout – Phase 2 dated February 12, 2013 last revised April 2, 2013
7) Site Layout – Phase 3 dated February 12, 2013 last revised April 2, 2013
8) Utility Layout – Phase 1 dated February 12, 2013 last revised April 2, 2013
9) Utility Layout – Phase 2 dated February 12, 2013 last revised April 2, 2013
10) Utility Layout – Phase 3 dated February 12, 2013 last revised April 2, 2013
11) Grading Plan – Phase 1 dated February 12, 2013 last revised April 2, 2013
12) Grading Plan – Phase 2 dated February 12, 2013 last revised April 2, 2013
13) Grading Plan – Phase 3 dated February 12, 2013 last revised April 2, 2013
14) Landscape Plan – Phase 1 dated February 12, 2013 last revised April 2, 2013
15) Landscape Plan – Phase 2 dated February 12, 2013 last revised April 2, 2013
16) Landscape Plan – Phase 3 dated February 12, 2013 last revised April 2, 2013
17) Photometric Plan – Phase 1 dated February 12, 2013 last revised April 2, 2013
18) Photometric Plan – Phase 2 dated February 12, 2013 last revised April 2, 2013
19) Photometric Plan – Phase 3 dated February 12, 2013 last revised April 2, 2013
20) Erosion Plan – Phase 1 dated February 12, 2013 last revised April 2, 2013
21) Erosion Plan – Phase 2 dated February 12, 2013 last revised April 2, 2013
22) Erosion Plan – Phase 3 dated February 12, 2013 last revised April 2, 2013
23) Erosion Control Details dated February 12, 2013 last revised April 2, 2013
24) Details (2 sheets) dated February 12, 2013 last revised April 2, 2013
25) Stormwater Pollution Prevention Plan(SWPPP) dated March 2013
26) Residential Planned Unit Development Plan Narrative dated March 21, 2013.

CHA prepared the Items 1 to 2, 4 to 26 and Ianuzi & Romans Land Surveying, P.C. prepared Item 3.

ATTACHMENT B: PAGE 2

The 18.3-acre site is bounded on the south by Legionnaire Drive, on the west by the Town line and on the north and east by adjacent properties. The site is zoned Residential R-M and the Planning Board recently granted Preliminary Plan approval for the site. The above information has been submitted for approval of a Planned Unit Development (PUD) zone change for the site. A PUD provides the Developer the flexibility to deviate from the Town standards as may be deemed appropriate by the Boards. As such, the comments herein include information noting where the proposal does not conform to the typical Town requirements for site plan, subdivisions and Town sanitary sewer, drainage and highway construction standards. This information is provided for the Boards to consider when making their recommendation or approval for the project.

The site generally consists of brush and woods. It is proposed to construct a total of 144 apartment units on nine lots. The apartment units will be three 36-unit and six 6-unit buildings. The development is proposed to be completed in three phases, with Phase 1 consisting of Lots 2 and 3 with two 36-unit, 2 ½ story apartment buildings, Phase 2 consisting of Lot 4 with one 36-unit, 2 ½ story apartment building, and Phase 3 consisting of Lots 5 to 10 with six 6-unit, 2 story apartment buildings. The 36-unit buildings will contain twelve 1-bedroom units and twenty-four 2-bedroom units. The 6-unit buildings will contain three 2-bedroom units and three 3-bedroom units. Our comments are as follows:

1) The site has frontage on Legionnaire Drive, which is a Town highway and will serve as the main access to the site. Issues associated with the overall traffic impacts from the project and improvements to and along Legionnaire Drive were addressed during approval of the Preliminary Plan. Compliance with the requirements of that approval must be provided. The site access, circulation and parking should be reviewed with the Applicant and the following are additional comments relative to these issues:
   a) Access to Phase 1 is to be provided by an extension of Legionnaire Drive, access to Phase 2 is to be from Pareti Place and access to Phase 3 is to be from Alberici Avenue. Alberici Avenue is proposed to be a Town of Cicero highway. Pareti Place is proposed to be a Town of Clay highway and will connect Alberici Avenue with Legionnaire Drive. A note has been placed on the Plan indicating Phases 2 and 3 are not to be developed until Pareti Place has been accepted by the Town of Clay. However, the note does state that if Phase 2 is developed prior to construction of Pareti Place, access will be through Phase 1. The acceptability of this should be determined during the review process considering issues such as the amount of traffic utilizing the single access onto Legionnaire Drive, emergency access and utility service.
   b) Cross access is provided between Lots 2, 3 and 4. The cross access easements as shown do not address access through the lots or the entrance onto Legionnaire Drive. The easements should be amended to address this and it should be confirmed that the cross access easements or agreements have been reviewed and approved by the Town or Planning Board Attorney.
   c) Parking for each of the 36-unit buildings includes 60 surface parking spaces and 24 garage parking spaces. This provides for 1.6 surface parking spaces per unit or 1 space per bedroom. In addition to the surface parking 24 garage spaces will be provided for Lots 2 and 4 and 18 garage spaces will be provided for Lot 3. A note has been placed on the Plan indicating the garage spaces are only for use of tenants. Parking for the 6-unit buildings includes 2 surface parking spaces stacked in the driveway in front of a 1-car garage for each of the units. This provides for 2 surface parking spaces per unit or a minimum of 0.67 surface parking spaces per bedroom.

2) The site is located within the Cicero Sewer District. Sanitary sewer service will be provided by extension of laterals from the Town sanitary sewer facilities to be constructed as part of the subdivision. Issues related to the preliminary design, capacity and inter-municipal agreements for construction of the Town sewer facilities were noted during approval of the Preliminary Plan. Final design of the sanitary sewer system is to be addressed during approval of the Contract Drawings for the project by the Town Board. Compliance with the requirements of those approvals must be provided.

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3) Stormwater runoff from the site is generally tributary to two proposed wet pond stormwater management areas to be constructed as part of the development of the subdivision. As the project will disturb greater than 1-acre of area a NYSDEC SPDES Permit for Stormwater Discharges from Construction Activities is required for the project. The SPDES Permit for the project is to cover construction of both the subdivision and site development activities. Review of the preliminary design of these facilities was completed during approval of the Preliminary Plan. Review of the final design of the stormwater management areas, the SWPPP, and erosion and sediment control for the SPDES Permit is to be addressed during approval of the Contract Drawings by the Town Board. Compliance with the requirements of those approvals must be provided. The SWPPP includes a discussion of Green Infrastructure (GI) and Runoff Reduction Volume (RRV) measures that are to be provided. The measures to be provided on the apartment sites include the use of pervious pavement, rooftop disconnection and vegetated swales.

4) The site is located within the Cicero Water District Extension No. 4. Water service is to be provided by extension of services from water mains constructed as part of the development of the subdivision. The Applicant should coordinate provision of water service with the Onondaga County Water Authority (OCWA).

5) The site is not located within a flood plain as identified on the 1994 FEMA Flood Insurance Rate Maps.

6) There are no wetlands located on the site according to the National Wetland Inventory Map and New York State Freshwater Wetland Map.

7) The Boards should review the landscaping, lighting, signage, and architectural elevations with the Developer. The following are some comments for the Boards consideration regarding these and other miscellaneous issues:
   a) Lighting is provided both on the site and along the adjacent roads. Approval for the lighting within the roads will need to be obtained from the Town Board along with the formation of a lighting district, if necessary. The light levels provided are reasonable but it is recommended the light fixture be a fully enclosed, full cut off type fixture. The proposed fixture will result in significant glare.
   b) Signage consist of a 24 square feet monument sign adjacent to the entrance to Lots 2 and 3.
   c) As noted herein the PUD zoning allows for variance from typical zoning requirements. The following is information comparing the provided bulk regulations with those for R-M multi-family zoning:
      i) The Town Code requires lot area be calculated excluding the area encumbered by easements for stormwater management areas, wetlands, and utility easements for transmission lines not directly serving the subdivision. Significant portions of Lots 2, 4, 5, 6 and 7 are encumbered by easements for stormwater management areas. As a result the typical requirements for R-M zoning are not met for the following:
         (1) The R-M multi-family zoning requires a minimum lot area per unit of 5,445 square feet. Only Lot 7 meets this requirement with the lot area per unit on the remaining lots varying from 2,101 square feet on Lot 6 to 4,673 square feet on Lot 10.
         (2) The building coverage of 43.9% and 46.9% on Lots 5 and 6, respectively, exceeds the 30% required for typical R-M multi-family zoning. It is noted on these lots that essentially no area is provided outside the drainage easement except for the building area and front yards directly in front of the buildings, which include the paved driveways.
      ii) The 34'-7" height of the buildings on Lots 2, 3 and 4 exceed the 30' height required for typical R-M multi-family zoning.
      iii) The provided building line, minimum lot depth, and front, rear, and side yard setbacks meet or exceed the setbacks required for typical R-M multi-family zoning.

ATTACHMENT B: PAGE 4

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