

The Planning Board of the Town of Cicero held a meeting on **Monday, August 13, 2012** at **7:00 p.m.** in the Town Hall at 8236 Brewerton Road, Cicero, New York 13039.

Agenda:

- Pledge of Allegiance
- Approval of the minutes from the June 25, 2012 Planning Board meeting (**approved**)
- Notes from the Chairman
- Site Plan, Cicero Properties LLC (United Auto Supply), 8262 Brewerton Road, Proposed Parking Lot Improvements (**approved**)
- Major Subdivision Final Plan, Hancock Airpark Sections A & B, 7th Amendment, East Taft Road & Thompson Road, 1 Lot Amended (**approved**)
- Site Plan/Sketch Plan Review, 5641 Bear Road, LLC (Coppertop Tavern), 5641 Bear Road, Proposed Parking Lot Expansion (**to return**)

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

Others Present: Fire Chief Ron Florczykowski (CFD), Neal Germain (Esquire, Germain & Germain), Mark Parrish (P.E., O'Brien & Gere), Steve Procopio (Code Enforcement Officer) and Tonia Mosley (Clerk)

Chairman Smith noted the emergency exits and asked that cell phones be silenced. Then he led the Pledge of Allegiance.

APPROVAL OF THE JUNE 25, 2012 PLANNING BOARD MEETING

Mrs. May made a motion to approve the June 25, 2012 Planning Board meeting minutes as they are printed. **Mr. Card seconded the motion.** Chairman Smith asked for a vote.

*Ayes: 6 Nays: 0 Abstained: 1 **Approved***

NOTES FROM THE CHAIRMAN

- The Chairman recognized Chief Florczykowski's attendance at the meeting.
- He noted a recommendation was made at the work session to ask the Town Board to add classifications to applications. The Town Board controls applications and application fees. We are missing the modification of site plan and PUD classifications.
- He suggested reducing the number of yearly Planning Board meetings to save the Town money. The Board could probably have one meeting in the months of July, August and December. This would be discussed and/or scheduled at the next organizational meeting.
- He noted a site plan enforcement discussion with Mr. Procopio and Mr. Germain. We would ask the Town Board to look at some mechanism for the Codes Office to enforce site plans. Town Code does not give that office much leverage. Mr. Germain added this would be a suggestion to the Town Board. Enforcement is a difficult process in any Town. It is always a difficult issue.
- The Chairman reminded Board members about training requirements. That paper work should be filed with the Town Clerk.
- Mr. Smith noted three major projects approved by the Planning Board—Chase Bank, McDonald's and Aspen Dental---have applied for and are in various stages of building permit approval.
- He noted the Tocco Villaggio Project with the Town of Clay appeared at a work shop meeting. They are trying to get the State to tell us what the intersection will look like so that we can approve a road. The project is in the beginning stages but is moving along.

Mr. Card pointed out that the system was working. If you look at the new County Max and how that is being developed and coming around, the Board did a good job in requiring the Developer to do certain things and to meet certain requirements. It shows. That project is great.

**SITE PLAN, CICERO PROPERTIES LLC (UNITED AUTO SUPPLY)
8262 BREWERTON ROAD, PROPOSED PARKING LOT IMPROVEMENTS
CHA CONSULTING INC.**

(SEE ATTACHMENT A: O'BRIEN & GERE LETTER DATED 8/10/12)

Representative: Amy Franco, CHA

Ms. Franco explained that the existing building footprint would not change. All renovations are interior renovations of the unoccupied store. The new occupant will be a church. That works out well with the United Auto Supply because of the difference in schedules---Sunday for the church versus Monday through Friday for the auto supply store.

Parking overlaps nicely. The Auto Supply does leave their vans in the parking lot over night and on weekends. We have been asked to designate certain spots for that and certain spots for church parking. The parking lot itself will be re-configured. The hatched area in the back shows the new spaces that are needed. There are 101 parking spaces.

We added a note to the plan in regard to traffic control if the Town determines some sort of enforcement is needed to get in and out of the parking area.

Parking is based upon the possibility of 250 parishioners---2.5 people per car.

Mr. Smith noted the church is just starting out. 250 parishioners is their goal.

Ms. Franco explained at this time, services will only be held on Sundays.

Mr. Smith: They might also have meetings, etc, during the week at a variety of times. Their big meetings would be on Sunday mornings. That is when they would be at their highest capacity.

Mr. Germain: There was some discussion about what language should be used to cover the use of a private guard, or someone to direct traffic on behalf of the applicant. We finally settled upon something that we believe is an acceptable standard. This standard would apply to anytime there are an excessive number of cars that need to gain ingress and egress. The applicants have adopted the suggested language which is now included on the site plan. I have reviewed it.

It is left up to the Town of Cicero to determine that excess number of vehicles. It is up to the applicant to sort of police their own area. But, in the event that it was not, or if there was a question as to what was excessive, the sole determining factor would be the Town of Cicero.

Mrs. May: My only concern is the traffic in the area when the Sacred Heart Church lets out at about the same time.

Mr. Smith: We hope to mitigate that with a traffic control person similar to what the Catholic Church has. We tried to give the Town latitude to work with the applicants.

Mr. Germain: You don't want to set an exact number. The problem with that is setting a number for all times under all circumstances. This language is written to give the Town a little more discretion as opposed to an exact number of cars. This gives the Town more flexibility. You are also relying on the applicant and their good judgment to be a good neighbor, and to make sure the ingress/egress is proper.

More discussion occurred.

Ms. Franco: We are using the existing storm water in the back, which is large enough to accommodate the pavement. We are also adding the 6 inch fire service to the west side of the building. All other utilities remain the same.

Signage is shown as 40 square feet. The pylon sign has the same square footage. It just has a face change. There will also be two signs on the building, similar to the United Auto signs in height and width. I believe those signs will be internally lit.

The Chairman asked for comments.

Mr. Parrish: You have touched on parking, traffic control and signage. Those were my only concerns.

Mr. Card: Will any additional lighting be added to the parking lot?

Ms. Franco: No, lighting is staying the same.

Mr. Honors: I'm assuming that the signage square footage falls in line with the size of the building and what

Mr. Smith: Under our approval process it is what we consider appropriate, according to code.

Mrs. May made a motion regarding SEQR. She read: Be it further resolved that the Planning

Board of the Town of Cicero hereby determines that the proposed action will not have a significant effect on the environment and that this resolution shall constitute a negative declaration for the purposes of Article 8 of the Environmental Conservation Law of the State of New York. **Mr. Smith seconded the motion** and asked for a vote.

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

Mr. Smith: We are considering this a modification to the site plan. Because it is a modification it did not have to go to the County.

Mr. Germain read the following **motion**: Move for the adoption of a resolution approving the site plan application of Cicero Properties LLC, United Office Supply. The final plan was last revised 8/13/12.

Mr. Smith asked if the Board should add language for an expiration date.

Mr. Germain responded you probably won't need an expiration date for this. The suggested language is already incorporated in the site plan.

Mr. Marzullo made the motion as stated by Mr. Germain above. **Mrs. May seconded the motion.** The Chairman asked for a vote.

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

**MAJOR SUBDIVISION FINAL PLAN
HANCOCK AIRPARK SECTIONS A & B 7TH AMENDMENT
EAST TAFT AND THOMPSON ROADS
(TAX MAP # 057.-02-29.1 & 31.2)
1 LOT AMENDED, HANCOCK FIELD DEVELOPMENT CORP.
(SEE ATTACHMENT B: O'BRIEN & GERE LETTER DATED 8/10/12)**

Representative: Lori Dietz, Hancock Field Development Corp.

Ms. Dietz introduced herself stating that she was here tonight to seek subdivision approval for the remaining roads within Hancock Airpark which were improved last year to Town standards. It also includes the required drainage facilities. There were one or two ponds added in, and the associated easements to those ponds.

The roads that we seek to subdivide out today are this cul-de-sac located at the western end of Stewart Drive and, a portion of Stewart Drive East which connected into what was the previously approved Performance Drive cul-de-sac. We now have three entrances off of Taft Road into the Park, along with internal connections. We have two cul-de-sacs: Ethan Allen and Caswell Drive. There is also a small road here which just goes to our property line: Hancock Drive.

Chairman Smith: The city of Syracuse has discussed a casino/racesino. That involves the 60 acres that is not a part of the Hancock Airpark. This is not in any way associated with or a part of any casino/racesino development. Are there any other comments?

Mr. Parrish: I assume you have received our letter. We recommend after Planning Board approval that the Chairman delay signing the plan until the Town attorney indicates that the appropriate agreements and securities are in place for the project.

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. **Chairman Smith seconded the motion** and asked for a vote.

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

Mr. Germain read the following resolution: Move for the adoption of a resolution approving the subdivision application of Hancock Airpark Sections A & B 7th Amendment as set forth on the final plan dated 1/5/2012 and revised 7/24/2012. **Mr. Honors made the motion** as stated by Mr. Germain above. **Mrs. May seconded the motion.** The Chairman asked for a vote.

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

**SITE PLAN/SKETCH PLAN REVIEW
5641 BEAR ROAD, LLC (COPPERTOP TAVERN), 5641 BEAR ROAD
PROPOSED PARKING LOT EXPANSION
SCHOPFER ARCHITECTS LLP**

Representative: Dave Schlosser, Schopfer Architects LLP

Mr. Smith: Steve has given us the original site plan which was approved in 1974. At that time the site had 123 parking spaces for 230 seats. The building was 6,250 square feet.

Mr. Schlosser introduced himself and the corporation that he represents. They are in the process of purchasing the approximately 2.8 acres that adjoins the Coppertop parcel. They are similar owners, but they want to keep the properties separate. The proposed property would then be leased to Coppertop Tavern LLC.

The proposal is to convert the property into expansion parking. The site plan shows both parcels. Coppertop is approximately 1.57 acres. Currently they have a building permit to expand the existing building by about 700 square feet. It will increase the seating capacity into approximately 270 in the restaurant. 28 of those spaces would be at the bar, approximately 53 dining tables with 240 seats for dining.

Once expanded, the parking capacity on the Coppertop parcel would be 135 spaces. With the expansion onto the adjoining parcel, it would increase to 164 parking spaces as shown on L11. The parking to seating capacity would be approximately 1.6.

We have approximately 20-25 employees per prime time hours. There is a handshake arrangement between Coppertop and Tim Hortons. They utilize Coppertop property for service and delivery during the morning hours. Coppertop utilizes approximately 11 parking spaces on their site after 5 p.m.

We have given you the site plan and details showing storm water controls. The proposed site is an unoccupied parcel. It was a small residential property that was demolished some time ago. The remaining shrubbery and trees would be cleared. About 75-80% of the proposed property would be asphalted. The remainder would be grass with a small wedge in the eastside. The storm water management plan shows chambers and is low grade.

Mr. Card: Would there be a fence between your parcel and the neighbor to the east?

Mr. Schlosser: They have not proposed any fencing. We have not received a fence request from that neighbor. That parcel is pretty much parking lot.

Mr. Card: How would the ingress/egress from the additional parking lot work?

Mr. Schlosser: We are not proposing any curb cut changes. Currently there are two curb cuts onto Brewerton Road and one onto Bear Road. There would be a common circulation isle that comes out and exits onto Bear Road. Again, the existing curb cut onto Bear Road would be utilized. There are no additional curb cuts proposed.

The site plan shows two light poles that match the existing light poles. They are approximately 14 feet high, down-lit with cut-off dark sky fixtures.

Mr. Smith: Chief, which fire department would cover this?

Chief Florczykowsik: I believe it would be the Cicero Fire Department. I have not seen the site plan but it is possible that the Chief has.

Mr. Schlosser: From the Fire Department's perspective, there are significant improvements being made to the facility. Currently, Coppertop is non-sprinklered. As part of the addition and prior to occupancy of the expansion, the building will be fully sprinklered. One issue was trying to get water to the site. Currently the site only has a two inch line. As part of the expansion a new six inch line will be brought in from the south side of Bear Road.

Mr. Marzullo: The new parking will be on leased property. How does the affect site plan approval? If the lease goes away does the site plan go away?

Mr. Germain: If they lose the ability to park on the proposed lot, for example the lease gets modified or there is a new landlord; they would be operating out of the approved site plan. If the Board decides to approve the site plan based upon the parking, the applicants would have to keep the parking in place to maintain their site plan approval.

Mr. Schlosser: There would be no objections to conditions with respect to that. The lease agreement is being drafted. We can provide you with a copy of that. Cross easements will be in place. Both groups are almost the same corporate owners.

Mr. Marzullo: Has the term of the lease been agreed upon?

Mr. Schlosser: It will be. I don't have that information at this time.

The Chairman asked if there were any other comments.

Mr. Parrish: Following the meeting I will do a detailed review for comments on the plan.

Mr. Smith: Could you take a look at lighting? Sometimes that parking lot is pretty dark. Depending upon the number of trees, it is very dark back there. The area is all commercial. Maybe some improvement in lighting is warranted.

Mr. Schlosser agreed to look at the lighting plan and to provide the Board with foot candle measurements. The site will be fully grubbed. All trees and brush will be removed. I do not think that there will be a canopy of trees between the proposed parking lot and its neighbor to the east. The property to the west is also commercial property. Those trees would remain.

Mr. Smith: Your customers and employees will be walking through there at night. Safety is an issue. Could you also give us your landscaping details, particularly with that wedge?

Mr. Schlosser: We have received pricing on the storm drainage concept proposed by Dunn & Sgromo. I received a modified version today, and will submit the revised plan within the next day or two.

Mr. Smith asked about the dumpster area.

Mr. Schlosser: The existing dumpster is a part of the drawings we have a building permit for. It will be expanded and moved to a location behind the building. A roof will be placed over a large portion of it. It is scheduled to have a new chain link fence and cedar siding. It will be fully concealed.

Mr. Smith: It is not a part of our consideration, but can we get some kind of representation of what you are doing to the building? There are some improvements in there. I think that it would be helpful to the members if we all saw what was being done for the expansion.

Mr. Schlosser agreed to distribute that to Board members.

Mr. Ruscitto: Will you be shut down while the building is being sprinklered?

Mr. Schlosser: No. There will probably be a brief shut down of the bar because we are actually cutting the bar in half and expanding it as a part of that interior renovation. But, that would be very brief.

Mr. Card: Have you made any accommodations for snow removal?

Mr. Schlosser: We calculate that a good portion of the parking spaces would be available for snow storage. That is what occurs right now. We would be well under the two parking spaces per seat. We also have the small grass wedge area, but the primary snow storage area would be the excess parking spaces.

Mr. Abbey: Are you making any changes to the appearance of the building?

Mr. Schlosser: The entire building is being painted. All façades are being up-graded. We submitted elevations as part of the building permit plan. The existing canopy will remain, but would become non-accessible to vehicles. It would only be used by pedestrians.

Mr. Smith noted that was a safety improvement. He requested that the plan be submitted to the County.

More discussion occurred.

Chairman Smith made a motion to adjourn. **Mrs. May seconded the motion.** Mr. Smith asked for a vote.

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

IN AS MUCH AS THERE WAS NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 8:00 P.M.

----- Tonia Mosley, Clerk

ATTACHMENT A: PAGE 1

August 10, 2012

Planning Board

Town of Cicero
8236 Brewerton Road
Cicero, New York 13039-1517
Attention: Robert Smith, Chairman

RE: Vineyard Church/United Auto 8262 Brewerton Road Site Plan
FILE: 0101/25439.431

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) Existing Conditions dated July 5, 2012 revised July 26, 2012
 - 2) Site Layout Plan dated July 5, 2012 revised July 26, 2012
 - 3) Utility & Grading Plan dated July 5, 2012 revised July 26, 2012.
- CHA prepared the above items.

The 2.4-acre site is located on the east side of U.S. Route 11 and contains a 16,380 square feet building utilized for retail sales along with associated parking, landscaping, utilities, lighting, signage and other site improvements. It is proposed to utilize a portion of the building for a church and expand the parking area. The site is zoned G-C, General Commercial. Our comments on the Site Plan are as follows:

- 1) The site has frontage on U.S. Route 11, which is a State highway. Access to the site is from a driveway that is shared with the adjacent site, which is currently undeveloped. The access to Route 11 is to remain unchanged but modifications and additions to the onsite parking areas are proposed as part of the project. The following are comments relative to site access and parking.
 - a) The Board should review the access, parking, and site circulation with the Applicant. In particular the Board should review the required parking criteria. It is noted that spaces located in areas utilized for loading by United Auto Supply are signed for parking only on Sundays.
 - b) The note relative to the conditions requiring traffic control to be provided at Route 11 should be reviewed with the Applicant.
 - 2) Stormwater runoff is tributary to a stormwater management area located in the northeast corner of the site. As the project results in disturbance of less than one acre of land a NYSDEC SPDES Permit for Stormwater Discharges from Construction Activities is not required. It is noted that the stormwater management area was designed to meet the requirements of the Permit and provide mitigation for the additional impervious area created by the project.
 - 3) The site is located within the Cicero Sewer District. Sanitary sewer service is provided from a Town sewer main located within an easement along the west side of the site. No modification to the sanitary sewer service is proposed for the project.
 - 4) The site is located within the Cicero Water District. Water service is provided from a water main located within an easement on the site. It is proposed to extend a fire service from the water main for the proposed assembly area. The Applicant should coordinate with OCWA for provision of the fire service.
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ATTACHMENT A: PAGE 2

- 5) The Board should review the landscaping, lighting, signage and architectural elevations with the Developer. The following are comments regarding these and other issues:
 - a) No modifications to the existing site lighting are proposed for the project.
 - b) No outdoor storage areas, dumpsters, or other exterior equipment is shown on the Plan.
 - c) It is proposed to add a building mounted signs on the building and utilize an area on the existing freestanding sign adjacent to Route 11 for the proposed use. The remainder of the signage for the United Auto Supply is to remain unchanged. The signage totals approximately 346 square feet.
- 6) The site does not contain a State Wetland as identified on the New York State Freshwater Wetland Map or a Federal Wetland as identified on the National Wetland Inventory Map.
- 7) The site is not located within a 100-year floodplain as identified on the 1994 FEMA Flood Insurance Rate Maps.

If you have any questions or comments, please do not hesitate to contact us.

Very truly yours,

O'BRIEN & GERE ENGINEERS, INC.



Mark C. Parrish, P.E.
Managing Engineer

ATTACHMENT B

August 10, 2012

Planning Board

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

RE: Hancock Airpark Section A & B 7th Amended Final Plan
FILE: 0101/25439.430

Dear Board Members:

We have reviewed the Final Plan (2 sheets) dated January 5, 2012 revised July 24, 2012 as prepared by Ianuzi & Romans, P.C. for the above referenced project. Hancock Airpark Section A & B 7th Amended consists of improvements to Stewart Drive, Ethan Allen Street, Caswell Street, and Hancock Drive in Hancock Airpark along with associated utilities and stormwater management facilities. The Final Plan is being submitted to convey to the Town of Cicero the road rights-of-way and easements for these facilities and includes the creation or modification to Lot Nos. 1B, 3A, 1F, and 1G. The Plan is in general conformance with Town Code requirements for Final Plans.

The Developer has completed improvements to the road and utilities in the areas where the roads are to be dedicated. The Town Engineer should provide a letter to the Town Board recommending required security deposits for utilities and uncompleted work. Upon approval of the Final Plan by the Planning Board, it is recommended the Chairman delay signing the Final Plan until the Town Attorney has verified the Developer has the necessary agreements and securities in place.

If you have any questions or comments, please do not hesitate to contact us.

Very truly yours,

O'BRIEN & GERE ENGINEERS, INC.



Mark C. Parrish, P.E.
Managing Engineer