

The Planning Board of the Town of Cicero held a meeting on **Monday, May 14, 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 April 23, 2012 Meeting (**approved**)
- Updates from the Chairman
- Site Plan, Ronald & Luann Burke, 9200 Brewerton Road, Proposed Expanded Warehouse, Auto Sales and Office (**approved**)
- Site Plan, Jenifer Herman, 8415 Brewerton Road, Proposed Art Shop/Studio Apartment (**approved**)
- Site Plan, JP Morgan Chase Bank, NA, 7888 Brewerton Road, Proposed Chase Bank (**approved**)
- Informal Discussions: Appoint Committee to Study Fee Schedule, Plan Distribution, Open Meeting Regulations and Animal Boarding

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

Others Present: Neal Germain (Esquire, Germain & Germain), Steve Procopio (Code Enforcement Officer), Steve Snell (P.E., O'Brien & Gere), Chief Barling (Cicero Fire Department), Jim Corl (Town Supervisor) and Tonia Mosley (Clerk)

The meeting opened with the Pledge of Allegiance. The Chairman noted emergency exits and asked that cell phones be silenced.

APPROVAL OF THE PLANNING BOARD MEETING MINUTES FROM APRIL 23, 2012

Mrs. May made a motion to approve the Planning Board meeting minutes from April 23, 2012.

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

*Ayes: 5 Nays: 0 Abstained: 2 **Approved***

UPDATES FROM THE CHAIRMAN

The Chairman noted the following:

- The next Planning Board meeting is scheduled for Monday, May 28th.

- The next Town Board meeting is May 23rd.
- Research on dog boarding by the Planning Board's attorney, Mr. Germain.
- Asking Mr. Germain for a resolution regarding the footpath in the Pastures Subdivision.
- Notice on Complete Streets and a possible presentation by the County.
- The Tocco Villaggio Project.

**SITE PLAN, RONALD & LUANN BURKE, 9200 BREWERTON ROAD
PROPOSED EXPANDED WAREHOUSE, AUTO SALES & OFFICE
IANUZI & ROMANS**

(SEE ATTACHMENT A: OBG LETTER DATED 5/11/12)

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

Mr. Romans noted they had met with the New York State Department of Transportation (NYSDOT) concerning the entrance. They would like us to reduce the width of the open driveway along the parking area. We have reduced the amount of asphalt along the private side of the driveway and in the right-of-way. We will apply for that work permit.

To improve truck movement we have removed some of the parking areas here and moved them to this location. I have maintained the same number of parking spaces.

We show that the existing sign will be relocated 20 feet back from the road right-of-way. The new sign location is here. We have also enclosed the dumpster.

I have provided Mark Parrish with cut sheets for the full cut off wall packs for his review. The disturbance for the property still remains well under an acre.

A note was placed on the plan stating no vehicle servicing is to be performed on this site. We show landscaping here and across the front here.

Mr. Smith asked for the amount of asphalt to be removed.

Mr. Romans responded 1500-2000 square feet. He explained how the site would drain.

Mr. Ruscitto: I know that we addressed parking for display cars, etcetera but I don't know if we discussed how many tractor trailers would be allowed. If you increase the number of tractor trailers and storage containers it would use up some of your parking space. Tonight I counted seven tractor trailers, one of which had a tractor attached to it, three storage trailers and a straight job.

Mr. Romans: The whole idea of the addition is to make it so that those no longer need to be there. The 5,000 sq. ft. addition is storage space for Mrs. Burke's products. This addition has four bays for unloading. The entire back portion is for storage.

Mr. Smith: Assuming there is an approval, what is the time frame for starting on this project?

Mr. Romans: They would like to be done this year.

Mr. Card asked if the septic system would be upgraded.

Mr. Romans responded no. Realistically for the uses and number of employees here, it will work fine. There are not any sewers available. There is an existing septic system. Since we are not modifying it, it does not need approval from the County.

Mr. Marzullo asked about the County's request for a traffic study.

Mr. Romans: When I spoke with the NYSDOT, they realized this was just a small magnitude expansion, an existing site that has tractor trailers coming in and out all ready. They did not see the need for a traffic study. Again, we will do a work permit through them and that should be it.

Mr. Snell addressed engineering's response letter. Our concern was for truck movement access east and west of the loading docks. It is possible that some of the 10 display spaces could be removed to improve site movement. We are concerned with trucks being able to turn around.

Chairman Smith noted he had spoken with Mark Parrish earlier. We really don't want tractor trailers backing out onto Brewerton Road.

Mr. Romans: We don't either. We can remove five of those parking spaces.

More discussion occurred.

Mr. Snell: Our only other comments were about the sign. Those comments have been addressed.

Mr. Romans gave more details about lighting.

Chief Barling commented about the Fire Department's ability to get to the back dock, especially during the winter. For our access, we only have one side that we can get to.

Mr. Smith: Hopefully, opening up that area will make that easier for you. We asked the applicants to show the maximum amount of display cars they would have, but they might not have that many.

Chief Barling asked if the building would require sprinklers.

Mr. Procopio responded a building that size would require sprinklers unless they divide the building into separate fire areas.

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 this Environment and that this resolution shall constitute a negative declaration for the purposes of Article 8 of the Environmental Conservation Law of the State of New York. **Mr. Smith seconded the motion** and called for a vote.

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

Mr. Germain read the following for the Board: Move for the adoption of a resolution approving the site plan application of Ronald and Luann Burke last dated 5/8/2012. This approval is contingent upon the following: removal of the ten spaces, two rows of five cars each, in the southeast corner of the site plan. **Mr. Marzullo made a motion** as stated above. **Mr. Abbey seconded the motion.** Chairman Smith asked for a vote.

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

SITE PLAN, 8415 BREWERTON ROAD
PROPOSED ART CONSIGNMENT SHOP/STUDIO APARTMENT
JENIFER HERMAN
(SEE ATTACHMENT B: OBG LETTER DATED 4/30/12)

Representative: Jenifer Herman

Mrs. Herman noted since her last meeting her proposal had gone before the County Planning Board (SOCPA) and she had been in contact with the NYSDOT about the driveway entrance. The site plan was modified slightly based upon those comments. The NYSDOT requested that the driveway be widened and that the entrance be paved. For now the parking area would be graveled.

Mark Parrish's letter requested cut sheets showing full cut offs. I have hard copies of that.

The existing driveway is paved. A small section in front of the house will be taken out and made into greenspace. A gravel parking lot will be placed behind the house.

We have torn down the farmhouse and plan on putting up a modular. The farmhouse was deteriorating and was too close to the road. We got American homes to design a Cape Cod style modular for us. It will not look like a double wide trailer. We have sewers now.

Mr. Snell reviewed comments from engineering. Mrs. Herman did provide cut sheets for lighting. They are acceptable full cutoff light fixtures. There is an easement shown on the plan to access the house at the rear of the site.

Chairman Smith: We have determined that there is enough space if at some point the private residence in the back had to have a separate driveway, it could.

Mr. Germain: I have not seen those easements because they are internal. I would not have to review them prior to site plan approval.

Chief Barling: Do you have a time frame for when you expect to pave the back area?

Mrs. Herman: Maybe next year.

Chief Barling: We have two access points to that area for our trucks. I just wanted to know when that would be accessible for our trucks.

Mrs. Herman: The plan is to do that sooner than later, but it might not be until next year.

Mr. Card commended the applicant for all of the hard work that she did on her own. You have done a great job.

Mr. Smith: This has gone to the County. We do have their recommendation.

Mrs. May made a motion regarding SEQR. She read: Be it further resolved that the Planning Board of the Town of Cicero hereby determines that the proposed action will not have a significant effect on the environment and that this resolution shall constitute a negative declaration for the purposes of Article 8 of the Environmental Conservation Law of the State of New York. **Mr. Smith seconded the motion** and called for a vote.

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

Mr. Germain read the following resolution: Move for the adoption of a resolution approving the site plan application of Jenifer Herman last dated 5/11/2012. **Mrs. May made a motion** as stated above. **Mr. Abbey seconded the motion.** Chairman Smith called for a vote.

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

**SITE PLAN, JP MORGAN CHASE BANK, NA
7888 BREWERTON ROAD, PROPOSED CHASE BANK
MACKENZIE HUGHES
(SEE ATTACHMENT C: OBG LETTER DATED 4/30/12)**

Representatives: Brad Hunt, Esquire, Mackenzie Hughes
Dan Pederson, Civil Engineer, Lauro Group
Robert Spiak, JP Morgan Chase

Mr. Hunt introduced himself and Mr. Pederson. We are seeking site plan approval for our

proposed bank at the corner of Route 11 and Hogan Drive. You gave us a positive recommendation for a zone change from Regional Commercial (RC) to General Commercial (GC). We did go before the Town Board who granted that zone change. The lot is now compliant with your code. We have also received SOCPA comments. They have determined that the project will not have any County wide impacts. We corresponded with your engineer, Mark Parrish and have received comments from him.

Mr. Pederson discussed some of the changes made to the site plan. We have adjusted the curb cut on Brewerton Road. It is now a right-in, right-out only curb cut. We have included signage in the island to direct motorists leaving the site that they can not make a left onto Brewerton Road--and to direct motorists going south on Brewerton Road that they can not make a left into the site. The current island there will be removed and replaced with a slightly different configuration to further enforce the restrictive left turns. We ran this by the NYSDOT. They like the new design better.

After discussions with the NYSDOT and Mark Parrish, we have removed the sidewalk portion that extended across to the property along Brewerton Road prior to getting to the exit and turned the sidewalk into the site. That eliminates any pedestrian vehicle conflicts at this driveway. It will be a new sidewalk.

Mr. Smith: We did a similar design across the street. We don't want to run pedestrians into the creek. The applicants are also putting a sidewalk along Hogan Road in the Town's right-of-way.

Mr. Pederson: Both sidewalks will be in the rights-of-way. Based upon our last discussion with the NYSDOT, they are not going to require a pedestrian signal going across Brewerton Road. They do not want the signal. They don't want ramps going across. They don't want a crosswalk going across Brewerton Road at this point.

Mr. Smith: Has signage changed since our last meeting?

Mr. Spiak: We had talked about the blue octagons at the last meeting. One of the Board

members had asked if there was another option for those. We submitted a stucco option versus the blue metallic lighted option, if the Board likes that better. If that is the Board's choice, we would be happy to do that.

Other than that, there are no sign changes from what was originally proposed.

More discussion occurred.

Mr. Snell: I just want to point out that 29 parking spaces are required. The applicants are proposing 39. There is a wetland along Pine Grove Brook but it is not in the area that they are working. They are under an acre of disturbance and do not require a SPDES permit. Lighting looks good. The Board has discussed the 194 sq. ft. of proposed signage. It is at your discretion if that is acceptable or not acceptable.

Were trip generation numbers required for this?

Chairman Smith: The NYSDOT is requiring that as part of their permit.

Mr. Germain: If it is required by the DOT, the DOT can require it as a part of their permit. It would not necessarily be a part of our site plan approval because the applicant would have to make peace per say, with the DOT.

The Chairman asked for comments from Chief Barling.

Chief Barling responded it looks fine.

Each Board member gave their opinion about signage. They decided to keep the blue emblem.

Mrs. May made a motion regarding SEQR. She read: Be it further resolved that the Planning Board of the Town of Cicero hereby determines that the proposed action will not have a significant effect on the environment and that this resolution shall constitute a negative declaration for the purposes of Article 8 of the Environmental Conservation Law of the State of New York. **Mr. Smith seconded the motion** and asked for a vote.

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

Mr. Germain read the following: Move for the adoption of a resolution approving the site plan application of JP Morgan Chase Bank NA last dated 5/11/2012. **Mrs. May made a motion** as stated above. **Mr. Marzullo seconded the motion.** Chairman Smith asked for a vote.

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

INFORMAL DISCUSSION: APPOINT A COMMITTEE TO STUDY THE FEE SCHEDULE

Chairman Smith: The Town Board has asked us to take a look at the current fee schedule that has been around for quite a while and compare it to our neighboring communities. My option would be to appoint two of the Planning Board members so that we could collect the data. Mark Parrish and the office here will start collecting some of the data.

I would like to appoint Greg Card and Chuck Abbey who usually come to the workshop sessions, to review it so that we do not have a quorum. Then we will come back and report to the Planning Board.

If Planning Board members feel the information is adequate and that there is no need for a change, we won't make any recommendations. If we do think a change needs to be made to the process we would put that in the form of a resolution. We would send the resolution to the Town Board who would have to enact any changes.

INFORMAL DISCUSSION: PLAN DISTRIBUTION & OPEN MEETING RULES

Mr. Smith: I have asked the clerks in the Zoning Office to send all of our information in a pdf format to all the members of the Planning Board. One reason is sometimes we get information in on the Thursday before a scheduled meeting. I think all members should have an opportunity to look at it before that Monday meeting. If they have questions they can come in and look at the hard copy. I want to give Board members a better chance to be prepared without having to drive all the way to the Town every time we have a submission.

I did research on that and whether there would be any conflict with the open meeting rules. I sent out a long email advising that we can not----Neal do you want to cover this?

Mr. Germain: Using an electronic means to just disseminate information is one thing. There is no problem with that. The only area where you might have a concern or problem is if you start commenting on what you receive via an electronic means. Now you would be inching over into the territory where you are violating an open meeting law. If you are commenting and sending that to other Board members you are really conducting a meeting.

The best way to handle this is to receive the information, but do not reply, comment or discuss that information with any other Board member via an email.

It is a good idea to disseminate information so that Board members are prepared to discuss whatever issues they might have. But, you should wait until the meeting to discuss those issues. Try not to respond or ask questions electronically, even of me.

Mr. Ruscitto: What if you want to call someone on the phone? It would not be documented and you would only be talking with one person.

Mr. Smith: I asked Bob Freeman that. He said that there is not a prohibition on, for example a site visit. We just have to be careful that we are not establishing a quorum. Bob Freeman is the Director of Open Government for the State of New York.

Mr. Germain agreed. If you wanted to have a discussion with another Board member, and no one else is around, you don't have a quorum. You would not have a problem. But if you reply electronically and hit reply all----you have a problem.

Mr. Smith: Mr. Freeman also said if we wanted to have site visits, if we scheduled them ahead of time----we just have to publically announce it a head of time.

Mr. Germain: If all of you wanted to have a site visit it is no different from anything else as long as it is publicized.

Mr. Abbey: What is the criterion for advertising?

Mr. Germain: It is the same as we publicize other things. We publicize our agendas, meetings, etcetera on the internet.

Mr. Abbey: Is there a time frame that needs to be done by?

Mr. Germain: It depends upon the meeting. There is usually a five day rule. It can't be more than five days in front or five days prior to your meeting.

Chairman Smith: Is everyone okay with getting their stuff electronically? The Zoning Office will continue to put hard copies in your mail boxes.

Members agreed.

INFORMAL DISCUSSION: DOG BOARDING

Mr. Card asked for a discussion about the email that was sent out.

Mr. Germain: We looked into the question of whether or not dog boarding is allowable. Dog boarding is not the same as dog grooming. Boarding is covered in the code as the over night care of animals. If you look at the General Commercial and General Commercial Plus sections, you will not see a reference to animal boarding. There is one reference in regard to a veterinary hospital or veterinary over night treatments. There is a simple prohibition for dog boarding being too close in proximity to a residential neighborhood.

If you go back to the Code for dog boarding, it is not a specifically permitted use. You must look to the section of the code to see what is permitted. If you look at the beginning of GC+, there is a section that allows the Planning Board to approve reasonable uses at their discretion.

The real question for potential applicants is do they have to file for site plan approval? I believe that the site we are talking about already has an approved site plan for a combination of uses. Typically the Zoning Office would look at three criterions: is there an approved site plan, is it in a certain amount of area and is it a permitted use. If all three are met, the application can be approved administratively and never get to the Board.

In this case the real question was do they meet the three point test. They did not because it is not a permitted use. How does the applicant over come this? They would file for a site plan and request in that site plan application, to have the over night care of animals that are dogs. The Board would then have the latitude to approve the over night care of animals at that site.

Mr. Marzullo: In what zoning district?

Mr. Smith: They were GC.

Mrs. May: That is dog grooming. Why would they want to board a dog for over night care when South Shore Animal Hospital can only do that when an animal is sick or has had surgery?

Mr. Smith: They were planning on doing a doggy hotel.

Mr. Germain agreed. Their application included putting in a doggy hotel for over night care.

Mr. Marzullo: Is Boarding allowed in any zoning district?

Mr. Germain: It is defined, but would not be in GC. The past practice of this Board has been if a use was provided for in a certain zoning district, it was not allowed in a different zoning district--with the exception of GC+ which allows the Board to make certain deviations as stated in Section 210-12.

The difference between GC and GC+ is the portion in GC+ that says the Board has the discretion to approve other uses. There is language in GC+ that allows you to approve certain uses.

There is no law that sets out to prohibit the Planning Board from approving a use in one zoning district because that use is provided for within another zone. That is a policy. It is not part of your code.

There are a couple of regulations that could affect South Shore Veterinary Hospital. There is a prohibition of boarding animals within a certain radius from a residential area. That is flat out prohibited by your code. Are they within 200' of a residential area?

Mr. Marzullo: Not their new building. They were told that they could not board animals.

Mrs. May: He was told he could only board animals if they were sick or injured.

Mr. Smith: There was a lot of confusion about this. Sometimes people get bad information.

But, this conversation is a result of the Town Board's attorney, the Planning Board's attorney and Steve trying to define what the code actually says instead of what we assumed that it said. South Shore would have to re-apply to modify his site plan because the Board did not approve boarding animals.

Mr. Germain: Animal boarding is not an allowable use. You are not going to find that in the code.

Chairman Smith requested that all Board members get a 10-15 minute training credit for this discussion.

Mr. Germain read the definition of veterinary clinic. It does not say that you can board animals there. You could read that as saying if the site is not within 200' from a residential area, and if it is approved as a veterinary clinic, that they could board animals.

Mr. Smith: He would need to modify his site plan if he wanted to be allowed to do recreational boarding in addition to boarding sick animals.

Chief Barling: Where is this new site?

Mrs. May responded Elta Drive.

Mr. Smith thanked Mr. Germain noting this was a lot of work. It came out of the work session and clarified a number of issues for us.

More discussion occurred.

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

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

Tonia Mosley, PB Clerk

ATTACHMENT A

May 11, 2012

Planning Board

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

RE: Burke Site Plan Review

FILE: 0101/25439.417

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. Existing Topographic Survey dated December 27, 2012 last revised May 8, 2012
2. Proposed Features dated December 27, 2012 last revised May 8, 2012
3. Grading Plan dated December 27, 2012 last revised May 8, 2012
4. Truck Turning Movements dated December 27, 2012 last revised May 8, 2012.

Ianuzi & Romans Land Surveying, P.C. prepared the above items.

The 6.28-acre site is located on the east side of Brewerton Road (U.S Route 11) approximately 700 feet south of Mud Mill Road. The site contains an existing 10,682 square feet office and storage building along with associated parking, utilities, landscaping, and other site improvements. It is proposed to construct a 5,000 square feet addition to the existing building and a 1,500 square feet detached building, which will be used for the existing packing material sales operation, along with associated site modifications. The project also includes an automobile sale operation. The site is zoned GC+, General Commercial Plus. Our comments on the Site Plan are as follows:

- 1) The site has frontage on Brewerton Road, which is a State highway. The existing driveway extends along the majority of the site frontage. It is proposed to reduce the width of the curb cut to 30-feet and provide a green area along Brewerton Road. The Board should review the access, parking and site circulation with the Applicant including the truck turning movements. In particular it is noted the path of the trucks exiting the easterly and westerly loading doors are very close to the proposed building or edge of pavement. Also, it is not clear how trucks can enter the easterly loading door without encroaching on the area shown for car sale storage.
- 2) As the project results in the disturbance of less than 1-acre of land a NYSDEC SPDES Permit for Stormwater Discharges from Construction Activities is not required for the project. Stormwater runoff from the site sheet drains to adjacent properties. This drainage pattern will be maintained under proposed conditions.
- 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 existing sign on the site is to be relocated 20-feet from the road right-of-way to comply with the Town Code setback requirements. No signage is shown on the building. The area of the sign is 40 square feet and for the Board's information the frontage of the building is approximately 75 feet.

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- 4) No modification to the sanitary sewer or water services to the site are proposed. It is noted sewer service is provided by an individual sewage disposal system located on the north side of the site.
- 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.

A handwritten signature in black ink, appearing to read 'Mark C. Parrish', written in a cursive style.

Mark C. Parrish, P.E.
Managing Engineer

ATTACHMENT B

April 30, 2012

Planning Board

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

RE: Herman Site Plan Review

FILE: 0101/25439.422

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 Plan dated April 20, 2012 prepared by Robert O. Eggleston, Architect
- 2) Topographic Map dated March 22, 2012 prepared by Ianuzi & Romans Land Surveying, P.C.

The 1.11-acre site is located on the west side of Brewerton Road (U.S Route 11) approximately 800 feet north of New York State Route 31. The site was previously utilized as a single-family residential property. It is proposed to construct a 1,092 square feet residential type structure which is proposed to be used for an art consignment shop and studio apartment along with associated improvements to the site access, parking, signage, and other site features. The site is zoned GC, General Commercial. Our comments on the Site Plan are as follows:

- 1) The site has frontage on Brewerton Road, which is a State highway. It is proposed to improve the existing driveway to conform to New York State Department of Transportation (NYSDOT) requirements for commercial driveways. The Board should review the access, parking, and site circulation with the Applicant. The driveway provides access to residential use properties located west of the site and an easement is provided for this purpose. A gravel parking area with seven (7) parking spaces is provided behind the proposed structure. The status of the NYSDOT approval for the access to the site should be reviewed with the Applicant.
- 2) As the project results in the disturbance of less than 1-acre of land a NYSDEC SPDES Permit for Stormwater Discharges from Construction Activities is not required for the project. Stormwater runoff from the site sheet drains to adjacent properties. This drainage pattern will be maintained under proposed conditions.
- 3) The site is located within the Cicero Sewer District. Sanitary sewer service is provided by an 8-inch Town sanitary sewer located within an easement along the east side of the site. It is proposed to utilize the existing lateral for the proposed building.
- 4) The site is located within the Cicero Water District. Water service is provided by a water main located along the east side of Brewerton Road. It is proposed to utilize the existing service for the proposed building. The Onondaga County Water Authority should be contacted relative to provision of the water service.

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- 5) The Board should review the landscaping, lighting, signage and architectural elevations with the Applicant. The following are comments regarding these and other issues:
 - a) Lighting is proposed to consist of two (2) wall packs located on the northwest corner of the building. A cut sheet of the fixture has not been provided for review. It is recommended a full cut off fixture be provided.
 - b) Signage is to proposed to consist of a 24 square feet freestanding sign located adjacent to Brewerton Road. For the Board's information the frontage of the building is 27.3 feet.
 - c) A note has been placed on the plan stating no outside storage or dumpsters are to be provided on the site.
- 6) 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.
- 7) 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

ATTACHMENT C

April 30, 2012

Planning Board

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

RE: Chase Bank 7888 Brewerton Road
FILE: 0101/25439.424

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 Plan dated January 17, 2012 last revised April 24, 2012
2. Removals Plan dated January 17, 2012 last revised April 24, 2012
3. Grading Plan dated January 17, 2012 last revised April 24, 2012
4. Utility Plan dated January 17, 2012 last revised April 24, 2012
5. Lighting Plan dated January 17, 2012 last revised April 24, 2012
6. Landscape Plan dated January 17, 2012 last revised April 24, 2012
7. Details dated January 17, 2012 last revised April 24, 2012
8. Erosion and Sediment Control Plan dated January 17, 2012 last revised April 24, 2012
9. Stormwater Management Report dated April 4, 2012
10. Signage Plan dated March 28, 2012 revised April 4, 2012.

Lauro Group, Inc. prepared Items 1 to 9 and Core States Group prepared Item 10.

The 1.55-acre site is located on the southeast corner of the intersection of U.S. Route 11 (Brewerton Road) and Hogan Drive. The site generally consists of gravel and landscaped areas and previously contained a convenience store and gas station, which has been demolished. It is proposed to construct a 4,312 square feet bank with drive through and associated parking, landscaping, lighting, and other site improvements. The site recently received a zone change from R-C Regional Commercial to G-C General Commercial. Our comments are as follows:

1. Access to the site is to be from a right-in/right-out only entrance onto U.S. Route 11 and a full access drive onto Hogan Drive, which are State and Town highways, respectively. The status of the New York State Department of Transportation approval of the project should be reviewed with the Applicant. The Board should review the access, parking, and onsite circulation with the Applicant. The Plan indicates 29 parking spaces are required for the site and 39 spaces are to be provided. Sidewalks are to be provided along the Route 11 and Hogan Drive frontages of the site. It should be confirmed that the sidewalk along Hogan Drive should be located within the Town right-of-way.
2. Stormwater runoff from the site is generally tributary to Pine Grove Brook, which borders the east and south sides of the site. As the project disturbs less than one acre of area a NYSDEC SPDES Permit for Stormwater Discharges from Construction Activities is not required for the project. The stormwater management report indicates the post-construction runoff peak rates will be less than those when the site was developed as a convenience store and gas station. Stormwater management facilities include hooded catch basins, dry wells and bioswales.

ATTACHMENT C: PAGE 2

3. The site is located within the Cicero Sewer District. Sanitary sewer service will be provided by an existing sewer lateral from an 8-inch Town sanitary sewer located within an easement on the east side of the site.
4. The site is within the Cicero Water District. Water service for the buildings will be provided by an existing water service from an 8-inch OCWA water main located along the east side of Route 11. The Onondaga County Water Authority should be contacted relative to provision of the water service.
5. The Board should review the landscaping, lighting, and signage with the Developer. The following are comments regarding these issues:
 - a. The lighting for the site is generally appropriate for a site of this type including the lighting of the ATM area.
 - b. The total area of the signage including freestanding and building mounted signage is 194.92 square feet. The Town Code allows for 1 square feet per linear foot of building frontage, which is approximately 61 feet along Route 11 and 79 feet along Hogan Drive. The Planning Board has the discretion to vary from this requirement.
6. The site does not contain a State Wetland as identified on the New York State Freshwater Wetland Map but Pine Grove Brook is identified as a Federal Wetland on the National Wetland Inventory Map. The Applicant is responsible for obtaining and complying with any wetland related permits that may be necessary for the project.
7. A 100-year floodplain and floodway as identified on the 1994 FEMA Flood Insurance Rate Maps is located along Pine Grove Brook. The limit of the floodplain generally follows the 381 contour and is located outside of the improved area.

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