

The Planning Board of the Town of Cicero held a meeting on **Monday, October 7, 2013** at **7:00 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 September 23, 2013 Meeting (**approved**)
- Zone Change Recommendation, Public Hearing, Theresa McDermott, 5860 South Bay Road, Neighborhood Commercial to Agricultural (**Public Hearing Closed, Positive Recommendation to the Town Board**)
- Minor Subdivision Preliminary & Final Plan, Public Hearing, McDermott Subdivision, 5860 South Bay Road, 2 Lots (**Public Hearing Closed, To Return**)
- Zone Change Recommendation, Public Hearing, Carmen J. Cesta, 6256 & 6262 State Route 31, Agricultural to General Commercial (**Public Hearing Closed, Positive Recommendation to the Town Board**)
- Minor Subdivision Preliminary Plan, Public Hearing, Lakeshore Woods, Lakeshore Road (Tax Map# 089.-01-12.1), 9 Lots (**Public Hearing Closed, To Return**)
- Minor Subdivision Preliminary & Final Plan, Smith Estates, Southside of Ferguson Road (Tax Map# 060.-01-01.1), 2 Lots (**approved**)
- Site Plan, Rafferty Construction, Inc., 5785 East Circle Drive, Proposed Jimmy John's Restaurant (**approved**)
- Zone Change Recommendation, Schedule Public Hearing, 7800 Brewerton Road LLC, 7800 & 7802 Brewerton Road, General Commercial to General Commercial Plus (**Public Hearing Scheduled for 10/21/13**)
- Minor Subdivision Preliminary & Final Plan, Schedule Public Hearing, Woznica Estates, 7029 Island Road, 2 Lots (**Public Hearing Scheduled for 10/21/13**)
- Site Plan/Sketch Review, J&R Lawns, 8076 Thompson Road, Proposed Storage Building with Office (**To Return**)
- Site Plan/Sketch Review, Preferred Powersports, Brewerton Road, (Tax Map# 120.-02-01.4), Proposed Storage Building (**To Return**)

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'Brian & Gere), Steve Procopio (Code Enforcement Officer) and Tonia Mosley (Planning Board Clerk)

Chairman Smith opened the meeting by announcing that the Zoning Board of Appeals' meeting starts at 7:00 p.m. and is being held in the room next door. He noted the emergency exit locations within the room and that it was the Board's intent that everyone could hear the proceedings. He also asked that cell phones be silenced.

Mr. Ruscitto led the Pledge of Allegiance.

NOTES FROM THE CHAIRMAN

Mr. Smith noted that the Board was scheduled to hold a continuing education segment on Agricultural issues. In the interests of saving time, we will move that to the next meeting.

At our last workshop meeting Island Road properties came in. We had a lot of discussion. I think the resolution was that they were going to do a site plan application. The Board should see that shortly.

Because we get asked about a lot of subdivision stuff, everyone knows that it is one acre of disturbance for the SWPPP (storm water plan). It does not matter if you do $\frac{3}{4}$ of an acre this year and wait until next year to do a half acre. It is cumulative. So, if people ask us, there has been some miss-information coming out of the Town for a while and we need to clear that up.

Everyone has probably noticed that we are doing a lot of public hearings for subdivisions. We asked Mr. Germain, our attorney to check into it. Town Code specifically says that if you are creating an additional lot, and it is not Agricultural which is five acres each lot for agricultural purposes; the Planning Board has to review the application and hold a public hearing on the matter. That has not always happened in the past and so we are seeing a lot of these all of a sudden. We also have to put a tree on every lot. They have been re-organizing the Codes Office and doing an excellent job. If you have any questions see Steve Procopio or Neil Germain.

APPROVAL OF THE SEPTEMBER 23, 2013 PLANNING BOARD MEETING MINUTES

Mr. Abbey made a motion to approve the September 23, 2013 Planning Board meeting minutes. **Mr. Ruscitto seconded the motion.** Chairman Smith called a vote.

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

ZONE CHANGE RECOMMENDATION, PUBLIC HEARING
THERESA MCDERMOTT, 5860 SOUTH BAY ROAD, NEIGHBORHOOD COMMERCIAL TO AGRICULTURAL
MIKE MCDERMOTT
AND
MINOR SUBDIVISION PRELIMINARY & FINAL PLAN, PUBLIC HEARING
MCDERMOTT SUBDIVISION, 5860 SOUTH BAY ROAD, 2 LOTS
MIKE MCDERMOTT

(SEE ATTACHMENT A: MCDERMOTT SUBDIVISION LETTER DATED 10.4.13)

Representative: Mike McDermott, Esquire

Mr. McDermott: The property at 5860 South Bay Road is currently three acres. I have a law office located on the property. What we are proposing to do here is to subdivide it into two lots. Lot 1 would be the lot with the law office on it, which would be about .8 of an acre. Lot 2 would be the remaining property about 2.6 acres. Lot 2 is currently barren. There is a driveway on it from South Bay Road that is parallel to the law office driveway.

We are also proposing to change Lot 2 from Neighborhood Commercial to Agricultural. The intent would be to construct a barn on it at some point and store one or two horses—no more than that.

Mr. Smith: That you would privately own?

Mr. McDermott: Yes. My wife currently owns a horse. She would like to be able to put it behind the office. There is no real use for the rest of the property. It is zoned Neighborhood Commercial. We want to stay within the character of the neighborhood with horses.

Mr. Smith: With that we will open the public hearing for the zone change. (The public hearing opened at 7:07 p.m.) Would any one like to speak against the project? (There was no response.) Being no one, would anyone like to speak for the project? (There was no response.) There being no comments we will close the public hearing. (The public hearing closed at 7:07 p.m.)

Mr. Smith: It is my understanding that we can't approve the subdivision until the Town Board makes a determination on the zoning.

Mr. Germain: That is correct. You would wait for the approval on the zoning before you would approve the subdivision.

Mr. Smith: But we will hold a public hearing on it tonight so that requirement is taken care of. We are going to dispense with the applicant reviewing the project again. This is a public hearing on the matter of the subdivision being created. (The public hearing opened at 7:09 p.m.) Is there anyone who would like to speak for the subdivision as proposed? (There was no response.) Is there anyone who would like to speak against the subdivision as proposed? (There was no response.) There being no comments we will close the public hearing. (The public hearing closed at 7:09 p.m.)

Mr. Germain: You would do the recommendation for the zone change tonight because that has to go out.

Mr. McDermott: Yes, I understand that it is scheduled before the Town Board Wednesday night.

Mr. Smith: For the zone change there wouldn't be any engineering issues. Are there any legal issues?

Mr. Germain: No.

Mr. Smith: I've talked to Mr. Procopio. The Codes Office does not have any issues with it. Are there any comments from the Board? (All Board members responded no.)

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 called a vote.

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

Mr. Smith: Mr. Germain I would like to make a resolution recommending the zone change to the Town Board.

Mr. Germain: **You would move** for the adoption of a resolution recommending the application of Theresa McDermott for the proposed zone change, 5860 South Bay Road, Neighborhood Commercial to Agricultural to the Town Board. **Mr. Smith made the motion** as stated by Mr. Germain above. **Mr. Marzullo seconded the motion.** The Chairman called a vote.

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

ZONE CHANGE RECOMMENDATION, PUBLIC HEARING
CARMEN J. CESTA, 6256 & 6262 STATE ROUTE 31, AGRICULTURAL TO GENERAL COMMERCIAL
CARMEN J. CESTA

Representatives: Mike Cesta and Carmen J. Cesta

Mr. Mike Cesta introduced himself and his son Carmen. We propose changing this property from Agricultural to General Commercial to build a building for Carm's business which is Carm's Dog House.

Mr. Smith: Currently the whole piece is Agricultural?

Mr. Mike Cesta: Yes, two separate pieces. We would like to make them into one and make them General Commercial. As Mr. Procopio explained, we would be able to leave one residential house for Carmen to live in. The other small house up front would be used as an office for the business.

Mr. Smith: That's pretty straight forward. With that we will open the public hearing. (The public hearing opened at 7:10 p.m.) Is there anyone who would like to speak against the recommended zone change? (There was no response.) There being no one, is there anyone who would like to speak for the zone change? (There was no response.) There being no comments we will close the public hearing. (The public hearing was closed at 7:10 p.m.)

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 and 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 called a vote.

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

Mr. Smith: Mr. Germain could we have a resolution recommending the zone change to the Town Board please.

Mr. Germain: **You would move** for the adoption of a resolution recommending the application of Carmen J. Cesta, 6256 & 6262 State Route 31, for a zone change, Agricultural to General Commercial to the Town Board. **Mr. Smith made the motion** as stated by Mr. Germain above. **Mr. Abbey seconded the motion.** The Chairman called a vote.

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

Mr. Smith: You have your recommendation to the Town Board for your zone change. We look forward to the site plan.

Mr. Carmen Cesta: Thank you.

**MAJOR SUBDIVISION PRELIMINARY PLAN, PUBLIC HEARING
LAKESHORE WOODS, LAKESHORE ROAD (TAX MAP# 060.-01-01.1), 9 LOTS
IANUZI & ROMANS**

Representative: Hal Romans, Surveyor and Planner, Ianuzi & Romans
Jim Emerick, Napierala Engineering

Mr. Smith: We decided to hold a public hearing on this as we understood that there were some members of the public who wanted to make comments. We want to hear those. All though a public hearing is not required we appreciate the applicant's representative being here to talk about what we are going to see. This is not an approval but we will follow the same format.

Mr. Romans introduced himself. I'm here tonight with Jim Emerick from Napierala Engineering. He is our design engineer for the project.

You have seen this layout before. It is a proposal for a 9 lot subdivision on the south side of Lakeshore Road. It has road access here for a cul-de-sac to come in. There is an existing subdivision to the east and existing wetlands in the southwest corner. One of the lots contains the Virginio house, so it is a 9 lot subdivision, but there would be 8 new lots. Lot 9 would have a separate driveway off Lakeshore Road.

This is the first subdivision that our office has done under the new storm water regulations. There are some new things being proposed which I will have Mr. Emerick get into. We met with Doug Wickman and the Town Board's liaison to the Planning Board on the cul-de-sac. In stead of an all paved cul-de-sac we are proposing a cul-de-sac with a landscaped area in the center of it.

Mr. Smith: That would be a component of the storm water also?

Mr. Romans: Correct. Storm water from the cul-de-sac would drain towards the landscaped area in the center. Mr. Emerick will get into that. He went back and forth with the Town's engineer, Doug

Wickman, to see if the Town would be willing to accept that. It is my understanding that they are going to present this to Chris Woznica, the Highway Superintendent, for his input. It has been done in other Towns around here.

Mr. Smith: In our sustainability training, the County is pushing this as is the DEC. They want us to get rid of every square inch of impervious pavement that we can.

Mr. Romans: That gets into the new road cross section that the Town has as far as doing away with traditional gutters and going with a porous area on the shoulder where the storm water would go into the ground instead of being piped to a facility.

There is an existing sanitary sewer out on Lakeshore. We have the ability to bring it in and serve the site. The existing drainage is such that this wetland is on a higher portion of the property. Our goal is to design something that the Town Board will be receptive to, design something that follows the new guidelines and design something that does not negatively impact anyone down stream.

Before we turn this over to Mr. Parrish for his in depth review in his role as the Planning Board's engineer, we wanted to make sure that certain things that we are proposing would be acceptable to the Town's engineer. We also feel this is a good time to get input from the general public and to try and get everything wrapped up before we give it to Mark.

Mr. Smith: Is this where the power lines are?

Mr. Romans: Correct. The zoning for the property south of us is commercial out on Route 31, so it does not make sense to have a stub street extending into it. The 9 lots meet the existing zoning of R-15. We would have to make sure that outside of the storm water management easements and wetlands that each lot would have at least 15,000 square feet and the appropriate width at the building line.

Stormwater has always been a concern on this property. A large amount goes through this area. During Jim's presentation he will show that there are three stormwater management areas.

Mr. Smith: Where does waste water go, what plant does it end up at?

Mr. Romans: I thought that it was Brewerton, but that is something we can verify.

Mr. Smith: We would want that to be considered.

Mr. Romans: It is my understanding that Chris Dykeman generated a memo where some of the

problems at Oak Orchard had been mitigated. When they redid the Wetzel Road plan, they sent some of the waste water that used to go to Wetzel to Oak Orchard. They reversed some of that. So there is the ability to connect. I will ask Jim to make sure that he meets with Chris Dykeman.

Mr. Emerick: Generally the site breaks to the northeast. There is a small 24" culvert in the northeast corner where all the drainage goes. That culvert is along the access drive. Our intent is not to have any negative impacts on the existing conditions/stormwater drainage.

We propose a basin here to capture the runoff from the houses here and the backyards and mitigate that towards that 24" culvert. We have another detention basin here which captures the runoff from these backyards here. We had to over mitigate this runoff because we don't have the opportunity to catch the runoff from the road and put that into a retention basin but we did propose to scalp this area out to provide some additional storage behind that 24" culvert.

For the peak runoff from the site, we are looking at these detention areas here, here and some additional detention here to try mitigating that deep runoff from the site so that we don't negatively impact the properties adjacent to the site. We are downstream of it.

In order to mitigate the water quality from the site we are proposing to do several bio-retention basins to capture some of the runoff from the houses as well as from the driveways. We also have some dry swales leading into these basins.

For road drainage we are proposing the permeable shoulder that C&S provided for the Town as a detail to handle water quality mitigation from the road system. So you have about 600 linear feet of road. As Mr. Romans mentioned, we are trying to reduce as much of our impervious area as possible and so we are proposing a landscaped area in the middle of the cul-de-sac. That way we can provide the permeable shoulder as well inside of that area.

Generally the road drains towards this center area here. It drains to the north and slopes down to the two 18" culverts that we are proposing here. There is an existing culvert there, but it looks like it was something placed for an access road temporarily, but we are proposing the two 18" culverts.

So, we are proposing to do a control plan to take care of the water quality and water quantity. We will be required to do a SPDES permit for the site because we are over an acre.

Mr. Smith: How long is the cul-de-sac?

Mr. Emerick: It is just under 600 feet of roadway.

Mr. Marzullo: What is allowable?

Mr. Parrish: I think that the Code says a maximum of 500 but that is regularly waved by the Planning Board, if they feel it is appropriate. I think that there has been up to 1200 feet.

Mr. Smith: Where does the stormwater drain to?

Mr. Parrish: Easterly and then it will flow north. I think that it crosses Lakeshore onto Belnor maybe, around there. It goes quite a ways to the east behind some of the properties along Lakeshore. I have not had a chance to do an investigation yet, but that is my general knowledge.

Mr. Smith: It heads out towards Osbourne doesn't it?

Mr. Parrish: Yes

Mr. Marzullo: The proposed landscaping that is in the cul-de-sac---it is being proposed that the Town take that over and maintain it?

Mr. Emerick: That was the discussion with someone from C&S, not only the drainage district but landscaping as well.

Mr. Romans: We know in some Towns they ask you to do either a simple HOA or some other mechanism that is in place. They were talking about having a special district or a special assessment on this subdivision.

Mr. Marzullo: Just for the subdivision?

Mr. Romans: Yes.

Mr. Marzullo: Would it be a maintenance free type, or haven't you gotten that far yet?

Mr. Romans: It would be the type of landscaping that you would---C&S wanted to make sure that the lane around here is sufficient for a bus and/or emergency vehicles.

Mr. Smith: Snow plows

Mr. Romans: We figure snow is going to be there, so it would be the type of landscaping that is able to withstand snow.

Mr. Smith: This is not being designed like a lawn or just shrubbery in the center. Isn't this like part of a bio-filter, or sort of a rain garden effect?

Mr. Emerick: We specifically did have a bio-retention area designed there. But, after speaking with Doug Wickman, there are permeable shoulders which are intended to handle water quality from the road. As far as total runoff for a site: the less impervious area that you have, the better off that you are.

Mr. Ruscitto: What is the diameter of the cul-de-sac?

Mr. Emerick: The radius is 60 feet across.

Mr. Ruscitto: Someone said that the wetland area is actually higher than the surrounding area?

Mr. Emerick: Yes. From reviewing the soil types out here, these are hydro soils—a qualification for wetlands with the Army CORPS of Engineers.

Mr. Abbey: What type of vegetation is on the wetlands at this point? Is it trees or something else?

Mr. Romans: I think that it has some emerging trees. Basically it is over grown brush that is starting to get some trees. It is not as inundated with water. Our goal is to not touch the wetlands.

Mr. Emerick: Our grading plan stays out of that area.

Mr. Smith: Are there any additional comments before we open the public hearing? This will come back. We will have a formal review, but we wanted to get some public input. With that, I will open the public hearing. (*The public hearing opened at 7:33 p.m.*) Would anyone like to speak for the project? Please approach the podium. (There was no response.) Anyone who would like to speak against the project, please approach the podium.

Mary Jo Skelton, Lakeshore Road: I'm not for or against it. I just have some questions. I'm confused as to where this is. Is this under the power lines?

Mr. Romans gave details on the location.

Ms. Skelton: Aren't these wetlands?

Mr. Smith: Yes. The wetlands are all delineated and they are Army CORPS Engineers. The applicants are not touching them. They can't.

Mr. Honors: Not where the houses are going.

Mr. Marzullo: The wetlands are protected.

Mr. Smith: The entire site is not wetlands. They are delineated by either the Federal government through the CORPS or the Department of Environmental Conservation, the DEC New York (NYDEC).

Mr. Ruscitto: Typically isn't there a 100' buffer?

Mr. Smith: Only for DEC wetlands. New York has different regulations. They require a 100' buffer. Again, these are Army CORPS.

Chris Huxtable, 6095 State Route 31: We are on the east boundary of the proposed site. How far off from our property would the detention pond sit? It looks like it would be a pretty good distance.

Mr. Romans: Going by the scale of the drawing, I would say 100 feet.

Mr. Emerick: These are intended to be dry basins. They are just for mitigation during a large storm. During a 100 year storm they would back up.

Mr. Romans: And then the discharge would go straight to the north.

Mr. Smith: This will have a full review by our engineer. In addition it will have a review by the Town's engineer.

Ann Harrell, Lakeshore Road: This is wetland that you are talking about, that you can't build on. Are there going to be any houses in front of that? Or is there a lot in front of that?

Mr. Smith: There is a lot right here. It is one lot with a driveway going to Lakeshore Road.

Ms. Harrell: Is any of that going to affect any of the drainage behind our houses?

Mr. Romans: Any development that comes in can't adversely affect any adjacent properties. So that is our goal, along with Napierala the professional engineers that designed it. Mark Parrish, the Planning Board's engineer will review it. Then C&S, the engineers for the Town Board, will review it. This would all be done before the plan can be accepted.

We are going through the preliminary plan process. Because drainage is critical in Cicero and Clay, we would do similar to a cut-off swale along those properties but on the developer's property to intercept any drainage and take it towards our stormwater development area.

Ms. Harrell: It is a little wet back there now.

Mr. Romans agreed noting he had walked the site on good days and bad days just to get a feel for it. I fully understand what you are talking about. Through grading there would be a more defined swale to pick up that stormwater.

Jeanette Forziati of 6048 Lakeshore Road: I bought this house three years ago. I bought it for the land. The owner said that they could never build on that lot, because there is no way to get in. I asked my realtor. She said they could never build because it is landlocked.

Mr. Smith: It's not.

Ms. Forziati: I know, I found out the hard way. Before that I put thousands of dollars into the house from damage. I would sell it, but now if found out the house next door to me is for sale. Is there any way that you could put trees around or something along the road so that I don't see it? I'm surrounded by trees now. It is like God's country. I love it.

Mr. Smith: I appreciate that. He is not land locked. The current owner has been paying taxes on it. It is zoned appropriately. We try to do everything that we can that is reasonable, that we can ask a developer to do. Our first concern is always stormwater. That is also the Town Board's concern. That was our reason for having this public hearing, so that everyone knows what is going on. We are aware that there are a number of residences already there. I'm sorry that those misrepresentations were giving to you. Unfortunately, they were wrong. I'm sorry.

Any other comments or concerns about the project that we are reviewing? (There was no response.)
There being none we will close the public hearing. *(The public hearing closed at 7:41 p.m.)*

Thank you Mr. Romans. How soon do you think that this will be coming back in for the actual review, any ball park estimate, this year, next spring?

Mr. Romans responded this year. We are waiting on C&S's discussions with Chris Woznica on the cul-de-sac. Then Jim Emerick will revise his stormwater report and SWPPP so that we can provide a copy to Mark Parrish for his review.

Mr. Marzullo: The cul-de-sac is a great idea. You might want to involve the Fire Department too.

Mr. Romans: I'll do that. Mr. Emerick was going to make sure of the measurements around the whole thing. The 20 foot pavement seems to work. We will make sure that we contact the Fire Department.

**MINOR SUBDIVISION PRELIMINARY AND FINAL PLAN, SMITH ESTATES
SOUTHSIDE OF FERGERSON ROAD (TAX MAP #060.-01-01.1), 2 LOTS
IANUZI & ROMANS**

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

Chairman Smith noted a public hearing was held on this request.

Mr. Romans: The site is 30.5 acres. The applicant proposes to carve out one lot on Ferguson Road. That lot would be 1.49 acres. He already has an approved septic design. He has also contacted the County DOT for a driveway. The intent is to build a house.

This is the house that sits on the property today. Back here are wetlands with the 100 foot buffer area. Our lot is outside of that.

Mr. Smith: We have received the County's referral. Any other comments?

Mr. Honors: One of the biggest concerns was how the home would fit within the neighborhood. Does the applicant have any ideas on that?

Mr. Germain: He can certainly ask that question and get input on it.

Mr. Smith: Our approval would not be based upon that.

Mr. Germain: Basically, it would have to meet the Code.

Mr. Romans: Obviously, it can't be a trailer. It has to be a house, typically on a foundation. It can be a modular home. It would be a ranch house, one story with 2-3 bedrooms and a garage. With that acreage he would be able to spread out a little.

The area is zoned Agricultural. We meet that criterion.

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 is 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 called a vote:

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

Chairman Smith: Mr. Germain could I ask you to have a resolution approving the subdivision please?

Mr. Germain: **You would move** for the adoption of a resolution approving the Minor Subdivision Preliminary and Final Plan application known as Smith Estates, Southside of Fergerson Road, Tax map #060.-01-01.1, 2 Lots. The applicant was notified that the Chairman of the Planning Board will delay signing of the final plan until the Chairman verifies the applicant has submitted any necessary easements in recordable form if necessary and has executed any undertakings or agreements required by the Town. **Mr. Smith made the motion** as stated by Mr. Germain above. **Mr. Honors seconded the motion.** The Chairman called a vote:

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

**SITE PLAN, RAFFERTY CONSTRUCTION, INC.
5785 EAST CIRCLE ROAD, PROPOSED JIMMY JOHN'S RESTAURANT
IANUZI & ROMANS
(SEE ATTACHMENT B: OBG REVIEW LETTER FOR JIMMY JOHN'S DATED 10.7.13)**

Representative: Hal Romans

Chairman Smith: We have already reviewed this. There were some concerns and questions. You have Mr. Parrish's letter. Can we start with those please?

Mr. Romans: After the last meeting there were some comments. One of which was adding the existing sanitary sewer easement that runs along East Circle Drive. We also show the existing sewer lateral, water lateral, electric, gas and telecommunications locations. None of those are changing. I have a note on page SP-2 which states that the existing site utility services are to be utilized and there are no modifications planned. Locations of same are shown on the existing survey SP-1A. I also said the existing pavement is to remain and existing drainage patterns are to be maintained.

The property is 150' x 150'. It is on East Circle Drive, but has access from the shopping center. For Regional Commercial the minimum lot area---there is none. Minimum building line width is 400 per

Code, but this is an existing lot which is 150 feet. Depth is 500 by Code. Here it is 150. Front yard is 75' by Code. The existing building is 52.2. Rear yard is 25. We exceed that---42.4. Side yard is 32 by Code. We have 42.4. Coverage is 40% by Code. We have 10% with the original building.

The next note gets into the statement of use. The site is to be used for a quick serve restaurant that includes sit down seating, take-out and delivery of food. There is a drive through shown.

Mr. Smith: How many seats?

Mr. Romans: There are 64 seats provided inside. I have 31 parking spaces. Usually per shift, they have 7 employees working inside at one time, plus delivery people. I did talk to Brian Williams from Rafferty. He noted they typically have 28-30 parking spaces. They do quite a bit of delivery. We added the driveway widths that Mr. Parrish wanted.

Mr. Romans reviewed the driving pattern which included do not enter and enter only signage. He also noted the existing dumpster's location and pictorial description.

Mr. Smith: The dumpster's location faces East Circle Drive?

Mr. Romans: Yes. You can't really see it because it has the chain link and slated fencing. I have pictures of the existing building. They will go up with the same type of brick to hide their utilities. I also have pictures of the proposed signage. The pylon sign would be 6' wide by 7' high. Wall signs are 40" x 26 feet max. The seal which is put on one side of the building works out to 315 square feet. The total square footage of signage is 705 square feet.

I know that the site is tight, its 150 x 150. The existing site was built out almost to it's property line. There really isn't any room to expand curbing at all. It looks like it can function quite well for Jimmy John's or any quick serve restaurant.

I have the updated lighting sheet. The existing lighting for the bank was probably twice the number of fixtures that we have. We propose two lights per wall face. I provided cut sheets for those wall packs.

Mr. Smith: Did you change those to full cut offs?

Mr. Romans: No, but we would be willing to substitute for those. This shows what Jimmy John's wanted to use. But, this is what they will use. There is an existing light pole that sits here. It is not on our property but it is included.

As far as landscaping, this island here is landscaped as part of the mall and will be maintained as that. Technically it is not on our property. There is a green stripe back here where there would be a menu board. That will continue to be greenspace. For the rest of the property, where you see the edge of pavement, that is the property line. I couldn't take anything else away to add landscaping. I think that covers everything.

Mr. Smith: This is an existing site plan that we are modifying. Primarily it is a change of use. There are some changes to the exterior of the building. You are using what the bank had for pylon signage?

Mr. Romans: Yes, we are just re-facing that sign. I have also included a note stating all signs are internally lit. The super seal is not a lit sign. It is actually more like a decal.

Mr. Smith: Are there any other questions?

Mr. Germain: I have not seen the pictures that were presented but I imagine they will be part of any approval.

Mr. Smith: Yes we want those as part of any resolution.

Mr. Germain: You would give those to the Clerk to mark as exhibits to the site plan.

Mr. Abbey: What are the hours of operation?

Mr. Romans: Typically 10 until 10. Their big thing is delivery.

Mr. Ruscitto: I understand that they are going to take the soffit out and continue up with the brick?

Mr. Romans: Yes. Sheet A-12 actually shows what they are doing as far as the brick. There is an existing 10' of brick height and they are putting on another 8'. The entire soffit comes down. It is supposed to match. It should look like a clean brick wall.

Mr. Ruscitto: The bank probably used the dumpster for paper waste. This would be food waste. It doesn't look like it has truck access. Would these be pourable bins? There isn't any curbing or roadway to the dumpster.

Mr. Romans: There is a concrete walkway back there. I believe trucks will be able to access the dumpster from that one parking spot. I was told that it would be a small dumpster.

Mr. Smith: They will make arrangements for pick up outside of the hours of operation?

Mr. Romans: Yes. Usually those things happen first thing in the morning. I told them for any changes on the dumpster or anything like that they would have to come back in front of the Board. So, they checked the size of the dumpster and said that it would work.

Mr. Smith: Mr. Procopio has done a great job of applying the new regulations. This is an existing site plan with a change of use and everything according to the new law. Steve has been capturing these so that these get in and get reviewed. He has put a lot of effort into that.

Mr. Abbey: When are you shooting for an opening?

Mr. Romans: They are looking to be open as soon as possible. I think that they look at this site as a natural. If they do well here they will do another location nearby.

Mr. Marzullo: What is the traffic pattern on the north side of the building? Is it a two-way there?

Mr. Romans: Yes. Oh, I don't have two arrows there. If you want two arrows there I can put two arrows there.

Mr. Marzullo asked the Board's engineer what he thought of the traffic pattern.

Mr. Parrish: I don't see too much of a problem with it. It is not much different from what is there now. The use is just as intensive.

Mr. Romans: The only difference from the former bank is the bank had three or four bays---three drive throughs and one pass through lane. The bank did not have the parking that we included on that side. Plus the only way to get parking along here is to angle it and make it one-way. It makes that counter clockwise motion work. And again, there is directional signage posted at various locations.

Mr. Honors: I don't have anything further. I think that it is a good fit for the building. I think that it is good that the place did not stay vacant for very long.

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. **Chairman Smith seconded the motion** and called a vote:

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

Mr. Smith asked Mr. Germain for a motion approving the site plan with all of the conditions.

Mr. Germain: **Move for the adoption** of a resolution approving the site plan application known as Rafferty Construction, Inc., 5785 East Circle Drive, proposed Jimmy John's Restaurant last dated October 3, 2013. This approval is contingent upon the following:

1. The building's pictures and 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.
2. The proposed light fixtures will be modified from the proposed fixtures to full cut off fixtures in conformance with the materials provided by the applicant to the Planning Board this evening.

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

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

**ZONE CHANGE RECOMMENDATION, SCHEDULE PUBLIC HEARING, 7800 BREWERTON ROAD LLC
7800 & 7802 BREWERTON ROAD, TAX MAP# 036.-04-19.0
GENERAL COMMERCIAL TO GENERAL COMMERCIAL PLUS
IANUZI & ROMANS**

Chairman Smith: With the number of zone changes and subdivisions that we are going to have, we need to get these things on so that we can schedule public hearings. I would like to schedule a public hearing for a zone change for 7800 Brewerton Road LLC, 7800 & 7802 Brewerton Road, Tax Map#036.-04-19.0, General Commercial to General Commercial Plus.

The Town has received and will be asking for a referral. We would like to have a public hearing because we would like to hear from the neighbors. We will notify all of the adjacent property owners. Please make sure that we send notification to everyone that lives on Kopp Avenue, both sides, not just the adjoining properties.

Mr. Germain: **You would move** for the adoption of a resolution calling for a public hearing on the zone change application known as 7800 Brewerton Road LLC, 7800 & 7802 Brewerton Road, Tax Map# 036.-04-19.0, General Commercial to General Commercial Plus. The public hearing would commence at 7:00 p.m. at a regular scheduled meeting of the Planning Board on October 21, 2013. **Mr. 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 **approved unanimously**

Chairman Smith: Please make certain that we send notices to everybody on Kopp.

**MINOR SUBDIVISION PRELIMINARY & FINAL PLAN, SCHEDULE PUBLIC HEARING
WOZNICA ESTATES, 7029 ISLAND ROAD, TAX MAP#062.-01-49.3, 2 LOTS
IANUZI & ROMANS**

Chairman Smith: Does this have to go to the County?

Mr. Procopio: We sent it already.

Mr. Germain: **You would move** for the adoption of a resolution calling for a public hearing in the matter of the Minor Subdivision Preliminary & Final Plan application known as Woznica Estates, 7029 Island Road, Tax Map# 062.-01-49.3, 2 Lots. This public hearing would commence at 7:05 p.m. or as nearly thereafter as the Planning Board's agenda permits at the regular scheduled meeting of the Planning Board on October 21, 2013. **Mr. Smith made the motion** as stated by Mr. Germain above. **Mr. Marzullo seconded the motion.** The Chairman called a vote:

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

**SITE PLAN/SKETCH REVIEW, J&R LAWNS
8076 THOMPSON ROAD, PROPOSED STORAGE BUILDING WITH OFFICE
JEFF DELINE AND L.J.R. ENGINEERING**

Representatives: Jeff DeLine, Applicant
Alex Wisniewski, P.E., L.J.R. Engineering

Mr. Wisniewski introduced himself and Mr. DeLine. We are here tonight to present the proposed site plan to the Board.

Mr. Smith: Just so everyone knows some of the back ground, this is the building on Thompson Road. We have gone through the variance process already. The variance was granted for some setbacks. We are all set with zoning correct Mr. Procopio?

Mr. Procopio responded correct.

Mr. Wisniewski: The site is located at 8076 Thompson Road, just south of Gillette. He has 11.5 acres. There are undeveloped Agricultural lands to the north, with residential properties around the other flanks. This is zoned Agricultural.

Currently Mr. DeLine's residence is on the property. Part of the reason we are here today is he is trying to get his workers out of the house and over here in this part of the proposed office/garage. You can see the existing driveway. There is a large pond in front of the house with a berm associated with it. There is also the existing metal sided pole barn which is really the subject of most of tonight's discussion. There is a commercial driveway from Thompson into the front of the garage as well as an access point into the side. There is some gravel parking access on the back of the building.

The site generally drains south to north. There is a low wet area to the north of the property that sheet drains. The pole barn is 72' x 88'. He uses it for the storage of his equipment associated with the business along with supplies, vehicles, etc. The balance of the property is generally lawn, with some wooded areas in this location. We intend to preserve those as part of the site plan.

There is existing water and electric. You can see the water shut-off on the existing survey.

Mr. Smith: Mr. Procopio do we have any issues with water service? Is there any septic proposed?

Mr. Procopio: I believe that there is a proposed septic system.

Mr. Wisniewski: There will be. I will get into that as part of the proposed conditions. The site plan does propose some improvements to the property. There are also some proposed improvements to the building as well. Mr. DeLine intends to pave the existing gravel areas up to about this point on the driveway. You can see that line behind the building. From that point forward, that all gets paved and cleaned up. You can see the proposed landscaping features. There is a row of trees that he has already started planting along the flank of the driveway. He is also proposing this inter-connection here to try to avoid bringing vehicles out onto Thompson Road and back into the driveway to gain access to other points of the building. A flank of parking will be added across the northern edge of the property. I think that there is room for ten spaces for employee vehicles there. There is a proposal to slightly extend the concrete pad that is currently in front of the building just to extend across the full frontage of the building. Moving around to the rear of the building, again this portion that is currently gravel will be paved over time. The balance from this point behind is proposed as gravel. Around the perimeter you see storage bins for his mulches, stones, etc which are used in the landscape building.

I know one of the concerns raised initially in the discussion was if this was going to be used as retail space with customers coming in and out. That is not the intent. This is really for the storage of his materials to use.

Mr. Smith: While we are talking about intent, we can't approve a retail operation in an Agricultural zone. That is not the intent of this Board. I want that to be very clear. There can not be any retail.

Mr. Wisniewski: If I can read notes 5 and 6 on the site plan for you. Note 5 says use shall be limited to storage and preparation of equipment and materials used in operation of the lawn care and snow removal business. Note 6 says no retail use shall be allowed. Hopefully that is specific and clear enough.

There is also a fence proposed to kind of bridge the gap between what would be formed by the bins. The bins are created by stacked concrete blocks. They would join across this flank with a fence to kind of close off that side. He is going to leave himself a gate right here. We have allotted an area here for the storage of dumpsters on the site plan.

There is proposed lighting associated with the site.

Mr. Smith: I was unaware of the intent to pave. What are we looking at as an area of disturbance here? If you start paving, you will be putting down an impervious pavement and we are going to have stormwater runoff that may not have been contemplated. I do not remember any discussion of paving.

Mr. Parrish: I think one of our comments will be to provide an estimate as to the area that is being disturbed as part of the project. I would say that the paving of the gravel area would not necessarily be considered as disturbance.

Mr. Smith: It will create runoff.

Mr. Parrish: It will create runoff but from a runoff standpoint once you have a compacted gravel area, it is essentially the same or very similar to pavement. And, underneath the definitions of disturbance, paving---they already have the gravel down so it's a gravel area---the paving of gravel area is not considered disturbance under stormwater regulations.

Mr. Marzullo: How did we get to this point with out site plan approval?

Mr. Smith: We got to this point because there was a Codes Office issue. The applicant was given a building permit for the building.

Mr. Marzullo: I thought that it was private.

Mr. Procopio: I believe that was the intent of the application. It was an accessory to the residence for private storage.

Mr. Marzullo: So they did this without a site plan. They put the gravel in.

Mr. Parrish: From our standpoint I am looking at the site as it exists and as it is presented to us. So, the existing conditions I am taking to be the conditions as the site plan is presented to us.

Mr. Smith: The Zoning Board of Appeals had similar concerns. The building needed a variance to be built, which was granted.

Mr. Parrish: I can't say where we will end up with stormwater relative to the requirements. There might be the need for a SPDES permit when disturbing over an acre, in which case they would have to comply with water quantity and water quality requirements, etc. If they are below that we would still be requesting a drainage report to make sure that we are mitigating increases in runoff from this project.

Mr. Smith: Have you been over there?

Mr. Parrish: No I have not yet.

Mr. Smith: It is not like run-a-crush. It's a real gravel parking lot. When it rains it is not pavement. I never understood that we would be contemplating pavement. I thought that it was primarily going to be gravel. That is a sensitive area. We already have stormwater runoff issues in the Crossings. That is my concern with hearing pavement issues. If you are really going to do paving, I want to see what the effects of that are going to be with runoff.

Mr. Marzullo: Maybe get creative with what you put down.

Mr. Wisniewski: In terms of permeable asphalt, I don't think that is part of the plan or the budget but I think that we can talk some more about it.

Mr. Honors: I have had driveway mix. Driveway mix now days really does lock up pretty tight when it is compacted. I have been on the site as well. I really agree with the applicant in regards to how much water it does shed off. That stuff binds up and locks up. It really does stay pretty hard for machines and stuff turning on it.

Mr. Wisniewski: Standard industry practice, and this is per DEC direction, is if I am looking at a gravel parking lot or a paved parking lot both are assigned the same runoff coefficient. I think the theory is over time the gravel will compact. It gets to a point where it is essentially impervious. I would agree with when it is freshly laid down that's different.

Chairman Smith asked Mr. Parrish to take a very close look at runoff. Mr. Parrish agreed to do so.

Mr. Wisniewski: Getting back to the disturbance question, if you look at the additional hard surface area proposed in the rear plus this additional connector here and the additional parking here that totals about 3/10 of an acre. If I draw around the entire perimeter of the parking area, north of the existing driveway we are a .84 acres, which includes the building. So if you look at that hard surface improvement area that is still below an acre. Considering some of these landscaping beds we are getting close to the number in terms of the overall disturbance as compared to pre-developed conditions. If we are looking purely at this site plan, you are about 3 or 4 tenths of an acre of disturbance.

Mr. Smith: Well the whole area is part of the site plan. The approval has to include the building. We need that on the site plan. That is what we are fixing.

Mr. Wisniewski: Understood.

This is an attempt to show what the illumination level would look like. I think they have got the edge of the rear parking area shown incorrectly but, it gives you a sense of the plan. The fixtures are all modern LED fixtures. The fixtures on the building are wall mounted at a 10' height, downward throwing fixtures. Each pole has two LED heads. They are proposed at a 45 degree tilt so that there is a slight forward throw into the parking area. I don't know the Board's thoughts on that versus a horizontal license, but I wanted to bring that to you attention. The later pages are the actual cut sheets of the fixtures.

Jeff is also proposing signage on the front of the building. We have included a rendering which shows a couple of options.

Chairman Smith: I'm going to make a comment because I have been here for a while on this project. I have gone through all of the machinations, all of the situations and have spent a great deal of time on this. This is a great deal of expansion from when the stop work order was put in there. My personal feeling is, the lighting is new, it is an awful lot towards commercial. We are talking paving. We are talking signage. It is beginning to sound an awful lot like commercial to me in an Agricultural zone. I just want to give you that thought. We will discuss it with Codes, but I'm looking at my engineer. I have to tell you that lighting is surrounded by residents. So, I don't know how much we want to contribute to putting up all of this lighting in the middle of that area, if we already have complaints when the soccer fields are running and they turn those lights on. Which we have no control over.

We are getting a lot more than what we originally had in trying to fix the situation out there. This is not what we had talked about before. This is very much expanded. I'm going to ask Mr. Germain to research this to make sure that we are not moving into a commercial operation in an Agricultural zone. We are not empowered to approve that. Just so that you know. I just want that out there.

Mr. Wisniewski: Do you want to hear more?

Mr. Smith: Yes go ahead.

Mr. Wisniewski: The signs that are proposed are roughly 8 x 12, 96 square feet. He has a few options. I don't know if those were intended to give the Board....

Mr. Smith: There were signs up on the building and they had to be removed, correct?

Mr. Procopio: He took them down, correct.

Mr. Wisniewski: My recollection of the pre-agenda meeting was that be done and any signage was to be part of the site plan. I think the intent was to present any proposed signage as part of the site plan. So those were the two looks that he was considering. I don't know if he has a preference for any particular one.

Mr. DeLine: I would probably go with either one. I know what you are saying. This is going way past what we started. When I built this I was under the intent that I was going to put, and I know that we went over this in the variance meeting, that I was going to put the business in the building. I would not have built the building that big to store hydroseed and grass seed. I thought that would have been understood or at least someone catching it along the way before I got the whole building built and started to progress into the office.

Mr. Smith: And we did that and we came up with the proposal but this is the first we are hearing about expanding the parking lot, paving, putting lights up. The signs were up and we insisted on them being taken down. Have you considered a zone change?

Mr. DeLine: Not really. When we were talking about the variance meeting, or after that...

Mr. Smith: Mr. Procopio is there some reason we can't do a zone change in that area?

Mr. Procopio: I can't think of a reason why we couldn't but....

Mr. Smith: The Town Board could consider it.

Mr. Marzullo: How large is the parcel?

Mr. Wisniewski: It is 11.5 acres. Again the footprint of this operation is about an acre.

Mr. Procopio: You would be changing the zone of a property that has a residence on it already.

Mr. DeLine: And it is not separate.

Mr. Smith: But before we start approving something that has taken on an awful lot of aspects of a commercial site plan...

Mr. Procopio: The Board has to be comfortable with number 17 under Ag Districts which states other uses which in the opinion of the Planning Board are similar in character to those listed above.

Mr. Wisniewski: One of Jeff's main objectives here is to get some office space in his building and getting his employees out of his house. As part of that there is a bathroom proposed in the building. Here is the proposal for the inside. This is the front door on the front of the building. This faces out towards Thompson Road. The office space is proposed in the front. Stairs go up to a lofted storage area above that. In the rear would be an employee bathroom.

Within the last couple of weeks we found an area on his property where the soils are conducive to a septic system.

Mr. Smith: Currently there are no bathrooms in the building.

Mr. Wisniewski: Correct.

Mr. Smith: And there is no approved septic system at this point.

Mr. Wisniewski: Correct but I think that the house is currently served by its own, older septic system. Initially we were digging around in here but it was too low and there was too much ground water. There is quite a bit of grade change. As you come around this corner the elevation increases and the soils change dramatically. I have just developed a sewage disposal plan that I will be submitting to the County if the Board is on board with the balance of the proposal and the bathrooms and etc.

Mr. DeLine: When I got the red sticker on the window (stop work order) my main objectives were the office and the electrical. We need lighting inside and outside for security. I have been broken into 3 times already in the last month. I decided to put in a security system which is hard when there are no lights. The only lighting I have inside is the temporary overhead light. There is nothing on the outside so everything is dark.

I figured if we were going to put a site plan together it would be nice to include things that I might want to do in the future like storing stone. Those are all stone bins, no mulch or anything like that. But the office and the electrical are the two top things.

Mr. Marzullo: What is the use north of you?

Mr. Wisniewski: It is undeveloped. It is very low and wet. That gentleman actually supported Jeff's variance application, providing a nice supportive letter of the project overall. Neighbors are along this flank. Those homes are situated close to Thompson Road. There is a nice span of vegetation here that would remain. So for your concerns about lighting, we really only have the one neighbor that might see some lighting on the front of the building. There is really no one else around the back of the building at all.

Mr. Abbey: How many employees do you normally have?

Mr. DeLine: Between 14-18.

Mr. Smith: How many do you have working on the property during the day? Our first understanding was that they just show up for work and were dispatched.

Mr. DeLine: As soon as they get in it is between 7 and 9. That depends on the time of year. They are gone for the whole day and don't usually get back until between 5-9.

Mr. Smith: You do understand that there would no resale material, no retail sales. Do you sell the materials that you are putting in the back? If the site plan were to be approved in this form.

Mr. DeLine: Not at all. It takes us a lot of time and labor just to go a few miles down the road to get material when we can have it loaded up and get out right away. When we have extra, we would have a place to put it. Not just make random piles on the property.

Mr. Germain: There is a note on the plan that this is not retail.

Mr. Marzullo: You do snow removal as well.

Mr. DeLine: Yes

Mr. Marzullo: So those hours of operation are a little bit different?

Mr. DeLine: Yes. Most of the time the guys run the machines overnight. 70-80% of the time we are going out at 2:30 in the morning.

Mr. Smith: Will there be salt storage?

Mr. DeLine: Up the driveway we do have like a carport. It is covered, but we have a pile of salt there.

Mr. Smith: Is that noted on the plan? If it is a covered salt storage area, can we make sure that gets on the plan? Will that be taken down? The site plan is required to show any structures.

Mr. DeLine: If I had the concrete storage area I would put salt in there and have a dome door to cover that.

Mr. Marzullo: How do you move that salt and other materials around?

Mr. DeLine: There is a bobcat.

Mr. Marzullo: Does that beep when it goes in reverse?

Mr. DeLine: No. We pretty much only use that on our site.

Mr. Wisniewski: Just to clarify, your intent is to relocate that salt to one of these new bin areas?

Mr. DeLine: Yes

Mr. Smith: We arrived at this point because it was not all documented. All uses should be on there. Make sure that the site plan that we approve shows the house. If the salt thing is going to be moved, please show that. If it is going to stay there, please show that, or it needs to be removed. Please put that on there, current salt storage and it will be removed. I want a very clear picture of what this site is going to be.

Mr. DeLine: This is an enclosed two car carport. I didn't tell him about that. It is my fault for not having that on the plan.

More discussion occurred.

**SITE PLAN/SKETCH REVIEW, PREFERRED POWERSPORTS
BREWERTON ROAD, TAX MAP#120.-02-01.4, PROPOSED STORAGE BUILDING
SHAWN PATANE**

Representative: Shawn Patane

Mr. Patane introduced himself. I spent some time with Mr. Procopio and I appreciate it. I am looking for approval to improve a vacant lot with about an 8700 square foot facility. The lot is adjacent to my building which is Preferred Powersports. The two parcels are owned separately. We did have some discussion about the possibility of combining them. I want you folks to understand why I have been reluctant to do that. There is an existing SPA loan on the Preferred Powersports facility. Combining those two together would be an absolute nightmare. That is an understatement.

Chairman Smith: They are going to be connected with movement across the two sites.

Mr. Patane: I included that picture just for reference.

Chairman Smith: Are we going to be able to handle that. I just don't want you to be in a situation similar to the gentleman before you, where we are going to have traffic going from one to the other, there is going to be an access off. My concern is if we can cover that with easements.

Mr. Patane: That is what we talked about, a cross access.

Mr. Smith: And that would cover you so that we are not in this sort of situation. Mr. Procopio and I discussed this at some length.

Mr. Germain: There should be some form of permitting agent that runs with the land and will allow for the access to the site as proposed by the applicant. In other words, it defines right where you can get in and out of the property.

Mr. Patane: There would still be access directly to Route 11. We have contacted the State DOT. They are willing to look at this. Specifically the need that we are looking for is our intent to support Preferred Powersports. It is about security and loss prevention issues for us.

The existing vacant lot is about 1.5 acres. It is directly north of the Preferred Powersports facility. It does have a driveway entrance, un-approved, on Route 11. It has a small gravel turnaround area. The rest is just mowed lawn. I have owned this lot since 2010 hoping that Preferred Powersports would continue to grow.

All of the properties around it are General Commercial. There are a couple of homes there but they are still zoned General Commercial. We propose building a building that is 135' x 64'. We have contracted through a company called Finger Lakes Construction. The building's drawings were provided to the Town for preview, but we have not applied for a permit at this point in time.

We are looking to relocate the driveway entrance, which is drawn to the north of the building. The unloading area would be to the east of the building which would be behind the building. We are keeping the building forward. It would have a covered porch on the building which would be used for display. Otherwise, most of the activity will go on behind the building, directly adjacent to the current Preferred Powersports.

The total disturbed area for the building, the unloading and the access drive is less than one acre, .9. it is pretty close but it is less than one acre. Although the Town did not specifically require a drainage report, because of the size, because we are looking at moving the driveway entrance and we will have to cover over an existing open day light drain, the NYSDOT does require a water runoff analysis. So we did do that. That is attached. The State does require it when you combine and put a T in place of a manhole cover.

We are proposing a very minimal infiltration area which will be south and west of the building. If you look at the very dark line through there, that was a small gravel area. The drawing shows a very shallow swale with a gravel drain underneath it. It is designed to control the flow at a rate equal to or less than the pre-existing conditions. The total depth of that is only proposed to be a foot deep. So, you won't visibly notice it and it will be lawn area and mowed; with the exception of a river rock area about 7 feet wide down the center. You really should not see it and no water will be retained in it permanently.

We are not proposing any water hook up, bathroom facilities, or septic. There are no additional employees, parking or signage. It is really a secondary use to Preferred Powersports to keep everything inside. The only lighting that we are proposing is underneath the covered porch area, using downward LED lighting. That would match the existing wall packs that we have on the building as well as the existing pole lights that we have on the other side. There is enough light spill over that there is really no need for additional on site lighting.

Mr. Marzullo: Is the purpose to have more showroom or storage?

Mr. Patane: Specifically storage. We get to the point where we can only display about 75 units in the showroom. We display about 15-20 outside. In the existing storage area in the back, we are just crammed for space. We have been forced to leave our own equipment outside, customers equipment outside and new machines as they come in outside. That is a less than desirable situation. When we are

done, the only things that would need to be outside are trailers. They are just too large to put inside. We are talking about snowmobile utility trailers on display for sale and/or periodically when a customer does drop a snowmobile or ATM off, they bring it on a trailer leaving the trailer on site. We are trying to get the site cleaned up a little bit.

Mr. Smith: Mr. Patane actually wants to get cleaned up. He is really looking to improve it and to improve the look of the area.

Mr. Patane: We have the preliminary that shows the existing gravel, the building, the parking and loading, the cross access easement; you can see where it is stubbed out to the lot to the south. There are detail sheets that show the basin infiltration area, the cross section for the DOT. There is a survey a hand drawn one. I also show a hand drawing of the two lots side by side and how that cross access easement would work and how the flow would be. We have no intention of going out to Route 11 but when people unload we suspect that they will come in one driveway unload and then exit the other driveway. We do get semis, we do get customers with large trailers, we also have people with small units and motorcycles. It does get congested.

Mr. Smith: Have you included elevations of the building that you are proposing?

Mr. Patane: I did not. The drawings were shown to Mr. Procopio, but I did not submit them officially. I tried to reach Finger Lakes today to ask them if they could include some.

Mr. Smith: Finger Lakes has done buildings in the Town before. They are familiar with what would be required. I wanted to get you on because I know that you have been waiting to get in for sketch plan. But we will need that.

Mr. Patane: You are welcome to look at the site and to walk around it at any time. Although the construction of the building would be different, the existing building is a steel building; the new building would be a post and beam construction, a pole barn construction. Finger Lakes is pretty good about those. We are looking to mirror the look and feel of the existing building as closely as we can.

I'm hoping that I will be before you again in three or four years as we continue to grow. But today there are certain economics that dictate what my need is. But we have designed the building so that it could be refaced. There are a lot of things that we can do in the future.

I do know that no landscaping was shown on the drawing. That was an omission on my part.

Mr. Smith: How soon are you looking to construct?

Mr. Patane: I think what we are looking to do is start some site preparation this fall, actually build over the winter, and then concrete and pavement would come in the spring. We would do it inside of six months as a necessity to the bank loan. They don't give you a lot of time.

Mr. Smith: We would need the elevations because that would be part of our resolution.

Mr. Parrish: I will get him some comments about what is needed within the next day or two.

Mr. Ruscitto: I'm happy to see you grow.

Mr. Abbey: I look forward to seeing the site plan.

Mr. Patane thanked the Board.

Mr. 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 9:15 P.M.

Submitted by,
Tonia Mosley, Planning Board Clerk

ATTACHMENT A: PAGE 1

October 4, 2013

Planning Board

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

RE: McDermott Subdivision Preliminary/Final Plan
FILE: 0101/25439.4

Dear Board Members:

We have reviewed the following in regard to the above referenced project for conformance with Town Code requirements for subdivision plans and effect on Town utilities and roads:

- 1) Boundary Survey dated April 15, 2009 revised June 29, 2013.
A. Scott Whittaker, P.C. prepared the above materials.

The 3.502-acre site is located on the south side of South Bay Road approximately 500 feet south of Pine Grove Road. The site is comprised of a mixture of lawn, brush and woods and Lot No. 1 of the proposed subdivision contains an existing house and associated improvements. It is proposed to subdivide the site to create two lots of 0.846 and 2.656 acres in area. The site is zoned Neighborhood Commercial but a zone change application has been submitted to change the zoning of Lot No. 2 to Agricultural. The Plans are in general conformance with Town Code requirements for subdivision plans subject to the following comments:

- 1) The site is located within the Cicero Sewer District. An 8-inch sanitary sewer located along South Bay Road provides service to the site. The sanitary sewer main should be shown on the Plan. Details relative to sanitary sewer service would be addressed during review of a Site Plan for the site.
- 2) The site has frontage along South Bay Road, which is a County highway and there is an existing driveway for Lot No. 1. Details relative to site access would be addressed during review of a Site Plan for the site.
- 3) Stormwater runoff from the site is generally tributary to swales on the site that drain to stormwater facilities along South Bay Road. Details relative to stormwater management would be addressed during review of a Site Plan for the site.
- 4) The site is located within the Cicero Water District South Bay Road Extension. The location of the water main adjacent to the site should be shown on the Plan. Details relative to water service would be addressed during review of a Site Plan for the site.
- 5) The site is not located within a floodplain per the 1994 FEMA Flood Insurance Rate Maps.
- 6) The site does not contain wetlands per the New York State Freshwater Wetland Map and the National Wetland Inventory Map.
- 7) The following are comments on other miscellaneous issues:
 - a) The location of utilities adjacent to the site such as gas, electric and telecommunication facilities should be shown on the Plan.
 - b) The bulk regulations for the zoning districts on the lots should be provided on the Plan.

ATTACHMENT A: PAGE 2

- c) Topographic information should be provided or the provision of such will need to be waived by the Planning Board.
- d) A signature block for the Onondaga County Department of Health approval should be provided on the Plan.
- e) The name and address of the owner and subdivider should be provided on the Plan.

Upon approval of the Final Plan by the Planning Board, it is recommended the Chairman delay signing the Final Plan until the Town Attorney has verified the Applicant has the necessary agreements and securities in place.

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

Very truly yours,

O'BRIEN & GERE ENGINEERS, INC.

A handwritten signature in black ink, appearing to read "Mark C. Parrish". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Mark C. Parrish, P.E.
Managing Engineer

ATTACHMENT B: PAGE 1

October 7, 2013

Planning Board

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

RE: Jimmy John's 5785 East Circle Drive Site Plan Review
FILE: 0101/25439.468

Dear Board Members:

We have reviewed the following 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) Existing Topographic Survey dated September 12, 2013 revised October 3, 2013
- 2) Site Plan (2 sheets) dated August 2, 2013 revised October 3, 2013.

Ianuzi & Romans Land Surveying, P.C. prepared Item 1 and Arizado Architecture Design prepared Item 2.

The 0.52-acre site is located on the north side of East Circle Drive approximately 500 feet west of Hogan Drive. The site contains a 2,338 square feet building previously utilized as a bank with a drive through along with associated utilities, landscaping and other site improvements. It is proposed to make some minor modifications to the site and building for a quick serve restaurant that includes sit down seating and pick-up and delivery including a drive through. The site is zoned Regional Commercial. Our comments are as follows:

- 1) The site is located within the Cicero Sewer District. A sanitary sewer located within an easement along the East Circle Drive frontage provides sewer service to the site. A note has been provided on the Plan stating no modifications are proposed to the sanitary sewer service.
- 2) Stormwater runoff from the site generally sheet flows to adjacent properties. As less than 1-acre of land is to be disturbed a NYSDEC SPDES Permit for Stormwater Discharges from Construction Activities is not required for the project. A note has been placed on the Plan indicating existing grades and drainage patterns are to be maintained.
- 3) The site has frontage along East Circle Drive, which is a Town highway. Access to the site is from driveways onto the internal access drives in the Market Place plaza. The project includes restriping of the parking lot and signage to provide for modifications to the site circulation. The Board should review the parking, access and site circulation with the Applicant. The following are comments relative to these issues:
 - a) The 20 feet width of the drive aisle in the parking area on the north side of the building is less than the 22 feet required by the Town Code.
 - b) The 13 feet width of the drive aisle along the angled parking on the south side of the building is less than the 18 feet recommended by the Institute of Traffic Engineers.
- 4) The site is within the Cicero Water District Extension 3 Parcel 1. A water main located along East Circle Drive provides water service to the site. A note has been provided on the Plan stating no modifications are proposed to the water service.

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- 5) The Board should review the landscaping, lighting, signage and buffering with the Developer. The following are some comments regarding these and other miscellaneous issues:
 - a) The proposed lighting consists of wall packs located on the building. The proposed light fixture is not a full cut off type fixture and it is recommended a full cut off fixture be provided.
 - b) Signage consists of a total of 705 square feet of signage as follows:
 - i) A 42 square feet internally lit sign to be located on an existing pylon sign along East Circle Drive.
 - ii) A 87 square feet internally lit wall sign to be located on each of the four building faces for a total of 348 square feet.
 - iii) A 315 square feet unlit decal sign to be located on the south building face.
- 6) 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.
- 7) The site is not located within 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

