

The Planning Board of the Town of Cicero held a meeting on **Monday, June 21, 2010** at **7:00 p.m.** in the Town Hall at 8236 South Main Street, Cicero, New York 13039.

Agenda:

- Approval of the 6/2/10 Planning Board minutes **(approved)**
- Major Subdivision Preliminary Plan (Public Hearing), SEQRA Determination (Public Hearing) and Site Plan, Cicero Commons and Loretto Health & Rehabilitation, Proposed Long Term Care Facilities, Route 11 & Meltzer Court **(approved)**
- Minor Subdivision Preliminary & Final Plan (Public hearing no longer necessary—subdivision plan modified), Elta Business Park, Southside of Route 31 at Elta Drive, 7 Lots **(to be done via the Zoning Office)**
- Site Plan, Learn As You Grow, 8381 Elta Drive, Proposed Addition **(approved)**
- Site Plan, Arrow Auto Glass, 5859 Route 31, Proposed Auto Glass Repair and Replacement **(denied)**
- Site Plan, Paul DeLima Company Incorporated, 8550 Pardee Road, Proposed 8kWp Solar Array **(approved)**
- Site Plan, Sea Ray Boats, 9122 Brewerton Road, Proposed Sea Ray Boat Dealership **(to return)**
- Informal Discussion, Chris Stellakis/CJ's Car America, Site Plan Extension **(approved)**
- Informal Discussion, Change In Work Session Starting Time **(changed to 8 a.m.)**
- informal Discussion, Recognition and Resignation of PB Member Jason Mott
- Informal Discussion, Side Walk Ordinance Motion Referred to Town Board **(approved)**

Board Members Present: Mark Marzullo (Chairman), Robert Smith, Richard Cushman, and Sharon May

Board Members Absent: William Purdy, Jason Mott, Christopher Rowe and Scott Harris (Ad Hoc Board Member)

Others Present: Judy Boyke (Supervisor), Wayne R. Dean (Director of Planning & Development), Neal Germain (Esquire, Germain & Germain), Lynn Jennings (Town Councilman), Mark Parrish (P.E., O'Brien & Gere) Jessica Zambrano (Town Board Liaison) and Tonia Mosley (Clerk)

The meeting opened with the Pledge of Allegiance.

APPROVAL OF THE JUNE 2, 2010 PLANNING BOARD MEETING MINUTES

Mr. Marzullo made a motion to approve the Planning Board minutes from June 2, 2010. **Mrs.**

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

Mr. Smith:	Yes
Mr. Cushman:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

**MAJOR SUBDIVISION PRELIMINARY PLAN (PUBLIC HEARING)
SEQRA DETERMINATION (PUBLIC HEARING)
SITE PLAN
CICERO COMMONS/LORETTO HEALTH & REHABILITATION
ROUTE 11 & MELTZER COURT, PROPOSED LONG TERM CARE FACILITIES
PIONEER COMPANIES/L.J.R. ENGINEERING**

Representatives: Alex Wisniewski, P.E., L.J.R. Engineering
David Norcross, Pioneer Companies

Mr. Marzullo: Pursuant to the published notices I now open the public hearing on the application of the Loretto Health & Rehabilitation C/O Pioneer Companies for proposed subdivision in the Planned Unit Development known as the Cicero Commons and also for public comments regarding SEQRA issues as may be related to any and all aspects of the Loretto Project. ***(The public hearing was opened at 7:01 p.m.)*** If anyone wishes to address the Board, please come forward. (There was no response.) ***(The public hearing was closed at 7:02 p.m.)***

He made the motion: With the adoption of a resolution closing the public hearing for Loretto Health & Rehabilitation, the application for subdivision approval and consideration pursuant to SEQRA. **Mr. Smith seconded the motion.** The motion was **approved** with the following vote:

Mr. Smith:	Yes
Mr. Cushman:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

Mr. Smith: I wanted to comment on the soil erosion control plan, especially during construction. Would you cover what you are doing about the soil coming off construction vehicles? How will you seal off the catch basins? Who is responsible for sweeping the streets?

Mr. Wisniewski detailed the grading and erosion control plan (Sheet 6). Sheet 13 describes the sequencing. The steps to be taken by the contractor to ensure that there is no off site sediment tracking are described.

Mr. Smith: The SWIPP report has someone doing inspection reports on a weekly basis. Who would do that?

Mr. Dean noted he does not normally do those inspections.

Mr. Wisniewski: Requirements for inspections are identified in the SPEDES permit. The developer is obligated to hire a certified professional in erosion control or a professional engineer to do those inspections. If I am selected, it would be my office. But, some private entity will perform those inspections on behalf of the developer---not the Town. The Town has their own separate requirements for SPEDES.

More discussion occurred.

Mr. Smith: For the record, the developer is absolutely aware that they are responsible for getting sediments off the road?

Mr. Dean: I am comfortable with it. We have worked it out. During construction everyone understands their role.

Mr. Wisniewski acknowledged the developer's responsibility.

Mr. Marzullo asked for a review of the points noted in Mr. Parrish's letter.

Mr. Wisniewski: A wetland inspection was done along with an Army CORPS representative. It has been determined that this is a non-jurisdictional wetland. Therefore if the Board chooses, Loretto and Pioneer are agreeable to, we can re-route and/or pipe some portion of the swale that runs behind Building 1. We would also slide that building back to maintain the same offset as the other buildings.

Mr. Marzullo asked if that would improve the situation with Building 8 as well.

Mr. Wisniewski: That situation is different because of the grade there. That is the main body of the pond area. Filling would be better than re-routing. But, it would be hard to maintain silt fencing along that area. This is something I can work out with Mark.

More discussion occurred.

Mr. Marzullo: Neal, how would we address that tonight if we go forward with an approval?

Mr. Germain: It would be conditioned. You would make a recommendation to the Town Board that was contingent upon that issue.

Mr. Marzullo: Mark do you have any other comments on stormwater?

Mr. Parrish: No. We talked about if there would be fencing around the pond. I think that is the last issue that needs to be discussed relative to stormwater at this point.

Mr. Marzullo: What about Item 2 which is relative to the roads in Lots 64 and 67?

Mr. Parrish: The access? There have been some modifications to the layout of Phase II beyond the limits of the Loretto Project specifically. The layout in that area has been adjusted and a number of lots have been eliminated from that portion of Phase II.

Mr. Smith: Does that cover the County's concern with Lot 1? Their response states that the Town may wish to consider requiring the applicant to modify proposed Lot 1 to create four proposed lots to avoid creating a single lot.

Mr. Parrish: No, that is not associated with that issue.

Mr. Marzullo: I talked to Mark briefly about that. He was not overly concerned at this time, nor am I. There is nothing illegal with a road cutting a lot. I suspect that at some time in the future when they go to develop that area, it will all change.

Mark could make reference to making sure that there is a concrete footer for curbing.

Mr. Parrish agreed that detail should be updated. Again, part of the recommendation to the Town Board includes that being addressed.

Mr. Wisniewski: That would be detailed in the contract drawings.

Mr. Marzullo: The Highway Supervisor is aware of the layout. We have gone over this with him. He has given his input and approval.

Mr. Wisniewski: It was the Highway Supervisor who requested the mountable granite curb as opposed to the standard full granite curb.

Mr. Marzullo: Mark, you mentioned that the locations of various street cross-sections should be noted on the plans.

Mr. Parrish: Yes. In the details they have a number of different street cross-section locations with various widths. Some areas have parking on both sides of the street, others on one side of the street. On the plans or road details (profile) it would be a good idea to show where those cross-sections are specifically along with the transition areas in between.

Mr. Wisniewski agreed to do so as part of the contract drawings.

Mr. Smith: At one time we talked about cross access.

Mr. Marzullo: Sidewalks are also included in Mark's comments. Should there be an agreement with the developer as far as the maintenance of those sidewalks?

Mr. Parrish: They are putting in sidewalks. They have a note on the plan that indicates Loretto would be responsible for operation/maintenance. I would assume that there should be some sort of formal agreement between the Town and the developer relative to that. But, I would defer that to the Town Attorney and the Town Board.

Mr. Germain: You would ask for some type of maintenance agreement for that from the developer which could be done as a condition of your referral to the Town Board, upon review and approval by us.

Mr. Smith: Wouldn't that be covered if we had an ordinance? If we had a Town ordinance wouldn't they be covered like the rest of the property owners in the community to maintain their sidewalks? So if the Town Board got around to a sidewalk ordinance.....

Mr. Germain: Correct but in this case we could just require them to have an access easement. They would submit it. We would review it, approve it and move forward.

Mr. Smith: I have a problem voting to approve something like that. It is like saying we are going to continue doing it piecemeal. We are on record repeatedly asking the Town Board to consider sidewalks. The County has asked them to consider it. I don't see setting up separate agreements all of the time.

Mr. Germain: It would be up to you as a Board whether to include that. It is not up to me.

Mr. Marzullo asked if traffic control would be covered by the Town Board.

Mr. Parrish: Yes, traffic control would be the Town Board. I think that there are two stop signs where you are exiting out onto Jamboree Drive from Meltzer Court.

Mr. Wisniewski: I thought that we showed the location of one more.

Mr. Marzullo: Any questions on parking?

Mr. Smith: What was the final determination on how the Town would handle over night parking? Right now the Town ordinance states that there is no over night parking on public streets between....?

Mr. Marzullo: It is the winter months. They are going to work their shifts around that.

Mr. Wisniewski: There is sufficient off street parking for the overnight shifts, so the applicant is agreeable to that restriction.

Mr. Germain: That is noted on the plan.

Mr. Smith: So they can park there during the day and the Town has agreed to that?

Mr. Wisniewski: Correct.

Mr. Parrish: They did have some off street parking. But the way that they are laid out, they can accommodate 3-5 cars with a handicap spot. In order to exit, they will have to back out onto the road.

Mr. Wisniewski: The intent with the parking layout was to create a look and feel of a residential community. There will not be a high traffic flow. Loretto views these as driveways that are similar to a residential setting. They are angled to facilitate the backing out maneuver. We are also minimizing the amount of asphalt that we have to put down from an environmental standpoint.

More discussion occurred.

Mr. Parrish asked for discussion on the status of Route 11 relative to the DOT.

Mr. Wisniewski: The DOT submitted a letter to Wayne relative to the zone change and the PUD. They had no comment to those. In the case of the subdivision, they requested that the traffic study consider the impacts at Route 11 from the balance of the buildout of Cicero Commons. Our traffic engineer concluded that this development has no negative impacts to that intersection and that there is no mitigation warranted. I don't have it in writing but I have the sense that the DOT agrees with that.

The DOT is trying to define for the edification of the current property owner of the balance of the site, what mitigation will be required upon the future development. We are trying to work out who does what studies and when. The ultimate goal is to establish a protocol for mitigation and/or improvements if they are deemed necessary.

This development has significantly reduced the impacts from the original PUD concept. Originally, I think that there were 80+/- homes contemplated that are now being replaced with this development.

We do not think that there will be mitigation required at Route 11 to allow this project to move forward.

Mr. Parrish: Since we do not have a final recommendation from the DOT, I would suggest that the Planning Board's recommendation to the Town Board be conditioned upon the developer performing any mitigation that might be required by the DOT. There might not be any, but we don't have that answer yet.

Mr. Wisniewski agreed.

Mr. Parrish: The last issue is cross connections with adjacent properties. SOCPA suggested that be looked at. It needs to be looked at in the larger context of the PUD as a whole, and not just this particular site.

Mr. Wisniewski: I am not sure what the details are for the original PUD but they seem to contemplate interconnections to the south and to the north. The property is bound by state wetlands around the westerly flank to the south flank. So, access to Clay does not serve any purpose, nor is it realistic given the wetland limitations there.

The PUD seems to consider future north and south connections. Given the current situation there, are those connections desirable? As part of our project we have not proposed altering that. In my opinion it does not make sense to promote any further interconnections through this Loretto parcel to the west or to the south. You have a road right-of-way that extends to the northern boundary of the PUD.

Mr. Parrish: Again from an overall perspective, what they are proposing does not change the access points that were previously approved with the original approval of Phase II. During Phase II a cross connection across the wetlands was discussed, so the access along the southerly portion of the site would be connected with the access on the west side of the site. I think that can be addressed in the future because it is likely the remainder of Phase II will be changed again.

Mr. Smith asked about a bicycle path easement.

Mr. Marzullo acknowledged that there was some discussion about a possible bicycle/walking path along the throat of the southern section now or potentially in the future.

Mr. Norcross thought that was a relatively short distance that Loretto might agree to.

Mr. Marzullo: I don't think that we are looking to construct it at this point. We were just looking to have the ability to do it in the future, if it makes sense.

More discussion occurred regarding providing an easement in that area for the future. Mr. Wisniewski noted the surrounding properties are currently zoned commercial.

Mr. Wisniewski discussed lighting. Street light fixtures would be similar to those around Meltzer Court but that would need to be reviewed by National Grid.

More discussion occurred which included signage.

Mr. Parrish discussed his comments relative to the subdivision with its roads and utility easements. Last year the Town Board approved a resolution to accept the public roads within the Commons Project. We suggest that it be confirmed that those roads have been dedicated to the Town, agreements be put together for the acquisition of the right-of-ways and that they be completed.

Mr. Marzullo: By whom?

Mr. Parrish: The Town Board passed the resolution so that agreement would have probably been between New Dimensions the property owner and the Town Board.

Mr. Norcross: Those were conveyed to the Town and recorded in Book 5102 page 258.

Mr. Parrish: So the roads have been taken care of. The other issue is the utility easements for the Town's sanitary and drainage facilities. Again, we are suggesting that it be confirmed that the easements, etc. that are shown on this map have been conveyed to the Town. I do know that New Dimensions provided a letter indicating that has not happened but that they would be willing to convey those easements.

Mr. Norcross: Those have not been conveyed at this point.

Mr. Parrish: We should make sure that happens as part of the filing of this map. The plan should also show the utilities, sanitary and storm water facilities on the map. We suggest those be added to the map prior to the filing of said map. We have two conditions for subdivision approval: utility easements should be dedicated to the Town and the map should be updated to reflect the utilities on the site.

Mr. Marzullo moved for the adoption of the resolution that the application of Loretto Health & Rehabilitation for a subdivision and the site plan considerations constitute an unlisted action with a completed EAF long form and complete and considered public hearings. The proposed projects will not have a significant effect on the environment and therefore does not require the preparation of an EIS. **Mr. Smith seconded the resolution** which was **approved** with the following vote:

Mr. Smith:	Yes
Mr. Cushman:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

Mr. Marzullo moved for the adoption of a resolution approving the application of Loretto Health & Rehabilitation for a subdivision of land as well as a positive recommendation to the Town Board on the proposed Amended Phase II Planned Unit Development District Plan subject to the following recommendations:

1. The swale north of Unit 1 be either relocated or piped to reduce the steep grade adjacent to the rear of the unit.
2. A concrete footer should be provided on the granite curbing detail.
3. The locations of the various road cross sections should be better delineated on the plans and/or road profiles.
4. The Developer be responsible for maintenance of the sidewalks as noted on the plans and that an agreement for the maintenance, prepared by the Developer, should be reviewed and approved by the Town Attorney and the Town Board.
5. The Developer performs any traffic mitigation that might reasonably be required by the Department of Transportation.

6. The Town be granted an access easement for pedestrians and non-motorized vehicles to run along the easterly property line of the site from the southerly intersection of Meltzer Court and Jamboree Drive to the southern property line of the subject premises.
7. As a condition of subdivision approval it be confirmed that the utility easements, as shown on the map, are in fact and/or will be dedicated to the Town and filed with the County Clerk.
8. As a condition of subdivision approval the map should be revised to reflect the utilities that are present on the site.

Mrs. May seconded the resolution which was **approved** with the following vote and discussion:

Mr. Smith: I can not support a sidewalk maintenance agreement. People's lives and safety are no less important than the sidewalks that run along Route 11. As far as I am concerned the Town Board should take care of that. I won't support that. As long as that includes the portion that requires a maintenance agreement with the Town Board, I can not support it.

It is in place of an ordinance that they have repeatedly not passed. Sidewalks are sidewalks.

Mr. Marzullo: I understand your frustration, but here we are with an application in front of us with the best way to move forward--the maintenance agreement that would be in place. This agreement would require the applicant to maintain them. I don't necessarily disagree with you, but the best way to handle this tonight is the way that we are doing it.

Mr. Wisniewski suggested two separate recommendations, one specific to the Loretto Project with a separate recommendation to the Town Board.

Mr. Smith: Ms. Zambrano do you understand our frustration with this? I don't see the value of the safety here if we do this.

Ms. Zambrano: I do understand the position. I would point out that we are a new Town Board and that we have not received a formal recommendation on sidewalks from this Planning Board. I thought that we had embarked on getting sidewalks, and addressing some of the other things through the committee for code revisions. Hopefully that would have come up.

Mr. Smith: On your say so, and the supervisor is here, **I will vote yes.** I tell you that it is absolutely disgraceful that we would go to the extreme to protect people who walk on these sidewalks. You are a new Board. It needs to be addressed.

Ms. Boyke: We have not been approached at any time with regards to that. It is number one on my list of things to do. It is my understanding from other projects that this type of facility hires a maintenance group that supports these needs.

Mr. Smith: Just so that you know because you are new, almost every single developer that has come before this Planning Board has agreed to maintain their sidewalks. They do not do it.

Ms. Boyke: In my opinion this is a totally different type of commercial development in regards to supporting their position. But, we will address it if someone would like to go forward and ask.

Mr. Smith volunteered to make that motion at the end of the meeting.

(The vote continued :)

Mr. Cushman:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

**MINOR SUBDIVISION PRELIMINARY & FINAL PLAN
ELTA BUSINESS PARK AMENDED
SOUTHSIDE OF ROUTE 31 AT ELTA DRIVE
IANUZI & ROMANS**

Mr. Marzullo noted we had a public hearing scheduled for this minor subdivision. I understand that is no longer necessary.

Mr. Dean: Correct. They wanted to expedite the process. They will not be creating another lot. They will be doing a simple lot line adjustment which can be handled by my office.

**SITE PLAN, LEARN AS YOU GROW
8381 ELTA DRIVE, PROPOSED ADDITION
L.J.R. ENGINEERING**

Representative: Alex Wisniewski, P.E. L.J.R. Engineering
Kevin & Kathy LaGrow, Applicants

Mr. Wisniewski introduced himself and the project. We have made modifications to the plan per your engineer's comments. This Board also asked us to take a look at the parking needs of the site. The LaGrows have determined with the three new classrooms and the gym, that they will need additional support staff. They would like to maintain the 43 parking spaces they currently have but in a reconfigured fashion. We removed the reference to the potential future expansion with the understanding that if and when those needs change, they would come back to the Board with an updated application.

Mr. Parrish had one minor comment relative to adjusting a note on the plan stating otherwise, unless the Board has any questions, we are satisfied.

Mr. Marzullo: Was that relative to the easement? Has it been taken care of?

Mr. Parrish: Yes.

Mr. Wisniewski: I can submit that revised plan. That note referenced the nature of the re-configuration of this access easement. That 30' easement is now situated on Lot 3.

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** which was **approved** with the following vote:

Mr. Smith:	Yes
Mr. Cushman:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

Mr. Smith made a motion to approve the Learn As You Grow expansion pursuant to the latest plan dated June 21, 2010. **Mr. Cushman seconded the motion** which was **approved** with the following vote:

Mr. Smith:	Yes
Mr. Cushman:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

**SITE PLAN, ARROW AUTO GLASS
5859 ROUTE 31, PROPOSED AUTO GLASS REPAIR AND REPLACEMENT
IANUZI & ROMANS**

Representative: Hal Romans, Surveyor, Ianuzi & Romans

Mr. Romans introduced himself noting the plans were basically the same with the exception of the added dumpster location. I met with Mike Washburn of the NYSDOT. The access point shown on the south side is the location and configuration that they want for the driveway. They allowed us to minimize the amount of curb we would have to reset with the throat of the drive. He will give his final approval with the submittal of a curb cut/road cut application. The driveway to the west will be removed, with the curbing reset to full height. I also asked him about doing some landscaping by the highway boundary. He will allow us to add some landscaping to the state's right-of-way.

We will remove some of the asphalt going west. There will be additional landscaping along that side of the building.

The dumpster could be enclosed with the same material that will be on the new building. The applicants will do brick about 3-4 feet up from the bottom to match the existing brick building. The rest will be earth toned vinyl siding. The existing building will basically be cleaned up. It will be a brick building with white trim.

The number of parking spaces will be 11---nine spaces with two in the garage. The gravel area where the tanks were removed will be repaved. The existing utility services will be used.

Mr. Romans discussed lighting and landscaping details. I believe that the sign will be internally lit. He noted the existing canopy. It is a structure that the applicant would like to utilize for completed cars.

Mr. Marzullo: Would we allow that canopy today on the property line like that?

Mr. Parrish: No, it would not be within the setbacks.

Mr. Romans: It is an existing, non-conforming structure. The setbacks got worse when the NYS DOT did a right-of-way taking. The applicant does not want to take it down or do anything to it at this time.

Mr. Marzullo: I can understand that. I like the brick on the building, the entrance and the additional landscaping. But, the canopy is so close to the road and so big at such a busy intersection that I don't think that it should stay.

Mr. Smith agreed that the canopy was too close to the roadway.

Mr. Romans: The entrance will have 29.5' of lane width. There would be 9.5' from there to the canopy. So, between the parked cars and the canopy you would have approximately 33'; well more than the 20' of lane space required by the Town.

Mr. Marzullo: We talked about a steeper pitch or gable. I would forgo those, but I don't want to see the canopy stay.

Mr. Romans: I could not agree to take it down without talking to the applicant because it is something that they look at as providing a function. They are not asking for a new canopy. The site is barely over half of an acre. It is hard to find something that would fit on a site like this. The bulk of their business is done offsite at the home of the customer.

Mrs. May: I agree that the canopy is not very attractive but it does not hinder the traffic flow or the line of sight. The site has been empty for a long time and we are fortunate to have the opportunity for a company to utilize it.

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

Mr. Smith:	Yes
Mr. Cushman:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

Mr. Marzullo made a motion to approve the site plan as presented with the requisite that the canopy be removed. **Mr. Cushman seconded the motion.** The motion was **denied** with the following vote:

Mr. Smith:	Yes
Mr. Cushman:	Yes
Mrs. May:	No
Mr. Marzullo:	Yes

**SITE PLAN, PAUL DELIMA COMPANY INCORPORATED
8550 PARDEE ROAD, PROPOSED INSTALLATION OF 8kWp SOLAR ARRAY
KURT M. STROMAN, ESQUIRE**

Representative: Kurt M. Stroman, Esquire, Paul DeLima

Mr. Stroman introduced himself giving a brief review of the project. This is a 50 watt solar module. We intend to install 160 of these on four separate tables within a 4500 square foot area north of the building along approximately 100' Pardee Road.

The modules would be at a 25 degree angle that faces south. There will be no glare to Route 81 or Pardee Road. The four tables would be spaced about 20' apart. This array would power a portion of the facility, but it emphasizes our commitment to renewable energy.

We went to the ZBA seeking an area variance. The setback in this area is 75 feet. We received variance approval to reduce that setback to 30 feet.

We have also revised the map and plan per the comments from your engineer. We noted the location of the required underground wiring. We also labeled the sewer location within the 30' sewer easement that we will be running. We addressed the comments made by SOCPA. They requested that we identify the wetlands on the property, which we have done.

We are back here tonight seeking approval for the project.

Mr. Parrish noted the applicant had addressed any comments he had.

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** which was **approved** by the following vote:

Mr. Smith:	Yes
Mr. Cushman:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

Mr. Smith made a motion to approve the solar array site plan for Paul DeLima Company Incorporated as presented with a latest revision date of June 1, 2010. **Mrs. May seconded the motion** which was **approved** with the following vote:

Mr. Smith:	Yes
Mr. Cushman:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

**SITE PLAN, SEA RAY BOATS
9122 BREWERTON ROAD, PROPOSED SEA RAY BOAT DEALERSHIP
BRAD SMITH, CRAIG DESORMEAU, P.E.**

Representatives: Craig Desormeau, P.E.
Brad and Geoff Smith, Applicants

Mr. Desormeau introduced himself. Phase I is the existing building. There are no changes to the entrance or paving. The front of the building will have some masonry approximately 3.5 feet to the bottom of the window, with steel above that. Two lights would be installed on the Route 11 side of the property.

Mr. Parrish noted those were flood lights and did not recommend their use.

Mr. Desormeau noted the building would be a tan or light yellow. The flood lights do not shine toward Brewerton Road or towards any of the side lot lines.

Mr. Parrish: Our recommendation would be to use full cut off features to cut down on light pollution. Even though the floodlights are not toward the road they can create glare. Through out the last few years the Planning Board has been using full cutoff fixtures.

Mr. Marzullo: We are probably saying we would not allow them at this point as well. The Board recommended using a different fixture with shields.

Mr. Parrish: Although the plan is not to scale, I would also like to discuss the location of the boat displays and how that fits in with parking. Sheet 3 shows the boat display area. As a general practice the Board requires a 20' setback to display areas along Route 11 and Route 31. We recommend that here---from the right-of-way line, not the edge of pavement. We recommend maintaining that area as open greenspace or as a landscaped area.

Mr. Desormeau added the drawing on the left is Phase I. Those boats are shown closer to the right-of-way than the boats shown on the plan to the right. Phase I would be this year. Phase II would be early next year 2011 and Phase III which is the construction of the new showroom would be mid to late 2011.

We have no problems with keeping the boats at 20' for Phase I. That is a grass area so we could just pull the boats back. During Phase II the boat area is shown at 22'.

Mr. Parrish: This should be a scaled drawing with the appropriate dimensioning. I also wanted to point out that the boats seem to occupy a majority of the parking area, particularly under Phase III---I think that you have three spaces left for customers.

Mr. Desormeau: Parking is in the front of the building during Phase III. There are 8 parking spaces across there.

Mr. Parrish: There are only 6 shown on the plan and with the handicap spot I don't know where the clear space area is. So, there might only be 5 available. The Board will have to decide if 5-6 spaces are sufficient for customer parking.

Mr. Marzullo: Is there separate employee parking?

Mr. Desormeau: Employee parking would be in the back of the building. We anticipate 4 employees. It is a gravel area. We have a lot of space back there so we would not be able to keep it striped.

Mr. Parrish: But that gives the Board the impression that there is no parking back there. They would look at the plan, see 6 open spaces and assume that would be provided for both customers and employees. You are also proposing to store 100 boats back there in Phase III.

Mr. Smith noted his concerns about impervious pavement. We absolutely want to know where paving and/or gravel will go.

Mr. Parrish: The gravel area is delineated.

More discussion occurred.

Mr. Smith: So there will not be any paving done behind the buildings in any Phase?

Mr. Desormeau: Correct.

Mr. Parrish: I believe that would be gravel. The front areas will be paved.

Mr. Brad Smith: The hours for operation will vary by the season. Generally in the winter we are open 6 days per week closing at 5. In the summer we would be open until 8 at night, Monday through Thursday. We will do some servicing there, behind the new showrooms. We would do

light service work at this facility for example oil changes, tune ups, winterizations and shrink wrapping. Heavy service work, for example fiberglass repair, would be done at another location.

For used oil we use Safety Clean double-walled container storage items. They come, pump it out and take it away for disposal.

Mr. Smith: Do you propose storing shrink wrapped boats in front?

Mr. Brad Smith: As far as storage is concerned the answer is no. For display purposes of the boats that we have for sale, there are times when a truck comes in from the manufacturer and they arrive shrink wrapped. We prefer the clear plastics instead of the white shrink wraps---so that buyers can still see the boats. We would have the advantage of the street display so that people can see boats all year long. I propose during the hard core winter months we would have boats covered in the clear plastic as opposed to the white shrink wraps. Then, sometime in early March, we would take the wrap off.

Mr. Smith: So as a condition of approval you would agree to not put white shrink wrapped boats out front?

Mr. Brad Smith: Sure.

Mrs. May: Would you have any other retail items for sale?

Mr. Brad Smith: We are not looking to be an accessory store. Generally we stock coast guard kits---every time a person buys a boat they get a coast guard kit with it. The kit includes your basic life jackets, anchor lines, etc. When they leave our facility they leave it being legal, so that they can use the boat. We are not looking for retail traffic that would be similar to West Marine.

Mr. Marzullo: What is the range of boat sizes that you would display?

Mr. Brad Smith: I would like to start out with 17'-30'. Ultimately, I would like see up to 40' on display.

More discussion occurred regarding how the site would look.

Mr. Parrish: I think that there are enough items that need to be clarified that we should probably get a revised plan before the Board makes their decision. The items that need to be addressed include lighting, the display area on a scaled plan, showing the wood fence replacement with vinyl fencing 20' from the right-of-way, showing setbacks to scale, showing employee parking, paved and/or gravel areas, etc.

Mr. Dean: Do you anticipate putting boats out by 81? That is not shown.

Mr. Desormeau: That comes into play with the sign that we will be proposing along Route 81. The site is visible from two Routes. We can comply with the square foot requirements for signage: 20 sq. ft. for Phase I and 120 sq. ft. for Phases II and III. The signs are individual letters. We have shown them on the building, to scale.

Mr. Parrish: Those should be calculated out. You have 4' high letters but we don't know how wide those are. The Board typically allows twice the square footage. I think that you would be within those limits, but better dimensioning of the signage would be appropriate.

They have provided the dimensions of the big sign out by Route 81: 16' wide by 6' high.

Mr. Smith: Will that be illuminated?

Mr. Desormeau: No.

Mr. Smith: Do they require any type of permit from the state to put a sign by the highway?

Mr. Marzullo: The County makes a reference to it.

Mr. Desormeau: The DOT has to approve it. We would need that sign to be exempt from the square foot requirements. That sign alone would exceed what we have been given for square footage.

More discussion occurred regarding the location of the sewage disposal and if that would be

impacted. Mr. Dean noted that would need to be verified by the County Health Department and requested that its location be noted on the plan.

**INFORMAL DISCUSSION: CJ'S CAR AMERICA, SITE PLAN EXTENSION
CHRIS STELLAKIS**

Representative: Chris Stellakis, Applicant

Mr. Stellakis noted that he had come across a number of additional expenses with the project including the sewer system and the design. I have the parking lot in. The provision you gave me was that I could use the existing parking lot until I could put the new parking area in. I have done the proposed parking lot but currently do not have the funds to put the blacktop down. I am here tonight to ask the Board if I can move forward, put in some inventory and sell some vehicles. I would prefer to get the blacktop down before the snow falls, but I need to get some income flowing first.

Mrs. May: How much time are you looking for?

Mr. Smith: You really need until next spring. After October there is no way to pave. **I make a motion** to extend the deadline for paving the display parking lot of CJ's Car American until June 30, 2011. **Mrs. May seconded the motion.** The motion was **approved** with the following vote:

Mr. Smith:	Yes
Mr. Cushman:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

**PLANNING BOARD WORK SESSION
TIME CHANGE**

Mr. Marzullo: There has been some discussion about changing the time that the work session would start to an earlier one. That seems to work better for some schedules and the lunchroom/conference room would be available for noon lunches.

I would like to make a motion to change the Planning Board Work Session Meeting from 10 a.m. to 8 a.m. This change should be published in the Town's local newspaper. **Mr. Cushman seconded the motion.** The motion was **approved** with the following vote:

Mr. Smith:	Yes
Mr. Cushman:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

RECOGNITION OF AND RESIGNATION OF PLANNING BOARD MEMBER JASON MOTT

Mr. Marzullo: Jason Mott has submitted his resignation. He has a lot of additional duties and responsibilities at work and felt that he could not put the time in that the Planning Board deserves. I think that the Town Board accepted his resignation at their last meeting.

Jason was a good member. He did a lot of his homework and took the job seriously. He will be missed.

I believe Mr. Purdy will be giving his resignation also, for personal reasons. Hopefully we will be adding some new members soon.

SIDEWALK ORDINANCE RECOMMENDATION TO TOWN BOARD

Mr. Smith made a motion (that was previously sent to the previous Town Board) to the current Town Board asking them to draft and pass a sidewalk maintenance ordinance covering the Town. We have required, with the backing of the previous Town Board, installing sidewalks along Route 11, Route 31 and certain areas. However, they are not maintained even though every developer has faithfully promised this Board that they would maintain the sidewalks. There is no enforcement for those promises. For the public safety we are in need of an ordinance from the Town Board for sidewalk maintenance requiring property owners to maintain their sidewalks. This ordinance has been passed in almost all of the other developed Towns in this County. I ask the Town Board to please pass a maintenance sidewalk ordinance, especially before we enter another winter season. **Mrs. May seconded the motion.** The motion was **approved** with the following vote:

Mr. Smith:	Yes
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