

The Town of Cicero held a meeting on **Wednesday, November 7, 2007**, at 7:00 P.M, in the Cicero Town Hall at 8236 South Main Street, Cicero, New York 13039.

PRESENT:
Patrick Leone, Chairman
Richard Cushman, Board Member
Christopher Rowe, Board Member
Robert Smith, Board Member
Sharon May, Board Member
Lloyd Moncrief, Board Member
Vern Conway, Board Member

OTHERS PRESENT:
Wayne Dean, Code Enforcement
Heather Cole, Esquire, Wladis Law
Mark Parrish, P.E., O'Brien & Gere
William Purdy, ZBA Member
Chief Carvel, Cicero Fire Depart.
Tonia Mosley, Clerk

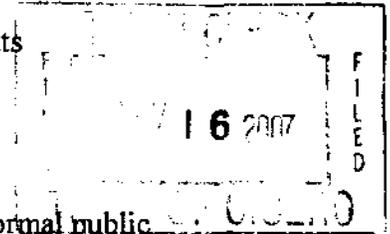
ABSENT:
Jay A. Seitz, Director of Planning & Dev.
Scott Harris, Ad Hoc Board Member

Agenda items:

- approval of the 10/15/07 meeting minutes
- site plan and subdivision, resolution from County, GA Braun Inc., General Irwin Blvd., Hancock Field, VIP Architectural Assoc.
- subdivision: preliminary plan, Kildare's Meadow (formerly Butternut Creek), north side of Orangeport Road, opposite LeBeau Lane, 37 Lots, continue public hearing
- subdivision: preliminary/final plan, Lakeshore Plaza, Route 31 & Torchwood Lane, HDL Property Group, LLC, 2 lots
- site plan, Northern Nurseries Inc., resolution from County, 8633 Route 11, Storage Barn, Ianuzi & Romans
- site plan, Hotel at Gander Mountain, resolution from County, Hospitality Builders Inc., 8414 Pardee Road
- site plan, South Shore Stables, resolution from County, R. Kulak, 5840 South Bay Road, horse barn
- final plan approval, 277 Fees, Bayshore Manor #6, Lakepointe Apartments
- discussions: Park Outdoor Site Plan & Omni-Point Site Plan

The meeting was opened with the Pledge of Allegiance.

Mr. Leone noted the locations of the 3 fire exits and that there were two 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 your hand and



being recognized by the Chairman. Please use the microphone stating your name. Please turn off all cell phones and let us know if you can not hear the proceedings.

APPROVAL OF THE OCTOBER 15, 2007 MEETING MINUTES

Mr. Moncrief noted the following corrections: on page 3 in paragraph 8, members who want of finalize should read members who want to finalize. On page 5 in paragraph 8 State Fire Codes in Jay's job should read State Fire Codes is Jay's job. **He made a motion** to accept the October 15, 2007 meeting minutes with the corrections noted. **Mrs. May seconded the motion:**

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

Mr. Cushman:	Yes
Mr. Rowe:	Abstain
Mr. Smith:	Yes
Mrs. May:	Yes
Mr. Moncrief:	Yes
Mr. Conway:	Abstain
Mr. Leone:	Yes

**KILDARE'S MEADOWS (FORMERLY BUTTERNUT CREEK)
SUBDIVISION: PRELIMINARY PLAN, PUBLIC HEARING CONTINUED
NORTHSIDE OF ORANGEPORT ROAD, OPPOSITE LEBEAU LANE, 37 LOTS**

Mr. Leone notified the audience that the public hearing for Kildare's Meadows would be continued. That has been postponed for tonight.

**SITE PLAN AND SUBDIVISION, GA BRAUN INC.
GENERAL IRWIN BLVD., VIP ARCHITECTURAL ASSOC.,
HANCOCK FIELD, 2 LOTS**

Plans were placed on the screen.

Representatives: Joel Cheely, VIP Architectural Association, Steve Johnson, Bond, Shoeneck & King, PLLC, Terry Horst, Maximum & Horst, Wendy Marsh, Esquire

Mr. Johnson spoke about the securities that the Town wants for the removal of Building 6 along the north line.

Mr. Leone noted two meetings ago the subdivision was approved by this Board contingent upon review from the Planning Board's attorney and engineer. Two things

were brought to our attention. Through the subdivision process it was determined one building would be too close to the lot line. We needed some securities to make sure that building would be demolished at some point, to make the two created lots legal, conforming lots. Secondly, although we received two responses from the County, one for the Type One Action and another for site plan approval; we never received a final subdivision response from the County.

Mr. Johnson continued. Assuming that the Planning Board approves the subdivision subject to a condition that security in the amount of \$ 30,000 for a letter of credit, cash or bond is put up to secure the demolition of Building 6, this is what we propose. Hancock Field the present owner of the property will enter into a contract with VIP Structures to have that building demolished and removed by June 1, 2008. Then, Hancock Field and GA Braun would enter into an agreement under which Hancock Field would put \$ 10,000 in escrow and GA Braun would advance a portion of the purchase price and put \$ 20,000 in escrow. That fund would be held by the Hancock Firm. If the building is taken down by June 1st, it would be used by Hancock Field to pay VIP. If the building is not taken down by June 1st, that fund would be paid over to the Town of Cicero. The Town could then use that fund to pay for the demolition of Building 6.

Mr. Leone asked if the \$ 30,000 was enough to take care of the demolition.

Mr. Johnson responded we know that is enough. I spoke with Dave Nutting from VIP today. He is willing to enter into an agreement to demolish that building for \$ 30,000. He thinks it will cost less.

Ms. Cole stated I have received an outline of what Mr. Johnson just proposed in the form of an email today. Yes, we are comfortable with the terms as he has outlined them. I think if the Board wants to approve the subdivision we need to review the County's referral. But as far as this agreement you can certainly make any approval of the subdivision contingent upon these required agreements between the parties being signed and the money being posted whether it is in the form of cash or letter of credit.

Ms. Marsh, representative for Hancock Airpark, noted they were comfortable with the agreement.

Mr. Leone noted the referral from the County dated October 3rd. They determined that the subdivision would have no significant, adverse intercommunity or countywide implications. With that and the correction, **I make a motion** that we approve the GA Braun subdivision based upon the contingency that our legal council gets to review the securities information and it meets their satisfaction.

Ms. Cole added to the motion the final subdivision map will not be filed unless or until a

closing on the sale on the land from Hancock Field and GA Braun occurs. \$ 10,000 is to be furnished by Hancock Field and \$ 20,000 is to be furnished by GA Braun for a total of \$ 30,000. An escrow account will be established by the Hancock & Estabrook Law Firm which would state that the escrow fund would not be paid to Hancock Field until Hancock Field demolishes Building 6. If Building 6 is not demolished by Hancock Field by June 1, 2008 then the law firm of Hancock & Estabrook, as escrow agent, will have the obligation to turn over the entire amount in the escrow account to the Town of Cicero. The Town of Cicero will have the right to use the fund to pay for the cost of the demolition and removal of Building 6 with any balance to be paid to Hancock Field.

Mrs. May seconded the motion.

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

Mr. Cushman:	Yes
Mr. Rowe:	Yes
Mr. Smith:	Yes
Mrs. May:	Yes
Mr. Moncrief:	Yes
Mr. Conway:	Yes
Mr. Leone:	Yes

Mr. Cheely introduced himself and presented the site plan information. The site drawings have received some minor changes, concerning some minor drainage issues. Those have been forwarded to Mark.

You asked for verification of what the exterior of the building would look like. I have those drawings with me. This is a manufacturing building with a 34' eave height. It is a pre-engineered building with metal siding, 7'4" of concrete block below the office area and a sloped roof. The office area is split faced concrete block with metal siding above that. We show views from General Irwin, Stewart, Bangor, and Taft. The building is set back 250-300' from Taft. It is a single story building. A mezzanine might be put in in the future, but nothing is planned at the moment.

Mr. Cushman asked for the maximum height of the center of the building.

Mr. Cheely responded just under the 45' that is allowed via a variance. I have included a floor plan of the building for reference sake. It shows the office area and the main part of the production/assembly area.

Mr. Leone asked about fire/safety issues. Have they all been addressed as far as access, etc.?

Mr. Cheely responded yes.

Mrs. May asked where outdoor equipment would be housed.

Mr. Cheely noted there is no outdoor equipment. There are two roll-off type dumpsters on the southside. There are two off of the drive on the northeast side. This has a fence around it. The other two have plantings in the front.

Mr. Smith asked for the accommodations made for the fire department.

Mr. Cheely responded we have complied with their wishes for fire hydrants. One was moved across General Irwin next to the first entrance. We left an existing hydrant. There are now, I believe, 7 hydrants around the building.

Mr. Leone continued the discussion regarding dumpsters. Because these are roll-offs that trucks pick up, we agreed that they could put greening with shrubbery or small berm here to stop the vision from this road. Other Board members agreed.

I believe there was some correspondence from the fire department that discussed the issue relative to meeting Town Code.

Mr. Cheely noted we have included a proposed sign drawing to be located at the first driveway, coming in. It would be 8' wide. There are no other signs planned.

Mr. Leone: We accepted your landscape package. Mark has reviewed them and appears to be satisfied with the lighting package you have chosen. The last time we talked about storm water on a commercial site, it was up to either Hancock and/or Braun to accept responsibility for it. We left it up to you whether or not a fence would be required.

Mr. Cheely: We did discuss it with Braun. They are comfortable with not having a fence. I believe Lori Dietz was also comfortable with not having a fence. There is a much larger detention pond 400 yards to the west that does not have a fence.

Mr. Leone asked Ms. Cole if she had the easement information straightened out.

Ms Cole: I believe we do.

Mr. Smith noted a letter which states what will happen with roads.

Mr. Leone noted the response from the County. They recommended the applicant obtain permits from the NYSDEC and Army CORPS for any proposed development or drainage in the wetland, or wetland buffers on the site. That is taken care of because the applicant is not disturbing any wetlands. We viewed this as a Type One Action and

completed SEQR on this prior to the entire process. We have taken all actions, site plan, subdivision and variance, as one action. **I make a motion** that we accept and approve the site plan for GA Braun at Hancock Airpark with a revision date of 11/1/07.

Mr. Smith added there will be no changes to the site plan without the approval of the Planning Board. **He seconded the motion.**

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

Mr. Cushman:	Yes
Mr. Rowe:	Yes
Mr. Smith:	Yes
Mrs. May:	Yes
Mr. Moncrief:	Yes
Mr. Conway:	Yes
Mr. Leone:	Yes

**SUBDIVISION: PRELIMINARY/FINAL PLAN, LAKESHORE PLAZA
ROUTE 31 & TORCHWOOD LANE, HDL PROPERTY GROUP, LLC, 2 LOTS
PUBLIC HEARING CONTINUED, RESOLUTION FROM THE COUNTY**

Representative: Ric Maar, Dunn & Sgromo

Mr. Maar noted at the last meeting we were pretty much completed. We lacked the response from the County. You have a new plan tonight because the County made two recommendations: that there be a cross access agreement between Lots 1 and 2, which your attorney has already approved, and that the state take an easement across the front of the Route 31 side. This would be a no access easement so that the owners could not put another driveway in there. The new plan shows these changes.

Mr. Smith asked if Walgreens was documented as knowing they are responsible for sidewalk maintenance.

Mr. Maar responded they were.

Mr. Leone stated you confirmed the number of parking spaces that was originally requested for the Walgreens' buildout and state that number is contained on the parcel that you are subdividing.

This is a continued public hearing. (*Reopened at 7:29 p.m.*) I would like to open the floor for any comments in favor of this project. (There was no response.) Would anyone here like to speak in opposition of the subdivision? (There was no response.) I'll close the

public hearing. *(Closed at 7:30 p.m.)*

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 of the purposes of Article 8 of the Environmental Conservation Law of the State of New York. **Mr. Moncrief seconded the motion.**

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

Mr. Cushman:	Yes
Mr. Rowe:	Yes
Mr. Smith:	Yes
Mrs. May:	Yes
Mr. Moncrief:	Yes
Mr. Conway:	Yes
Mr. Leone:	Yes

Mr. Leone made a motion to approve the subdivision for HDL at the Lakeshore Plaza on the latest plan with a revision date of 11/5/07. The owner of the building on the property which is currently Walgreens or an entity thereof has to maintain the sidewalks put in at Route 31 and at Torchwood. Maintenance includes snow removal, keeping the sidewalks clear and any faults of the sidewalk. That responsibility will stay with the property owner. **Mrs. May seconded the motion.**

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

Mr. Cushman:	Yes
Mr. Rowe:	Yes
Mr. Smith:	Yes
Mrs. May:	Yes
Mr. Moncrief:	Yes
Mr. Conway:	Yes
Mr. Leone:	Yes

**SITE PLAN AND COUNTY RESOLUTION, NORTHERN NURSERIES, INC.,
8633 ROUTE 11, STORAGE BARN, IANUZI & ROMANS, PC**

Representative: Hal Romans, Surveyor and Planner

Mr. Romans stated the site plan was for the removal of some existing barns and a silo and the construction of a new pole barn. It is the same location and square footage. Drainage

would continue to flow in the direction it always has.

The County Planning Board brought up this entrance. I received an email from Mark Greiner from the NYSDOT. He asked us to look at the intersection to see if we could add some control measures. He has reviewed this plan and is fine with it. We expanded the grass island on the south and north sides of the site plan. We have reduced the throat of the driveway down to 46 ft. This is a commercial driveway that gets a lot of tractor trailer traffic at certain times. Mark agreed it should be larger than the standard commercial drive for that reason.

The bulk of the green area is in the right-of-way. That area will be grass. They will put in some low growing landscaping in the south side area, especially outside of the right-of-way, on their property. We will not berm because we don't want to impact drainage. We will remove the existing gravel and meet the grade or come up a little. If we get approval we will get a NYSDOT permit.

Mr. Leone noted the applicant was not adding any new lighting. You are not disturbing more than an acre so there are no storm water issues, 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. Rowe:	Yes
Mr. Smith:	Yes
Mrs. May:	Yes
Mr. Moncrief:	Yes
Mr. Conway:	Yes
Mr. Leone:	Yes

Mr. Leone made a motion to approve the site plan presented tonight by Hal Romans for Northern Nurseries, Inc. with a revision date of 11/6/07. **Mrs. May seconded the motion.**

The motion was approved with the following vote:

Mr. Cushman:	Yes
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Mr. Rowe:	Yes
Mr. Smith:	Yes
Mrs. May:	Yes
Mr. Moncrief:	Yes
Mr. Conway:	Yes
Mr. Leone:	Yes

**SITE PLAN, HOTEL AT GANDER MTN., HOSPITALITY BLDRS. INC.
8414 PARDEE ROAD, COUNTY RESOLUTION
(SEE ATTACHMENT A)**

Representatives: Julian Clark, Plumley Engineering, Jake Wright, Developer

Mr. Clark introduced himself and Mr. Wright. This is a proposed 70 room hotel in front of the Gander Mountain store on Pardee Road. We have updated the plan and given them to Mark, who provided a comment letter. We have completed photometric and drainage plans. Storm water is already on the property. Utilities will be extended to serve the hotel. We will be doing a subdivision alteration, moving a property line. That plan has been prepared. I believe that can be handled within the Zoning Department as a simple lot line adjustment. Reciprocal parking and access easement language has been provide to your attorney.

Mr. Leone asked if that was the easement across the Gander Mountain piece.

Mr. Clark responded yes, to get into the property and for 48 parking spaces. We have 69 parking spaces on our property. There would be the other 48 parking spaces on their property, within the easement. To get those totals we counted 70 hotel rooms, 20 spaces for the meeting room, 10 spaces for employees, etc.

There was discussion at the last meeting about providing a path to the Cracker Barrel Restaurant. We are planning to do that. We received a letter from them stating they were in favor of doing that. We are still trying to work out the final details but we have come up with this current proposal. The storm water detention area puts up a barrier between the two. We just need to find a way to get over that.

Mr. Leone asked if it would be a concrete walkway and who it would maintain it.

Mr. Clark noted those details were still being worked on.

Mr. Wright added we will take care of the walkway if Cracker Barrel does not.

Mr. Parrish stated the path seems to be located in the forebay area for storm water. How

are you going to address that?

Mr. Clark explained we were thinking a couple of culverts and a bridge over it. If we can not do that we would have to go all the way up and around. You can see a beaten path there now.

We have worked with the Fire Department. They did sign off on this plan.

Mr. Smith asked for the modifications the Fire Department agreed to.

Mr. Clark explained we now have a paved access all the way down past the building and sufficient distance for the truck to pull up and still be able to fight the back of the building. This drive lane extends out far enough to reach the entire backside of the building.

Mr. Leone questioned the retaining wall. That is a 10 ft. high wall. Is there a drop off? Will you put up a guardrail?

Mr. Clark noted we can extend the fence down the entire retaining wall.

More discussion occurred.

Chief Carvel: Julian has worked with me and cooperated fully. His charge on this is site plan only. I have other concerns once we get into the details for example sprinklers, etc.

Mr. Clark: I did pass along the request for the standpipes. Those will be included.

Mr. Smith asked if the code required standpipes.

Ms. Cole thought the Town would need to go by New York State uniform building codes.

Chief Carvel noted New York State uniform code does not require standpipes... (Rest of response was not audible).

Mr. Leone: We have a right to ask for that.

Mr. Smith: This is a very unique site. It is very compact and difficult to get fire equipment around.

Mr. Clark repeated we have already agreed to do it.

Mr. Smith: As long as they have agreed we can include it as a condition.

Mr. Parrish noted he did not have any issues with the lighting plan.

Mr. Leone asked if anyone else had any concerns. Can you show us the back and front architectural details? This Board had a concern with the back of the building facing the primary road and Route 81. We asked that the back and front look welcoming.

Mr. Clark: Basically, the front and back match with the brick facing and the signage.

Mr. Parrish pointed out they need to adjust the drainage easement to accommodate the grading, retaining wall, etc. I believe that is being taken care of but the attorney should confirm that is being addressed.

Ms. Cole: I need to have information about the relocation of the drainage easement. I do not have that yet. That needs to be a contingency of your approval. As far as the other declarations of easements, covenants, etc; if you want to make your approval contingent upon the finalization of the documents, that is what you should do.

Mr. Leone: If the Board does not have a problem with it we could make the approval contingent upon legal and engineering.

Mr. Smith: But no modifications or alterations to the site plan without Planning Board approval.

Mr. Leone: Unless it has something to do with re-adjusting the drainage easement. I don't want to control them so they can not make a decision. I just want the wording to be correct.

Mr. Parrish: It is reflected on the plan. It just needs to be followed through formally. They should be doing the simple subdivision plan adjusting the lot line. It could be addressed during that process.

Mr. Clark: The new subdivision plan shows the new easement layout.

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

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

Mr. Cushman:	Yes
Mr. Rowe:	Yes
Mr. Smith:	Yes
Mrs. May:	Yes
Mr. Moncrief:	Yes
Mr. Conway:	Yes
Mr. Leone:	Yes

Mr. Clark: We talked about access and the fire lane not being for delivery. We changed the sign to say emergency vehicles only.

Mr. Leone: I was concerned that the Chief realized he could get a truck in there. If he got into a sticky situation he is backing out. That takes a little longer for them to do.

There were some questions in the pre-agenda meeting about the reasonableness of trying to make deliveries the same way. Your email said normally that access lane does not occur. In this instance it occurs specifically for fire protection. You noted deliveries come to the corner of all your other hotels that way, never going up service roads. I assume the delivery process would continue as it always has at your other hotels.

Mr. Clark: Most of the deliveries would come to the front door.

Mr. Leone: I thought I saw something that said delivery vehicles.

Mr. Clark: I did. That is what we changed. We changed it to say emergency vehicles only.

Mr. Parrish asked for clarification of where deliveries would be.

More discussion occurred.

Mr. Leone made a motion to approve the site plan for the Hotel at Gander Mountain with a revision date of 11/7/07 with the following contingencies: the carport width underneath maintains a minimum of 20 feet. The issues relative to standpipes for fire protection in each stairwell are addressed as already agreed. The sidewalk connection shown on Figure 1 dated 11/2007 shows a proposed walkway in a location acceptable to the Board but needs to be addressed relative to its traversing the storm water area. This sidewalk connection will be maintained at the very least, by the new property owner of the Hotel at Gander Mountain.

Mr. Smith: The provision for this was to reduce traffic. We wanted to eliminate some of the trips between the hotel and the food service areas.

Mr. Clark: As you indicated some people are already parking at Gander and walking over.

Mr. Leone continued with the motion. Final approval is contingent upon legal and engineering's final review and approval. **Mrs. May seconded the motion.**

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

Mr. Cushman:	Yes
Mr. Rowe:	Yes
Mr. Smith:	Yes
Mrs. May:	Yes
Mr. Moncrief:	Yes
Mr. Conway:	Yes
Mr. Leone:	Yes

Mr. Leone: Any major revisions have to come back to this Board.

Mr. Smith noted that included alterations to the plan.

**SITE PLAN, SOUTH SHORE STABLES, R. KULAK
5840 SOUTH BAY ROAD, HORSE BARN, COUNTY RESOLUTION
(SEE ATTACHMENT B)**

Representatives: Ric Maar, Dunn & Sgromo Engineers, Richard Kulak

Mr. Maar introduced himself and Mr. Kulak. I gave you a new plan. We have gone back and forth with your engineer. His latest comments included moving the free standing sign out of the sanitary sewer easement, and that we reflect on the plan the limits of the floodplain. I have made those changes.

The site is located on the eastside of Route 81 and South Bay road. Mr. Kulak owns 21 acres. It is two lots, although the substantial part of the development occurs on one lot. There was an issue with the floodway on the creek on the north side of the property. That has now been remediated to the satisfaction of your engineer. This plan reflects all of the comments made by your engineer.

This new site plan shows an existing barn and some existing paddocks. There is a small building that is 3 used to store hay. There is a horse run-in. Mr. Kulak would like to enlarge the size of the run-in, add a new barn with an arena, and possibly put in a house sometime in the future. He wants to add a concrete pad, enclosed on three sides, for manure storage. The manure would be removed commercially.

Mrs. May asked if Mr. Kulak planned on moving into the house.

Mr. Kulak responded yes.

Mr. Smith noted the County's resolution from May 29, 2007. They recommended disapproval because the site plan did not reflect the entirety of the parcel or include provisions for waste removal, storage of manure, ground water protection and drainage. It is this Board's right and **I would make it in the form of a resolution** now that we have a complete site plan, that we re-submit the site plan to the County for a new review. It is on South Bay Road which is about to be surveyed for traffic.

Mr. Leone added there have been some substantial changes since the May 29th review. The number of horses has increased, etc.

Mr. Maar: We anticipated the need to re-submit the plan to the County.

Mr. Leone noted other things that need to be addressed. Mark's letter talks about the turn movement for trucks and vehicles coming down into your space. Can you turn a tractor trailer around in there? I assume you bring in hay. There is a steep grade on the drive as you go out. Have you tried to address that?

Mr. Parrish: I think our recommendation was for that to be paved. When I was out there it was graveled and heavily rutted. That could be a maintenance issue.

Mr. Maar noted it is now paved.

Mr. Leone: 30 spaces are shown based on one space per horse stall. Additional area for trailer parking is shown. The riding arena seems like a seasonal use but, do you have enough parking? Is it assembled in a recognizable fashion so that people know where they are supposed to park?

Mr. Maar explained 30 parking spaces are shown adjacent to the existing barn as well as in front of the existing paddock. They are gravel and so we are requesting that they do not have to be painted.

Mr. Kulak added the plan is to have local horse shows. The people who board their horses at the facility would participate in those shows.

Mr. Leone asked how many horses from the outside would come in for a show. You would then have a car, a truck and a horse trailer. This is not meant to give you a hard time. It is meant to design your site so that it can be used efficiently. You need to make

sure people are not parking in areas that should not be disturbed and rutted causing drainage issues. We need to continue to combine this package so that if a new owner comes in, he has a defined package.

You need to clearly talk about the storage of manure and how that will be addressed. I understood you are doing some composting. At some time this material has to be moved or used.

Mr. Kulak responded we are hauling it offsite. The plan is to build a concrete pad and then have a person come and remove it. Until that is built and until the site plan is approved and everything is built, I am composting based on Soil & Ag. I am in communication with them to make sure we are composting in the correct way and staying away from any run-off areas.

Mr. Leone: Currently, is it going off site at all?

Mr. Kulak responded no. It is being composted on the land within Soil & Ag Compliance. These are the people who typically work with local farmers.

Ms. Cole asked if the Board wanted to wait until the applicant has something formal in writing about what will happen to the manure before it is re-submitted to the County.

The developer has provided a signed copy of the easement agreement with the neighboring property. I would like to make sure that goes down to the County as well. For the record, I am going to give this signed copy back to the applicant and ask that it be given to his attorney to be recorded in the County Clerk's office.

Mr. Leone: It is to their benefit to get the most completed package to the County. If you believe you have a plan for manure you will want to include that. It should include the entirety of the parcel, the number of horses on site, trailer storage for those horses and events, bathroom facilities for events, waste removal, manure storage, etc. If Codes is comfortable with portable potties, perhaps that is how bathrooms could be addressed.

Mr. Maar noted there will be a bathroom in the existing barn, which was not made clear on the plan.

Mr. Kulak noted there would not be a tack shop.

Mr. Leone: If you submit the plan you are comfortable with back through Codes and Engineering, they are authorized from this Board to re-submit it to the County.

Ms. Cole: I ask that a copy of this easement agreement be included. But, I am going to

give this original back to Dr. Kulak for his attorney to record in the County Clerk's office now that it is signed.

Mr. Leone: The last things had to do with landscaping, lighting and signage. I understand the sign will be moved out of the drainage easement. We need to see a lighting schematic to assure you are not blinding people on Route 81.

Mr. Maar: I believe Mark has reviewed it. There are two lights on the site now. There are no plans for anymore lights.

More discussion occurred.

Mrs. May seconded the motion.

The motion was approved with the following vote:

Mr. Cushman:	Yes
Mr. Rowe:	Yes
Mr. Smith:	Yes
Mrs. May:	Yes
Mr. Moncrief:	Yes
Mr. Conway:	Yes
Mr. Leone:	Yes

**FINAL PLAN APPROVAL, LAKEPOINTE APARTMENTS
BAYSHORE SECTION VI, 2 LOTS, PARK FEES, C. ZAVAGLIA
(SEE ATTACHMENT C)**

Representative: Cosimo Zavaglia

Mr. Leone stated we discussed protection from the storm water pool behind the Bayshore Apartments with a fence. I believe the Board decided the fence only had to be on the north side of the storm water pool, the side toward the apartments.

Mr. Smith asked for the Town Board's view on fences.

Mr. Parrish responded I'm not sure I can speak for the Town Board. The best I can say is that this Board should make the recommendation they feel is appropriate. In this case I think any agreement that went along with this since it is an apartment situation should be such that the property owner should be responsible for the maintenance of the fence. That might take away some of the concerns the Town Board might have about providing a fence.

As the engineers for the Town we have been asked what the extent of the fence should be, how high it should be, etc. We have not been able to answer that question. As part of the final plan approval we have asked that the Planning Board clarify exactly what the limits of the fence are that they want, the height of the fence and the type of fence.

Mr. Rowe asked what was on the other side of the fence.

Mr. Leone noted there was limited access on the other side for children.

Mr. Parrish stated the storm water pool was about 300 feet long and about 100 feet wide with a depth of 6 feet. It is really the width of the lot.

Mr. Leone noted the Board's concern with small children getting into the pond area.

Mr. Parrish clarified that the east side of the site is heavily wooded. There are apartments to the north. There is a residential subdivision under construction to the south. The west side of the pond is where the new apartments are located. There is a thin strip of land between there and Route 81 which has little if any development potential.

Mr. Smith asked if we are taking an easement for the fence or are they putting the fence on the property owner's land and he would be responsible for maintenance.

Mr. Parrish: There will be a drainage easement for the storm water facility.

Ms. Cole suggested even if the fence was in the easement, it could be stipulated that the property owner is responsible for maintaining the fence, and not the Town.

Mr. Smith asked if we could require that the fence be out of the easement, between the buildings and the easement.

Mr. Conway: Would that still give us room to do maintenance if we had to get back in there?

Mr. Parrish responded yes to both questions. There is room to do that. In any event we will need to leave a gate there. The parking lot comes down through the center of the buildings. It makes sense to place a gate there.

Mr. Leone noted the fence could be seen as a hardship, a financial burden due to its great length.

Mr. Conway: I don't think you need to put a fence all the way around. But, a fence on one side is no good if you are trying to keep people out. People would go through the

woods.

More discussion occurred.

Mr. Parrish: This issue was discussed when the storm water modification came to the Board a few months ago, changing this to a pond. But, there was not a clear resolution as to where the fence should be.

Mr. Rowe: I don't want to burden anyone in the Town or the builder. But, I don't think the Town, builder or anyone on this Board could live with themselves if a small child fell in a pond anywhere within the Town. I know the Town Board gets upset because we have to maintain some of them. I for one want a fence for every pond.

Mr. Conway: My position would be to put fences up. For safety you need fences.

Mr. Parrish: You will note this plan shows a 4' chain link fence along three sides of the basin, the north, south and west sides of the basin.

Mr. Leone: This is what we agreed to. The developer agreed to do that.

More discussion occurred.

Mr. Leone made a motion to accept the final plan for Lakepointe Apartments, Bayshore Section VI with a revision date of 9/28/07 with a recommendation that the Town Board accept a 4 ft. high black chain link fence, sided on three sides of the storm water basin as shown on the storm water plan dated 6/18/07. The maintenance of the fence is by the property owner and is to have a 10 ft. wide gate.

Mr. Parrish noted the fence is shown within the easement. If Heather concurs that the easement agreement can be designed as such that they have to maintain the fence, I believe that is the issue the Town Board is somewhat concerned with.

Mr. Smith seconded the motion.

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

Mr. Cushman:	Yes
Mr. Rowe:	Yes
Mr. Smith:	Yes
Mrs. May:	No
Mr. Moncrief:	Yes
Mr. Conway:	Yes

Mr. Leone: Yes

Mr. Leone made a motion that we accept 277 park fees in lieu of land because of its location next to Plank Road Park. That would be 2 lots at \$ 475 per lot for a total of \$ 950. **Mr. Conway seconded the motion.**

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

Mr. Cushman:	Yes
Mr. Rowe:	Yes
Mr. Smith:	Yes
Mrs. May:	Yes
Mr. Moncrief:	Yes
Mr. Conway:	Yes
Mr. Leone:	Yes

SITE PLAN, PARK OUTDOOR, BILLBOARDS

Ms. Cole noted as you recall at the last meeting the Board voted to release several applications, returning them back as they were inactive. At your request we wrote to Park Outdoor because they have four outstanding applications. Their representative, Mr. Simonet, called yesterday. He advised they would keep all four open but they anticipate requesting two of those be discontinued within the next 30 days as they move forward with the other two.

Mr. Smith: We received a petition from the Marra Meadows residents regarding the *Omni-point co-location and extension site plan*. We should put that in the minutes. (SEE ATTACHMENT D)

I can report that I drove down to the County Clerk's office. The residents are correct. The easements are not there. I do not know what happened to them, but the filed maps do not indicate them.

Mr. Smith made a motion to adjourn. **Mrs. May 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 8:50 P.M.

Date: November 16, 2007
Tonia Mosley, Clerk



agreement for the shared access and parking is adequate. The following are additional comments regarding site access, traffic circulation and paving:

- a. The Board should confirm that adequate emergency access has been provided to the site.
 - b. A turning template has been provided showing access for delivery and emergency vehicles to the area south of the building. Access to this area is poor and it appears that vehicles will need to back out of this area against the one way drive along the hotel.
 - c. The Board should review the basis for the number of parking spaces provided for the site. A total of 114 spaces are provided with 68 space on the site and 46 spaces within the easement on the Gander Mountain site.
 - d. A letter has been provided indicating an access path to the Cracker Barrel site is being pursued with the owner of that site but the location of the access is not shown on the Plan.
3. Stormwater runoff from the site is tributary to an existing stormwater management area on the site. As the project disturbs more than 1-acre of land a NYSDEC SPDES Permit for Stormwater Discharges from Construction Activities is required for the project. The SPDES Permit requires stormwater quantity and quality and sediment and erosion control measures be provided. Stormwater quantity and quality measures will be provided by the stormwater management area on the site, which was designed and constructed to accept stormwater runoff from the site. The SWPPP and plans provide details relative to sediment and erosion control and is adequate. The following are additional comments regarding stormwater management and grading:
- a. It will be necessary to abandon a portion of the drainage easement on the site to accommodate construction of the retaining wall along the southwest side of the site. This should be accomplished prior to the start of construction.
 - b. *The drops from the retaining walls and slopes from the parking area along the south side of the site are relatively high and steep. The limits and nature of pedestrian and vehicle protection from these areas should be reviewed with the Planning Board. A licensed architect or engineer should complete design of the retaining wall and the construction methods should not disturb the stormwater management area.*
4. The Board should review the landscaping, lighting, signage, buffering and architectural elevations with the Developer. The following are comments regarding these issues:
- a. The lighting appears reasonable for a site of this nature. It is noted that the Plan does not show any building mounted lighting or lighting under the canopy adjacent to the entrance.
 - b. *The Plans indicate a total of 261.33 square feet of signage will be provided by signs mounted on the east and west sides of the building. The frontage of the building is approximately 150 feet.*
5. The site is located within the Weaver Road Water District. Water service is to be provided by extension of a water service from a 12-inch water main located along Pardee Road. The Applicant should contact the Onondaga County Water Authority (OCWA) regarding provision of the water service.
6. There is a 99-foot wide Onondaga County Water Authority easement that crosses the site and contains a 54-inch diameter water main. In addition there are a number of underground telecommunication facilities within easements on the site. The Developer will need to obtain a permit for construction within these easements.
7. 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.

Planning Board
October 31, 2007
Page 3

8. 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

cc: Town Board - Town of Cicero
Jay Seitz, Code Enforcement Office - Town of Cicero
Barb Soulier, Code Enforcement Office - Town of Cicero
Heather Cole, Esq. - Wladis Law Firm, P.C.
Julian Clark, P.E. - Plumley Engineering
Gary D. Cannerelli, P.E. - O'Brien & Gere Engineers, Inc.



2017

October 26, 2007

Planning Board
Town of Cicero
P.O. Box 1517
Cicero, New York 13039-1517

Attn: Patrick Leone, Chairman

Re: South Shore Stables Site Plan Review

File: 0101.25439.289

Dear Board Members:

We have reviewed the following materials in regard to the above referenced project for compliance with Town Code requirements relative to Site Plans and effect on Town utilities and roads:

1. Site Plan dated September 20, 2007 revised October 15, 2007
2. Floodway Area dated August 10, 2007
3. North Branch-Pine Grove Brook dated August 1, 2007
4. Stormwater Pollution Prevention Plan (SWPPP) dated October 2006 revised October 12, 2007
5. Topographic Survey dated September 28, 2006.

Dunn & Sgromo Engineers, LLC prepared items 1 to 4 and CNY Land Surveying prepared item 5.

The 21.16-acre site is located on the southeast corner of the intersection of South Bay Road and Interstate Route 81. The site contains an existing metal barn, gravel parking areas, fenced riding areas and other site improvements. It is our understanding the site was originally to be utilized privately for horse boarding and riding but has expanded to a commercial operation, which requires site plan approval. It is proposed to construct an additional 9,120 square feet indoor riding arena/seasonal function building, a single-family residence, minor expansions to existing sheds, modifications to the gravel parking areas and fencing along with other miscellaneous site improvements. The site is zoned Agricultural. Our comments are as follows:

1. The site is located within the Cicero Sewer District. Sanitary sewer service to the existing building and proposed residence is to be provided by two laterals from the 10-inch Town sanitary sewer located within an easement along the west side of the site. A note has been placed on the Plan indicating the Developer should contact the Town to coordinate installation of the laterals.
2. The site has frontage on South Bay, which is a County highway under the jurisdiction of the Onondaga County Department of Transportation (OCDOT). An entrance onto South Bay Road is utilized for access onto the site but encroaches onto the adjacent property. The Town Attorney should confirm that the agreement for the shared access is adequate. The following are additional comments regarding site access, traffic circulation and paving:
 - a. The turning movement for trucks and vehicles with trailers entering the site from the south does not appear adequate and should be discussed with the Developer.

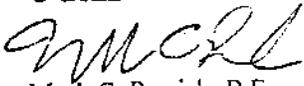
- b. It is recommended that approximately 50-feet of the entrance drive adjacent to South Bay Road be paved as the steep grade at this location will result in frequent maintenance requirements for the gravel drive.
 - c. A note on the Plan indicates the parking spaces shown are for reference only and are not to be striped. Thirty spaces are shown and is based upon one space per horse stall. Additional area for trailer parking is also shown on the Plan.
3. Stormwater runoff from the site is tributary to a culvert under South Bay Road. As the project disturbs more than 1-acre of land a NYSDEC SPDES Permit for Stormwater Discharges from Construction Activities is required for the project. The SPDES Permit requires stormwater quantity and quality and sediment and erosion control measures be provided. Stormwater quantity and quality measures will be provided by a wet pond that will discharge to a swale located along South Bay Road. The facilities are generally in accordance with NYSDEC standards and approval for the discharge to South Bay Road has been obtained from the OCDOT. It is noted that it may be necessary to relocate water and/or electric services to construct the stormwater management area as shown. The SWPPP provides details relative to sediment and erosion control and is adequate.
4. The site is located within a 100-year floodplain as identified on the 1994 FEMA Flood Insurance Rate Maps and also contains a floodway. Initial development of the site resulted in encroachment into the floodway, which is not allowed by the Town Code. This encroachment has been corrected as documented by Items 2 and 3 of the submittal list. The limits of the floodplain as shown on the FEMA mapping should be shown on the Plan in addition to the note that has been provided. It appears the proposed structures are to be located within the floodplain and should be constructed in accordance with the Town Code requirements.
5. The Board should review the landscaping, lighting, signage and architectural elevations with the Developer. *The following are comments regarding these issues:*
 - a. The Plan does not show additional lighting beyond that existing on the site.
 - b. The freestanding sign should be relocated so it is not located within the sanitary sewer easement.
 - c. A site visit noted temporary storage containers on the site. It is our understanding these are to be removed following construction of the proposed improvements.
6. The site is located within the Cicero Water District South Bay Road Extension. A water service has been extended to the existing building from an 8-inch water main located along South Bay Road. Water service to the proposed residence will be provided from this service. The Applicant should contact the Onondaga County Water Authority (OCWA) regarding provision of the water service.
7. 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.

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October 26, 2007
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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

- cc: Town Board – Town of Cicero
- Jay Seitz, Code Enforcement Office - Town of Cicero
- Barb Soulier, Code Enforcement Office - Town of Cicero
- Heather Cole, Esq. – Wladis Law Firm, P.C.
- Richard Kulak
- Ric Maar – Dunn & Sgromo Engineers, PLLC
- Gary D. Cannerelli, P.E. – O'Brien & Gere Engineers, Inc.



October 26, 2007

Planning Board
Town of Cicero
P.O. Box 1517
Cicero, New York 13039-1517

Attention: Patrick Leone, Chairman

RE: Bayshore Manor Section 6 Final Plan

FILE: 0101/25439.296

Dear Board Members:

We have reviewed the following information regarding Final Plan approval for the above referenced project:

1. Final Plan dated July 10, 2007 revised September 28, 2007
2. Site Grading and Utility Plan dated September 6, 2005
3. Sanitary and Storm Sewer Profiles dated September 6, 2005
4. Revised Basin Grading last revised June 18, 2007.

Land Lines Surveying, P.C. prepared the above item.

Bayshore Manor Section 6 consists of two multi-family residential lots along Chalkstone Course that contain 6 apartment buildings with a total of 72 apartments. The site is zoned Planned Unit Development, PUD. The above materials are in general conformance with Town Code requirements for Final Plans subject to the following comments:

1. The total width of the drainage easement along the south side of the site should be 30-feet with 15-feet located on the adjacent Zavaglia property. Also, the easement should encompass the limits of the stormwater management area on the Zavaglia property.
2. The Revised Basin Grading reflects a modification to the stormwater management area that was previously reviewed and approved by the Planning Board. Safety and liability issues relative to the stormwater management areas were discussed and the Planning Board requested a fence be place around the stormwater management area. However, the Developer has requested clarification on the type, limits and height of the fence.
3. The Board should identify appropriate park fees for the project.

We will furnish a letter to the Town Board providing required security deposits for utilities and uncompleted work. Upon approval of the Final Plan by the Planning Board, we recommend the Chairman delay signing the Final Plan until the Town Attorney has verified the Developer has the necessary agreements and securities in place.

The applicant should continue to provide and maintain all necessary sediment and erosion control measures as outlined on the approved Sediment/Erosion Control Plan until vegetation is established on all areas disturbed by construction. As utility construction is essentially complete the Codes Enforcement Office should inspect the sediment and erosion control facilities for the Town.

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Planning Board
October 26, 2007
Page 2

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

Very truly yours,

O'BRIEN & GERE ENGINEERS, INC.



Mark C. Parrish, P.E.
Managing Engineer

- cc: Town Board – Town of Cicero
- Jay Seitz, Director of Planning and Development – Town of Cicero
- Chris Woznica, Superintendent – Town of Cicero Highway Department
- Barb Soulier, Code Enforcement Office – Town of Cicero
- Cosimo Zavaglia
- Colin Kraft, LLS – Land Lines Surveying, P.C.
- Gary D. Cannerelli, P.E. – O'Brien & Gere

ATTACHMENT A2

Heather Cole

From: Johnson, Stephen [Johnsos@bsk.com]
Sent: Tuesday, November 06, 2007 6:25 PM
To: Heather Cole
Cc: Steven R. Shaw; JB Werner
Subject: G.A. Braun/Subdivision Approval

Dear Heather,

This will set forth the terms of an agreement that will be entered into between Hancock Field Development Corp. ("Hancock Field") and G.A. Braun, Inc. ("GA Braun") to satisfy the Town's requirement that security in the amount of \$30,000 be posted for the benefit of the Town in the form of a letter of credit, bond, or cash to secure Hancock Field's promise to demolish and remove Building 6 before June 1, 2008. This condition relates only to Subdivision Approval and not to Site Plan Approval.

Assuming that on November 7, 2007, the Town of Cicero Planning Board grants final Subdivision Approval upon the condition that \$30,000 be posted for the benefit the Town in the form of a letter of credit, bond, or cash to secure Hancock Field's promise to demolish and remove Building 6 before June 1, 2008, Hancock Field and GA Braun would enter into an agreement containing the following terms:

1. The final Subdivision Map would not be filed unless and until a closing on the sale of the land from Hancock Field and GA Braun occurs:
2. With \$10,000 to be furnished by Hancock Field and \$20,000 to be furnished by GA Braun (this \$20,000 would be a credit against the purchase price at closing), an escrow account would be established with the law firm of Hancock & Estabrook which would state that the escrow fund would not be paid to Hancock Field until Hancock Field demolishes Building 6;
3. If Building 6 is not demolished by Hancock Field by June 1, 2008, then the law firm of Hancock and Estabrook, as escrow agent, would have the obligation to turn over the entire amount in the escrow account to the Town of Cicero with the Town of Cicero's having the right to use the fund to pay for the cost of the demolition and removal of building 6, with any balance to be paid to Hancock Field;
4. If a closing between Hancock Field and GA Braun does not occur because Hancock Field defaults under its contract with Braun to sell the land, the Subdivision Map would not be filed, and the entire amount in the escrow account would be paid to GA Braun.
5. The agreement containing points 1 through 4 would be entered into and the escrow account would be funded with \$30,000 before the Chairman of the Town of Cicero signs the final Subdivision Map.

By a copy of this email, I am requesting Steve Shaw to add any comments he may have.

Heather, please let Steve and me know of any comments you may have and whether this proposal is acceptable to the Town.

Thank you.

Stephen L. Johnson, Esq.
 Bond, Schoeneck & King, PLLC
 One Lincoln Center
 Syracuse, NY 13202
 Phone: (315) 218-8191
 Direct Fax: (315) 218-8491
 Firm Fax: (315) 218-8100
 Email: sjohnson@bsk.com

TO: Cicero Planning Board
FROM: Residents of Marra Meadows I and II

The undersigned specifically request that the Planning Board not approve Omnipoint Communications' request to extend the existing cell tower with six cellular antennae on top, located at 6268 Route 31. We make this request for the following reasons:

- 1) The tower as it exists would fall 11+ feet onto private property during a catastrophic failure. Extending the tower would make matters worse.
- 2) The buyers of properties with encroachment would not be able to obtain an FHA mortgage, creating a major hardship for the sellers.
- 3) The tower, as it exists, does not comply with Town Ordinance; i.e., it must fall within its own property.

In your deliberations, please consider the interest of residents in the community

THE SIGNED PETITION CAN BE OBTAINED IN THE ZONING AND PLANNING OFFICE.