

The Planning Board of the Town of Cicero held a meeting on **Monday, June 24, 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 June 10, 2013 meeting **(approved)**
- Electronic Sign Permit Review, Chandler Automotive, 6745 State Route 31 **(approved)**
- Site Plan, Volpe Salon, 8050 Brewerton Road, Proposed Salon **(approved)**
- Site Plan/Sketch Review, Julia's Childcare, 5711 South Bay Road, Proposed Childcare Facility **(to return)**
- Site Plan, Sports & More, 9461 Brewerton Road, Proposed Sports Store/Instruction & Retail **(to return)**
- Site Plan, Mid Country Properties, LLC, 9206 Brewerton Road, Proposed Equipment Sales/Rental Business **(approved)**
- Site Plan/Sketch Review, Cicero Equestrian Center, 7863 Kneeskern Road, Proposed Horse Barn and Indoor Riding Area **(to return)**

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), Jessica Zambrano (Town Board Member) and Tonia Mosley (Planning Board Clerk)

Chairman Smith opened the meeting noting the 3 emergency exits in the room. He explained it was the Board's intent that everyone be able to hear the proceedings. Mr. Honors led the Pledge of Allegiance.

**NOTES FROM THE CHAIRMAN**

Mr. Smith noted the States' scheduled July 9<sup>th</sup> meeting regarding Route 81, which will have an impact on the Town.

**APPROVAL OF THE MEETING MINUTES FROM JUNE 10, 2013**

**Mr. Marzullo made a motion** to approve the Planning Board meeting minutes from June 10, 2013. **Mr. Honors seconded the motion.** The Chairman asked for a vote.

*In favor:* 5      *Opposed:* 0      *Abstained:* 0      **Approved unanimously**

**ELECTRONIC SIGN PERMIT REVIEW: CHANDLER AUTOMOTIVE  
6745 STATE ROUTE 31**

Representative: Ken Chandler

Mr. Smith noted Mr. Marzullo's concerns about the sign's location within the state right-of-way. It is my understanding that the sign has been moved. Are there any other changes?

Mr. Chandler responded no.

Mr. Procopio explained that the note on the plan still indicates that the sign will be placed on the existing sign post within the right-of-way. He asked that the applicant bring in the original survey that was used to create this plan along with the sign application and indicate that the new sign will be 20 feet back from the road boundary.

Mr. Chandler noted that he was moving the sign.

Mr. Germain added any motion would have to state the sign being moved out of the right-of-way. The application should be amended to say such.

The Chairman explained that would be filed with the Codes Office before a sign permit was issued.

There were no other questions from the Board or its professionals.

Mr. Germain read the following: **make a motion** for the approval of the sign permit contingent on the sign moving outside of the state right-of-way and the survey being amended to show the location of the sign as such.

Mr. Marzullo asked that the Board make reference to the new map showing the sign's location. Mr. Germain added: the new map given will be corrected to show the sign's location in the correct spot which is outside of the right-of-way and not on the existing sign post. **Mr. Marzullo made the motion** stated by Mr. Germain. **Mr. Honors seconded the motion.** The Chairman asked for a vote.

*In favor:* 5      *Opposed:* 0      *Abstained:* 0      **Approved unanimously**

**SITE PLAN, VOLPE SALON  
8050 BREWERTON ROAD, PROPOSED BEAUTY SALON  
IANUZI & ROMANS**

(SEE ATTACHMENT A: OBG'S VOLPE SALON REVIEW LETTER DATED 6/21/13)

Representatives: Hal Romans, Surveyor and Planner, Ianuzi & Romans  
Annette Merulla and Chuck Anthony, Applicants

Mr. Romans introduced himself noting he had received the review letter from Mark Parrish. We have submitted this plan with the sidewalk to the New York State Department of Transportation (NYSDOT) to initiate the work permit. The Board also wanted to see pictures of the house which I brought tonight. The doorway in front will be eliminated. There is an asphalt walkway that wraps from the existing driveway to the front which will be eliminated. We removed one parking space along the southeast corner of the property.

We show a privacy fence on the eastern side of the property which I have questions about. If I remember correctly, the fence can not go in front of the building line. This is a commercial, existing, non-conforming lot. I have the fence coming down to the building line of the residence next door because I thought that was what you wanted to see.

Chairman Smith had fencing similar to the car wash across the street in mind.

Mr. Procopio clarified that Hal was correct. If there is a fence beyond the building line it can not be more than 4 feet high and must be 50% opaque.

Mr. Romans stated we could do that. We could transition from stockade fence at the building line, from the lower portion out to the road boundary. I did get a hold of the neighbors next door and reviewed the plan with them. They had no questions or concerns.

Mr. Smith explained that it should be far enough back from the road line as to not be an abstraction. We don't want to create a traffic hazard. I know down the road it would be better to have a legal fence.

Mr. Romans pictured the last eight foot section of the fence would scalp down, transitioning into that. I will add that note on the plan.

Based upon Mr. Parrish's recommendation, I did fill in this little grass strip. Also, removing this parking space makes snow storage possible. We include a note about having the driveway re-location finalized with the Highway Supervisor.

Mr. Smith asked if the garage would remain and where the entrance to the salon would be.

Mr. Romans responded the garage would remain. The man-door for the entrance shows up opposite the handicap entrance. The man-door next to the garage will be maintained. The applicants will keep the trees in front after some major trimming. The sign will be removed and re-located in the correct spot, which shows on the site plan. I show that the proposed sign would be no more than 50 square feet.

Mr. Parrish explained that an internally lit sign was not noted on the plan. Because that was not indicated he asked that it be a condition of approval.

Mr. Smith asked for a sunset clause.

Mr. Anthony gave a brief history on his daughter's 17 year, highly competitive, exclusive, upscale business. Ms. Merulla will be staying in Cicero, hiring employees and building up her salon. Mr. Anthony expressed his concerns regarding what he defined as a show stoppers: the \$12,000 up front cost for the sidewalk. He asked for the Board's consideration on that requirement, hoping for a two year time extension.

The Chairman explained how the Planning Board works. We work on being consistent with all of our decisions. We have required all the developing properties along Route 11 to put in sidewalks. The Town Board has passed a resolution that they also want sidewalks along Routes 11 and 31. We are looking out toward the future. The sidewalks are getting used. So, it is not

a matter of just saying no you don't have to do sidewalks. We have to stay consistent because we are always open to judicial review.

I understand about the sidewalk. I would suggest that maybe you look for another estimate. We could work with you maybe on time, but two years is pretty far out there. I am sure that everyone on this Board is attuned to how hard it is to be a small business. But we have to follow certain parameters for the Town.

Mr. Anthony noted because of renovation restraints Ms. Merulla will only be in operation 14-15 months out of the next two years.

More discussion occurred.

Mr. Marzullo asked about the potential for porous pavement.

Mr. Romans explained that they had talked about it. We figured reducing the pavement by one parking space and increasing the greenspace would be sufficient instead. Porous pavement is more of an expense. We are taking out the front asphalt and making that entire area green.

Realistically, we can not reduce the number of parking spaces anymore and still meet the business's needs—4 employees, 4 chairs, 3 parking spaces per chair for customers.

More discussion occurred regarding other options to reduce and/or slow down storm water run-off.

Mr. Honors was concerned about the time constraints for building and sunset clauses.

Mr. Germain explained that sunset clauses were based upon obtaining a building permit. I think that if you sunset it at six months just to pull the building permit, that would be sufficient time—December 2013.

More discussion occurred.

Mr. Smith asked if there was a color pallet for the Board's approval. I will ask Mr. Germain to make sure these pictures, as you presented them, are marked as part of the site application.

The resolution will also note that you are removing and changing the door. Exterior colors will need to remain close to this color pallet.

Mr. Romans agreed, noting those pictures were taken today. It will remain earth tone grey.

**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.

*In favor:* 5     *Opposed:* 0     *Abstained:* 0     **Approved unanimously**

Mr. Germain read: **Move for the adoption of a resolution** approving the site plan application of Volpe Salon, 8050 Brewerton Road, last dated June 18, 2013. This approval is contingent upon the following:

1. The applicant obtaining any necessary building permits on or before December 24, 2013. Failure to obtain said building permits on or before December 24, 2013 shall render the approval null and void.
2. The sidewalk to be provided along Route 11 as set forth in the site plan application and shall be completed on or before one year from the date the certificate of occupancy is issued.
3. Fences proposed will be modified to conform to Code. That is the fence that is currently on the site plan is slightly out of Code and will be modified to conform to Code.
4. The applicant shall remove the old sign and place it as set forth on the site plan.
5. The sign will be internally lit.
6. The applicant will employ a rain barrel system to control run-off from downspouts.
7. The color and exterior of the building will appear as set forth on the pictures presented to the Board or a reasonable similarity as set forth, to the pictures that were provided by the applicant today. Those pictures will become part of the site plan approval and are appropriated by reference herewith.

**Mr. Smith made the resolution** as read by Mr. Germain. **Mr. Honors seconded the motion.** The Chairman asked for a vote.

*In favor:* 5     *Opposed:* 0     *Abstained:* 0     **Approved unanimously**

**SITE PLAN/SKETCH REVIEW, JULIA'S CHILDCARE  
5711 SOUTH BAY ROAD, PROPOSED CHILDCARE FACILITY  
JULIA HOUSE**

Representatives: Hal Romans, Surveyor and Planner, Ianuzi & Romans  
Julia House, Applicant

Chairman Smith noted the site is the former assembly office on South Bay Road. The application has been submitted to the County.

Mr. Romans explained this was a simple site plan. The survey on the left is the existing survey; the survey on the right shows the site plan modification. The building would be leased for a daycare. Ms. House has checked with the proper authorities to see what she would need.

We have made sure that parking spaces conform size wise to Code. We would use the existing parking lot with the existing road cut. We show a proposed 20' x 20' addition at the right rear corner of the building. That is a possible future expansion. We also show a box wire fence going around the back. Box wire fencing is similar to chain link with a bigger opening. It is more of a country style fence that is allowed by the State because of the green area and stormwater area at the back of the property. There is existing landscaping up front. Basically, the parcel is 150' x 200'.

Mr. Smith asked if the fence was for keeping children in, and keeping them away from the water. There is stormwater located there.

Mr. Romans responded that is correct, way back.

Mr. Marzullo asked if the State required the site to be fully enclosed.

Mr. Romans responded they do not. I actually show more than what the State said was needed. I hooked the fence up to the building. The sign would be located on the bump-out in the front where a garage was converted to living space. There is existing landscaping in the front of the building that just needs to be cleaned up.

Mr. Smith explained that the existing sign was illegal. When we spoke at the site, the applicant agreed that all of its components would be removed.

Mr. Romans agreed noting the sign was shown on the existing site plan, but removed from the proposed site plan.

Mr. Marzullo asked for the number of parking spaces.

Mr. Honors asked if any could be removed.

Mr. Romans responded the parking lot was striped in such a way that it would not legally work. I show nine spaces.

Ms. House explained that there would be two employees, herself and an assistant. We would have a maximum of 16 children. The hours of operation would be from 6 until 6.

Mr. Smith asked at this point we are not looking to take any pavement out, or add any additional pavement.

Mr. Romans responded no, just that back place where we can not get two-way striping. I told my client that it can not be striped as part of the spaces. The lighting shown is the existing lighting on the building. They are all residential fixtures. No dumpsters. Right now they have two trash bins that sit behind the building that are rolled out on trash day.

Mr. Smith noted because this was a commercial use, the Town will not pick up the trash. The applicant would have to arrange for their own trash pickup. Are there any other comments?

Mr. Parrish explained that he would give Mr. Romans a review letter. He asked if the area south of the building that is not being utilized could be used for employee parking.

Mr. Smith was concerned about safety. In an emergency, if they need to get around the building—I would hate to see someone parked there. Maybe it should be signed as no parking.

Mr. Romans noted on days when it is wet out back, that area would be available for children to play in. We will be making that a no parking spot.

Mr. Ruscitto asked, with respect to Code, how big are the openings on the box wire fencing? He asked if kids could get through it or climb on it. He was concerned about the retention area behind it.

Mr. Romans clarified that the style of fence has to be approved by the State. Realistically, it is not a true box. It is more of a rectangular swab.

Chairman Smith added the State is very restrictive on what is allowed. He asked if the fence would meet Town Code.

Mr. Procopio answered that it would.

Mr. Abbey asked if the ranch would strictly be used for childcare or would it be a residence also.

Ms. House responded a residence also.

Mr. Procopio explained that a part of Ms. House's requirements for classification with the State is someone has to live there. So there will be an apartment. The kitchen that was taken out will have to be replaced. This is allowed within a General Commercial (GC) zoning district and would be allowed in all commercial districts with or without an attached dwelling.

Because the applicant's classification is called Family Group and Care she is required to have someone live in the building. If this were taking place in a residential neighborhood we would not have any jurisdiction what so ever and Ms. House would be allowed to do this. But because she is taking this to a commercial property, we required her to get site plan approval.

Potentially, she could get more children which would elevate her outside of the Family Grouping. Then she would be approved for daycare through this process. From the Planning Board's perspective it is a daycare.

Mr. Smith asked to make sure we include in the approval that this is the approved use. So, if someone wanted to come in and open for example a car dealership, the site plan would be restricted.

Mr. German clarified they would be restricted to that particular use. You would also contingent the approval on having an apartment, or residential space.

Mr. Abbey asked if disabled access was available at the site.

Mr. Romans believed it was handicap accessible. It might require some minor modifications.

Mr. Smith noted when the building was an assembly office modifications were made to make it handicap accessible.

Mr. Abbey asked if the sign was 5 by 10.

Mr. Romans responded 10' by 5'. The windows would be covered partially by the sign. My client is leasing the property, with an option to buy it down the road. At this point she does not want to do anything officially, like removing garage windows. The sign would not be lit.

Mr. Procopio noted there was a grass area. The applicant could put the sign on posts in front of the building rather than over the window if she wanted to.

Mr. Smith added the application has been sent to the County. You have comments from the Board. We would be happy to get this on the agenda again, as soon as possible.

**SITE PLAN, SPORTS & MORE**  
**9461 BREWERTON ROAD, PROPOSED SPORTS STORE, INSTRUCTION & RETAIL**  
**IANUZI & ROMANS**

Representatives: Hal Romans, Surveyor and Planner, Ianuzi & Romans  
Mike Stagnitta, Applicant

Mr. Romans indicated that he had received Mr. Parrish's review letter. Our engineer is making some minor modifications to the storm water. Even though we are under an acre of disturbance, this will improve storm water quality up front. I picture under-drains that will filter materials and some additional perking into the ground.

We met with the New York State Department of Transportation (NYSDOT) at the location. That application is done and ready. The NYSDOT requires that the application be signed by the contractor. Mr. Stagnitta has three potential contractors ready to go. He is just waiting for site plan approval.

The Chairman thanked Mr. Parrish for getting his comments out noting this project and the next project have new construction restraints. We have a short construction season. I wanted to make sure that the Board understood Mark really jumped through hoops to get this reviewed. We appreciate that.

Mr. Romans noted his appreciation for Mr. Parrish's efforts also. We have to have the NYSDOT permit in place before we can put in the driveway. The location is fine and the permit fee is paid.

I have cut sheets for the style of lighting we are proposing. There is a cut sheet for the two light poles in the parking lot. There is not spill over into the road boundary or the adjacent properties. The fixtures are placed down and shielded.

Mr. Parrish questioned sign lighting. I don't think that is reflected in the photometrics. You are proposing external or flood lighting onto the sign.

Mr. Romans explained the cut sheet notes that it is a flood lighting which has an adjustable head.

Mr. Smith: Before we use flood lights we need to know where the sign will be placed.

Mr. Stagnitta stated it does not necessarily have to be flood lighting. We could light internally.

Mr. Smith: Recessed lighting shining down is fixed. Flood lighting might not be maintained. We would not have those issues with an internally lit sign. Flood lights really aren't acceptable.

Mr. Romans: We can change that on the plan to only have recessed lighting for the canopy area.

The Board has photos of what the building will look like. It is no longer a metal building, but a stick building.

Mr. Marzullo noted the plan has metal building all over it.

Mr. Romans stated he would correct that. It is the same footprint. Any bump-outs, etc would fit within that foot print. The building's exterior would probably be hardy board or a veneer type log. It would be earth tones as shown---two shades of brown for a country, Adirondack look.

Total sign square footage is 160 square feet. The building's frontage is 92 linear feet.

The County recommended certain modifications in their referral. They noted the NYSDOT needed to review the site plan and that a highway permit is required. As stated previously, they do have a copy of the site plan. The referral notes that the DOT has determined the applicant must complete a drainage study for storm water environmental requirements. We had Napierala Consulting provide us with a drainage report. I passed that on to the NYSDOT.

The County wanted us to check with OCWA for sewer availability. Basically we have sewer right in front of the site.

Mr. Smith noted that goes to Brewerton, not Oak Orchard where there is a current moratorium.

Mr. Romans: Correct. The final plan shows our water main. We have sent a copy of the plan to OCWA. There should not be a capacity issue with water.

Mr. Smith: It appears like you have covered the County's modifications. What about easements?

Mr. Romans: We do show cross easements. If Mr. Germain wanted us to write a meets and bounds description or a title description, it is shown on the plan. I show it coming in the entrance, to each property line, along the driveway.

Mr. Germain: Right now it is just a picture on a plan. They are going to have to supply us with the actual easement for review and approval. Generally speaking they are going to draw in an

easement that is in conformance with what is on the plan. The cross access easement does go across and it does have access to both properties north and south.

The only way to ensure an easement is enforceable is having the applicant submit an actual easement with its meets and bounds, or with a general description, which will refer to that map. We need to see the actual easement.

Mr. Romans: That is not an issue. We will make sure that it gets to Mr. Germain in the proper form.

Mr. Smith: Any discussions about parking? We would want adequate parking, but not abundance.

Mr. Romans: Parking has not changed. We have 32 spaces. We are figuring 4-5 employees. Mr. Stagnitta might want to talk about not paving all of the parking spaces the first year. The entrance way would be paved in 50 feet from the edge of Route 11. The asphalt might be done during the second year. The drainage report and everything is based upon it being paved.

Mr. Smith: So we are looking at having a gravel parking lot, even in front of the building?

Mr. Stagnitta: That would depend on what the contractor says. If he can grade it where it is going to drain correctly, I'm okay with that. I have seen places that were paved and a year later there are puddles everywhere. I would like to see how the gravel drains first.

Mr. Smith: I don't know how I feel about not having any paving, including what would be in front of the building.

Mr. Parrish: We have had car lots where the Board allowed them not to pave, but they don't have constant customers coming in and out. They don't have striping to maintain on gravel. That's impossible. The striping of the handicap spaces, all of those things on this type of use, are not something easily managed with this intensity or this type of use without pavement.

Mr. Marzullo: If your concern is that it is going to settle, put the binder down.

Mr. Smith: From a Planning Board perspective, we need pavement.

Mr. Ruscitto: It could be a binder. Then you'll see where it settles.

Mr. Marzullo: Where are we with the neighbor and the encroachment of some of their stuff?

Mr. Romans: Mr. Stagnitta is not going to do anything about it. It is a private issue that does not affect the site plan. That neighbor is 90+ years old. He has acknowledged the fact that he has things on Mr. Stagnitta's property.

Mr. Germain: It does not create an issue for us. It is an internal matter between the two property owners.

More discussion occurred.

Mr. Parrish: Relative to storm water, at this point they are keeping the disturbance at .94 acres. The purpose for that is to keep it under an acre so that there is no requirement for a SPDES permit. But, there is additional area available on the site for development. They are planning for development with the layout of the site providing access to those areas. If and/or when they come back in it will be over an acre and becomes part of what is called a Common Development Plan. At that point they would have to get the SPDES permit and provide mitigation for not only what is being developed at that time, but this development too.

That is part of the reason why I have asked their engineer to contact me. We have discussed this issue. That is why they have provided the mitigation, at least for the storm water quality aspect of this project, for this part of the project.

If the project were developed as a whole---the location of the parking area and the area up front is the low end of the site. Normally, that would be where you would provide the storm water mitigation measures.

They have provided a report that says there is no increase in the quantity or the rate of run-off for this specific drainage area. You have additional impervious area, so you do have an increase of some sort. But, again through their calculations, they have shown that there is no increase. They will have to oversize their facilities in the future to accommodate or account for the lack of facilities at this point.

Mr. Smith: We have often done that because there is no way for someone to say they are going to develop a whole site if it is a larger site.

Mr. Parrish: There is a way, but they are choosing not to do that. I have pointed out this issue to them. Their engineer agreed that it would be very difficult to provide storm water quality functions, which is why they are going to amend their design.

I don't know what they are going to do specifically. They have some options. It is their design. I wanted to point out to the Board that at this point I can not tell you if it is approvable or not approvable. They will have to come back with a plan that provides those functions.

Mr. Romans noted Mr. Napierala was working on it. He agreed that it is something that helps with future development.

More discussion occurred.

Mr. Smith: To save ourselves some time I think that we should cover the other issues. But, I don't see how we can move forward with approval or denial tonight until Mark has more information and he has had a chance to review it. I would probably plan on continuing the discussion until we have all of the issues, except for that one, decided. Then the applicant would be assured when this comes back, as long as we have an acceptable resolution to that issue, we would move forward quickly.

Mr. Germain amplified that. That would also allow you to show the pavement in the parking lot, show lighting, show easements and have everything neat and ready to go. Right now I count at least eight open items that need to be addressed.

Mr. Parrish: Storm water was discussed. The paving of the parking area should be reflected on the plan. You have the amendment to lighting for the signage. The Board referenced the type of building on the plan.

Mr. Germain added lighting, storm water design, drafting the easement, and the shed encroachment issue.

**SITE PLAN, MID COUNTRY PROPERTIES, LLC**  
**9206 BREWERTON ROAD, PROPOSED EQUIPMENT SALES/RENTAL BUSINESS**  
**IANUZI & ROMANS**  
(SEE ATTACHMENT B: OBG'S REVIEW LETTER FOR MID COUNTRY DATED 6.21.13)

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

Mr. Romans noted he had received Mr. Parrish's review letter last Friday. The first part is background information on the project. Mark gives comments about lighting the proposed use, signage along Route 11 and the signage along Route 81.

We have pictures of the building to show what it would look like.

The major changes to this plan include removing the Phase 2 proposal. This shows the additional parking area on the south side of the project. A display/storage area is still out by Route 81. We also still have a display area out front.

Mr. Smith: I visited the site over the weekend. I received a number of assurances from the applicant that the current sign out by Route 81 is temporary. It is not what we are looking for. That piece on 81 is of large importance to the Town.

Mr. Romans: You have the elevation drawings. On page 3 of 6 I have two details of the sign. Sign A is the one out by Route 81. Sign B sits out by Brewerton Road. Sign B has a maximum height of 24 feet. It is 10' by 8'. Sign A is a single pole sign with a maximum height of 30'. The NYSDOT has a rule for signs along Route 81. The sign should be far enough back so that if it falls over it would not fall in the right-of-way. The actual lettering on the signs may change; it should include the business' name, the services provided and the business' address.

Mr. Smith: The NYSDOT has to approve that sign. Because it is an interstate highway, they approve it on behalf of the Feds also.

Mr. Romans: That is correct. The sign is not classified as a billboard and has a very simple process. The NYSDOT has a copy of these revised plans.

The same thing goes for the DOT permit as far as the location of the driveway and the width. They told us how much shoulder they would like to see because of the type of traffic that would go in and out. Once the contractor comes in with their insurance the permit will be issued.

We added a statement of use as shown on Sheets 2 and 3. Service and repair would be available to the general public. Hours would be 7 a.m. until 6 p.m. Monday through Friday and 8 a.m. until noon on Saturday.

Mr. Smith: We want to make certain that nothing in this site's approval could be construed as equipment storage. We don't want to see a bunch of equipment sitting, with the grass growing up around it.

Mr. Romans: It is not a contractor's yard. It is not a place for old equipment. They don't go out and do the construction. They provide equipment for contractors. Anything that is beyond repair would be removed from the site.

Mr. Marzullo: Did we talk about getting more specific about the storage area along Route 81, not having booms up in the air with temporary signs on them?

Mr. Romans: We talked about labeling the storage areas. We would have booms there, keeping in the storage area shown. I can add a note specific to that.

Mr. Smith: We could note that within any resolution. In the display area next to Route 81, there is no temporary signage, no banners. The idea is to have an attractive display area, with some equipment, professional signage and landscaping.

Mr. Romans: That is fine. There could be boom trucks out there that are not extended.

Mr. Panebianco agreed that is not what we are looking for.

Mr. Smith suggested a possible height restriction.

More discussion occurred.

Mr. Abbey: How will the signs be lit?

Mr. Romans: All of the signs will be lit internally. There is equipment lighting provided out by Route 81.

Mr. Smith: As long as it does not interfere with Route 81. It should shine on the equipment away from 81.

Mr. Romans: We show lighting out there along with a fenced in area. Lighting shows off the equipment. It is also for security.

We submitted the septic design to Jeff Till at the Health Department. He made some recommendations to Ryan Fisher on some changes. They were reflected in this packet. Mr. Till will finish his review and sign off on that. The same thing holds for National Grid and the DOT. The deed contains the right to cross, the right for access. They have the drawings.

Ryan Fisher will add his stormwater information.

Mr. Procopio asked if the building's signage was incorporated within the signage calculations.

Mr. Romans: The building's signs are not included.

Mr. Smith: Signage is really at the discretion of the Board. We have to be site specific. As an administrative Board, we can not be in the position of establishing a defacto Town ordinance that says you always meet this criterion to get approval.

Mr. Germain: You are taking it case by case. Every case that you are presented with will have different competing concerns. As a Board, you are weighing those concerns. You are employed to do that by Code. One size does not fit all. You are going to tailor you're approval to each individual site.

Mr. Smith: You have 81 signage and Route 11 signage. We have to be careful. We are not empowered to establish a new Town order or new Town rule. We really have to look at this on a case by case basis because that is what this Board does.

Mr. Romans: The sign on Route 11 would be 80 square feet, 150 square feet for Route 81. The building's sign would be approximately 40 x 3 or another 120 square feet.

Mr. Germain: You could incorporate those pictures presented tonight by reference, thereby incorporating the sign on the building.

Mr. Procopio: That would mean no signage on the east side of the building.

More discussion occurred.

Mr. Procopio: There is a small display area by Route 11. Do the rules apply to this display area as well?

Mr. Romans: That is labeled display only.

**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.

*In favor:* 5     *Opposed:* 0     *Abstained:* 0     **Approved unanimously**

Mr. Germain read: **Move for the adoption of a resolution** approving the site plan application entitled Mid Country Properties, LLC, 9206 Brewerton Road last dated 6/14/13. This approval is contingent upon the following:

1. The applicant obtaining any necessary building permits on or before 12/24/13. Failure to obtain said building permits on or before 12/24/13 will render this approval null and void.
2. The grading plan as submitted shall be amended to address the Planning Board Engineer's comments as set forth in paragraph two of the O'Brien & Gere review letter dated 6/21/13. That is incorporated herein by reference. The applicant will submit the amended grading plan to Mr. Parrish for review as a prerequisite to obtaining a building permit.
3. Building elevations must conform to the pictures submitted as part of the site plan review. Said pictures that were presented tonight are a general description of the overall look of the project and are incorporated into the site plan approval by reference.
4. There will be no booms extended or temporary signs of any kind in the display area adjacent to Route 81 or in the display area adjacent to Route 11.

5. There will be no storage area in the area adjacent to Route 81.
6. All signs will be internally lit.
7. Signs will be limited on the Route 11 side to 200 square feet and are not to exceed to 150 square feet on the Route 81 side.

In addition, as part of this approval, the Board notes that the property in question was recently re-zoned as General Commercial Plus. Accordingly, the Board has considered the proposed use as set forth in the application and hereby determines that the proposed use as set forth on the site plan is an allowable use in a General Commercial Plus District. The Board also notes that a contractor's yard or equipment storage facility is not deemed an approved or allowable use as part of this site plan approval.

Mr. Marzullo: The temporary signs, was that specific to the display areas? Shouldn't it be to the site in general?

Mr. Germain: **Amend** that to say there will be no temporary signs that are not in conformance with Town Code.

Mr. Smith: We are saying no temporary signs in the display areas.

Mr. Procopio: The temporary signs that the ordinance allows are for grand openings for a period of two weeks, and certain types for one week. The other temporary signs are limited to 16 square feet placed within conforming locations on the property—which is 20' from the front property line and no closer than 10' from the side property line---only for 30 days, four times per year.

**Mr. Smith made the motion** as stated by Mr. Germain. **Mr. Honors seconded the motion.** The Chairman asked for a vote.

*In favor:*        5        *Opposed:*        0        *Abstained:*        0        **Approved unanimously**

*The Board took a 5 minute recess.*

**SITE PLAN/SKETCH REVIEW, CICERO EQUESTRIAN CENTER  
7863 KNEESKERN ROAD, PROPOSED HORSE BARN AND INDOOR RIDING AREA  
CYNTHIA GRIFFO**

Representatives: Thomas Fucillo, Esquire, Menter, Rudin & Trivelpiece, PC  
Greg & Cynthia Griffo, Applicants

Mr. Fucillo introduced himself noting that the applicant's engineer, Alex Wisniewski from LJR Engineering could not be here tonight. We received Mr. Parrish's comments which I can go through.

We will provide the building's height on the plan. My office has prepared the easement paperwork and will provide that to Mr. Germain tomorrow. Mr. Wisniewski and Mr. Griffo will take care of the information regarding the size of the sanitary sewer, making sure that it is adequate and noting that on the plan.

The plan shows a limited disturbance of .96 acres. The proposed plan is under an acre. In the past Mr. Griffo has done some clearing of trees and such which is not related to the project. He has had problems with prowlers. The police were involved. We request that the Board continues to treat it like it is under an acre which is what the developed project would entail.

There were comments regarding adequate parking for trailers, storage and site circulation. The new site plan will confirm those items.

We understand that the gravel surface does not lend itself to the maintenance of parking lot striping. The intent is to be graded but not striped.

Mr. Smith: If I remember correctly, you are not holding events here. So we probably could avoid more asphalt and more storm run-off.

Mr. Fucillo: Any exterior storage area for equipment, etc. should be shown on the plan. We understand that. For now, the intent is to not have vehicle or equipment storage. We will discuss that in the next couple of days. If there is any it will be noted on the plan.

Additional information on the operation of the covered manure storage dumpster should be provided. I believe that there is a note on the site plan itself. The note states the proposed covered manure dumpster enclosure: 14' wide by 20' deep and 12' high at peak of cover. Enclosure shall consist of painted, stacked concrete blocks on three sides to a height of 4'. The peaked canopy shall consist of a loop house constructed of aluminum or PVC tubing and a canvas canopy.

The use of flood lights is discouraged. It is recommended that a full cut off type fixture be used. We understand that it is your preference not to have flood lights. But, in this case, the building is not located near the road. We are proposing the use of I believe they are called light packs, on the building. This is a rural, agricultural part of the Town. Lighting will not impact residents.

Chairman Smith: So that you are aware, I have already had phone calls and written communications from neighbors. We absolutely do not want to have impacts. Things like light pollution going off site that is disturbing---any issues that will impact neighbors potentially will be a concern for the Board.

Mr. Fucillo: I appreciate that. We have provided a lighting study. It is my understanding that flood lights are not prohibited by the Cicero Code. We will consider the recommendation but it was our engineer's belief what is proposed will not impact neighboring properties.

Mr. Smith: Lighting will be decided by the Board. That is part of our process and how we have it mitigated. I'm not saying that it is wrong; I just want you to be aware that we need to be cognizant of the impact of this project on the area.

More discussion occurred.

Mr. Fucillo: A subdivision application shall be submitted for the proposed lot line modification. We have that application ready to go. Mr. Griffo can go through the site plan.

Mr. Griffo: It is pretty much what we did before. We changed the offset of the building 50' off of the property lines.

Mr. Smith: Basically it is a training facility correct? Are you boarding?

Mr. Griffo: It is a training facility and we will be boarding 25-30 horses—depending upon the team that we have. We would pack up and leave for horse shows. No horse shows or anything like that would go on at this facility.

Mr. Smith: Have you changed any of the uses since the last time you were in—for food, etc?

Mr. Griffo: No

Mr. Marzullo asked for details on manure storage and removal.

Mr. Griffo: We are working on that. We will try a different type of bedding or we will use shavings. It could be dumped once a month or twice a month. Until we really nail down what materials we would use in the stalls—we want to make sure to get a minimal amount of clean up and storage. If it is full within a week it will be dumped once a week. I won't have anything more than the one dumpster that is there.

Mr. Marzullo: How is odor regulated?

Mr. Griffo: There really isn't any regulation for odor. It is inside that little loop house. The dumpster is a regular dumpster that is hidden inside the enclosure.

Mr. Smith: And the roof would be on to keep rain from leaching in, to keep it off the stuff?

Mr. Griffo: Yes. Most of the stuff that we put in there will be dry because we mix it with the pellets and stuff to stick it together. It is not liquefied manure by any means. It's solid.

More discussion occurred.

Mr. Procopio: A stable is an allowable use in an Agricultural zone.

Mr. Parrish: It is the Board's discretion whether or not they feel the flood lighting is appropriate. The photometrics show that there are no foot-candles off of the site. That does not mean that you are not going to see them.

Everyone likes to think that flood lights light all of an area. But, even if you have lighting with cut off fixtures what you are not doing is projecting lighting out. In areas lit by flood lights what you see is the light. You don't see what is being lit. If I am looking at something I want to see what is being lighted. I don't want to see the light. I want to be able to see someone standing below that light.

That type of full cut off lighting can achieve the same results, and better results, but you are not seeing the light. You are not seeing the glare.

Mr. Griffo: I understand. We would definitely change those to whatever we need to do.

Mr. Parrish: As far as stormwater, we would like to note this just to be consistent. They are .96 acres, very close to the one acre limit. There are agricultural uses, as this could be considered. I noted the clearing that was done because it was obvious that area was disturbed. I wanted the Board to know and to allow the applicant to explain the rationale for why they are not including that within the disturbed area.

As an engineer it does not cause me much concern because it is not an impervious area. It is clearly grading and re-growing an area. You are not really changing the run-off.

Mr. Honors asked for more details regarding manure storage and disposal.

Mr. Griffo responded we were going to have the truck come in--the loop house would be high enough on blocks--back up and put the dumpster in. We open the door, fill it up and shut the door. The truck comes in, opens the door, hooks on to the dumpster, hauls it up and takes it away.

Mr. Parrish: Is the dumpster water tight?

Mr. Griffo: No because the front door opens.

Mr. Parrish: There were some concerns about the amount. I think as long as you are keeping storm water off of it and it is not running off, it is probably pretty well covered. Odor?

Mr. Smith: Obviously, there are some concerns. We would need details about how you are going to handle the manure.

Mr. Fucillo: This was going to be sent to the County. Can we confirm that?

Mr. Procopio: It has been sent.

Chairman Smith: Are there any other comments?

Mr. Ruscitto: I do have one comment. Since the last time you were here, I have had a few people call who were concerned if there would be people coming in for events and all that. The neighbors are paying attention to what is going on.

Mr. Honors: I don't have anything at this time. I am looking forward to the project going forward.

**Mr. Abbey made a motion to adjourn. Mr. Ruscitto 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 9:50 P.M.

Submitted by  
Tonia Mosley, Planning Board Clerk

ATTACHMENT A: PAGE 1

June 21, 2013

**Planning Board**

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

RE: Volpe Salon Site Plan Review  
FILE: 0101/25439.454

Dear Board Members:

We have reviewed the following 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 - Existing Survey dated April 11, 2013 revised June 18, 2013
- 2) Site Plan - Proposed Parking dated April 11, 2013 revised June 18, 2013
- 3) Site Plan - Grading Plan dated April 11, 2013 revised June 18, 2013
- 4) Site Plan - Lighting and Landscape Plan dated April 11, 2013 revised June 18, 2013.

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

The 0.54-acre site is located on the northeast corner of the intersection of U.S. Route 11 and Lincoln Avenue. The site contains a 1,780 square feet frame house along with associated utilities, landscaping and other site improvements. It is proposed to make some minor modifications to the house and construct a parking area on the east side of the building for a salon business. The site is zoned General Commercial. Our comments are as follows:

- 1) The site is located within the Cicero Sewer District. An 8-inch Town sanitary sewer located along Lincoln Avenue provides sewer service to the site. An 8-inch Town sanitary sewer is also located within an easement along the Route 11 frontage. A note on the Plan states no changes are proposed to the sanitary sewer service.
- 2) Stormwater runoff from the site is generally tributary to drainage facilities located along Lincoln Avenue. As less than 1-acre of land is to be disturbed a NYSDEC SPDES Permit for Stormwater Discharges from Construction Activities is not required for the project. The project includes provision of a culvert at the relocated driveway and improvements to the swale along Lincoln Avenue to accommodate stormwater runoff from the site. A note has been placed on the Plan directing the Contractor to contact the Town Highway Department to coordinate these improvements.
- 3) The site has frontage on U.S Route 11, which is a State highway and Lincoln Avenue, which is a Town highway. The project includes relocation of the existing driveway onto Lincoln Avenue easterly to provide the required distance from the Route 11 intersection. A sidewalk has been provided along the frontage of Route 11. The Applicant should obtain the necessary permits from the New York State Department of Transportation for installation of the sidewalk. Due to the width of the site there is minimal green space available for landscaping or snow storage to accommodate the proposed double row parking. The Board should review the parking, access and site circulation with the Applicant.
- 4) The site is within the Cicero Water District. A water main located along Lincoln Avenues provides water service to the site. A note on the Plan states no changes are proposed to the water service.

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June 21, 2013  
Page 2

- 5) The Board should review the landscaping, lighting, signage and buffering with the Developer. The following are some comments regarding these and other miscellaneous issues:
  - a) Lighting includes provision of a wall pack on the east side of the building to illuminate the parking area and is reasonable for the proposed use.
  - b) Signage consists of a 50 square feet freestanding sign along Route 11. For the Board's information the frontage of the building is 44 feet. It is recommended the Board review the details and method of lighting the sign with the Applicant.
  - c) A wood stockade fence is provided in the northeast corner of the site as a buffer for the adjacent residential property.
- 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.

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

June 21, 2013

**Planning Board**

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

RE: Mid Country Properties Site Plan Review  
FILE: 0101/25439.452

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 January 6, 2012 last revised June 14, 2013
- 2) Proposed Features dated March 4, 2013 last revised June 14, 2013
- 3) Landscaping, Signs and Lighting dated March 4, 2013 last revised June 14, 2013
- 4) Site Grading Plan dated June 1, 2012 last revised June 14, 2013
- 5) Erosion and Sediment Control Plan dated June 1, 2012 last revised June 14, 2013
- 6) Erosion and Sediment Control Details dated June 1, 2012 last revised June 14, 2013
- 7) Stormwater Pollution Prevention Plan (SWPPP) dated August 2012 revised June 2013.

Ianuzi & Romans Land Surveying, P.C. prepared Items 1 to 3 and Fisher Civil Engineering prepared Items 4 to 7.

The 7.39-acre site is located on the east side of U.S. Route 11 approximately 300 feet south of Mud Mill Road and is bounded on the east by Interstate Route No. 81. The site is bisected by a National Grid power line and fee parcel. The site is currently vacant and consists of woods and brush. It is proposed to construct an 8,000 square feet building for equipment rental, lease, sales and service along with associated utilities, site access, parking, lighting, landscaping and other site improvements. The project also includes a display area to be located east of the National Grid parcel adjacent to Route 81. The site is zoned General Commercial Plus. Our comments are as follows:

- 1) The site is located within the Lakeshore Sewer District but there are no public sanitary sewer facilities readily available to provide service to the site. Sanitary sewer service is to be provided by an individual sewage disposal system located east of the proposed building. Approval for the sewage disposal system will need to be obtained from the Onondaga County Department of Health. Information should be provided to confirm the type of and area for the sewage disposal system are feasible.
- 2) Stormwater runoff from the site is tributary a swale that crosses the site and flows to the Route 81 right-of-way. 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. A combination of bioretention areas and ponds located adjacent to each of the developed areas are proposed to provide the required stormwater quantity, runoff reduction volume, and quality mitigation for the site. Sediment and erosion control measures are shown on the Plan and are reasonable for a project of this nature. In accordance with the Town Local Law for Stormwater Management and Erosion & Sediment Control a Stormwater Control Construction and Maintenance Agreement should be executed with the Town for the stormwater management area. The following are additional comments relative to the proposed stormwater management facilities:
  - a) The Detention Pond Detail shows a bottom elevation of 382 and 382.5 for Ponds 1 and 2, respectively, but these elevations are not reflected on the Grading Plan. The Detail also shows a settling forebay for

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- each pond that is not detailed on the Grading Plan. The Grading Plan should be amended to address these issues.
- b) A SWPPP Acceptance Form with Sections I and II completed should be provided.
  - c) The certification on Page 10 of the Notice of Intent in the SWPPP should be signed.
- 3) Access to the site is proposed from a driveway onto Route 11, which is a State highway. It should be confirmed with the Applicant that the New York State Department of Transportation has approved the location of the entrance. The Board should review onsite traffic circulation and the number of parking spaces provided with the Applicant.
- 4) The site is within the Brewerton Water District. Water service for the site is to be extended from an 8-inch OCWA water main located along Route 11. The Developer should contact OCWA to coordinate provision of the water service.
- 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 the proposed use.
  - b. Signage includes an 80 square feet freestanding sign along Route 11 and a 150 square feet freestanding sign along Route 81. The architectural elevation for the building shows a building mounted sign that is not detailed but should be included in the total area of the site signage. For the Board's information the frontage of the building is 100 feet. The Board should review lighting of the signs with the Applicant. A note on the Plan indicates the sign is to be internally lit but it is not clear to what sign(s) this refers.
  - c. Information should be provided indicating National Grid has or will grant permission for the proposed gravel drive crossing their property.
- 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.

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