



The Planning Board of the Town of Cicero held a meeting on **Monday, June 9, 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 May 21, 2014 Meeting (**approved**)

--Minor Subdivision Preliminary & Final Plan, The Birches Part of Section 4 Amended Subdivision, 9399 Birch Tree Road, 2 Lots (**tabled**)

-- Site Plan, Set Public Hearing, Carm's Dog House, 6256 & 6262 State Route 31, Proposed Dog Day Care and Grooming (**Public Hearing Set for June 23, 2014**)

--Zone Change Recommendation, Town of Cicero, 30 Properties located on the North side of Taft Road between Northern Blvd. and Totman Road (Tax Map #: 056.-02-18.1, 16.2, 20.1, 15.0, 21.2, 12.3, 25.2, 29.1, 28.1, 23.3, 16.1, 20.2, 12.1, 17.3, 30.0, 24.2, 11.1, 12.2, 32.1, 16.3, 14.0, 17.0, 21.1, 24.1, 31.0, 26.0, 22.2, 27.1, 23.7 and 23.8) Regional Commercial to General Commercial Plus(**approved**)

--Site Plan, Cantech Automotive (6267 E. Taft Road, LLC), 6267 E. Taft Road, Proposed addition (**to return**)

--Site Plan, Empower Federal Credit Union, 5791 State Route 31, Proposed site improvements (**approved**)

--Minor Subdivision Preliminary & Final Plan, Wallington Meadows, Section 7B – Phase 1, Whiting Road (Tax Map #087.01-60.1) 4 Lots (**tabled**)

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

Others Present: Neil Germain, Planning Board Attorney, Mark Parrish, Planning Board Engineer, Richard Hooper, Director of Zoning Enforcement, and Don Snyder, Zoning Board Member, Jessica Zambrano, Town Supervisor

Chairman noted that there is a public Town Board Meeting Wednesday night at 5pm, where Gary Natali, Chairman of the ZBA and himself will be doing a presentation for the Town Board members on how each of the boards operate and possibly some discussion on the signs.

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. Honors led the Pledge of Allegiance.

Mr. Marzullo made a motion to approve the Planning Board Minutes from May 21, 2014. **Mr. Abbey seconded the motion.** The Chairman called a vote.

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



**MINOR SUBDIVISION PRELIMINARY & FINAL PLAN,
THE BIRCHES PART OF SECTION 4 AMENDED SUBDIVISION
2 LOTS, IANUZI & ROMANS**

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

Mr. Romans: The Birches Section 4 which is the remaining lands of Birches Subdivision. Birch Tree Road and Peregrin Road are here and Mr. Casey who owns the property about 19.9 acres has his house here and there is a storm water management facility that is also wetlands, which were delineated by the DEC so it is a current delineation and we discussed with them what the owner could and couldn't do in the adjacent area. The houses, the existing one and the proposed one are outside of the 100 foot adjacent area. The property would be split in 2 basically; one lot is 10.4 acres and 9.5 acres. The buildable area for the properties is that there is roughly 42,000 sq. feet for one lot and 15,500 sq. feet on the other lot. Mr. Casey has someone interested in buying the other lot and putting his house with green space behind him. It would be the end of the Birches Subdivision, known as Birches Section 4 Amended. There is existing utilities for the proposed house and both lots have access to public streets. Brian Casey's has access at the end of Birch Tree and the proposed house has access at the end of Peregrin Lane. There is a house at the end of the road that is not part of the subdivision has a driveway that comes out but Brian already put in place an ingress egress easement for him to continue to use that driveway. Are there any questions?

Chairman Smith asked Mr. Germain if there were any problems with the easement arrangement, as long as they have it so that other property is not cut off. Mr. Germain indicated that was correct.

Chairman Smith opened the Public Hearing at 6:39pm.

Chairman Smith asked for those who wished to speak against the project.

Barbara Stala: (Peregrin Lane) My concern is how this will affect our drainage, which is already a major problem for us?

Chairman Smith indicated she should discuss the drainage problems that she is experiencing with the Codes Enforcement Office.

Ms. Stala: Also the street ends at my neighbor across the streets house, his driveway comes right to the end of it. Is there going to be more road put in there?

Mr. Romans: Currently the storm water system that comes out of the existing Birches, at the end of Peregrin and goes into a storm water management basin. As part of the house permit per the Town Engineer one the things that had to was the culvert that was put in was under sized as compared to the



outlet from the existing structure so he redid the piping and relayed the pipe out to an area and opened up the swale to open up the drainage. There was a temporary drainage easement and the Town wanted it changed to a permanent drainage easement. Along the back of the property there is a sanitary easement. There is an existing catch basin there as well. When Mr. Casey pulls the permit he is going to have to make sure he doesn't impede the drainage issue. The driveway would be an extension of the street the way it is now, he may be using a portion of the adjacent persons driveway but Mr. Casey put that piece back in when he replaced the pipe and there is an egress and ingress easement.

Chairman Smith: Has the Town issued a permit yet?

Mr. Romans: No not yet because it is basically one tax parcel and you already have one house so you can't until the subdivision is final.

Ms. Stala: The other concern is the plowing, which is an ongoing issue.

Mr. Marzullo: Don't we typically prohibit the side load.

Mr. Parrish: I can't answer to why this driveway was built like that but the board usually tries to make provisions to have the driveway come out to the main street not to the side street.

Janis Altchilders:(9403 Woodlawn Drive, Brewerton) Will future notifications regarding any other subdivisions request for this land be sent by mail or will they just be posted on the website?

Chairman Smith: If the owner wanted to do another subdivision you would get the same notification by mail regarding the public hearing.

Ms. Altchilders: Do you know along the east boundary line that Woodlawn backs up to, is there a drainage easement between Woodlawn and the parcel owned by Mr. Casey? I am concerned about the drainage.

Mr. Parrish: There is not a drainage easement shown on this map along the east side of the property that abuts the Woodlawn properties.

Mr. Germain: Mr. Parrish is looking at a map and according to that map the easement is not in place on that map, which is all he has to go by. If this was filed and recorded in the County Clerk's Office it would run with the land and unless it was somehow taken away it would still be there and most likely it would show on this map.

Chairman Smith: You should bring your concerns up to the Codes Enforcement Office and the Town Board. This board is deciding whether this parcel can be subdivided into two lots. These drainage questions you should bring to the attention of the Town Board and the Codes Enforcement Office so



they can deal with them. They are aware that there are drainage issues all over and they have been trying to handle them, but this board does not do that.

Chairman Smith asked if there was anyone else who wished to speak against the project.

Chairman Smith asked for those who wished to speak for the project. (NONE)

Chairman Smith closed the Public Hearing at 6:55pm.

Chairman Smith asked Mr. Parrish if he had any comments on this request for subdivision.

Mr. Parrish: Just a couple of things, there wasn't a grading plan provided with this subdivision plan, so we recommend that a grading plan be requested when an application for a building permit is submitted. And with that they may be able to look at and determine what might be able to be done to address the drainage issues that have been discussed tonight. The other item is that there is + or - 12,000 sq. feet of buildable area exclusive of all the easements on the property but there are other easements that encumber the property and this buildable area so you have a relatively limited area to put a house or structures on this property and you are going to need to be vigilant to make sure that the other easements are not encroached on. There is a sewer easement that rings around the whole area, a drainage easement and the access easement so you are really limited in your ability to build upon this property. It is heavily encumbered with easements.

Chairman Smith: Mr. Germain?

Mr. Germain: I have nothing further I would just note that the application, when they apply to the Town to build that property they will have to take that into consideration.

Chairman Smith asked if the board members if they had anything further.

Mr. Ruscitto: not at this time

Mr. Abbey: I think that Mr. Germain's comments are very important to help the people with the drainage problems.

Mr. Marzullo: Neil on subdivision should we concern ourselves with the highway superintendent's dealings with the driveway location here.

Mr. Germain: That is part of your due diligence you could solicit an opinion from the highway superintendent, you could consider it, you could have any number of avenues of inquiry to make yourself comfortable with the decision you are going to make. You would still have to make the determination based on the facts in front of you. That would be one of the facts if you wanted that particular input that would be something you could ask for but that would be solely up to you, your determination.



Mr. Marzullo: I think it would be important to us and I also think it would be important to the applicant or whoever is interested in purchasing this lot. I suspect that driveway on 59A, shouldn't have been put in that way, I'm guessing. I would want to know what the highway superintendent is going to be doing for us and for the potential purchaser. If he is just going to be swinging around and putting a big pile there, I think we need to put somebody on notice.

Mr. Germain: You could table it.

Mr. Honors: I agree with Mr. Marzullo, we need to know what is going on down there.

Chairman Smith: Can we table this until the next agenda so that we can get the research done on the driveways?

Mr. Germain: To this point you open the public hearing, you closed the public hearing and took comments, you don't have to vote on it tonight you can solicit opinions from the supervisor and whoever else you wanted to and then add it to the next agenda.

Chairman Smith tabled the matter for the next Planning Board meeting to be held on June 23, 2014.

**SITE PLAN, SKETCH REVIEW,
CARM'S DOG HOUSE,
6256 & 6262 STATE ROUTE 31
PROPOSED DOG DAY CARE AND GROOMING
ROBERT ABBOTT, CARMEN CESTA & MIKE CESTA**

Representative: Robert Abbott, Carmen Cesta and Mike Cesta

Chairman Smith wanted to set a public hearing to get the neighbors input and have conversations as we start the review process.

Mr. Germain: You are going to move for the adoption of a resolution calling for a Public Hearing in the matter of the proposed Site Plan 6256 & 6262 State Route 31, Proposed Dog Day Care and Grooming. This public hearing shall commence at 6:30 pm at the regular scheduled meeting of the planning on June 23, 2014.

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

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



**ZONE CHANGE, RECOMMENDATION,
TOWN OF CICERO, 30 PROPERTIES LOCATED ON THE NORTH SIDE TAFT ROAD
BETWEEN NORTHERN BLVD. AND TOTMAN ROAD (Tax Map #056.-02-18.1, 16.2, 20.1, 15.0, 21.2, 12.3,
25.2, 29.1, 28.1, 23.3, 16.1, 20.2, 12.1, 17.3, 30.0, 24.2, 11.1, 12.2, 32.1, 16.3, 14.0, 17.0, 21.1, 24.1,
31.0, 26.0, 22.2, 27.1, 23.7 and 23.8)
REGIONAL COMMERCIAL TO GERNERAL COMMERCIAL PLUS**

Chairman Smith: The Town Board is making the change to 30 properties that are all zoned Regional Commercial, which most of them do not comply and making them General Commercial Plus. The Town Board is taking a proactive stance to make the properties in compliance and correct that situation. There has been a lot of study of this, the Board will be holding a public hearing on it at their next meeting. I would like to make a recommendation on it to give a referral to the Town Board to make the change to bring the properties into compliance.

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.

Chairman Smith: Neil, would you construct a resolution?

Mr. Germain: You are going to move for the adoption of a resolution recommending the Town of Cicero's application to amend the Zoning Classification for 30 Properties Located on the North Side of Taft Road between Northern Blvd and Totman Road, (Tax Map #056.-02-18.1, 16.2, 20.1, 15.0, 21.2, 12.3, 25.2, 29.1, 28.1, 23.3, 16.1, 20.2, 12.1, 17.3, 30.0, 24.2, 11.1, 12.2, 32.1, 16.3, 14.0, 17.0, 21.1, 24.1, 31.0, 26.0, 22.2, 27.1, 23.7 and 23.8) said properties being more fully set forth in the Tax Map references as set forth above in the agenda from Regional Commercial to General Commercial Plus.

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

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

**CANTECH AUTOMOTIVEC (6267 E. TAFT ROAD, LLC),
6267 E. TAFT ROAD,
PROPOSED ADDITION,
KEPLINGER FREEMAN ASSOCIATES**

Representative: Lisa Wennberg, Keplinger Freeman Associates

Chairman Smith noted that the application was first submitted in September and they have been trying to fix the zoning issues and he wanted to bring them back to move it along while they wait for the Town Board.



Ms. Wennberg: The left side is a building addition and the right side is a small building addition. There is a bathroom that is going to get relocated into that addition. In response to comments we have added to the plans utility information, grading information, location of those structures that are on the site, parking designations, and a lighting photometric plan. There is a couple building mounted lights. There was a flag pole in the front we are relocating. We have the 100 foot wetland buffer line so you can see that none of what we are doing is encroaching on that. That is the overview, do you have any questions?

Chairman Smith: Currently Cantech is an automotive sales operation, correct?

Ms. Weenberg: Yes, that is correct.

Chairman Smith: The lot line that is between the two properties is going to be removed?

Ms. Weenberg: Yes, the owner will be submitting for a simple subdivision.

Chairman Smith: You can handle a removal of a lot line administratively if you contact the Codes Office and Mr. Hooper can remove a lot line without any issues? Mr. Parrish do you have any comments?

Mr. Parrish: One thing I would bring to the Board's attention is that there is a phasing plan shown on here and it looks like it is extended out anywhere between 3, 5 and 10 years also there is a current project. So there is 4 phases that seem to be fairly far off in the future. So I don't know if you want to review that and maybe get back from the Board if they feel it's appropriate to include it with this application or maybe some of these things that are further out in the future may be better addressed with a future application.

Chairman Smith: The new Town site plan there is an expiration on things that are built so you probably will want to consider that also. Anything else we should start discussing.

Mr. Parrish: I don't believe so we have gone over this and provided comments and assuming they have been addressed appropriately. The big thing was the setback issue that was caused by the zoning that is being remedied and other than this phasing plan.

Chairman Smith: You will get a formal review from Mr. Parrish but we are just trying to get you an idea of any issues that may come up so you can be prepared. Mr. Germain, any legal issues besides the zoning?

Mr. Germain: Just the zoning issue.

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.



**SITE PLAN, SKETCH REVIEW
EMPOWER FEDERAL CREDIT UNION
5791 STATE ROUTE 31
PROPOSED SITE IMPROVMENTS
NAPIERALA CONSULTNG**

Representative: Neal Zinsmeyer, Napierala Consulting Professional Engineer, P.C.

Mr. Zinsmeyer: I believe our site plan is pretty complete. We provided an easement for cross access. As soon as we site plan approval we will talk to our surveyor and we will talk to Neil and have it filed for the Town, but we wanted to wait for site plan approval until we did that. So that will happen immediately following.

Chairman Smith: Mr. Germain have you reviewed the easement?

Mr. Germain: I haven't reviewed the easement yet but the easement area is shown on the actual plan, it is adequate. All they would have to do is submit the underlying easement to be recorded by the County Clerk. In the past where you can see the easement and know where it is going to be and know it's supposed to be there you can do some type of conditional approval.

Mr. Zinsmeyer: We do show the easement here.

Chairman Smith: The house and the barn have been removed

Mr. Zinsmeyer: Yes, they have been removed since last Thursday. The other two changes are where the sign is we had a 10 feet back from the property line and we now show it 20 feet back. And we modified the photometric plan to have fewer hot spots, we switched lighting fixtures to be compliant with National Grids energy smart program as well.

Chairman Smith: Mark do you have anything?

Mr. Parrish: Only that they were going to do a subdivision to combine the two lots, has that been complete.

Mr. Zinsmeyer: Yes that has been filed about a month ago.

Chairman Smith: Mr. Germain any further legal comments?

Mr. Germain: No



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 draft a resolution to include the easement being in your hand prior to the start of work?

Mr. Germain: You are going to move for the adoption of a resolution approving the Site Plan application known as Empower Federal Credit Union, 5791 State Route 31, proposed site improvements. The Site Plan last revised 6/2/2014. 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 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 substantially conform to the original elevations as modified herein.
2. The applicant shall provide the Planning Board Attorney for his review and approval a proposed Cross access Easement to be filed in accordance with the Cross Access Easement as shown on the site Plan. Applicant shall also submit any and all other necessary and appropriate documentation as may be requested by the Planning Board Attorney and as may be required to file said Cross access easement. No permits of any kind or nature shall be issued by the Town until the cross access easement has been approved and proof of filing with the Onondaga County Clerk's office has been presented to the Planning Board Attorney.

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



**MINOR SUBDIVISION PRELIMINARY & FINAL PLAN
WALLINGTON MEADOWS, SECTION 7B – PHASE 1,
WHITING ROAD (TAX MAP#087.-01-60.1)
4 LOTS, IANUZI & ROMANS**

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

Chairman Smith asked Mr. Germain to summarize some things that come to light since Friday for the Board.

Mr. Germain: They had an approved for plan for Section 7B, unfortunately the PLAT was never filed. According to Town Code if you don't file the PLAT within 90 days of approval, the approval is null and void. So basically you are starting from scratch again because the old 7B, which was approved became null and void when they failed to file the PLAT within 90 days with the County Clerk's Office. So from our perspective tonight, it is basically a fresh application for 7B. There was a public hearing already on this so you wouldn't need to hold another public hearing.

Mr. Romans: I am here tonight with Dan Bargabos, who is the representative from LOK Development LLC that now has the remaining lands of Wallington. Mr. Germain is correct in August 27, 2012 Combat Construction was the developer. This project has been ongoing since the original preliminary plan was done in 1988, then through about 10 different revisions and last amended and approved by the Town in 2004 and then in 2004 Combat Construction was the developer and many sections got developed then. In 2012 Combat had us come in for Section 7B. 7A was built out and there is about 8 lots left in that section. Combat went through financial difficulties and Dan Bargabos was holding the mortgage on the balance of the property and ended up taking back the property. So he was left with 7B, that was approved but never filed. What Dan wanted to do with Section 7B was we knew there was a 7B that had an approval that went to the wayside we put in for the final plan 7B Phase 1. The road way that was put in as part of Section 7A got filed, was that road way went in and a temporary easement was put on the roadway and it was used for a temporary turn around for the access of the snow plows.

Chairman Smith: Is the road dedicated to the Town?

Mr. Romans: It went in as basically a temporary easement where it would be turned over to the Town when sections of 7B got poled or approved and filed in.

Chairman Smith: Mark do you know whether these things were dedicated to the Town, is the Town maintaining them?

Mr. Parrish: The Town is plowing them, but whether you would consider them dedicated I don't know because as Hal said it's listed as a temporary connector road easement to terminate upon future



extension of Alazarin Avenue. My reading of that would mean that it's a temporary easement and not a road right of way.

Mr. Germain: Unless they have had an actual dedication, it is not a dedicated road, but your question I think was, is the Town maintaining it.

Mr. Parrish: We are using it for plowing and also the public is using it for access. There are different types of maintenance that could be debated who's responsible. I don't believe it has been topped at this point. Usually it is not topped until we get about 75% of the lots or it's been exposed for a couple of years, which it obviously has been. So normally what happens though when you go to top the road you go out and inspect the road and if there are any repairs to be made they are the responsibility of the builder to make the repairs so if the binder has been open for so long, if this has deteriorated to the point that it needs to be replaced it would be the developers responsibility to do that before you put the top course on the road. I think you could follow the same process here.

Chairman Smith: So is that a definitive answer regarding the concern, or really we don't know yet?

Mr. Germain: The concern the way I heard it was, is the Town maintaining this road, is the Town plowing this road, and is the Town spending money on this road? And that can happen whether or not there has been an actual dedication of the road. I think the definitive answer was the Town is plowing the road. I don't know what other kind of maintenance the Town may or may not have been doing because I don't know factually.

Mr. Parrish: Again I would say if the condition of the road is such that when it comes time to turn it over to the Town my reading would be that it is the developer's responsibility to take care of that because again it hasn't been dedicated as a Town road and right of way to the Town, we haven't accepted these facilities as Town facilities. That's my opinion, I can't guarantee that's the case but that's the way I would approach it.

Mr. Germain: I would concur with that and at some point when you are going to accept the facilities you'll do some sort of evaluation of what you are accepting.

Chairman Smith: And the Town Board obviously accepted the contract drawings because they do those reviews, correct?

Mr. Parrish: Yes, and the contracts have long ago been accepted and the facilities been constructed.

Mr. Germain: We don't know whether or not those roads will meet the specifications as set forth in the contract drawings when the actual dedication would happen. In other words, they put it in but since it hasn't been dedicated it may or may not be at the same state that it was supposed to be.

Mr. Marzullo: Was it inspected?



Mr. Parrish: Yes, it should have been constructed in accordance with Town standards by which it was approved but again the question becomes is it deteriorated in the time since it was constructed and now the time when we as a Town are going to accept this as a Town facility.

Chairman Smith: It was never filed, and the park fees of approximately \$9,900 were never paid either.

Mr. Romans: That would make sense because of the fact that Combat was out of money and owing a lot of people money. My understanding is that in Section 7A there is a sanitary sewer easement that was given to the Town, there is another sanitary and drainage easement, this road way even though built was put under that temporary connector road easement to terminate upon future extension of Alazarin Avenue. And my understanding is that it functioned in lieu of having to temporary hammer heads and the Town was going to use it to plow and that any of the maintenance outside of the accepted easements, there is an OCWA easement that is in, but as part of 7A that is what occurred. So as part of 7B – Phase 1 and any roadway that comes in as part of that project it would have to be looked at by the Town engineer to make sure that, yes they inspected the facilities and infrastructure as it went in but they would have to do what they would do on any other subdivision, inspect it, see if there is any deficiencies and create a punch list.

Mr. Marzullo: Are all the utilities in?

Mr. Romans: Yes,

Mr. Marzullo: Why just do the 4 lots, why not just do the whole thing?

Dan Bargabos: I am a fellow Board member in the Town of Pompey and I appreciate all the time you are putting in tonight. I ended up with this, I've inherited it, and what it is, it's a strategy, it's an economic strategy for survival. The tax carry on these properties for the length of time it takes to develop them out by building the houses it's just taking too long. This is a way to try to preserve as much value as I possibly can going forward and the only way to preserve the value is to maintain the pace of sales that is consistent with the demand. And right now the demand is so slow that if I can come in at 4 lots at a time or some number that is reasonable, the tax carry becomes more tolerable. And that is the most expensive piece of the equation for any developer right now is the property taxes on developed lots. This is the survival strategy and it seems to be working, whoever you are. We are not trying to create a burden on the Town or a burden on the Planning Board but we are just trying to do it in a more manageable pace that makes sense and recognizing that if I sell another lot that isn't approved I will have a choice of coming in and trying to file another map for 4 or 5 lots just to get one building permit. That in itself is going to be difficult but it is something I am accepting as part of the process. I am willing to take longer to try to get a deal done as long as I can slow down the pace to get these deals.

Chairman Smith: My concern is that the unique circumstance that the road is in already, how do you



propose we address that the top coat is not on, which is our issue because we have to make a determination whether we are going to approve 21 or 4.

Mr. Bargabos: I talked to C&S and what they are going to want; we are going to have to dedicate the road, and in order to dedicate the road we are going to have to post securities. And when I was getting the property back I was doing my due diligence. So when I talked to Ron DeTota he wanted to see a guarantee for the top coat, as far as he was concerned it was approved and inspected and all the issues with Combat were resolved as it pertained to 7B. He has all the securities for 7A and that I don't think has been topped yet either.

Chairman Smith: So the answer would be that you are prepared to post the securities to put the final coat and to take over the responsibility.

Mr. Romans: As part of this 7B – Phase 1 we included the entire roadway so it would be dedicated. So we would be posting the securities for the whole thing.

Chairman Smith: The assessor said that if we approval all 21 lots they will be assessed at \$35,000 per lot as an approved lot. If we chose to approve it as 4 they are going to be assessed as 4. So at the end of that is the difference.

Mr. Bargabos: It would be a million dollars carrying costs.

There was further discussion between the Planning Board and Dan Bargabos regarding approving 21 lots or approving 4 lots. The applicant was willing to do more than 4 lots if the Board felt necessary. The Board's concern is that the infrastructure is already in and the Town is maintaining the road already and it has been sitting there for some time.

Mr. Parrish: Are you proposing to dedicate the entire right away to the Town as part of this Section.

Mr. Romans: Yes

Mr. Parrish: To be blunt the Town now is basically taking the depreciation on that road for the next however many years while this gets developed out and the top course gets on it, is what happens with that scenario.

There is further discussion between Mr. Bargabos and Mr. Parrish regarding the driveway for Lot 46 and Cobalt Drive and whether it will be plowed by the Town or there will be a temporary easement.

Chairman Smith indicated that if they are going to look at approving the 4 lots there should be some conversations with the Town Board, C&S, the Town Engineer and the Superintendent of Highways. There is some contention of where we are at with the road and what will happen. The Board is willing to work with the applicant but they need more information before making a determination.



Mr. Bargabos: Can you propose a resolution contingent upon us getting the ok from the Town.

Mr. Germain: I wouldn't recommend it because what you're saying is contingent upon a positive recommendation but what you are really doing is seeking more information from a separate department and you have no idea what is going to come back at and you have no idea what which one of you member will be in favor of it or not in favor of it.

Chairman Smith: Would you like to come back in two weeks?

Mr. Bargabos: Yes, I would like to be more clear on what I am coming back with that would be satisfactory to the Board.

Chairman Smith: That you and the Town have worked out how the road is going to be handled, your securities are being posted, I would like to know is it a dedicated road, how the securities will be handled, Mr. Parrish will have his input and then we can come back and discuss it. I understand I am prepared to support your 4 lots but I want to ensure that the Town is also protected.

Chairman Smith made a motion to table the application to the next agenda. **Mr. Ruscitto seconded the motion.** The Chairman called a vote.

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

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: June 23, 2014 at 6:30 PM.

IN AS MUCH AS THERE WAS NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 7:55pm.

Submitted by Kristin Ryder
Planning Board Clerk