The Planning Board of the Town of Cicero held a meeting on **Monday, April 14, 2014** at **6:30 p.m.** in the Town Hall at 8236 Brewerton Road, Cicero, New York 13039.

Agenda:
-Pledge of Allegiance
-Notes from the Chairman
--Approval of the Minutes from the March 24, 2014 Meeting **(approved)**
- Site Plan, Driver's Village, 5857-5927 East Circle Drive, Proposed automotive dealership **(approved)**
-Site Plan, Public Hearing, Admar, 7800 & 7802 Brewerton Road, Proposed construction equipment sales, rental & service facility **(approved)**
-Site Plan, Family Care of Cicero, 8393 Elta Drive, Proposed physician's office **(to return)**
-Site Plan – Sketch Review, Mud Mill, LLC Lay Down Yard, 5718 Mud Mill Road, Proposed vehicle storage building **(to return)**

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

Chairman Smith opened the meeting by noting the locations of the three emergency exits, asked that all cell phones be silenced and noted if anyone had difficulty hearing the proceedings please bring it to the Clerk's attention so the audio system could be adjusted.

Mr. Marzullo led the Pledge of Allegiance.

Chairman Smith recognized Vern Conway, Town Board Member and Richard Hooper, Director of Zoning Enforcement, Jessica Zambrano, Town Supervisor, thank you all for joining us.

Mr. Marzullo made a motion to approve the Planning Board Minutes from March 24, 2014. **Mr. Abbey seconded the motion**. The Chairman called a vote.
In favor: 5 Opposed: 0 Abstained: 0 Motion approved unanimously

SITE PLAN,
DRIVER'S VILLAGE,
5857-5927 EAST CIRCLE DRIVE, PROPOSED AUTOMOTIVE DEALERSHIP
IANUZI & ROMANS

Representative: Dave Jones, RLB Development, LLC

Chairman Smith: Are we all set with the questions from last meeting?

Mr. Germain: We are, the easement has been presented, it's also along with the map they are going to file it so if you choose to approve it, making it would be contingent on the actual filing of the easement.

Mr. Parrish: The revised lighting plan that was submitted is all set.

Chairman Smith asked the each of the board members if they had anything additional at this time. The board members had nothing further at this time.

Mr. Ruscitto made a motion regarding the SEQR. He read: Be it further resolved that the Planning Board of the Town of Cicero hereby determines that the proposed action will not have a significant effect on the environment and that this resolution shall constitute a negative declaration for the purposes of Article 8 of the Environmental Conservation Law of the State of New York. **Chairman Smith seconded the motion** and called a vote.

In favor: 5 Opposed: 0 Abstained: 0 Motion approved unanimously

Chairman Smith: Neil, would you construct a resolution approving the application.

Mr. Germain: You are going to move for the adoption of a resolution approving the Site Plan application known as Driver's Village, 5857-5927 East Circle Drive, proposed automotive dealership. The Site Plan last revised March 18, 2014 and Lighting Plan dated March 27, 2014. The Planning Board notes that it has received and considered the County's Referral regarding this matter. This approval is strictly conditioned on the following:

1. The applicant has presented a proposed easement for egress and ingress over the adjacent parcel which has been approved by the planning board attorney, the applicant shall file said easements with the Onondaga County Clerk and provide proof of said filing to the Town of Cicero as a condition of this approval. No permits should be issued by the Town of Cicero until this condition has been met. Similarly the Certificate of Occupancy shall not be issued until said easements have been filed.
2. The color schemes and renderings and/or elevations as presented by the applicant to the planning board in regard to this application shall be incorporated by reference into this site plan and the board's approval thereof. Accordingly the actual project must conform to the original elevations as modified herein.

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

In favor: 5 Opposed: 0 Abstained: 0 Motion approved unanimously

SITE PLAN, ADMAR,
7800 & 7802 BREWERTON ROAD,
PROPOSED CONSTUCTION EQUIPTMENT SALES, RENTAL AND SERVICE FACILITY

IANUZI & ROMANS

Representative: Hal Romans, Surveyor and Planner, Ianuzi & Romans

Mr. Romans: The changes we made I will go over briefly. We noted the following on the plan: 1) The 4 foot chain-link fence being replaced with landscaping; 2) the entrance only signs at the south driveway with striping; 3) the boom note will be modified to say not in the display area and no equipment over 10 feet in the display area in front and 20 foot in the back and no banners or signs; 4) agreement in place regarding the removal of the fence in the easement at applicants expense; 5) replace dead trees along the residential area; 6) repairs done inside only and 7) provided a detailed description of equipment in the display areas and we have provided pictures of the display area and pictures of the landscaping.

Chairman Smith asked Mr. Parrish and Mr. Germain if they had any additional comments.

Mr. Parrish: There aren't any engineering issues.

Mr. Germain: I asked that the agreement for the fence be done as a declaration so it would be recorded so it would run with the land and apply to any future land owner. The applicant provided a signed copy of the declaration and we have reviewed it and everything seemed to be in order, it just needs to be recorded, which can be part of any motion.

Chairman Smith asked the each of the board members if they had anything additional at this time. The board members had nothing further at this time.

Mr. Ruscitto made a motion regarding the SEQR. He read: Be it further resolved that the Planning Board of the Town of Cicero hereby determines that the proposed action will not have a significant effect on the environment and that this resolution shall constitute a negative declaration for the purposes of Article 8 of the Environmental Conservation Law of the State of New York. **Chairman Smith seconded the motion** and called a vote.
In favor: 5 Opposed: 0 Abstained: 0 Motion approved unanimously

Chairman Smith: Neil, would you construct a resolution approving the application.

Mr. Germain: You are going to Move for the adoption of a resolution approving the Site Plan application known as Admar, 7800 & 7802 Brewerton Road, proposed construction equipment sales. The Site Plan last revised April 7, 2014. The Planning Board notes that it has received and considered the County's Referral regarding this matter. This approval is strictly conditioned on the following:

1. The Plan shows a chain link fence which would be located within a Town sanitary sewer easement to address this concern a note has been placed on the Plan indicating the Applicant will remove the fence at their expense in the future if necessary.

a. The applicant has presented a proposed declaration governing the removal of the fence and I have approved of the same. The applicant is hereby required to file said declaration with the Onondaga County Clerk and provide proof of said filing to the Town of Cicero as a condition of this approval. No permits or certificate of occupancy should be issued by the Town of Cicero until this condition has been met.

2. The color schemes and renderings and/or elevations as presented by the applicant to the planning board in regard to this application shall be incorporated by reference into this site plan and the board's approval thereof. Accordingly the actual project must conform to the original elevations as modified herein.

Chairman Smith made a motion as stated by Mr. Germain above. **Mr. Abbey seconded the motion**. The Chairman called a vote.

In favor: 5 Opposed: 0 Abstained: 0 Motion approved unanimously

SITE PLAN, FAMILY CARE OF CICERO,
8393 ELTA DRIVE,
PROPOSED PHYSICIAN'S OFFICE
MAHONEY DESIGN & BUILD

Representative: Tim Mahoney, Mahoney Design

Chairman Smith: I understand that you want to discuss the options for the plan that you presented.

Mr. Mahoney: We received Mr. Parrish's comments for the plan we presented and have spoken with him as well and the main issue is the easement for egress ingress. The reason for the plan we have is because of the transformer pad that is in the way for the proposed road way. Therefore it seemed logical to go through the parking area that would be joined by both parcels instead.

Chairman Smith: So you are asking to have the access to the back parcel, be through the other parcel's parking lot and that is where the board and our engineer have major concerns. We don't know what is going to go in that other parcel and how maintenance is going to work.

Mr. Mahoney: What if the two owners create an agreement with acceptable terms for egress and ingress and maintenance?

Chairman Smith: Mr. Germain, would that be adequate, to have a written agreement?

Mr. Germain: It could be a filed agreement or a filed easement.

Chairman Smith: Is the current easement going to stay?

Mr. Mahoney: We are proposing the current 30 foot easement that is to the north edge of the property, get reduced to 10 feet, so it now becomes utility only and then take an additional 30 foot permanent egress ingress easement that is centered on the drive lane. So we would be increasing the easement to 40 feet overall.

Chairman Smith: Would that work legally Neil?

Mr. Germain: They would take the easement that they have now and file a modification of it, and enter into a new easement agreement that would give access that is behind the building through a different point of egress ingress. So you would be looking at is, one easement would still be in place, the utility easement, and in the other area you would get the new egress ingress easement. That could be done.

Chairman Smith: Is that something that you would be willing to get executed and bring back?

Rhonda Akl, Esq. (attorney for applicant): I have been in touch with the counsel that represents the seller and the applicant, we are all agree that we would be recording an easement, if the board approves, that would arrange for maintenance of the access, with responsibilities shared. That was always the intention to enter into an agreement with the rear parcel. The plan is when the rear parcel becomes an occupied property they will share the maintenance but until then we will maintain it.

Chairman Smith asked the board members each if they had any questions or comments.

Mr. Abbey: What about fire protection? There would have to be adequate spacing for all these considerations.

Mr. Mahoney: Sure, yes.

Mr. Marzullo: I would like to hear Mr. Parrish's comments.

Mr. Parrish: The mechanics we are talking about work fine what I am pointing out is it would be better design wise if this access drive wasn't encumbered with the parking spaces adjacent to it because you have the potential for conflict when vehicles are traveling to and from the site. But I think the responses to that by the applicant are reasonable and it's up to the board to consider whether they feel this is a reasonable solution to the issue.

Mr. Honors: I think it's reasonable with a written agreement between the two owners as well to be added to the file.

Mr. Mahoney: We did take the potential conflict into consideration to the best that we could by making the driving lane a bit wider at 27 feet rather than 20 feet.

Chairman Smith: Before we would put this up for determination, we would want the legal work prepared for the recordable easement for our attorney for his review to be sure there is adequate protection to ensure that that stays open at all time. Also we would want to know how the town feels about the change of the easement from a 30 foot to a 10 foot. Because this is a major concern, we need to be sure that you can always get through there and who is going to maintain it.

Mr. Marzullo: The alternate option is to remove the utility pad?

Mr. Mahoney: Yes.

Chairman Smith: Is there sewer through there?

Mr. Parrish: The south side does have sewer, there aren't any town utilities there it will all be private utilities.

Mr. Marzullo: Are you proposing any additional striping in the easement area?

Mr. Mahoney: No more so than we have illustrated on the site plan.

Chairman Smith: Mark could you go over the other issues with the plan from your referral letter?

Mr. Parrish: There are some grading plan and sediment and erosion control plan. The silt fence around the perimeter of the site should be shown on the site and not on the adjacent properties. We ask that the Grading Plan should show the existing grades. The location and size of the water service should be provided along with the location and size of the existing water main. The lighting looked reasonable and the signage, they are showing an internally lit free standing sign in the front of the building and that meets the setback requirements.

Mr. Ruscitto: What if the new occupant doesn't want to participate?

Mr. Germain: Once the easement is recorded it will run with the land and it will be a permanent use. The easement is designed to benefit the parcel behind and parcel 1. You want to make sure that the owner of parcel 1 serviced by the easement and is a future owner serviced by the agreement. The cost of the maintenance would be part of the Contract between the parties and the successors and interest in those parties.

Chairman Smith asked the board member if they had anything further to add. The board members had nothing further to discuss at this time.

SKETCH REVIEW, MUD MILL, LLC LAY DOWN YARD,
5718 MUD MILL ROAD,
PROPOSED VEHICLE STORAGE BUILDING
PLUMLEY ENGINEERING

Representative: Julian Clark – Plumley Engineering and Peter Paragon, owner and applicant

Mr. Clark: We are proposing a pole barn structure to house equipment and to expand the existing gravel that he has there. This is a 63 acre parcel on Mud Mill Rd. He will be using an existing drive off Mud Mill Rd. to access the property. There will be minimal utility work he is going to run some electric to the building and some minimal lighting some wall packs and cameras on the building for security purposes. We still have to do some engineering for grading and water.

Chairman Smith: Do you have any cross access easement to the Paragon headquarters that is adjacent to this? Are you accessing between the properties? If so, because they are separate parcels, either you are going to have to change the lot line or you are going to have to provide cross property access easements.

Mr. Germain: Depending on the ownership and how the site is going to be laid out, you will have to do one or the other.

Peter Paragon (Owner): There are four separate parcels there and they are all owned by me, there is a total of 98 acres that are continuous and from my office down to this parcel and there is a road between the three properties. Due to wet lands there isn't a lot of development to be done, this particular building that I need for storage.

Chairman Smith: But we would like the cross easement access in case you are not there forever we don't want to only access to have to go back out on Mud Mill Road.

Mr. Paragon: I don't have a problem with that.

Mr. Germain: If you are the same owner of all three parcels, you can't grant an easement to yourself, you would have to grant it to the Town, you could grant it to a different entity or you could eliminate a lot line.

Mr. Parrish: Just a couple of items, the plan should clearly delineate where and what the extent of the storage areas are going to be and what the surface is. Along with identifying the access you were just discussing. The only other thing would be the need for buffering perhaps along the road frontage to screen the area.

Mr. Paragon: The problem is that I have had a lot of theft at the property. I don't want to block the area because it would be inviting more trouble for me. I will do whatever the board wants as far as trying to make it more astatically pleasing but I really don't want to make the area more cut off from sight as could create more problems with people coming onto the property.

Chairman Smith: IS the lighting plan on here and the elevations for the building?

Mr. Clark: No we have not done that yet.

Chairman Smith: You have noted on here future expansion, you know the Town ordinance has changed and you have a year now to do it within or you have to come back and get approval again. If it is on the plan that we approve you can build it if it is within a year.

Mr. Paragon: It is a clear span building that I wanted to capabilities to add an extra 75 feet to.

Chairman Smith: Make sure we put all the storage areas on the plan of what is there now and what your plan is for the addition.

Mr. Clark: Can this get sent to County now?

Chairman Smith: I will send it down to County as soon as you provide the markings for the areas as we discussed. Because I want to make sure it accurately reflects what you have and what you want to expand.
Take a look at what we might be able to do to make the entrance look nice or something out there.

Mr. Paragon: Absolutely we will do some landscaping out there but I just don't want to put a hedge row and cut off view to the property and invite more trouble.

Chairman Smith: If Mud Mill is a County road they are going to be asking an apron for asphalt.

Mr. Paragon: That won't be a problem.

Chairman Smith wanted to go over a couple of items for discussion.

The first is the Town Board has asked that we provide a recommendation regarding the issue about the north side of West Taft Road. We have an application in front of us called Cantech, an automotive dealer that is trying to do a site plan. During the course of getting that approval it was discovered that their parcel was regional commercial and it can't comply. In the 70s this whole area was changed to regional commercial. The current situation would be that each of these parcels would have to independently and every time they wanted to come in and change their property they would have seek a variance or they would have to come in a get it rezone one at a time. After talking with Mark, the supervisor and other board members it seems the most reasonable answer to this is the change these

properties to regional commercial to general commercial plus. The supervisor has asked if we would make a recommendation to the Town Board that these be changed to an appropriate general commercial plus that would put everybody in their allowable uses and it would make their land developable. If everyone can look at it and we could discuss it at the next meeting and consider having a resolution to the make a recommendation to the Town Board.

The second issue is I went to a meeting with the department of transportation the state of NY is very seriously considering taking an action on Crabtree Lane, they own the end of the road. They may close Crabtree into 31 and change the other entrance into Route 11 because there are a lot of accidents there.

Mr. Abbey: Did they say anything about the bridge there?

Chairman Smith: Yes, the supervisor brought that to their attention and the senior engineer said she would check on the maintenance issues with the bridge and including cutting the shrubs.

Chairman Smith asked the each of the board members if they had anything additional at this time. The board members had nothing further at this time.

Next Scheduled Regular Meeting: April 28, 2014 at 6:30 PM.

Chairman Smith asked if the members had anything else to discuss.

Chairman Smith made a motion to adjourn. **Mr. Abbey 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 7:27 pm.

Submitted by Kristin Ryder
Planning Board Clerk