

The Planning Board of the Town of Cicero held a meeting on **Monday, July 22, 2013 at 7:00 p.m.** in the Cicero Town Hall at 8236 Brewerton Road, Cicero, New York 13039.

Agenda:

- Pledge of Allegiance
- Notes from the Chairman
- Approval of the minutes from the July 8, 2013 meeting (**approved**)
- Site Plan, Set Public Hearing, Cicero Equestrian Center, 7863 Kneeskern Road, Proposed Horse Barn and Indoor Riding Area (**to return**)
- Site Plan, Sports & More, 9461 Brewerton Road, Proposed Sports Store/Instruction & Retail (**approved**)

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

Others Present: Neil Germain (Esquire, Germain & Germain), Mark Parrish (P.E., O'Brien & Gere), Steve Procopio (Code Enforcement Officer), Lynn Jennings (Town Board Member), Don Snyder (Zoning Board of Appeals Member), Jessica Zambrano (Town Board Member) and Tonia Mosley (Planning Board Clerk)

Chairman Smith opened the meeting by noting the three emergency exits in the room. He noted it was the Board's intent that everyone would be able to follow along and hear the proceedings. He asked that cell phones be silenced.

Mr. Ruscitto led the Pledge of Allegiance.

NOTES FROM THE CHAIRMAN

Mr. Smith explained that he recently attended the New York State Department of Transportation (NYSDOT) meeting regarding the proposed changes for Route 81. The Commissioner went over the options. Most of them don't affect Cicero, with the exception of the 481 option. That would change 81's traffic flow through the community.

All options are still on the table. The final option is re-building Route 81 as it is now. At the end of the day something has to be done. The work is scheduled to start 4-5 years from now.

APPROVAL OF MINUTES FROM THE JULY 8, 2013 MEETING

Mr. Marzullo made a motion to approve the Planning Board's meeting minutes from July 8, 2013. **Mr. Smith seconded the motion** and asked for a vote.

In favor: 4 *Opposed:* 0 *Abstained:* 1 **Approved**

**SITE PLAN, SET PUBLIC HEARING
CICERO EQUESTRIAN CENTER, 7863 KNEESKERN ROAD
PROPOSED HORSE BARN AND INDOOR RIDING AREA
CYNTHIA GRIFFO**

(SEE ATTACHMENT A: CICERO EQUESTRIAN CENTER OBG LETTER DATED 7.19.13)

Representatives: Thomas Fucillo, Esquire, Menter, Rudin & Trivelpiece, PC
Greg & Cynthia Griffo, Applicants

Mr. Fucillo introduced himself noting since the last meeting two weeks ago several things have happened.

Mr. Smith explained during the last week there has been a lot of comments and concerns. My phone has lit up. At least one other Board member here has had numerous calls. Also, we had calls placed to the Town Hall. One issue that came up, which I have asked our attorney to look into and speak about, was that a site plan was not appropriate for the use.

Mr. Fucillo noted we have been proceeding as if site plan approval was appropriate.

Mr. Germain addressed the issue stating the Town can require a site plan even on an Agricultural (AG) piece like this. The Town has sufficient interest in it like how it would affect the use of the Town road, traffic concerns or environmental concerns. Any of those concerns would fall within your preview like any other site plan. The Town definitely has a right to require a site plan approval in a situation such as this. I don't think that the applicant ever questioned that.

Mr. Smith: It was a comment that came through the Code's office. Mr. Procopio brought it to my attention. I just wanted it researched and I appreciate you doing that. I recognize Jessica Zambrano our liaison from the Town Board.

Ms. Zambrano: Thank you Mr. Chairman, I just wanted to echo what you had said. There has been a lot of discussion and concerns about this particular project. While the Town Board has no role in making the decisions that the Planning Board is considering, I just wonder if it would not be appropriate to consider having a public hearing so that both sides could be heard.

Mr. Smith: I've given serious consideration to that. It may very well be an appropriate response. A number of people have concerns. I do have comments that I would read in. Did you want to proceed with a couple of things?

Mr. Fucillo: Sure. I was about to say a couple of things have happened since the last meeting. We have responded to Mark Parrish's comments and provided more site plan details. The County has given its recommendation. Basically, we believe that we have addressed everything that has been brought up.

There were a couple of issues, one being the subdivision. We have submitted an application. It is a simple subdivision and so we don't anticipate any significant issues with that.

Mr. Procopio confirmed that a subdivision application has been submitted.

Mr. Fucillo: The other thing is with respect to the on site septic. The weather has been ridiculous up until this past week. It did not perk. Our engineer feels very strongly that it will perk once everything is dried out. We intend to do that again.

The applicant would be prepared to go on either way. It would probably require some kind of raised bed system if it did not perk; which would be rather expensive. They would be prepared to do that. But, they would request that it be approved as soon as possible with some kind of condition that it either perks as planned or that they be allowed to do some kind of port-a-potty system for a significant time—perhaps a year or something like that.

It is not like the applicants are going to have customers coming in. It is mostly a boarding operation, not something open to the general public that would require a public bathroom. We request that you consider that. But, we fully think that now that it is getting dried out, that it will perk.

As far as the need for a public hearing, we would request that you consider the applicant's desire to get this started so that construction could be completed this year. This has not been done in secrecy. Last minute comments are not something unique to this project. It happens all the time. I would ask the Board to consider that the public has had more than enough chance. This Board has been very thorough. The County has been thorough. Mr. Parish has been thorough and we have worked with him to address his concerns. We would be happy to address any questions that you might have. So, we ask that the Board go ahead and approve this application tonight.

Chairman Smith: I appreciate that. However, the rules of this Planning Board are that we don't have public comments unless it is in the form of a public hearing. I have discussed it with several members of the Board. I do expect, and we should be prepared to, in two weeks vote up or down on this application and be finished. But, in fairness to the public, I do want to hear from the people out there. Stormwater, runoff and septic are concerns that we keep hearing about. I agree that Mr. Parrish has done an excellent job.

So, I am prepared to propose that we **move for the adoption of a resolution** calling for a public hearing to be advertised in the matter of the site plan application known as Cicero Equestrian Center, 7863 Kneeskern Road. This public hearing shall commence at 7:00 p.m. at the regularly scheduled meeting of the Planning Board on August 12, 2013. That is in the form of a motion. It would be my expectation; I will call for a vote. And, if anyone has issues it gives the public, the neighbors, Town Board members or any interested party the opportunity to have those issues addressed. I expect--we will call for a vote. **Mr. Ruscitto seconded the motion.** The Chairman called for a vote.

In favor: 5 *Opposed:* 0 *Abstain:* 0 **Approved unanimously**

Chairman Smith: There being no abstentions the motion passes unanimously and we will post the hearing.

Mr. Griffo: Could we have done this earlier on, before we got to the point of this almost being approved?

Chairman Smith: This has gone on for a while, which is one of the considerations. I know that

there were some delays for you and that it sat here for a while. As your attorney can explain to you there is some understanding of how a Planning Board works. It is different from a Town Board, which is a legislative body. We have to look a certain parameters.

You have answered many of our questions. But, part of our process should be that, given the fact that we know there is considerable community interest in this, that we take into consideration and allow those people the opportunity to speak to the Board. The only vehicle we have to do that is to set a public hearing—according to our rules.

Yes, this has gone on far too long. As you know I had Mr. Procopio calling you to say that I want this off of my agenda. So, in that regard it maybe that someone thought it was a dead issue because it laid around so long. And, while we are subject to Article 78 from you we are also subject to Article 78 from the community around you and I don't want that.

Mr. Fucillo: But you do not have a requirement to have a hearing Sir.

Chairman Smith: We don't have a requirement, we absolutely don't. I was my choice.

Mr. Fucillo: I understand that Sir. So, there isn't a snowball's chance in Hades that someone is going to beat you on an Article 78.

Chairman Smith: My decision is I'm going to hold a public hearing.

Mr. Germain: You are correct. There is not a requirement, but the Board can call for one. They did call for one. The reasoning announced by the Article 78 really isn't relevant. The Board did call for a public hearing. They did vote on it. They did pass it. There will be a public hearing on August 12th and after that you were promised a vote on the issue.

SITE PLAN, SPORTS & MORE
9461 BREWERTON ROAD, PROPOSED SPORTS/INSTRUCTION & RETAIL
IANUZI & ROMANS
(SEE ATTACHMENT B: SPORTS & MORE OBG LETTER DATED 7.19.13)

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

Mr. Romans introduced himself. Basically we have gone through the site plan accommodating drainage and the comments from the Planning Board. Mr. Parrish, your engineer, wanted to see some stormwater quality. Our engineer showed they would provide some bio-retention areas for future development of the property to the west or behind the facility—if they are ever developed.

Napierala Consultants provided Mr. Parrish with additional information. I have a copy of Mark's latest review letter. He states that it seems to be acceptable for when or if the property to the west ever gets developed. Obviously if it does get developed it will cross over that one acre threshold. This provides some stormwater quality up front.

Other things that we had were site plan issues, one of which was the cross easement. We have provided the description and the original deed to Mr. Germain for his review. The format shows up on this site plan.

Mr. Germain: I did review this. It was okay. It is approved. The only thing that you have left is the follow up to make sure that it is actually recorded.

Mr. Romans: I've told Mr. Stagnitta that it would have to be recorded. There were other minor things on the site plan. I did provide a new picture of the building to you. That is what it will actually look like. I added a note on the plan that it would be a metal or wood frame building and I referenced this submitted elevation drawing. So, whether it is metal frame or wood frame it will be sided with this look.

I added a note concerning the encroachments. It says the shed and fence encroachments are to remain and will not be utilized by the site Developer.

On Sheet Three I matched the signage up on the building so that you could see it. I had something more generic. The circular one is supposed to look like this. Total square footage of signs comes up to 220 square feet.

We went over parking.

Chairman Smith: We have spent considerable time going over this. Neil, do you have a list of the items that we were prepared to work on? There were a couple of things that we just could not condition.

Mr. Germain: I think that he was gone over everything. If I remember correctly the one thing that we could not condition was the report from Napierala.

Chairman Smith: Mr. Parrish do you have any comments?

Mr. Parrish: No. They are very close to an acre. Once they go over that will trigger the SPDES permit requirements. Otherwise they have addressed any concerns we may have had relative to stormwater.

Mr. Romans: I also added a note about the recessed lighting for signs. I forwarded an email from the New York State Department of Transportation (NYSDOT) which stated that the driveway location and size was fine. They want to see a blow up on it before they issue the permit.

The Chairman asked if there were any other comments.

Mr. Germain: The applicant says that the elevation of the completed project will look like the elevation presented tonight. I think that we should mark this exhibit and add it to the site plan. We would make it part of any motion for approval. In a case like this in the future it would be good to have it as an exhibit of what was approved.

Mr. Abbey: I like the looks of the rendering and look forward to seeing it.

Mr. Ruscitto made a motion regarding 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. **Mr. Smith seconded the motion** and asked for a vote.

In favor: 5 *Opposed:* 0 *Abstained:* 0 **Approved unanimously**

Chairman Smith moved for the adoption of a resolution approving the site plan application known as Sports & More, 9461 Brewerton Road, last dated July 15, 2013. This approval is contingent on the following:

1. This Board notes that the Planning Board Attorney has approved the proposed cross access easement and this approval is contingent on the applicant filing this easement with the Onondaga County Clerk and providing the Planning Board Attorney with proof of filing.
2. This approval is contingent on the applicant obtaining a building permit on or before January 22, 2014.
3. The building's elevations as presented by the applicant to the Planning Board shall be incorporated by reference into this site plan and the Board's approval thereof. Accordingly the actual project must conform to these elevations as a condition of this site plan approval.

Mr. Abbey seconded the motion. Chairman Smith asked for a vote.

In favor: 5 *Opposed:* 0 *Abstained:* 0 **Approved unanimously**

Mr. Abbey made a motion to adjourn. **Mr. Smith 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 7:30 P.M.

Submitted by,
Tonia Mosley, Planning Board Clerk

ATTACHMENT A: PAGE 1

July 19, 2013

Planning Board

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

RE: Griffo Horse Stables Site Plan Review
FILE: 0101/25439.447

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 June 3, 2013 revised June 20, 2013
- 2) Grading and Utility Plan dated June 3, 2013 revised June 20, 2013
- 3) Lighting Layout dated June 26, 2013
- 4) Drainage Report dated July 2013
- 5) Wetland Assessment dated March 14, 2013.

L.J.R. Engineering, P.C. prepared Items 1, 2 and 4, RAB Lighting prepared Item 3 and Terrestrial Environmental Associates prepared Item 5.

The 7.94-acre site is located on the northeast corner of the intersection of New York State Route 31 and Kneeskern Road. It will be necessary to complete a subdivision to create the proposed lot. The site is currently vacant and consists of woods and brush. It is proposed to construct a 14,640 square feet horse barn and paddock area along with associated utilities, site access, parking, lighting, and other site improvements. The site is zoned Agricultural. Our comments are as follows:

- 1) The site is located within the Lakeshore Sewer District but there are no public sanitary sewer facilities adjacent to the site. Sanitary sewer service is to be provided by an individual sewage disposal system that will need to be approved by the Onondaga County Health Department.
- 2) Stormwater runoff from the site is tributary to a pond on the site that discharges to twin 24-inch culverts under Kneeskern Road. The Plan indicates that the site disturbance is 0.96 acres. As this is less than 1-acre a NYSDEC SPDES Permit for Stormwater Discharges from Construction Activities is not required for the project. The Drainage Report indicates the peak stormwater runoff rates from the site will not increase after development. A note on the Grading and Utility Plan comments that should the total area disturbed become greater than one acre a SPDES Permit will be required. Should this occur the necessary stormwater quantity and quality mitigation should be provided including mitigation for the area to be developed at this time.
- 3) Access to the site is proposed from a driveway onto Kneeskern Road, which is a Town highway. The Board should review onsite traffic circulation and the number of parking spaces provided with the Applicant. The access drive and a portion of proposed parking is proposed to be located on the adjacent property. The Site Plan notes an easement will be provided for this, which should be reviewed by the Planning Board Attorney. The easement will also provide for the electrical service to the site. As the parking area is proposed to be gravel the Site Plan notes the striping is shown only for informational purposes.

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- 4) The site is within the West Bridgeport Water District. Water service for the site is to be extended from an OCWA water main located along Kneeskern Road. The Developer should contact OCWA to coordinate provision of the water service.
- 5) The Board should review the landscaping, lighting, signage, and architectural elevations with the Developer. The following are comments regarding these and other miscellaneous issues:
 - a) The lighting generally appears reasonable for the use of the site.
 - b) The Site Plan notes that no signage is proposed for the project.
 - c) The Board should review the proposed manure storage and disposal, which is detailed in a note on the Site Plan.
 - d) A simple subdivision should be completed with the Town for the creation of the lot for the site.
- 6) There are no wetlands on the site as identified by the New York State Freshwater Wetland Map and the National Wetland Inventory Map.
- 7) The site is not located in a 100-year floodplain as identified on the 1994 FEMA Flood Insurance Rate Maps.

Please do not hesitate to contact the undersigned if you have any questions or comments.

Very truly yours,

O'BRIEN & GERE ENGINEERS, INC.



Mark C. Parrish, P.E.
Managing Engineer

ATTACHMENT B: PAGE 1

July 19, 2013

Planning Board

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

RE: Sports and More Site Plan Review

FILE: 0101/25439.456

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 - Existing Survey dated May 3, 2013 last revised July 15, 2013
- 2) Site Plan - Proposed Features dated May 3, 2013 last revised July 15, 2013
- 3) Site Plan - Lighting and Landscape Plan dated May 3, 2013 last revised July 15, 2013
- 4) Grading and Erosion Control Plan dated May 20, 2013 last revised July 5, 2013
- 5) Utility Plan dated May 20, 2013 last revised July 5, 2013
- 6) Details dated May 20, 2013 last revised July 5, 2013
- 7) Drainage Report dated June 10, 2013.

Ianuzi & Romans Land Surveying, P.C. prepared Items 1 to 3 and Napierala Consulting prepared Items 4 to 7.

The 7.23-acre site is located on the west side of U.S. Route 11 approximately 500 feet south of Orangeport Road. The site is currently vacant and consists of woods and brush. It is proposed to construct a 4,968 square foot building for retail, deli and instructional uses along with associated utilities, site access, parking, lighting, landscaping and other site improvements. The site is zoned General Commercial. Our comments are as follows:

- 1) The site is located within the Brewerton Sewer District. Sanitary sewer service is to be provided by extension of a lateral from an 8-inch Town sanitary sewer located within an easement along Route 11. A note has been placed on the Plan stating the Town of Cicero is to be contacted to coordinate connection to the sanitary sewer.
- 2) Stormwater runoff from the site is tributary to culverts that flow easterly under Route 11. The Plan indicates that the site disturbance is 0.916 acres. As this is less than 1-acre a NYSDEC SPDES Permit for Stormwater Discharges from Construction Activities is not required for the project. The Drainage Report indicates the peak stormwater runoff rates from the site will not increase after development.

It should be noted the site has additional areas available for development and when the total area disturbed, including that from this phase of the project, becomes greater than one acre a SPDES Permit will be required. At that time the necessary stormwater quantity and quality mitigation should be provided including mitigation for the area to be developed at this time. Bioretention areas have been provided at this time for stormwater quality mitigation as the layout of the site makes it difficult to provide this mitigation in the future.

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- 3) Access to the site is proposed from a driveway onto Route 11, which is a State highway. It should be confirmed with the Applicant that the New York State Department of Transportation has approved the location of the entrance. The Board should review onsite traffic circulation and the number of parking spaces provided with the Applicant. A cross access easement is provided for the adjacent properties, which should be reviewed by the Planning Board Attorney.
- 4) The site is within the Brewerton Water District. Water service for the site is to be extended from an 8-inch OCWA water main located along Route 11. The Developer should contact OCWA to coordinate provision of the water service.
- 5) The Board should review the landscaping, lighting, signage, and architectural elevations with the Developer. The following are comments regarding these and other miscellaneous issues:
 - a) The lighting generally appears reasonable for the use of the site.
 - b) Signage includes both building mounted signage and a free standing sign along Route 11. The total square footage of the signage is 220 square feet. The signs are to be lit by recessed canopy lighting above the signs.
- 6) There are no wetlands on the site as identified by the New York State Freshwater Wetland Map and the National Wetland Inventory Map.
- 7) The site is not located in a 100-year floodplain as identified on the 1994 FEMA Flood Insurance Rate Maps.

Please do not hesitate to contact the undersigned if you have any questions or comments.

Very truly yours,

O'BRIEN & GERE ENGINEERS, INC.



Mark C. Parrish, P.E.
Managing Engineer