

The Town of Cicero Planning Board held a meeting on **Wednesday, January 23, 2008** at **7:00 p.m.**, in the Town Hall at 8236 South Main Street, Cicero, New York 13039.

Agenda:

- Lakeshore Road Apartments, Site Plan/SEQR Determination, South Bay & Lakeshore Road, A. Avraham, Walton Architectural Group
- Comfort Suites, Site Plan, Carmenica Drive, Proposed Hotel, Alestalo & Etzel Architects
- Mark Schluep, Site Plan/Concept Review, CADD Systems, 9285 Route 11, Proposed Motorcycle Repair/Parts/Used Sales
- South Shore Stables, Site Plan, Richard Kulak, 5840 South Bay Road, Horse Boarding Facility

PRESENT:

Patrick Leone, Chairman
Richard Cushman, Board Member
William Purdy, Board Member
Christopher Rowe, Board Member
Sharon May, Board Member
Jason Mott, Board Member
Robert Smith, Board Member

OTHERS PRESENT:

Wayne Dean, Director, Planning & Dev.
Heather Cole, Esquire, Wladis Law Firm
Mark Parrish, P.E., O'Brien & Gere
Vern Conway, Liaison, TB Member
Charlotte Tarwacki, Town Board Member
Chief Carvel, Cicero Fire Department
Tonia Mosley, Clerk

ABSENT:

Scott Harris, Ad Hoc Board Member

The meeting was opened with the Pledge of Allegiance.

Mr. Leone noted the locations of the three fire exits and that there are no formal public hearings tonight. This Board recognizes the importance of public input and encourages anyone who would like to speak about an agenda item to do so by raising their hand and being addressed by the Chair. Please use the microphone in the front when doing so. It is our intent to be heard. If you can not hear us please raise your hand.

APPROVAL OF THE JANUARY 9, 2008 PLANNING BOARD MINUTES

Mrs. May noted two corrections on page 24. Mr. Row's name should be corrected to Rowe. **She made a motion** to accept the January 9, 2008 Planning Board minutes with the corrections stated above. **Mr. Smith seconded the motion.**

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

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

**LAKESHORE ROAD APARTMENTS, SITE PLAN/SEQR DETERMINATION
SOUTH BAY AND LAKESHORE ROAD,
A. AVRAHAM, WALTON ARCHITECTURAL GROUP
(SEE ATTACHMENT A)**

Representatives: William Walton, Walton Architectural Group, A. Avraham, Applicant
Mike Gridley, Landscape Engineer

Mr. Walton introduced himself and his peers. We are dealing with a 9 acre piece of property located at the intersection of South Bay and Lakeshore. We are developing a 72 unit apartment project, three stories. The complex would have two bedroom apartments with a few studio and one bed room apartments. The arched wing is double loaded quarter with apartments on each side. It has a center entry point here. This is a single loaded corridor with apartments facing out towards the lake view. There is on site parking located on the South Bay Road side. We also have parking within the complex. There is an entry off South Bay Road that brings you in and around. This parking lot has an entry/exit off Lakeshore Road as well. We have worked with the Town's engineer on some of the issues that needed to be resolved.

Mr. Leone: Mark, do the units per acre work out to an appropriate percentage?

Mr. Parrish: Yes.

Mrs. May asked if a part of the first floor apartments was underground.

Mr. Walton responded no.

Mr. Leone asked if there was a basement.

Mr. Walton: This part of the building does have a basement below it, so we do have some storage space here. We are also bringing in some mechanical services towards the center of the building. I believe that some of the sanitary comes out onto Lakeshore.

Mr. Mott asked for the overall height of the building.

Mr. Gridley: 35.

Mr. Leone: What is the purpose of this stub?

Mr. Walton: We have a storage facility there, dumpsters and trash. This one dumpster enclosure will accommodate what ever is needed.

Mr. Gridley: That is also for access to the storm water pond

Mr. Leone: How many apartments are on this side?

Mr. Gridley: Roughly 30 of the 72 will be on that side.

Mr. Leone: How many total parking spots do you have for the 72 apartments?

Mr. Gridley: I believe it is 1.5 per unit.

Mr. Smith: When you were here on October 3rd we asked for architectural drawings of the apartments. I apologize. I have not gotten them. Do we have them? This is something that we have to consider, façade, what the building will look like, color, etc.

Mr. Walton: The elevations and the plans were submitted. We did not submit an enlarged plan of the unit.

Mr. Parrish: Mine are dated October 24th.

Mr. Mott: On this maintenance driveway, will it be maintained year round? I am thinking about possible fire access to the back of these buildings, behind the building where it goes back to the pond.

Mr. Gridley: We envision some sort of gravel driveway that would allow access to the pond in case you needed to do maintenance on the outlet structure. It would allow equipment to be able to get down there to clean out the forebay.

Mr. Leone: What are you doing for fire and safety on the backside, which would be the south side of the one wing? We have been asking for four-sided access to inhabited spaces once they go up two floors. Have you talked to the Fire Chief?

Mr. Walton: Our drawings were submitted to the Fire Department for review but we have not gotten a response back.

Mr. Leone: Mr. Mott is correct. If the service road that you have was structured in such a way that is kept open all year around, it seems like you could service the back to be accessed by a fire truck if need be.

Mr. Walton: You are talking about two different things. One would be making the service drive also be a fire access road. I think that would depend upon how far around here you want to come with fire access along this back wing. Given our pond size, I think that the grades along here are very steep.

Mr. Gridley: There is access all the way to the outlet.

Mr. Leone: We are asking that that be obtained and built in a fashion that could withstand a fire truck.

Mr. Parrish: I don't think that is going to happen because of the grade. The access road is kind of at the edge of the pond as a safety bench.

Mr. Dean: This is more susceptible to a fire than a hotel would be because people are cooking.

Mr. Leone asked how the apartments were structured, front to back?

Mr. Walton: The corridor runs along the back side with the apartments all facing the lake side. The exits are to the back. The building has a sprinkler system.

More discussion occurred regarding grading, building height and safety.

Ms. Cole: This is a residential zone. It is only 60' in GC, RC and Industrial zones.

Mr. Leone: The issue is accessibility. We need to get some feed back from the Fire Department to assure that we have those back entrances covered from a health and safety standpoint.

More discussion occurred.

Mr. Walton: You can not drive under the building. There is not enough clearance to drive under the building. The second and third floors span across the opening.

Mr. Gridley: A van would fit under there or something that would fit in a residential lot. The building's users will be able to negotiate their parking.

Mr. Walton: Someone with a moving truck would have to come into the parking area along South Bay Road and enter into that knuckle of the building. I would think that the Fire Department would understand the drawings for this complex and know that the entry to this, to fight a fire, would be off Lakeshore.

More discussion occurred.

Mr. Leone: At one time we talked about the exit to Lakeshore being a temporary entrance/exit. You show it here as full service. Have you talked to the OCDOT? Are the sight distances okay?

Mr. Walton: We have talked to the County DOT. That is a good location for an entrance.

Mr. Leone: We would like it to at least be a safety entrance. I personally don't have a problem with it being a full service entrance as long as you have the sight distances. Can you talk about the west side and what you are doing for buffering on the other side of the pond? There are some houses on the other side of the pond.

Mr. Gridley: The landscape plan calls for a double row of evergreens. There will be a berm on this side of the pond.

Mr. Parrish: The grade in the back of those houses is around 384. The top of the berm to the storm water area is about 387, plus or minus. Keep in mind that the first floor of these buildings is up at 393. Those will be 9' above grade along that property line.

Mr. Leone: Have you thought about berming a little higher along that property? I don't want to create a nuisance for water for them back there.

Mr. Parrish: It does drain onto the property. You see that there is an existing pond shown on the plan. The aerial will show that there was previously a low area back in there where the water drained down onto the site. They are making provisions to provide a culvert because they are berming up along that property line for the storm water area. They are leaving about 10-15' where they are not doing any grading. The berm begins after that 10-15'. They are providing a storm sewer inlet to drain that area because they will be blocking the drainage from that area.

Mr. Gridley: There will be a culvert running parallel to the berm that comes into the inlet structure here.

Mr. Leone: What kind of vegetation is in there now? Is it all leveled?

Mr. Walton: It is a mixture of scrub, etc.

Mr. Parrish: A good portion of the site is being used as a spoil area for the improvements of the marina.

Mr. Leone: What do you do with all of the extra spoil? Are you going to use it on site? You have a lot of extra dirt there.

Mr. Gridley: Some of the material will be stock piled and re-graded in the center here. The buildings probably require structural fill in some areas.

Mr. Leone: Are you excavating any portion of the basements?

Mr. Walton: Not really, given the contours. We really are working with the contours. There will be a little bit of excavation but it is a basement which is pretty much at grade.

Mr. Gridley: The original concept was for this building to function as a walk out on the back because of the way the grades were. That created a problem with the height restriction.

Mr. Leone: If the front of the building is at 3 stories but the back of the building is at 4, does that over shadow the height restriction?

Mr. Parrish: I believe it does. We will look at the definition of height for you. I don't think it specifies front, back or side of the building. I think it just says from grade to the highest point on the building.

I do want to talk about the spoil material that is currently on the site. I think that it is important that the Board get an idea of where that material is going along with the other spoil material that might be generated from the development of this site. The south portion is part of the site. I think that it should be considered as such. It is used as part of the calculations to determine the density of this project. I think that the Board should be assured that it is going to be maintained and treated in an appropriate manor so that it does not end up as the spoil area for any of the soil, etc. that is there. Currently it is partially cleared. It is a jumble of brush, debris and spoil. I am not sure that this is what you would envision the rest of the property to remain as. I think that you need to determine what will happen there and what will happen with the spoil.

Mr. Leone: He will probably give us a cut and fill report that shows where the spoils are and how it balances out. You know what is there now. You can certainly get the elevations showing us how it is being used or where it is going. If it is being used on the site, it has to show up as part of the site plan.

Ms. Cole gave the definition of building height. Building height is defined as the vertical distance measured from the lowest elevation of the finished grade at the front of the building to the highest point of the roof.

More discussion occurred.

Mr. Leone: This might help your project. You could use that back wall. You might not have to fill. It may allow you to get additional access for fire and safety back there because you are not grading.

Mr. Walton: Would we not be allowed to put garages on the back side?

Mr. Leone: I think you would have a whole other scenario regarding fire separation and venting because you have living quarters upstairs.

Mr. Gridley: That is all a part of the building code. We would have to meet whatever conditions that the building code requires. We would be able to accomplish that.

Mr. Leone: Again, I will defer back to Codes and Fire Department.

More discussion occurred.

Mr. Gridley: It is understood that we are going to build to the contours we have designed the site for. Any other material will have to be disposed of off site.

Mr. Leone: You have two full service entrances. We need to make sure that a fire truck can get to the building. Design it so that it can happen. Build the roads so that a fire truck can get there. Make sure you can get a truck turned around. Give us the access that we need to both sides of the building.

More discussion occurred regarding berming. Mr. Leone requested a visual as to what the neighboring houses would see from their back yards. Mr. Smith requested architectural renderings of the elevations, facades---what it is going to look like.

Mr. Leone asked about lighting.

Mr. Walton: I think the photometric was submitted along with the package. The light fixtures are located along designation A. Those are a pole light fixture, a circular disk that has a down light to it. It is a recessed fixture, high pressure sodium, and opens across the top. The fixture is in the middle with this ring acting as a light shield so that the light is concentrated to the ground and not spread.

Mr. Smith: Have you reviewed those fixtures Mark? In your comments you spoke about a light adjacent to the entrance.

Mr. Parrish: Yes. They have one located here at the South Bay entrance. It gives some definition to that area. Lakeshore is really dark at that location. I would want to move a pole out towards there.

Mr. Walton: We can defiantly look at adding one, or moving some fixtures over. We added some lights along the walkways where you come to the entrances. The parking lot lights are pretty much along the perimeter and the drives.

Mr. Smith: Should we get a traffic sign along Lakeshore warning that there is a driveway ahead? There is a curve there.

Mr. Leone: I am comfortable with that if that is what the Board wants to see. The DOT approved that entrance/exit. How far is it from the curve?

Mr. Cushman: That is quite a way, probably about a quarter of a mile to the top of the knoll before you get to the curve. I don't think that is going to be an issue.

Mr. Leone asked about signs.

Mr. Walton: The sign is 12 x 12. That is not even close to what the zoning allows. The size issue is really determined by its distance from the road because of the width of the right-of-way and our set back requirement which is 30'. The sign is 70' from the road.

Mr. Leone: Will that be on the corner of South Bay and Lakeshore?

Mr. Walton: No, it is at the South Bay Road entrance.

Mr. Leone: Why wouldn't you have a sign at each entrance?

Mr. Walton: That is the main entrance to the property. I am assuming it will have a South Bay Road address.

More discussion occurred regarding signage and the complex's name.

Ms. Cole reviewed the County's response.

Mr. Leone: You need to address the visuals for the homes in the back. You are going to give us some information relative to the façade and what it is going to look like. You are going to talk to the Fire Department to make sure they are comfortable with access. Chief Carvel can you give him some direction? (He responded yes.) See him after the meeting. Is there a fire hydrant close?

Mr. Purdy: There is one on the corner and another at the top of the hill by the other entrance.

Mr. Leone: I think you need to do something about signage on your Lakeshore Road entrance. Each of your entrances could have a small sign to define your entrances.

Mr. Parrish: Would you like to discuss anything relative to the ponds regarding the safety issue.

Mr. Rowe: The safety issue is troublesome because we have to bring it up every time. Not every Board member agrees with it. It is not a code issue.

Mr. Parrish: In this case it is not a Town facility. It is a private facility and can be treated as you would any other commercial facility. It is not a situation where you would need Town Board approval.

Mr. Rowe: In that case, 5' chain link, with a double gate to get in is my recommendation.

Mr. Walton: That would encircle the entire...?

Mr. Rowe: Correct.

Mr. Gridley: At the outer limits of the grading or at the actual pond?

Mr. Parrish: I would suggest at the high water level.

**COMFORT SUITES, SITE PLAN
CARMENICA DRIVE, PROPOSED HOTEL
ALESTALO & ETZEL ARCHITECTS**

Representatives: Rod Etzel, Architect and Shannon Walters, PLS Engineering

Mr. Etzel introduced himself. What you have in front of you was submitted about a week ago. It is the designed preliminary phase. It was redesigned to incorporate more property and expand the parking area. It includes a 65 room hotel and a banquet room facility to be rated by code for 200 seats. The banquet room is 3,000 sq. ft. The property has been expanded out to the east, moving the hotel to the east. The bulk of the parking is now west of the hotel and south of the banquet room. The access to the banquet room has been modified slightly.

The other change was to the storm water detention area. It is now a long shallow depression along the north end of the property.

Mrs. Walters introduced herself as the site's storm water engineer. In order for us to meet the Phase II storm water requirements we have designed a storm water detention facility that will meet the water quality treatment and provide the one year storm extended detention. Based upon discussions with Mark, testing that we have done on site and the meeting that we previously had, we are going with a pocket pond. We know that the ground water elevations are high enough in the area to sustain water in the pond. You see a long, narrow storm water pond that would have forebay for pretreatment and extended pool on the east end.

Mr. Parrish: We have not looked at the design in detail. At this point we are waiting until the Board is happy with this concept before we do too much. The bottom line is it is not so much for detention as it is for storm water quality control. A majority of the quantity control is provided by a facility that was constructed for the development as a whole.

Mrs. Walters: I believe the pond is going to be approximately 30 by 200 feet. For the depth, we are looking from the invert to the high water elevation as approximately 4.5 feet. I believe 2.5 feet would be the permanent pool depth.

Mr. Parrish: I am not sure that those are going to meet the design criterion. I will have to take a close look at that. Typically the requirements are a minimum of 6' in depth.

Mr. Cushman: On the photo it is bigger than 200 feet. It is more like 270 and not 200.

Mrs. Walters: What is shown is a hatched area, not actually the pond that has been designed. Based upon my calculations the pond is smaller.

Mr. Leone: You did hear what we talked about with the last applicant regarding fencing?

Mrs. Walters responded yes.

Mr. Leone: The things that continue to jump out at me on the site are: parking and snow storage. A lot of the snow will be pushed into the pond and the fence would get knocked over.

Mrs. Walters: As far as the appropriate location for the pond, the existing grade is such that the property slopes to the back.

Mr. Leone: The location is the location. The design is something that has to be thought out engineer to engineer. We discussed parking at the pre-agenda meeting. Where are you at today?

Mr. Etzel: Currently there are 65 spaces for the hotel, 67 spaces for the banquet facility and 13 spaces for employee parking. The parking is now 3 to 1.

Mr. Leone: Are you comfortable with that? Are we going to find cars parked out on Carmenica? I envision this facility will be used quite a bit.

Mr. Etzel: There is no more land available. 3 to 1 is what we get or we do not get a banquet hall. 4 to 1 is the accepted standard for dining facilities. I understand your concern that the building might be extensively used. I don't find 3 to 1 to be unreasonable. It is unlikely that there are 13 employees on site at any given time.

In a limited service hotel such as this, typically you have most of your employees: the cleaning crew, the laundry staff, etc; at mid-day when you don't have guests. At night, when you have most of your guests, you typically have just one person at the front desk. The banquet facility could be run with a full kitchen but is not intended to be that way. You are likely to only have 5 or 6 employees for the banquet facility at any one time. Given all of these things, I think that there is more than adequate parking according to the references that we have to go by.

You expressed concern about snow at our last meeting. Winter occupancy rates are quite low. The owners of this hotel have two other hotels in Syracuse. They have data which we can submit indicating that occupancy rates in the winter usually run 30-40%. Because the hotels do not fill, there are places to put snow. That is not true for the banquet room. When it is used you will have parking for it.

Mrs. May: This hotel is going to be built by an interstate. You have truck drivers and snow mobile riders that are going to spend the night.

Mr. Leone: This would often be used by someone with a car and a trailer which reduces the amount of parking available. That is what you have moving through Cicero on any

given day. Designing this 1 to 3 seems reasonable. I think that we are close, but you are going to lose spaces in the winter. If we get two to three feet of snow what is going to happen?

Mr. Etzel: We understand that one place it can't be pushed is into the pond. If it has to come off, it has to be trucked away. There is greenspace on the property that will not be entirely filled with trees and shrubs so there will be some space for snow.

Mr. Smith: Occupancy rates do fall in the winter. However, weekends tend to be high especially with the hockey rinks. As Pat said, you will get Walleye tournaments, Bass tournaments, etc. where they take two up spaces. There is not much room to put snow. Trucking it out is an answer.

Mrs. Walters: It comes back to being an owner's operational issue.

Mr. Leone: We have an obligation collectively, the designers and this Board, to assure that we don't overbuild and that we have done everything that we can to mitigate the issues that we can foresee.

I look at the banquet hall as a Friday, Saturday and Sunday issue. As Bob said, the weekends could get quite busy and we could impede that parking lot. We need to work together and make every space available. At this point in time I think that we are in the ballpark.

Chief Carvel asked the applicant a few questions about height, entrances, etc. I have not seen the site plan so I am at a loss.

Mrs. May: Sir, which side of the banquet hall is the kitchen on?

Mr. Etzel: On the west.

Mrs. May: As I recall it is a full service kitchen?

Mr. Etzel: It is set up so that full cooking services could be done, but the intent is to commissary it as much as possible. But it could be used to cook and that is why it is built that way.

Mr. Leone: Is the intent to convert it to a restaurant?

Mr. Etzel: No. If it is I don't know. That would have to come back before this Board. Commissary is mostly cooked off premise and partly finished on premise.

Mr. Smith: That is a very nice kitchen with a huge walk-in cooler and a freezer. They are putting an awful lot of money into the facility for not cooking there.

Mr. Leone: How do deliveries get to the banquet hall, near the dumpsters?

Mr. Smith: There isn't a loading dock per say. Wayne is this rated for 200 people maximum occupancy based upon the size? Can that number get higher or lower?

Mr. Dean: I can't answer that right now. That is what they are trying to design it for.

More discussion occurred.

Mr. Dean: Have you considered combing the two buildings, putting the banquet hall into the hotel?

Mr. Etzel: Yes we looked at that possibility. It does not work out very well. It is a noise and traffic issue.

Mr. Dean: It would provide more parking.

Mr. Etzel: It would not be done. There would not be a banquet hall instead of a banquet hall in the hotel.

Mr. Dean: Then the other option that should be considered is reducing the size of the banquet hall.

Mr. Leone: Are you suggesting that there are not enough parking spaces?

Mr. Dean: That is correct. I would feel more comfortable with 2 to 1.

Mr. Cushman: If the occupancy of the hotel was even 50% instead of the 20-30% he was talking about, you would have an extra 30 parking spaces for the hotel. I am comfortable with the parking.

More discussion occurred.

Mr. Smith: We don't have any parking ordinances along Carmenica. If we were to get some no parking areas out there so that the Police Chief could open it up if we had to, we would need some signs put into place stating no parking.

Mr. Leone: Another option could be leasing some space from Gander Mountain for

overflow spots.

Mr. Smith: As long as you had a sidewalk, you would be able to walk between.

Mr. Leone: I would like us to continue to work towards trying to gain a little more parking for that area. Your storm water design needs to be looked at plus your lighting plan and what the building is going to look like. I'm assuming you have a sign package.

Mr. Etzel: Signage is not complete. There is signage on the building. They would be looking for a monument sign as well.

Mr. Leone: Mark, did you look at the greenspace setbacks, etc?

Mr. Parrish: The front looks reasonable the way it is currently set up. The sides are minimal at best. You could possibly start pushing snow onto your neighbor's property.

Mr. Etzel: We pulled the parking back from the front after our last meeting.

Mr. Parrish: They have 24' drive aisles where code calls for 22'. There maybe some room between the parking lot and the buildings. I don't see how you would want to have less than 10'.

Mr. Leone: You could gain 8 feet. Shoot for 10' on each side.

Mr. Smith again expressed his concerns with possible parking on Carmenica and the use of signs. He asked Mr. Dean to confirm the possible occupancy number of the banquet hall.

Mr. Parrish asked about sending this project to the County. The Board agreed it was okay to be sent.

**MARK SCHLUEP, SITE PLAN/CONCEPT REVIEW
CADD SYSTEMS, 9285 ROUTE 11 PROPOSED
MOTORCYCLE REPAIR/PARTS/USED SALES**

Representative: Chris Haber, CADD Systems

Mr. Haber introduced himself.

Mr. Leone noted this has not been sent to the County yet because we have not had what we believe is a full and complete application. We are waiting for some additional details

and information. Once we do get the County's response we will be able to take action on your plan.

Mr. Haber: This is the old Moore's antique building in Brewerton, north of where Mud Mill crosses. Mr. Schlupe would like to rent a portion of the space for a motorcycle repair shop. It will not be a franchise like a Harvey Davidson dealership. It would be for motorcycle repairs. There might be one or two motorcycles positioned on the sidewalk for sale, if he gets some wrecked ones. But, this would not be a full fledged showroom. It is more towards the repairing of motorcycles, used parts, etc.

The other side of the building is currently occupied by a tow truck company. They appear to use it as a parking spot for their trucks at night. It appears to just be used as a storage facility. There are a couple vehicles stored inside, but I think that they are personal vehicles. When it comes to floor plan we will work with Wayne to bring the building up to double occupancy standards. Fire rating, egress, etc. would all be addressed.

Mrs. May: Would there be any retail such as motorcycle helmets and jackets?

Mr. Haber: Yes, in the front he will probably have a small area for used parts, motorcycle helmets and other apparatus for motorcycles.

It is un-striped today as far as designating where people would park. The curb cuts are wide and would not be acceptable to the State. The proposed plan shows them closed to about 26', delegating the ins and outs. There is currently a raised planter box, about 6 inches up and curbed around. It is in front of the easement, the state's right-of-way.

Mr. Leone: We have been looking for a 20' setback and greenspace from the easement.

Mr. Haber: We agreed to leave it 12' from the sidewalk that is currently in the front of the building---to leave a 12' drive lane there. If someone brings a broken bike in the back of a pick-up truck they can still pull up to access the overhead door that is on the front of the building. There is another overhead door by the

There are two overhead doors on the front. One is located at the north end where the building drops back in. That is the one used by the tow truck guy.

Mr. Leone: Is this area all grass?

Mr. Haber: Not now. We are proposing landscaping. I sloped the planter back a little because it does sit close to the road and so that it would not be hit by snowplows.

Mr. Leone: Will you re-use the existing sign base?

Mr. Haber: Yes. The sign contractor will submit signs for approval. There is a driveway that goes around the back of the building. There is another overhead door back in there. It is more like a loading dock. It is about 4' off the ground. Yes, that would belong to whomever is occupying it.

Mr. Leone: How is this sewer?

Mr. Haber: This building is quite old. We hired someone to feed a camera down the toilet and traced it outside. It does head straight north. I show the approximate location of the septic tank, out in front of the overhead door. I have not been able to identify the leech field, etc. We are not really doing any site work over there. We do have to verify the exact location.

Mr. Smith: Will we be able to get an elevation showing what you anticipate it will look like when you are done?

Mr. Haber: The sidewalk currently exists. The only change to the front of the building will be eliminating the spot lights on the front that pour out onto the road. The canopy has existing down lighting in it which will be repaired to shed light straight down onto the sidewalk.

Mr. Smith: Anything about colors, changing the façade?

Mr. Haber: None of that has been brought up yet. There is a man door at the other end for client access. It will be made handicap accessible.

Ms. Cole: I think the Board is suggesting they would like you to discuss it with your client getting an idea about what the outside of the building would look like.

Mr. Smith: And if there are going to be any changes.

Mr. Haber agreed.

Mr. Leone: You are going to build out the parking?

Mr. Haber: The parking does not exist on that side of the building. It will be runner crush. We are going to box it out, modified paper underneath, 12 inch minimum, runner crush gravel. The dumpsters are corralled.

Mr. Parrish: If that could be moved to the back of the building, you might want to consider that.

Mr. Haber: Maybe stick it back in the corner, most certainly. There is a little bit of a grade issue in there but I am sure that it can be addressed.

Mr. Leone asked about entrances and exits from the building. Do you have anything going out of the back of the building at all?

Mr. Haber: Not a man door, just the overhead door to the dock. If it remains as two tenants we will have to address a second means of egress.

Mr. Smith asked for hours of operation. Is there any residential around? I have concerns about noise.

Mr. Haber: There is residential across the street. Next door is vacant. Then there is the church on the corner of Mud Mill. Plank Road Park sits behind this. There is a small wooded section to the north. I will have to discuss with the applicant what the hours of operation and number of employees will be.

Mr. Cushman noted the church is 500' away.

Mr. Leone noted that there are noise ordinances within the Town. If it is an approved use for the building it becomes an enforcement issue. I understand Mr. Smith's concerns.

Mrs. May noted the application states that the hours of operation are Monday through Friday 9 until 6. The maximum number of employees on the site at one time will be three.

Mr. Parrish: Will there be any kind of outside storage display or sales?

Mr. Haber: The only outside display maybe on the sidewalk. He may have a bike or two on the sidewalk or green area along Route 11.

Mr. Leone: Not in the grass area.

Mr. Haber agreed it would stay on the sidewalk. It is quite large in there, large enough to hold any materials. Any bikes would not stay on the sidewalk at night.

Mr. Leone: I need you to understand that is an enforceable rule once the site plan has been approved.

Mr. Haber: So you would like to see that marked out?

Mr. Leone: Yes, how many units he could display. Then the Board can make a recommendation.

Mr. Mott: We don't want it to look like a junk yard out in front, with bikes under repair and parts laying around outside.

Mrs. May asked about oil storage when a bike is brought in for repair.

Mr. Haber: He will have to store that in an approved manor. That will be specked out.

Mr. Leone: I would say that you need to get this plan back to Wayne. I would suggest you do a blow up of this plan here, show your two tenants and show your display areas. That should get back to Wayne so that it can go to the County.

Mr. Haber: You would like the proposed plan shown on its own sheet?

Mr. Leone: Yes. You need to get driveway approval, a permit from the DOT for a commercial driveway. Don't be surprised if they try and close one of your driveways. County Health is probably going to have a couple of questions because the building is not sewerred. You will probably have to have additional bathrooms in the building.

Mr. Mott agreed with Mr. Parrish about moving the trash containers to the back.

Mr. Haber agreed. I would have to stabilize that driveway a little better so that a garbage truck could get back there.

Mr. Parrish asked if there was a setback between the dumpsters and the building that needs to be maintained.

Mr. Dean: Yes, it should be six feet away. I would suggest that you put them on the west side of the road.

Mr. Haber: It does drop right off back there, with quite the slope. It does eventually meet grade, but it is a swamp back there. It is really wet back there.

Mr. Leone: Have you defined any wetlands on the site?

Mr. Haber: I checked ongov.net. There were no listed wetlands there.

Mr. Parrish: We will take a look at those issues, if it is not on the general mapping. If we need anything additional we will advise the applicant.

Mr. Leone: You will need to show your proposed landscaping on the plan. Detail it out, explain it. You will need to get details of your sign package, your total square footage of sign no matter where it is. If you are going to have a double occupancy you could easily exceed that. Or you will have to do it after the fact. This Board does have some ability to increase the square footage allowed during site plan. After the fact you could come in and see Wayne.

**SOUTH SHORE STABLES, RICHARD KULAK
SITE PLAN, 5840 SOUTH BAY ROAD
HORSE BOARDING FACILITY
(SEE ATTACHMENT B)**

Representatives: Richard Kulak, Owner and Don Knoblock, Boarder at South Shore Stables.

Dr. Kulak introduced himself. Last month my engineer, Ric Maar presented a complete site plan. The only outstanding issue was the manure plan.

Mr. Leone: Recently I talked to Jim Stelter from the County DOT. I was under the impression that you had a commercial driveway permit. Mr. Stelter told me that you don't. He also told me of his concerns about that driveway for trailers.

The other issue is: can you tell me how your two horses ended up down to the library? I think we have a right to ask you about animal control and what you are going to do to try to see that it never happens again.

Dr. Kulak: They had barged through their gates. Someone opened the gate to feed the horses and they pushed through. Subsequently, we have decided to put up a perimeter fence as a second fence.

Mr. Leone: What kind of fence are you using and have you shown that on your plan?

Dr. Kulak: It is not shown on the site plan but does exist now. We had to put a gate across the driveway which is also not shown on the site plan.

Mr. Leone: My last concern is this. The best that I can see is that you are not in an AG District. You have AG zoning as placed by the Town. Have you heard back from them relative to your concerns as to being a farm operation versus what we believe is a commercial operation?

Dr. Kulak: Heard back from who?

Mr. Leone: The Department of Agriculture and Markets.

Mrs. May: You wrote to a Bob Summers.

Dr. Kulak: Yes. I have an email from him that states we are in an AG District. I believe we were approved July 3, 2007 by the County. That was voted on. So we are protected under the Ag and Markets Law.

Mr. Leone: So you feel that you need site plan approval?

Dr. Kulak: Absolutely.

Mr. Leone: We need to assure ourselves on the fencing. Wayne may have a couple of questions relative to use. You continue to put up buildings and continue to build out space. Most people don't do that when they are trying to get site plan approval. It does not seem that your steps have gone through in an orderly, professional manner on this site.

Mrs. May: What are you a doctor of?

Dr. Kulak: Family medicine, not veterinary. There has been some slandering going around. Wayne has questioned some mistreatment of animals. We have letters to that from our two vets, and another 20 letters from residents of Hiller Heights and our boarders. They state that there has been no mistreatment. That is false information.

Mrs. May: Why would someone say that?

Dr. Kulak: I don't know. If there is a letter of complaint, I would like to see a copy of it. Otherwise I think that it is just hearsay. That concerns me because we are trying to portray a public image of a beautiful farm.

Dan Knoblock, 6462 Electric Railway: My wife, daughter and I are boarders of South Shore Stables. The slander is quite bothersome to us. I am sure many of you have children. If someone came to you and said we think you are a bad parent, how would you feel about that? The reality is when you are going through Planning Boards, zonings and the many things you have witnessed tonight, your job is to always try to go out and make it work for the community, to make it safety related and to make it long term. I am sure that is what you want for this project a well. There will always be some people that are negative about those issues. I think that when you are talking about slander that is where

the negativity is. I don't necessarily think that it may be relevant to this situation with the site plan as much as some of the issues you have with the manure removal, maybe some of the driveways and things.

Mrs. May: My concern is, I do not want to approve a project if the horses are being mistreated

Mr. Knoblock: I completely understand. I am a business owner and would not put my horses in a place where they were going to be mistreated. We all look out for one another's horses. Thank you.

Mrs. May: Thank you for your comments.

Mr. Leone: We need to address this perimeter fencing. If it is not on your plan it needs to show up. Can we get the driveway issue addressed?

Dr. Kulak: I have proof of a commercial driveway permit.

Mr. Leone: The events thing remains obscure to me. Instead of giving you some global approval from this Board, I think it is best that you determine the event that you are going to hold and that you go in and get a special permit for holding that event from the Zoning Department. Maybe then you can address how many people you are going to have, how the parking is going to go...

Ms. Cole: Sorry, I don't know that that is an option that will hold. I don't know that there is anything in our code that would allow Wayne to give a special permit for one time events. I think the problem is that you don't know what the potential is.

More discussion occurred.

Mr. Dean: Do you have the 24 stalls inside the big building?

Dr. Kulak explained how the horses were stabled.

Mr. Leone: So, you have 21 inside and three in the run-in. 24 horses stabled undercover?

Dr. Kulak: Yes. We have new procedures for people who are care takers for the horses. It is required to have two people to remove a horse from the paddock. As I mentioned, we have put the gate up across the driveway as a secondary measure. Eventually, when we can afford it, we want to put up a wood fence as the perimeter.

Mr. Parrish asked where the gate was located.

Dr. Kulak responded past the second culvert. The perimeter fence is tied into the other electrical fence. It is an electrical rope.

Dr. Kulak submitted proof of his commercial driveway permit from the DOT. Mr. Smith requested that it be added to the minutes.

Dr. Kulak: The last issue is the manure plan. We talked about the concrete basin on the site plan. I had one of the planners from the Agricultural & Environmental team come out and complete a Tier II. He said that we could compost it but it is better just to remove it. I felt that would be easiest. Some of his concerns about run off were an issue for me also.

Mr. Leone: It will take you six weeks to fill that?

Dr. Kulak: I don't know. It will take some experimenting. We are trying to reduce the percent of bedding by using a different type of pellet. We are trying to work on environmental waste control.

Mr. Leone: I would like you to remove that if it becomes an odor issue. It could be worse during the summer than the winter. I am assuming it is a covered container?

Dr. Kulak: No.

More discussion occurred regarding the removal of manure, the size of the dumpster, odors, etc.

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.**

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

Mr. Cushman:	Yes
Mr. Purdy:	Yes
Mr. Rowe:	Yes
Mrs. May:	Yes
Mr. Mott:	Yes

Mr. Smith: Yes
Mr. Leone: Yes

Mr. Leone: On the plan you show a house. As you do other structures before you start you need to see Wayne if not this Board.

Dr. Kulak: I do have a building permit for every structure but the house.

Mr. Dean: There is a temporary trailer here. How long will that be there?

Dr. Kulak: We put the trailer on there because we wanted to discourage people from visiting our farm in the night. It will not be housed. It will not be hooked up. Right now it is being stored there. I would like to try and get my house built.

Mr. Leone: Is that an office trailer, construction trailer?

Dr. Kulak: Yes.

Mr. Leone: Within a year it will be off? You need to come back before this Board or Wayne before you build your house. I want to make sure that all of the other stuff that is supposed to be going over there meets the requirements leveled by the site plan.

Mr. Smith: If we are approving this as a site plan and are specifically excluding the house, doesn't he have to come back to the Planning Board to change the site plan?

Ms. Cole: Except that this is in an Agricultural District. A one family dwelling is a permitted use without a site plan.

Mr. Leone: Even though this is a commercial operation you can have residence attached or non-attached to a commercial operation. We can put it in there. **I make a motion** that we approve Mr. Kulak's plan dated November 12, 2007 which includes an approved commercial driveway permit from Onondaga County, no more than 24 covered horse stalls, a gated secondary security fence around the perimeter and the driveway for horse retention, 30 permanent parking spaces with an additional 53 spaces to be used for event parking, and an office trailer to remain on site until the horse boarding construction is completed. The Board wishes that before you move to any additional buildings, including a house that you come back before the Board. The horse manure will be stored in a covered roll-off approximately 20 cubic yards in size and is to be removed on a monthly basis. **Mrs. May seconded the motion.**

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

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

Mrs. May made a motion to adjourn. **Mr. Leone 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 9:45 P.M.

Dated: February 4, 2008

Tonia Mosley, Clerk

