

The Town of Cicero Planning Board held a meeting on **Wednesday, January 21, 2009** at **7:00 p.m.** in the Town Hall at 8236 South Main Street, Cicero, New York 13039

Agenda:

- Approval of the Planning Board minutes from January 7, 2009 (**approved**)
- 2009 Organizational meeting
- Site Plan, Dr. Thomas Carroll, 9651 Brewerton Road, Proposed addition to existing building, L.J.R. Engineering, P.C. (**to return**)
- Site Plan, South Bay Fire Department, 8819 Cicero Center Road, Proposed modifications to existing building, Joe Chiarizia (**to return**)
- Site Plan, SAI Hotels, Route 31 & Route 11, Proposed hotel and restaurant, Clough Harbour & Associates, LLP (**to return**)

Members Present: Richard Cushman, William Purdy, Sharon May, Jason Mott, Robert Smith, Patrick Leone (Chairman)

Others Present: Chief Carvel, Cicero Fire Department, Heather Cole, Esquire, Wladis Law Firm, Wayne Dean, Director of Planning & Development, Chet Dudzinski, Town Supervisor, Mark Parrish, P.E., O'Brien & Gere, Kevin Purdy, South Bay Fire Department, Tonia Mosley, Clerk

Members Absent: Christopher Rowe, Scott Harris

The meeting was opened with the Pledge of Allegiance.

Mr. Leone noted the locations of the three fire exits and that there were no formal public hearings tonight. However, this Board encourages anyone who would like to speak about an agenda item to do so by raising your hand and being recognized by the Chairman. Please use the microphone in the front of the room. It is also our intent to be heard. Please let us know if you can not hear us.

**APPROVAL OF THE PLANNING BOARD MINUTES
FROM JANUARY 7, 2009**

Mrs. May made a motion to approve the January 7, 2009 Planning Board minutes as presented.

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

Mr. Cushman: Yes

Mr. Purdy: Yes

Mrs. May: Yes
Mr. Mott: Yes
Mr. Smith: Yes

Mr. Leone voted yes to the Tim Hortons section only. He recused himself from the Marble International section.

2009 ORGANIZATIONAL MEETING

Mr. Leone made a motion to move into executive session to discuss the employment history of particular persons and/or corporations and to reconvene after the executive session. He asked Mr. Dean and Mr. Dudzinski to join the executive session. **Mrs. May seconded the motion.** The motion was **approved** with the following vote:

Mr. Cushman: Yes
Mr. Purdy: Yes
Mrs. May: Yes
Mr. Mott: Yes
Mr. Smith: Yes
Mr. Leone: Yes

The Board went into executive session at 7:04 p.m.

The Board reconvened the meeting at 7:45 p.m.

Mr. Leone made a motion the resume the regular meeting. **Mrs. May seconded the motion.** The motion was **approved** with the following vote:

Mr. Cushman: Yes
Mr. Purdy: Yes
Mrs. May: Yes
Mr. Mott: Yes
Mr. Smith: Yes
Mr. Leone: Yes

Mr. Leone made a motion to appoint the Wladis Law Firm, based upon their letter dated December 23, 2008, as the Planning Board's attorney and O'Brien & Gere, based upon their letter dated January 21, 2009, as the Planning Board's engineer. **Mr. Smith seconded the motion.**



December 23, 2008

Patrick Leone, Chairman
Town of Cicero Planning Board
Cicero Town Hall
8236 S. Main Street
Cicero, NY 13039

Re: 2009 Planning Board

Dear Pat:

Please take this letter as the formal request by The Wladis Law Firm, P.C. to be reappointed as counsel to the Town of Cicero Planning Board. We propose to continue under the same terms and conditions as we presently serve, and have served for the past several years, with the current fee schedule remaining unchanged.

Should you have any questions or comments, please do not hesitate to contact me.

Respectfully,

THE WLADIS LAW FIRM, P.C.

A handwritten signature in cursive script that reads 'Heather M. Cole'.

Heather M. Cole

HMC/ke

cc: Cicero Planning Board



January 21, 2009

Planning Board
Town of Cicero
PO Box 1517
Cicero, New York 13039-1517

Attention: Patrick Leone, Chairman

Re: Engineering Services

File: 101.25439

Dear Board Members:

Please accept this letter as O'Brien & Gere Engineers, Inc.'s request to be re-appointed as Engineer for the Town of Cicero Planning Board. If re-appointed it is our intent to perform the work in accordance with the current fee schedule or as may be set by the Town Board. It has been a pleasure to perform in this capacity and we look forward to providing continued service.

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

The motion was **approved** with the following vote:

Mr. Cushman:	Yes
Mr. Purdy:	Yes
Mrs. May:	Yes
Mr. Mott:	Yes
Mr. Smith:	Yes
Mr. Leone:	Yes

Mr. Smith read the following motion: Be it resolved that it shall be the policy of the Town of Cicero Planning Board that all members of the Planning Board shall receive copies of reports, letters, referrals, or any other communications, including emails, pertaining to or referencing applications or matters before the Planning Board. Communications specifically include, but are not limited to, communications from applicants or their representatives, outside regulatory agencies, the Planning Board attorney and the Planning Board engineer. Distribution shall occur at the first issuance or within the business day received or by noon of the following business day.

Transmission by electronic means shall be sufficient for those members with electronic capabilities. If electronic transmission is not practical a copy of the communication shall be placed in the member's mailbox at the Town Hall and an electronic message will be sent to Planning Board members at the time of placement referencing the applicant and material placed. This policy is not intended to replace the distribution of the physical application and attached documents, site plans or plans as is the current practice.

The purpose of this policy is to utilize technology (example: the distribution of minutes) to allow Planning Board members to be better informed and prepared in deciding matters before the Planning Board.

We will include final inspection reports issued by the Planning Board's engineer as required under site plan approval. **Mr. Leone seconded the motion.** The motion was **approved** with the following vote:

Mr. Cushman:	Yes
Mr. Purdy:	Yes
Mrs. May:	Yes
Mr. Mott:	Yes
Mr. Smith:	Yes
Mr. Leone:	Yes

Mr. Leone made a motion to appoint Mrs. May as Assistant Chairman in his absence. **Mr. Smith seconded the motion.** The motion was **approved** with the following vote:

Mr. Cushman:	Yes
Mr. Purdy:	Yes
Mrs. May:	Abstain
Mr. Mott:	Yes
Mr. Smith:	Yes

Mr. Leone: Yes

The Board agreed to keep Planning Board meeting dates as the first Wednesday and third Monday of each month, unless otherwise noted. This information has already been advertised.

**SITE PLAN, DR. THOMAS CARROLL
9651 BREWERTON ROAD, PROPOSED ADDITION
TO EXISTING BUILDING, L.J.R. ENGINEERING P.C.**

Representatives: Alex Wisniewski, P.E., L.J.R. Engineering
Dr. Thomas Carroll, Applicant
B. Dean Johnson, Architect

Dr. Carroll introduced himself. I operate the dental practice at the corner of Guy Young and Route 11. I am anticipating growth. I would like to increase the size of the building to accommodate another dentist to join me in practice.

Mr. Leone noted perhaps Mark could talk about the form based codes that are soon to be adopted for the Hamlet of Brewerton. The applicant's plans are impacted as a result of this.

Mr. Parrish explained we are in the process of developing and have presented to the Town Board a code that would cover the Hamlet of Brewerton. This code is a little different than what the Board is typically used to seeing. This is a form based code which emphasizes designed based elements for area covered. It is the result of the local waterfront revitalization program.

This site plan initially came in a different form. It was suggested that they should maybe revise it to make it consistent with the code as much as was practical.

Ms. Cole added that there is a moratorium in place on development in Brewerton so that this form based code could be adopted. This applicant has obtained a wavier from that moratorium from the Town Board so that they can proceed with this project. After reviewing the plan and hearing from the applicant's representative, it is my understanding that the applicant is making an effort to comply with the form based code because it appears to be the intent of the Town of Cicero that the form based code will be adopted for this area.

Mr. Smith asked when the Town Board gave the wavier did they suggest or recommend to the Planning Board as to whether we should try to use the existing code or whether we should use the form based code.

Ms. Cole: I could be wrong but I seem to remember the applicant indicated a willingness to pursue the form based code with the understanding that the form based code is the goal. I would suggest following their lead.

Mr. Wisniewski introduced himself. The site is approximately 6/10 of an acre. It is zoned General Commercial. It is located within what will be the downtown core as identified by the Brewerton form based code that is currently in the works. The practice is currently a one story 1200 sq. ft. building with parking for approximately 16 vehicles. The black and white copy represents existing conditions with the exception of the proposed addition. There is a Town storm sewer easement that bisects the property extending south to north. It is suggested that we would relocate a portion of that storm sewer system. That did pose some site restraints for some of the design options that we looked at. Again, the site generally drains from south to north toward the drainage facilities at Guy Young Road.

Two portions of the site do not meet current code requirements for General Commercial—lot depth and side yard setback.

Dr. Carroll would like to expand his building. This plan calls for approximately 1500 square feet bringing the building's total up to 2500 square feet. We have parking for 21 vehicles—one space per 120 square feet of building area.

Mrs. May asked if that would accommodate the additional tenant.

Mr. Wisniewski responded yes. It is projected to meet Dr. Carroll's needs. We are trying to balance Dr. Carroll's goals recognizing that most of his customers come to the site in their vehicles. We also recognize in the form based code there is an attention to making a pedestrian friendly streetscape. We are creating a presence on Main Street and trying to hide parking away behind the building. This plan is an evolution from where we started.

Mr. Cushman asked for clarification. I saw the new form based code for the first time this afternoon. I recall reading that new commercial development was to be a maximum of 4 stories and a minimum of 2. Is that correct?

Mr. Leone noted that was correct.

Mr. Cushman: This is a one-story building.

Mr. Leone: The applicant did go back and tried to create two floors. There were two issues. One was cost. The second was that parking on site does not allow for the occupancy of a second floor. We do not expect all of the parking in Brewerton to be on site. There will be on street parking, off street parking and municipal parking available.

Dr. Carroll's application is the first one in the shoot. This is an adaptive, less restrictive area which we are trying to get as close to the new code as possible. I would love to see two floors. I would love to see residential or professional space above this space. The applicant should understand that they do not need parking to be on site. If it is residential versus the occupation of a professional space, maybe there are some times when both parking spaces are not required. The code is less restrictive than the current code. Mr. Wisniewski and his clients are aware of that.

Mr. Parrish: It is important to note that the code has not been adopted, it is not in place, it is not a part of the zoning code; it is not law. It does suggest lesser setbacks and fewer restrictions than we are used to. It encourages buildings to be built close to the property line in this particular area. But, the issue that we have is trying to make someone comply with a code that has not been adopted. They will have to ask for a variance because it does not meet the current code.

Mr. Smith: This came out in October. Is there any chance that the Town Board will be acting upon this within the next 60 days?

Ms. Cole: Probably not within the next 30-60 days. This code was not adopted at the time because the Town's consultants felt that we could expand that to other areas in the Hamlet. So, the Town Board might want to consider doing a larger adoption, covering more area all at once.

Mr. Leone explained. Going south on Route 11 from Guy Young Road to Orangeport Road is a second area where the restrictions would be form based. They will be less restrictive than the downtown core. They would like to get both of those codes put together and adopt them both.

Mr. Smith: I wanted to make certain that we are not pushing this through to avoid what the Town Board's thing. That is not the case.

Mr. Wisniewski: There are economic considerations involved. Dr. Carroll would like to expand his business and continue to operate in this area. He needs to stay in business while the business expands. We are trying to do this in a manner that will have minimal impacts to the existing building until he can relocate into the addition and then rehab the existing portion of the structure. This is something that needs to be considered.

More discussion occurred.

We have made an attempt to be consistent with the form based code.

Mr. Johnson: The design works well. It makes for an attractive building.

Mr. Wisniewski: The reception area is essentially between the two access points. There is a means to maintain both access points on Main Street and on Guy Young. Dr. Carroll is making concessions to try and conform to the form based code.

Mr. Leone: I think that we are on the same page. In the absence of a second floor, to try and create the visual of a second floor may help. You could do a façade with a second floor dormer or window.

Mr. Smith: Can the proposed addition be moved closer to the street?

Mr. Wisniewski: That is more of an architectural and floor plan layout issue.

Mr. Cushman suggested maybe the entrance could be extended another four feet to bring it out to a 12 foot line.

More discussion occurred.

Mr. Leone noted a sidewalk would be needed along Guy Young Road.

Mr. Johnson: The existing building would remain intact. The internal uses of the exam rooms, etc, are not going to be changed very much. That is a cost factor for the project. The building's exterior will get new hardy cement siding all around, including the new addition. The footprint and use of the existing portion of the building will not change. The roof lines will not be altered.

We have not really picked the façade's color yet. We will propose colors at the next meeting. We plan on sticking with a historic pallet.

Ms. Cole was not sure if specific colors where prohibited or permitted.

Mr. Mott added there were excluded colors.

Mr. Smith asked for a copy of what the committee is planning on implementing, even if it has not been officially approved yet.

Ms. Cole offered to contact Paul Fritz for copies and giving Mr. Fritz Planning Board member's email addresses. If members do not have email, the clerk can put copies in your mail boxes.

Mr. Johnson: The clock tower is a 4 x 4 structure that is 6' tall. It will be a very dominant element in the Village of Brewerton, like a landmark. The clock itself would be illuminated.

Mr. Leone: We are trying to get the aesthetic value of a pseudo second floor. Have you tried dormers?

Mr. Johnson: The low pitch of the roof does not lend well to a Cape Cod style dormer. You usually have a much steeper roof. It can look awkward on such a low pitch. We are using the existing roof line.

More discussion occurred.

Mr. Leone noted this corner will set the standard as we move through the Village. We will need landscape, lighting and signage plans.

Mr. Mott asked if there would be parking lot lights.

Mr. Johnson responded I think that we will have pole lighting.

Mr. Wisniewski: We are agreeable to suggestions relative to landscaping. Our client would like to maintain the visibility of his building.

Mr. Smith: It has been suggested that you can use landscaping to keep some of the water in, minimizing storm water with a rain garden sort of thing. That would keep water from running straight off the property.

Mr. Leone: Are you disturbing more than an acre?

Mr. Wisniewski: We are not.

Mrs. May: Are you going to have a dumpster? That will need to be enclosed.

Mr. Wisniewski: He will not have a dumpster. He will have a tote enclosure. That is identified on the plan as adjacent to the southerly limits of the parking lot.

Dr. Carroll: There is no medical waste.

Mr. Leone: We are not opposed to you moving your parking lot further west if you need to do so. If that shifts your driveway entrance, so be it.

Mr. Wisniewski: I don't think that we need to encroach any closer to the residents there.

Mr. Leone: Can you tell me where the opposing driveways are coming across Guy Young?

Mr. Wisniewski: I can't at this time but I can bring in an aerial. That driveway matches its current location.

Mr. Smith: Do you have an answer as to whether or not they can move the new section closer to the street?

Mr. Johnson: We have laid out the building with an L shape. There is a corridor down the center of each of the legs. If we move towards the street that pattern would be disrupted. Dr. Carroll would like to have his receptionist be able to see right down both legs so that they know what is going on in the office.

Mr. Cushman: An alternative maybe expanding what I call the porch out over the steps another four feet.

Ms. Cole asked if the Board wanted to send the application to the County.

The Board agreed more information would be needed before the site plan can be sent down. Missing information includes photometrics, signage, landscaping, etc. Mr. Parrish noted again this will require a variance for the front yard setback to Route 11.

Mr. Dean noted the applicant has already applied for a variance. But it was a while ago when they were doing something radically different from this. They have already applied for a variance and received a variance but I will have to look at it.

Mr. Wisniewski identified three items that do not meet code, two of which are existing conditions. The lot depth and side yard setback are existing conditions. The new condition is the front yard setback. If we need to seek variances for one or all of those items a recommendation to the ZBA from the Planning Board might be helpful.

Mr. Leone: We can not do that. We can't put pressure on the ZBA one way or another. But by sending the plan to them and to the County means that we are somewhat in favor of it.

I would like you to take a look at the elevation of that corner and to see if you can project this a little closer to the street line. I would like to see a sidewalk along Guy Young Road within the footprint of your property. See if you can do something on the corner of the building, the new addition, where it attaches to the existing building by bringing it out further towards the road. Take a shot at making that corner of the building look like a second floor. Show some additional plantings along the front of your site plan. Show us where your poles are going to go.

Mr. Smith: Can we move forward before the easement issue is settled?

Mr. Leone: That will be an issue for the applicant and the Town Board.

Ms. Cole agreed. That could be a contingency.

**SITE PLAN, SOUTH BAY FIRE DEPARTMENT
8819 CICERO CENTER ROAD, PROPOSED MODIFICATION
TO EXISTING BUILDING, JOE CHIARIZIA**

Ms. Cole noted for the record to the Board: South Bay Fire Department's application came in yesterday. This is the first time it has been on the agenda. I want to make it clear that the Wladis Law Firm has represented the South Bay Fire Department on issues in the past relating to fund raising and grant economic opportunities. We are not representing South Bay with regards to their pending application here. We represent the Planning Board here. I just wanted to disclose that the relationship has existed. If the Board has no objections we will proceed to act as your counsel in this matter. If you would like to consider having other counsel that is your prerogative, but we feel that we can represent this Board fairly and impartially. We will not be representing South Bay at the same time.

Mr. Smith: You don't represent them currently right?

Ms. Cole: I personally do not. The law firm does but not in connection with this issue.

Mr. Smith: But your firm currently represents the South Bay Fire Department at this time.

Ms. Cole: I believe we do, yes.

Mr. Leone, Mr. Cushman, Mr. Purdy, Mr. Mott and Mrs. May did not see a conflict.

Mr. Smith: If you run into any conflict you would...?

Ms. Cole: We would absolutely bring it to your attention, disclose it and deal with it appropriately, absolutely.

Mr. Purdy explained that his son was going to be Chief of the South Bay Fire Department. He asked if the Board felt that would be a conflict.

The Board did not see it as a conflict.

Mr. Mott added it is a volunteer position. There is nothing financially going on.

Representatives: Bill Taylor, President of William Taylor Architects
Scott Freeman, Landscape Architect, Keplinger, Freeman and Associates
Charles Hawks, South Bay Fire Department

Mr. Taylor introduced himself and Mr. Freeman. The project consists of an addition to the South Bay Fire Department on the corner of Cicero Center Road and Lakeshore Road. We are demolishing the original building on the front. It is too small and too beat up. In its place we would be constructing a very straight forward box apparatus bay, three drive through bays that consist of 6 bays for parking equipment. Four of those bays would be dedicated to the South Bay Fire Department and two of them would be dedicated to NAVAC. The construction is basically bearing masonry with steel framed roof, a flat roof with sloped interior drains taken out to the storm system.

Mr. Freeman noted the property is zoned Neighborhood Commercial and surrounded by residential property. In the proposed situation the vehicles would go in a north/south orientation. The green strip shows current asphalt. The primary goal of the project is to improve accessibility. We have three points of access. There are three drive through bays but fire trucks would back into the three bays on this side and one of the bays on this side.

Mr. Leone asked for the current buildout line.

Mr. Freeman explained we have been before the ZBA. We have comments from the Onondaga County Planning Board. A 98' x 40' section will be removed here from the existing building. Currently fire trucks enter in an east/west fashion. This wide open asphalt section might be great for the Fire Department but it is undesirable and unsafe for pedestrians or cars going by.

Mr. Leone asked for the current dimensions as opposed to the proposed dimensions. You are moving the building back further away than it is currently?

Mr. Freeman: We are coming closer. With the variance the front yard setback was 50 feet. We are getting a variance to be within 20 feet.

Mr. Cushman: You are going to rebuild a part of the original building?

Mr. Freeman: Yes, about 2/3 of that building is replacing the existing building. Another third is actually coming closer to the road to fit the new bays coming from the north/south orientation.

Mr. Parrish: I think that the current setback is approximately 30 feet. They are going down to about 20.

Mr. Leone: I understand that the primary use of your building is for fighting fires, etc. The rest of that is a banquet hall?

Mr. Freeman: Yes.

Mr. Hawks: Offices also.

Mr. Leone: Are you going to limit this drive to emergency vehicles only? Do you see some opposition between fire personal coming in and out and some event being held in the banquet hall?

Mrs. May: They would not park there. They park on the other side. It would be marked off for emergency vehicles only.

Mr. Freeman: The design intends to have emergency fireman pull into this lot from Lakeshore, these two points of access. But you are right. In the event of an emergency these vehicles will be leaving with their flashing lights, etc. It is a shared drive. There are some existing conditions that we can not overcome with so many driveways on the site.

Mr. Leone: It makes sense to mark that somehow. Do you need a two-way access there? Can you have it as an exit only? No one would stop your fire trucks from pulling in and backing up. But it should stop the common folks from pulling in there. It is just a thought. I can understand the other side being full service.

Mr. Cushman: What about the entrance from Lakeshore Road and then turning west. You show parking spaces with two odd corners. That could be an entrance to the back lot. If you did have something going on, vehicles could come in off Lakeshore, turn right and go into that back parking lot without encumbering either of the front emergency entrances.

More discussion occurred.

Mr. Leone: Have you looked at the occupancy requirement and the parking field requirement in your design?

Mr. Freeman: We went with a no net increase. We are not making any improvements to the banquet area.

Mr. Leone: One of the requirements that we look at is to assure that we have an appropriate parking field. What is the occupancy rating of the banquet hall?

Mr. Hawks: I think that number is posted, but I am not sure.

Mr. Leone: If it is, let us assume that you need 40 parking spaces for patrons. You would have to assume that you would have some workers.

Mr. Freeman: We counted 112 total spaces, but we will document that.

Mr. Purdy noted that he has been going down there for years. There has never been a time when for example you have an open house or the sheriffs come in, when all the spaces were used.

Mr. Smith asked for lighting changes.

Mr. Taylor: Building mounted lighting above the overhead doors. There would be a lighted sign along the Cicero Center Road elevation. That is as far as it has gone right now.

Mr. Smith: The current sign would remain?

Mr. Taylor: On the corner? Correct.

Mr. Leone: The issue of lighting is hard to approach in this instance. I am going to leave that to the experts. We require no scattered lighting off site. I am not sure what applies here. A lighting and landscape plan will be required. As far as the variances, it seems to me that you have the variances that you need. Are any attached to the driveway locations being close or too close to the corner?

Mr. Freeman: This was all open so we moved it back. We have a variance to be within 137 feet.

Mr. Leone: Are you dealing with any storm water issues?

Mr. Freeman: That was the third part of the variance. We are not increasing impervious area.

Part of the variance allows us to connect the water to an existing storm structure.

Mr. Leone: Do you have an area left to do you pole fighting stuff?

Mr. Hawks: We have plenty of room, 6 acres.

Mr. Dean clarified. When they requested a variance, a variance was not granted for storm water.

Mr. Taylor: We know the design process and will work with O'Brien & Gere.

Mr. Smith asked for color choices.

Mr. Taylor: We have grey and grey. We will bring a color rendering next time.

Mrs. May noted there are bricks across the front.

Mr. Dean: I do not have a problem sending this application to the County right now, with the Board's approval.

Mr. Parrish: If the Board feels there will not be any significant changes to the layout, I would think that this would be sufficient for the County to review.

Mr. Leone: Other than the parking drive area, signs, etc., I don't have a problem with sending it to the County. My guess is that they are going to respond to the driveway. Why don't we get what we have down to them?

The Board was comfortable with sending the site plan application to the County.

**SITE PLAN, SAI HOTELS
ROUTE 31 AND ROUTE 11, PROPOSED HOTEL AND RESTAURANT
CLOUGH HARBOUR & ASSOCIATES, LLP**

Representatives: Amy Franco and Seth Jensen, Clough Harbour and Associates

Mrs. Franco introduced herself. We are in front of you for the outstanding comments that we had via Mark's comments that needed Planning Board approval for lighting, parking, etc. I want to get the Board's input so we can get the plans set as we await DOT comments. We

talked about doing some kind of buffer to minimize access for snowmobiles. We have added a vegetative buffer, hedgerow, there. We have added fencing around the pond. We have modified the parking down to accommodate extra trailer parking spaces. This minimized what we had shown for the restaurant and hotel. We would like to get your input as to whether you are comfortable with that.

We have twelve total trailer parking spaces, four along this portion with the remainder along here.

Mr. Leone: You have a 200 seat restaurant. Do you figure 100 vehicle spaces for that?

Mr. Parrish noted they are providing about 96.

Mr. Leone: We have talked in general about a 6,000 sq. ft. restaurant. I see 6,000-7,000 sq. ft. What is the driving force of a restaurant that size? You are beginning to get to a point where you are over building the site a little bit. Because of the parking field requirements, the easiest thing to do would be to cut down on the size of the restaurant.

Mrs. Franco explained I think that is because we do not know what the restaurant would be, so we are accommodating a pad. We would not put those parking spaces in until we knew what the restaurant would be.

Mr. Leone: But you are asking us to approve a conceptual pad that drives the spots.

Mrs. May: You could get a restaurant that does not want all of that space.

Mr. Leone: I think that we are getting to the capacity that the space allows. You are pushing the parking field to make the restaurant the size that it is. I really think that you need to take a look at the restaurant itself. A reduction in the size of the restaurant helps your configuration of your parking field. You are really pushing it.

With a 200 seat restaurant you need more than 100 parking field. You don't have fields for the people that work there. You need 100 vehicle parking spaces for that restaurant which are separate from the hotel.

Mr. Jensen: A typical Olive Garden is 5500 sq. ft.

Mr. Leone: You are proposing a 7,000 sq. ft. restaurant.

Mr. Jensen: That would be the worse case scenario. Before we had adequate parking spaces to the north of the restaurant where we now show the additional trailer spaces. If the Board would be willing to cut down the number of trailer spaces...

Mr. Leone: I want the number trailer parking spaces to increase. 12 is not enough. I will not ask to push that number anymore, but I am not willing to take any of those spaces away. The right answer is to reduce the size of the restaurant.

Mr. Parrish: The area that they are marking out for the restaurant has dimensions of 96 x 126 which is about 12,000 sq. ft.

Mr. Leone: Can someone explain that?

Mrs. Franco: We used one of our other building footprints to make the space. This footprint includes possible sidewalks, areas where the building would cut in etc.

Mr. Smith: Shouldn't the representation be closer to what the restaurant would be?

Mr. Parrish: The problem is they do not have a defined tenant.

Mr. Leone: Your hotel is 62 x 200, which comes out to 12,655 sq. ft., the orange. Now when I do the orange and multiply that out—tell me what the calculation comes out to be.

Mr. Jensen: If you were to take an Olive Garden and set it upon this pad, its configuration is going to take up approximately that size. Of course this is worse case scenario so that we know what it could look like. We could reduce the square footage, limiting it to 175 or 150 seats so that it would fall within the parking requirements or take the maximum amounts that you would allow us with the parking and do it like that.

Mr. Leone: If you are asking this Board to approve a pad for a 6,000 sq. ft. restaurant your pad is going to be 6,000 sq. ft. Your pad, however you get there, is 12,000 sq. ft. I am not going to ask this Board to approve a pad that is drawn to that requirement, even though you are denoting that it is a 6,000 sq. ft. restaurant.

Mr. Jensen: So we should just take a configuration and put it on there that is actually 6,000 sq. ft.

Mr. Leone: I would think so. If you have sidewalks attached to it that is something totally different.

Mr. Jensen: You would have your green space in and around that.

Mr. Leone: But, you are showing green space, sidewalks and trees. You are showing your dimensions to the orange.

Mr. Jensen: We will draw exactly what you need and bring that back into you. It is not going to be a perfect box.

Mr. Leone: It is going to be a perfect box if you are asking us to design/approve a pad. We can work with the configuration that your pad sits on. What you are trying to do is to get us to approve a conceptual pad. When you knock off 25 feet from the length and 30 feet off the width you could pick up a few parking spaces. You might even be able to convince this Board that you can accommodate a 6,000 sq. ft. restaurant. I think the range of your parking and the range of your seating still needs to be addressed.

More discussion occurred.

Mrs. Franco: We are proposing a black vinyl chain link fence that is 4' high around the pond.

Mr. Parrish: The DEC requirements are if the slopes leading into the basin exceed 4 on 1, they are proposing 3 on 1, and then a safety bench should be provided. The applicant is not providing the safety bench. They suggest that the fencing is being provided in lieu of the safety bench.

Mr. Leone: Where would the fence be located? The Board needs to be aware of what we are trying to approve conceptually. A 3 to 1 slope is fairly steep

Mr. Parrish: Basically at the top of the slope.

Mr. Leone: They are pushing the fence because they don't have room to put the safety bench in.

Mr. Parrish: Basically, your fence would be at the top of the slope and your 3 on 1 slope would be going down from there.

Mr. Leone: Is there a green buffer area in front of the fence? There are some trees planted there.

Mr. Parrish: There is really not a whole lot of space in there.

Mr. Leone: Again, you are really trying to jam pack the site.

The Board asked for the depth of the pond.

Mr. Parrish: The pond itself is typically going to have a 6' depth of the water. Not the whole thing. There is a large area of aquatic bench going an average of 6"-18" deep. You need to also know that there is a slope leading down into it. So, from the parking lot to the water level there is about a 3' depth. Then you have the pond area. The pond area has an additional depth range of 6'. The DEC suggested a flat area, a safety bench, of 15 ft.

More discussion occurred.

Mr. Smith suggested a guardrail.

Mr. Leone: I am not sure how they are going to clear snow.

Mr. Jensen: We did put a guardrail in there but it was removed to accommodate the fence. It is up to the Board.

Mr. Leone disagreed: It is a little different with commercial properties because we do not control them. It is your liability, your maintenance etc. When we start to deviate from a design standard that the DEC has set, we should have good cause/reason why we are allowing that to happen.

Mr. Parrish: A guardrail would be more certain against keeping a vehicle out of the pond, but less likely from keeping a pedestrian or someone from going over it. The issue is obtaining a balance. The safety bench requirement goes away if they were to go to a 4 on 1 slope.

More discussion occurred.

Mr. Jensen: All storm water is going to the pond. That is why we have a pond that is the size of the hotel. The pond is centrally located with the rest of the site. We have one parking space per room for the hotel.

The Board felt that a 4' fence by itself was not enough of a safety measure.

Mr. Parrish discussed drainage. The pipe issue relative to the number of pipes has been addressed. They are down to two pipes which is reasonable. They are two 30' pipes.

Mr. Leone noted the applicant would need to work with the Kesels regarding drainage.

Ms. Cole: They are proposing a Declaration of Offer of Reciprocal Easements and Related Conditions. This is a document that would be recorded in the County Clerk's office that would reference the site plan and show where the proposed access points to adjacent properties are. Then when those adjacent properties sought to exercise the easement and to make the connection, there is a portion of this document that those property owners would need to sign. It would also get recorded. This attempts to preserve the idea of granting access. Right now we are not sure what other access those properties might need in the future. I think that is a reasonable way to deal with this. It runs with the property. Even if this property owner were to sell it, it is still binding. I would suggest that the Declaration be irrevocable. Right now it appears like it could just sort of be taken away.

Mr. Parrish: The locations provided should be reviewed.

Mr. Leone noted that one of the locations goes through the trailer parking field. It makes sense, but those parking spaces would have to be replaced somewhere else on the site.

More discussion occurred regarding the restaurant.

Mr. Parrish discussed emergency access. There are turning templates shown. If you look especially on the south side of the restaurant, it does not work. You should have smooth radii for vehicles to travel on. There are a lot of them like this. The last issue is lighting. There is some trespass on some of the adjacent properties. A lot of it is along the easterly property line toward Route 81. But, the back of the Kesel property has .8 and .9 and extends 20-30 feet into the property. They do provide some lighting at the entrances which is not excessive.

Mr. Leone read a letter from the NYSDOT dated January 21, 2009 from the Director of Planning and Program Management. **(SEE ATTACHMENT A)**. He noted a lack of coordinated effort between various agencies who are studying the same area. The Board agreed that it would not be appropriate to ask a property owner to adjust a project because of potential construction that might occur years in the future.

Mrs. Franco asked about signage.

Mr. Leone responded that it amount did fall within the increased limits generally approved by the Board. The signage should be okay.

Mrs. May made a motion to adjourn. **Mr. Cushman 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 10:04 P.M.

Tonia Mosley, Clerk

ATTACHMENT A



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
REGION 3
333 EAST WASHINGTON STREET
SYRACUSE, NY 13202
www.nysdot.gov

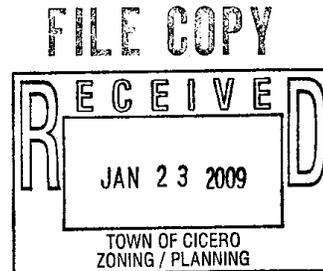
CARL F. FORD, P.E.
REGIONAL DIRECTOR

ASTRID C. GLYNN
COMMISSIONER

January 21, 2009

Mr. Patrick Leone, Chairman
Planning Board - Town of Cicero
P.O. Box 1517
Cicero, NY 13039-1517

Dear Mr. Leone:



RE: Proposed SAI Hotels Development
US Route 11 at NYS Route 31
Town of Cicero, Onondaga County

The New York State Department of Transportation (DOT) is in receipt of the site plan for the above referenced development, and this project is progressing through DOT's Highway Work Permit process. The Region would like to take the opportunity to comment on issues specific to the project's location as part of this review.

The Region is currently engaged in various planning activities to address current and future transportation issues along the NYS Route 31 corridor, including the vicinity of the highway's interchange with Interstate 81. As part of the Syracuse Metropolitan Transportation Council's *Route 31 Corridor Study*, as well as the scoping process for various NYSDOT projects that are programmed in the area for the period between 2009 and 2014, the Region is evaluating various alternatives to mitigate the traffic congestion and safety concerns that have arisen as a result of increased traffic and development at the NYS Route 31/Interstate 81 interchange.

One alternative for this interchange includes a loop ramp located in the northwest quadrant of the interchange area, which would allow westbound traffic on NYS Route 31 to exit right to access Interstate 81 southbound. Such a configuration would possibly have a significant impact on improving the travel conditions in the vicinity of the interchange by eliminating left-turn conflicts created by this traffic, as well as mitigating the left-turn traffic queuing issues between the sets of ramps.

Construction of this alternative would likely involve taking property in the Northwest quadrant of the interchange. To accommodate this partial cloverleaf, impacts to the newly proposed restaurant and hotel could occur. Construction of new businesses at this location may complicate the matter of land acquisition for the interchange and create inconveniences for these newly developed businesses.

Mr. Patrick Leone
January 21, 2009
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Please note that the projects programmed for this area are currently in the process of being developed and no decisions has been made on what final transportation alternatives will be implemented. The Region requests that the Town consider the above comments at the January 21, 2009 Planning Board meeting and in future decisions regarding the development of this parcel. Any questions please feel free to give me a call at (315) 428-4409.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Frechette', with a large, sweeping flourish at the end.

Mark Frechette, P.E.
Director, Planning and Program Management Group

