

The Town of Cicero Planning Board held a meeting on **Monday, May 17, 2010 at 7:00 p.m.**, in the Town Hall at 8236 South Main Street, Cicero, New York 13039.

Agenda:

- Pledge of Allegiance
- Approval of the Minutes from the May 5, 2010 Meeting (**approved**)
- Site Plan, Public Hearing, Empower Federal Credit Union, 5791 Route 31, Proposed Site Modification (**Public Hearing Closed, To Return**)
- Zone Change, (Sketch Plan), The Landings at Maple Bay, Lakeshore Road, 13 Units (**To Return**)
- Site Plan, Sea Ray Boats, 9122 Brewerton Road, Proposed Dealership (**To Return**)
- Site Plan, Loretto Health and Rehabilitation, Cicero Commons, Proposed Long Term Care Facilities (**To Return**)

Board Members Present: Mark Marzullo (Chairman), William Purdy, Jason Mott, Robert Smith, Richard Cushman and Sharon May

Board Members Absent: Christopher Rowe and Scott Harris (Ad Hoc Board Member)

Others Present: Judy Boyke (Town Supervisor), Richard Carvel (Cicero Fire Department), Wayne Dean (Director of Planning & Development), Neal Germain (Esquire, Germain & Germain), Hon. William Meyer Jr. (Legislator), Chief Pangaro (Cicero Fire Department), Mark Parrish (P.E., O'Brien & Gere), Jessica Zambrano (Town Board Liaison) and Tonia Mosley (Clerk)

The meeting was opened with the Pledge of Allegiance. Mr. Marzullo noted the locations of the 3 emergency exits in the room.

**APPROVAL OF THE PLANNING BOARD MEETING MINUTES FROM 5.5.2010**

**Mr. Smith made a motion** to approve the Planning Board's meeting minutes from May 5, 2010.

**Mrs. May seconded the motion.** The motion was **approved** with the following vote:

Mr. Purdy:	Yes
Mr. Mott:	Yes
Mr. Smith:	Yes
Mr. Cushman:	Abstain
Mrs. May:	Yes
Mr. Marzullo:	Yes

**SITE PLAN, PUBLIC HEARING**  
**EMPOWER FEDERAL CREDIT UNION, 5791 ROUTE 31**  
**PROPOSED SITE PLAN MODIFICATION, NAPIERALA CONSULTING, P.C.**

Representatives: Matt Napierala, P.E., and Neal Zinsmeyer, P.E. Napierala Consulting, P.C.  
Gordon Stansbury P.E., C.T.O. Engineer, GTS Consultants  
Dan Todero, Director of Facilities, Empower Federal Credit Union

Mr. Napierala introduced himself and the other representatives giving a brief review of the project. The site is located at the intersection of Routes 11 and 31. The Empower building was remodeled over the summer. Today, we are dealing with access and the ability to improve that access so that customers have safe movements onto Route 11. To do that Empower has formed an agreement to purchase the neighboring property to the north.

This shows Empower's existing property line and the Condon property to the north. That property is proposed for consolidation/subdivision. The demolition plan shows that the front access, the building and improved areas on the Condon property would be taken out. We are proposing to have an access piece from the drive through lane that would come out to a new driveway. Our discussions with the NYSDOT and the Planning Board included providing a future access to our neighbors to the east as well as some potential for a common access drive. Instead of the right-in, right-out that is close to the signal, we would push the access point further to the north to allow more freedom of movements for a full access including left-in, left-out into this site as well as the ability for our neighbors to the east to have access off Route 11.

From our last meeting we have received Mr. Parrish's and the Board's comments. Our package from May 3<sup>rd</sup> tries to address those comments. Mr. Stansbury did go back out to the site. I will ask him to address your traffic concerns.

Mr. Stansbury: The Board wanted conformation of the DOT's approval. We provided the email to Mark which notes the DOT's acceptance of our original traffic assessment directing us to proceed with the design accordingly. So, the plan that we have presented is the plan that the DOT approved.

We were asked about the criterion used to determine the driveway's distance. It really comes from working with the State. They wanted to maximize the distance between Route 31 and the driveway so we pushed it as far north as we could increasing the storage distance to 80' from the southbound stop bar to 159'. Part of that question was what is the DOT's standard requirement? Typically, they do not allow a driveway within 100', so we would be moving the driveway outside of their typical limit.

The existing storage distance from the stop bar itself to the existing driveway is currently 77'.

Mr. Smith: How many cars does that allow?

Mr. Stansbury: We typically assume 25' per vehicle which would give you 6.5 vehicles. There was some discussion about Wednesday traffic versus Friday traffic including truck traffic and what kind of impacts that would have. We did two additional days of data collection from three distinct time periods observing traffic ques in the southbound direction. We took traffic counts for both driveways on Routes 31 and 11 plus observed heavy vehicles. The counts were done from 4:30 to 5:30 based upon the original peak hour that we identified. The traffic volumes were comparable on both the Wednesday and Friday with roughly 1,000 cars north/south on Route 11 and about 2100 vehicles east/west on Route 31.

We found that during the Wednesday evening peak the real movement of traffic for the auto auction occurred between Route 81 and the site. I have done studies for the auto auction. The main movement of traffic from their storage site on Route 11 down to the auction site really occurs over the course of the day—even on Tuesday and Monday—before Wednesday's auction. There is not a major flow of truck traffic or car traffic for the auto auction on Wednesdays.

Looking at the truck traffic the volumes are relatively low---5 to 10 heavy vehicles southbound on Route 11 during the Wednesday or Friday. That was generally 1-2% of the traffic. Generally it did not impact the overall ques.

On Friday we observed 3 cycles of the light where our proposed driveway would be blocked. So, the left-turning traffic going southbound would just block past the driveway and then the light turns green and they clear.

On Friday there were 12 blocks out of the 40 but that was not caused by truck traffic or the southbound traffic on Route 11. There was a 5 minute period where the Route 31 traffic backed through the signal. People did not let cars southbound on Route 11 go through. They would que right through the light so that when south got the green light no one was moving.

Mr. Smith: So it would not have mattered if you changed the driveway or not.

Mr. Stansbury: Correct. It would not have made a difference. As Matt noted the driveway today, even being as close as it is to Route 31, is operating as a full access driveway. We observed about 8 or 9 vehicles turning left out of the driveway during both days data collection. We also observed about 3 or 4 vehicles turning southbound left in during both days data collection.

We talked about trip generation and how much traffic the site generates. Using the IT trip generation a comparable site---looking at the bank and the retail combined---would be expected to generate about 85 vehicles. Our counts observed 92 vehicles accessing the site on the Wednesday and 153 on the Friday. Either way the worse case that we saw was 72 vehicles entering and 81 exiting. If those 81 vehicles were all to use the proposed driveway, they would use about one third of the gaps that we have available. So, we have no concerns that the traffic volumes can accommodate the flow that we expect.

Mr. Marzullo: Atypically, you have your driveway closer to the driveway to the north of the property. You described some possibility of conflict or confusion. What do you mean by that?

Mr. Stansbury: There was some discussion with the state about how close the drive would be to the insurance companies' driveway to the north. I see it as a lack of conflict because a southbound left turning vehicle will be slowing down. They are so close that they would basically be turning left at the same location. Secondly, a vehicle would pause behind another vehicle moving left. The one place where you could have some confusion is as a vehicle turns right-out if another vehicle was turning left-out of the driveway to the north. In reviewing that site and our site with discussions from the state it was determined that the traffic volumes are low from the insurance company. They generate 5-10 vehicles per day. It is not a heavy volume. I observed one car coming from there during the peak hour, and assumed that was someone leaving work. As the DOT noted, if that site was to ever be re-developed, they would make a requirement

that a cross access be connected into this driveway, thus closing their Route 11 access. My conclusion is that the conflict is minimal.

Mr. Marzullo: Where are those comments by the DOT?

Mr. Stansbury: It was just a general discussion. That is why they required us to provide the easement. I don't have that in writing.

Mr. Marzullo: The state requires a 100' minimum?

Mr. Stansbury: Yes, from a traffic signal to a driveway.

Mr. Marzullo: You have 159' here. Did you give any consideration to moving the proposed driveway slightly south so that there is a larger gap between the two driveways? That would increase the distance between those two driveways and give you a little more space for snow storage.

Mr. Stansbury: That would be feasible, but as I noted the location is really based upon discussions with the DOT. They wanted to maximize that separation.

Mr. Napierala: We believe we have appropriate gap areas on the south side of the driveway for snow storage. We also have a pretty good size snow storage area here for a plow to plow forward and discharge the snow piles.

More discussion occurred.

Mr. Smith: Would you agree to not put snow on the north side of the driveway?

Mr. Stansbury: As Mat has identified, the goal is to put the snow on the south side.

Mr. Cushman asked a question about the distances. I did some research with the DOT and it is very clear that their distance is 100'. I was told by the individual that I talked to the concept of the driveway was approved, not this particular driveway. Secondly, it is clear that the NYDOT

States it is from the street line to the widest part of the driveway where they measure their 100'. On your plan you have 159' to the center of the driveway. There is no place in the Cicero Code, other than increasing the distance from 100 to 150, where it says that you can measure from a different place. I believe the standard has been set by the state. If that is the case, you do not have enough room.

Mr. Stansbury: I would like to address the first comment that you made. By no means has the DOT approved this because we have not submitted design plans. The DOT has conceptually approved it and they have said to advance with the design plans. So, I agree with your statement and if I conferred that the DOT has totally approved the plan, they have not.

I understand the comment with the spacing. My understanding here is that the goal is to maximize the storage. My focus has been on the state's requirement of being outside of the 100'. Again, conceptually they have approved it. I guess I would question how close are we going by the Town's standards?

Mr. Napierala: I guess what we really have to look at here is the big picture. We have an existing operation. This is a re-model of an existing approved site. We are trying to improve the site for the safety of Towns people who utilize the site and this facility. There is no question that the standards are there and that the standards are there for a reason. For right now, in Gordon's professional opinion and in our office's professional opinion as engineers, we have a relatively unsafe situation here that we are trying to improve. There are limitations as to how we can improve that situation.

We talked about moving the drive further south. In the discussions with the DOT they are saying push it as far to the north as you can while still meeting the other limitations and create a safer situation. That is what we are trying to do.

Mr. Cushman: This site has always had traffic problems. The original bank had to get a variance because of the traffic problems. It is now years later and we have a failed intersection that has been studied many times. Now we are going to put in a driveway and put more traffic into that failed intersection.

More discussion occurred.

Mr. Smith discussed the driveway on Route 31. When people try to come out of here and illegally turn to the east, they have to cross three lanes of westbound traffic. They have to try to get across at least one lane of eastbound traffic. And, they have to contend with a right-on-red where people don't pay attention. I understand that the traffic situation is terrible there, it always has been. But, this is an improvement. This makes it a little safer than it is going to be for some time. It would be wonderful if the State of New York was going to come in and fix Route 31 and Route 11. At the very least we should be looking at what we can do now to help the situation until it can get fixed. It will be a lot safer for drivers who want to go east on Route 11, to go out Route 31 and then make the left. This is reasonably the best we can get for now. For the money that it is costing them, Empower does not have to try to fix the problem.

More discussion occurred.

Mrs. May: I am a member of NAVAC Ambulance Services and my concern is for the Fire Department across the street. When they get an alarm they have to cross over three lanes of traffic to turn south. It is a big safety factor with all of the cars at the intersection. This driveway coming out of the bank it is going to create a big traffic hazard. The Fire Department's overhead doors would be directly across from the proposed drive.

Mr. Stansbury: My first response would be that I don't see this as significantly changing the traffic patterns from what they are today because people already make the illegal left turn. I would expect volumes to be fairly comparable to what we are seeing in our counts. It is just that we are improving the location and the safety of that operation. I think that this could benefit the Fire Department to some level. The average traffic queues are blocking the current driveways. So you have people doing u-turns on Route 11 in front of the Fire Station or turning around in the Fire Department's parking lot. This improvement could change that.

More discussion occurred.

Mr. Marzullo: Obviously, the traffic pattern there is not ideal. I am also grateful to Empower for looking at improving the site for their customers. I want to make sure that we get it right. I think that we need to do due diligence to make sure that the process is done right and to make

sure that we have no impact on the adjoining properties.

Mr. Mott questioned drainage stating that he had visited the site twice. The property in the mall area is substantially higher. It looks to me that it falls off a good 6-8 feet. I'm guessing that you would probably push all of the snow to that back corner. You have three properties there. It is a muddy mess back there. If we move forward with this I am looking for our engineer to help figure out the drainage.

Mr. Parrish: I would agree. As far as fixing it, it is a low area. The drainage way out of there is very flat and not really maintained. It goes across adjacent properties. I don't know if there is much that we can do realistically to improve the downstream drainage conditions. We have suggested that they do make some modifications to their proposed drainage plan which currently calls for outleting the storm sewer system that they have to the northerly property line.

If they do that very little of the site would be draining onto the adjacent property and probably less than what it currently does. Any of the water that might pond because of the snow, would pond on their property.

Mr. Napierala: We just received that comment from Mark and are more than happy to provide that. We are agreeable to providing a dry well and to get as much as the impervious area directed into that.

More discussion occurred.

Mr. Smith: So, if they follow your suggestions it appears to you that it is not going to increase the water going onto the adjacent site and that it might actually help to decrease it slightly.

Mr. Parrish: Yes. As far as storm water goes you are going to have minimal runoff. We have talked about snow storage and snow melt. I suspect that you are still going to get some snow stored in that area. It will melt and drain over to where it currently does. It is a low area. It is wet and it will continue to be that way.

Mr. Marzullo: Mark, can you explain the differences between the rain garden and the dry well?

Mr. Parrish: A drywell is essentially a catch basin, a typical concrete structure. You put holes into it so that the water can drain out into the surrounding soil. There is usually stone and a fabric filter around that to make sure that it does not get clogged up with sediment, etc. The rain garden is essentially a landscaped area that is made to accept stormwater runoff. The plants that are put in are the type that can take that periodic inundation with water. The rain garden does not work if you don't keep it maintained and the vegetation in it.

It is probably easier to go with the drywell particularly since they have some on the site already, which seem to be working adequately. I would probably tend to go in that direction.

Mr. Smith: Does the applicant agree?

Mr. Napierala: Yes we do.

Mr. Marzullo: There was some discussion about a subdivision?

Mr. Napierala: Last time we talked about the ability to create a single lot. We understand that would be done administratively, at the time of acceptance. We have legal agreement with property, but we do not have ownership yet. We can not file the map until we do. This slide shows the three lot plan that would be combined into one upon Empower purchasing of the property.

We talked a little about landscaping in terms of buffering the insurance company to the north. We have to leave a potential access to the insurance company. If that property becomes turned over there is the ability to access this point and eliminate that driveway conflict.

We show some additional landscaping on that north end. Our intent is to leave the northeast wooded area, keeping that as buffering. There is more landscaping interspersed within the movement area. As you can see from the facility as it is today, Empower maintains their property.

More discussion occurred about screening and sight distances.

Mr. Parrish: The provided access easement for the property to the north shows a 30' width. I would recommend that we increase the width, more to the east, at least to the jog in the property line that is off the corner of the garage on the adjacent property. That would allow more flexibility in a potential cross connection, if it was ever made. That should be reflected on the subdivision plan also.

Mr. Napierala agreed.

Mr. Germain: The easement should also run in favor of the neighbor to the north. On the plan it states to the favor of the Town of Cicero. That would be the same for the one coming up the east side of the property to allow connection to your ingress/egress point now. That one should run to the neighbor to the east.

Mr. Napierala: I understand.

Mrs. May: Is there a dumpster currently on the property? Is it enclosed?

Mr. Napierala showed the dumpster's location and agreed that it should be enclosed.

Mr. Marzullo: Onondaga County Planning recommended that the 6' easement for ingress/egress along the easterly portion be a minimum of 15 feet.

Mr. Todero: That is actually a 12' easement, 6' on either side.

Mr. Parrish: You can certainly ask for that to be done. To me it is an existing access easement. It seems to have been working. That is the Board's call.

Mr. Marzullo opened the public hearing at 7:45 p.m. He asked if there was anyone to speak in favor of the proposal.

Carol Doucette, daughter of Marion Condon: We talked about statics and we have talked about figures. I would like to talk about the reality that is facing my parents. We have been fortunate to be working with the people from Empower. I am pleased with how professionally they have

handled this matter. The Town should be excited that you have businessmen and corporations that want to come in and work with you. They would be making this improvement without cost to the Town.

The best thing that could happen to the adjoining property owners would be to take down that building that is obstructing Mr. Meyer's property. It is an eyesore that has been vacant for a year and a half. This is an opportunity to take it down and improve that area. I agree with Mr. Smith. This would take some of the traffic off Route 31 and make it safer. I can assure Ms. May that every single day, all day long cars are turning right out of that property and going into the firehouse to return to the street. It happens all of the time.

I appreciate Mr. Mott's concerns about drainage. When the shopping mall was approved several Boards ago, the drainage problem was solved by the water being dumped into my parent's basement. I appreciate your concern.

My parents are in their eighties and are on a fixed income. There is nothing that they can do to take the property down. It would sit there until it falls apart. I am asking this Board on everyone's behalf—the property owners, the businesses to the other side, the other people who access the mall---that the decision is made quickly and that the decision be yes. Thank you for your time.

Mr. Marzullo: Are there any other speakers in favor of the project? Is there any one to speak against the project?

Mr. Meyer presented the Board with handouts. My wife and I are the owners of the property referred to tonight as the property to the north. I am here tonight to speak in opposition to the application as it is presented. With me tonight is Jim Napoleon for Napoleon & Associates and John Franz from Shumaker Engineering. It is interesting to hear statics about traffic going in an out of the location and interesting to hear numbers that are totally false. I will try to dispel some of those comments.

I would be out of business if there were only 5 cars coming in and out of my location everyday. I see your job here this evening as if there are traffic safety issues then you have an obligation

to turn down this application. Second, if you see drainage problems it is again your obligation to turn down this application. Third, according to long term planning issues for the Town of Cicero it is my view that you should turn down this application.

I would like to thank the Board for their cooperation and patience with this project that has gone on for a great number of years. They are correct in the issues of drainage and traffic over the years. When I was doing some review of this application, most of the points that I am going to make tonight were from the testimony given by the Condon family when they were in opposition to the right-in, right-out application that was done a few years ago.

In your packet you will see an accident waiting to happen article from the Syracuse Newspapers. It was very inclusive in that it was from an SMTC study that was done in 1996. It revealed that area had twice the accident rate of a normal New York State highway. In that article Chief Snell went on in great length about the danger in that area along with the tow truck operators of the area.

The next item is a 1998 letter from the NYSDOT. Part of their comments addressed a full access driveway. They were definitely opposed to it for a number of reasons including the safety of people going on the highway and those going in and out of that particular location. The initial application was Jiffy Lube, which is now Frank's Restaurant. One of their reasons for turning it down was traffic circulation. I feel that is pertinent to tonight's discussion.

On the other part of the intersection was the well known Fastrac property proposal. The Planning Board turned down that application for a number of reasons. In addition to the driveway access you also sighted internal circulation, internal traffic. In my opinion that is an issue here this evening.

I have heard comments about a lot of studies. I found a January 2003 Barton & Loguidice study. On page 2 they specifically site 31/11 as a failing level of service. On page 13 they noted that there would be an increasing amount of traffic. On pages 22 and 25 they state not only during the traditional Monday through Friday, but Saturday has a failed level of service.

I would like to thank Mr. Parrish for his comments from the minutes of the Monday, August 9<sup>th</sup> regular Town Board meeting. He is quoted in the minutes as saying that there is a letter from

the NYSDOT expressing their concern with traffic carrying capacity and the continued commercial development on the Route 11 corridor. The NYSDOT notes that the Town has been advised to reserve capacity of Route 11 with the Country Square Plaza project which would cause serious traffic mitigation requirements. They go on to criticize the Town for piecemeal development and encouraged them to take other actions.

This is an overview of where the properties are showing my parcel, the Condon parcel and the Empower parcel. This next one shows the plans for the then Cicero Bank and the strip mall.

This project has been shoe horned from the beginning. The ZBA minutes from May 1, 1989 quotes Mr. Murphy as saying you are putting 90' where 80' fits. ZBA minutes from 2004 quote Mr. Shupe as saying they can not put all this snow, in essence water, onto the property. The Condon family and I have had significant water issues in the back. In my non-engineering opinion, when the original strip mall and bank was put in, in essence a detention area was made---not by design. This next slide gives you an idea of what the Condons and I have seen for a while. The strip mall area is significantly higher. You can note from the cattails and so forth that this has gone on for a period of time.

The next item is the cover sheet for the Clay/Cicero Route 31 transportation study. I offer it as a tool for this Board's use. It was developed by outside professionals.

The next item is a letter from Dr. Black who owns the property behind my property. He is on record in opposition to this proposal.

A note was made on the application as far as this being consistent and/or customary in the area. I take exception to that. I have an appraisal done by Harlan La Vine, a qualified appraiser for all departments of the State of New York. Mr. La Vine has worked for the Cities of Syracuse and Utica, Carrier, the Town of Clay, the NYSDEC, the Bank of New York, etc. In Mr. La Vine's opinion, the items I have outlined---drainage, traffic and planning issues---are going to have a pronounced negative impact financially on my property. I urge you to consider that in your decision.

The next item is a short environmental assessment form which Mr. Napoleon will address.

Mr. Napoleon introduced himself. I have been working as a traffic engineer in Onondaga County since the middle 70's. I have done several jobs for the Town of Cicero and for applicants who have come before this Board. The short environmental assessment form submitted by the applicant basically says there is no impact, either traffic or drainage. I take issue with that and will address the traffic related impacts. Mr. Franz will address the drainage related impacts.

I feel that there are unanswered questions. What is the perceived benefit to Route 31 and Route 11? You heard an engineer say that the signalized intersection works. It either works or it does not. Each particular leg of the intersection is simply one part of it. When one part fails it is because the other legs or approaches of the intersection to the traffic signal demand service time that they are not getting. Therefore, when I see the west bound left turn lane on Route 31 jammed all of the way back to Route 81, and only 10-11 cars getting through on a green cycle with the rest simply piling up behind them, I say that intersection has failed. It is over loaded.

Mr. Smith: The applicants have provided counts, traffic counts. I can't find the counts that you are basing your numbers on.

Mr. Napoleon: I am not refuting the numbers. I am refuting the statement made to you that the intersection operates satisfactorily. It does not. The next question is will the proposal generate additional traffic at the site? They are spending a lot of money. Are they going to generate more traffic? Well, I think that they are saying yes but they haven't really come out and said it. Are they going to be generating more traffic? If so, how much more traffic will be generated? Have they analyzed it? They have not analyzed the intersection or their own driveway, or driveways plural.

Has the NYSDOT provided or been requested to provide accident statistics for the intersection and its environment? I have heard discussions about safety and accidents. I have not heard a collision diagram. I have not seen a route listing of the accidents. It can be requested of the NYSDOT and it can be done by the applicant. In my mind it should not be done by a concerned resident.

Has the applicant prepared a collision diagram showing the existing accident patterns? If there is one I have not seen it. To say that safety will be increased, without knowing the safety

deficiencies is meaningless.

Mr. Napoleon presented additional information regarding traffic operations, illegal u-turns to avoid ques, issues regarding the proximity of the proposed driveway to Mr. Meyer's driveway, NYSDOT's reluctance to issue permits for driveways with two exiting lanes, safety, blocked traffic, the ability of emergency vehicles to function, government safety standards, meeting Cicero's codes, etc.

Mr. Franz introduced himself. I have about 40 years of professional engineering experience. Mr. Meyer asked me to look at water paths on his property. As Mr. Napoleon mentioned, the short environmental form stated that there were no impacts for drainage. We are concerned about water going north onto Mr. Meyer's property. There would be more pavement and imperious surfaces. I heard the discussion on rain gardens and drywells. Has anyone studied the perk in the area? What is the capacity of the rain garden? How much water in the different storm events will be going there? Will it overflow? My guess is that it will not be able to hold all of the water. Where would that water go? I believe it would go onto Mr. Meyer's property.

My slides show existing water along the edges of Mr. Meyer's property. There are water problems there now. To put more water there would be a detriment.

Mr. Marzullo: Are you suggesting with the re-design, more water will go there?

Mr. Franz: It sounds like more water will not be going there, but if it is going to be retained, what is the capacity of the retention? It is only going to be able to hold a certain amount of water. More water will be produced from the increased impervious area. I am not convinced that it can all be captured and not discharged onto to neighboring property.

Mr. Parrish: To address that concern they can do some calculations to determine the volume available and whether or not that will contain the storms. They can certainly do perk tests. Again they have drywells out there that seem to be functioning well. If you are uncomfortable with that you can certainly request more information.

Mr. Franz requested that information.

Mr. Smith: You are here as a professional. Did you do any calculations?

Mr. Franz: We did not do any calculations. At one time there was a proposal for a 6" pipe in this low area. I think that has been eliminated. That is good, it was a concern. We talked about cattails. I brought a wetland expert, Eric Watson from Shumaker Engineering, to Mr. Meyer's property. We took soil samples along the property line. His conclusion was it definitely looks like a wetland. Without doing more study, we can not determine if it is a federally regulated wetland. It appears like it is. It does have hydrophobic vegetation, hydric soils, and wetland hydrology. We would have to do more studying to determine if this was connected to what is considered a traditional navigate-able waterway.

It is my position that it is a wetland. The question then becomes what are the boundaries of that wetland. That would need to be done with a wetland study to determine how much would be filed with the new driveway. Would it need mitigation or an Army Corps permit?

Mr. Parrish: Our letter notes that the international wetland inventory map does not show wetlands in the area. That does not necessarily mean that there are not wetlands on the property. As Mr. Franz indicated it would have to be delineated by a wetland specialist.

Mr. Smith: What about NYSDEC?

Mr. Parrish: No.

Mr. Smith: So there is no delineation by the normal accepted sources?

Mr. Parrish: The general mapping does not show wetlands in that area. The DEC mapping is fairly accurate. But, again you would have to do a wetland delineation to determine that.

More discussion occurred regarding wetlands and snow storage.

Mr. Meyer presented a drainage photo showing the back of the Condon property dated 3/2010. He noted Empower was the owner/operator of the site at that time and that a sloped area that was supposed to be on the site that was on Dr. Black's property.

Mr. Joseph DiFabio: Has the proposed setback of the proposed driveway from the street line intersection been established at 159' or is it within the 150' required by the Town?

Mr. Parrish: I think the Town's code basically says that the driveway needs to be 150' from the street line intersection. Street line intersection is defined as the intersection of the rights-of-way on either side of the property. That is defined. In this case it is muddled up a little because there is a corner portion that has probably been taken over by the DOT, so you don't have a 90 degree intersection. Assuming the worse case point of the intersection the distance to the centerline of the driveway--which is what we have typically measured to and again the code does not specify where you measure to the driveway but the practice has been to the centerline--I believe is 162'.

Again, the question becomes where do you measure on the drive, whether it is the center line, whether it is the throat width, whether it is the point where the radius meets the edge of the pavement or meets the edge of the existing road? There is some ambiguity in the code. The first line of interpretation is Wayne's office. He would have to offer an interpretation. If someone disagreed with that, they could challenge it by taking it to the ZBA.

Ultimately, if this property does not meet that, they would have the option to request a variance. I am doing this from memory, but I believe they got a variance for the existing driveway, the right-in, right-out.

Mr. Marzullo: In your opinion, based upon history it does?

Mr. Parrish: Yes. But, it is not up to me to make that determination.

Mr. Marzullo: Wayne, are you prepared to do an interpretation of the code?

Mr. Dean: I will look at that.

More discussion occurred.

Chief David Pangaro: I have a few concerns with the design of the new exit/entrance. I do think moving the exit/entrance further north will be a safer exit for people traveling north. But,

the current traffic on Route 11 as it sits going southbound in the turning lane and the south lane blocks all of our apparatus bays. When we respond to a call we sometimes have to go north and then cut back south to proceed. No matter how this goes we will still have to do that. It is a danger to us and to the citizens in the Town who are traveling that way.

The people coming out of the proposed drive heading south will have to cross two lanes of traffic into an already congested southbound lane. Hopefully they are smart enough to wait for an opening to go through. Reis Drive has this problem and has a lot of accidents. I fear that we will have the same thing in front of our fire department.

My other concern is making a longer line of traffic heading south that blocks the entrance into the fire department for our responding members. They might have to sit and hope that someone lets them go through.

My last concern is for safety and snow removal. You discussed pushing snow to the south corner of the exit/entrance. I have a concern for that building up and potentially blocking the view for cars trying to pull out.

Again, moving it further north will hopefully de-congest, but the fire department has to face those other potential hazards. I think that until the state steps in, we are going to have these problems up and down Routes 31 & 11. Please keep those things in mind.

Ms. Doucette: Mr. Meyer talked about some of the opposition that my parents had with the initial building of the site and the right-in, right-out. The opposition that they had was due to the fact that they were living there. It was a residence. My mother was uncomfortable with the traffic that was close to her drive as her grandson played outside.

As far as the wetland issues go, my family has owned the property for over 100 years. We used to have a garden in the back. I can guarantee you that there are no wetlands in the back. The only reason it is wet now is because the drainage from the mall comes down into that lot and my parent's house. Any wetland created was due to the drainage.

Some of the information presented by Mr. Meyer was from the 1990's. I would like to see

more updated information. Empower does not have to do this improvement. They are doing it because they want to make it safer and better on there property. Any changes would increase the value of Mr. Meyer's property and his business. I can't help but think if Empower had come to Mr. Meyer asking to buy his property, we would not be standing here this evening.

***Mr. Marzullo closed the public hearing at 8:45 p.m.***

Mr. Smith noted additional clients of Mr. La Vine that Mr. Meyer did not include.

Mr. Cushman: Do you have Section 90-2 of the Town Code with you? Can you read what it says about stormwater runoff and drainage? The regulations are specific. Mark mentioned that we are going to try to eliminate as much as possible. That regulation simply says there will be no impact on neighboring properties. It does not say some or a little. The purpose of this section is to assure that there is no impact on neighboring properties.

Mr. Marzullo: I think that we need additional information on the drainage issue and how the drywell would correct additional drainage going north. I don't know where we are with wetlands. Mark is it your recommendation that we require an additional study?

Mr. Parrish: It really is up to the Board. Information has been provided at this public hearing that there might be wetlands. It is up to the Board to take that information and decide whether or not it is valid enough.

Mr. Marzullo: Does the applicant have input on that question?

Mr. Napierala: Our approach would be similar to what Shumaker has done. We would bring a biologist to the site and we would render an opinion in a letter form of report. If that biologist indicates that there is a potential for Army Corps Engineer jurisdictional areas, we will report that to the Board.

Mr. Marzullo: That seems reasonable.

Mr. Parrish: You would also need a reading on the Town's code from the Codes Office relative to the 150' issue. I don't know if the Board is going to give any other direction relative to any of

the other traffic issues that were brought up. Again, that is up to the Board.

Mr. Germain: I would say that you would need to make an assessment of the information that was provided. Then you may request the applicant to respond to it. Although I don't think that the applicant was provided a copy of information that you received. It would be unfair for him to comment on information that he does not have.

Mr. Napierala: We can respond to any and all but we prefer that the Board directs us to what areas we need to respond to. That would give us a clear understanding as to how you would like us to respond.

Mr. Marzullo: Fair enough. We can't give you that tonight.

Mr. Napierala: If we could do that similar to how Mark responds to us within the next week or week and a half, we could be prepared to answer that at the next available meeting.

**ZONE CHANGE/SKETCH PLAN  
THE LANDINGS AT MAPLE BAY, LAKESHORE ROAD  
13 UNITS, IANUZI & ROMANS**

Representatives: Art (Chip) Helmbold and Art Dempsey, Ianuzi & Romans P.C.  
Mike Lopresti, MLSC Development LLC

Mr. Helmbold introduced himself and Mr. Dempsey. We are here tonight representing MLSC Development for a residential subdivision. It is about a 2.7 acre site along the eastside of Lakeshore Road along Oneida Lake. It is presently zoned R-10. Formerly it was a marina/bar.

We are requesting a zone change to a PUD development. We looked at it from an RM standpoint. The structures would be similar to townhouses owned by individuals, single family units. It will be a completely private homeowner's association. Everything, including the road, plowing, building maintenance, lawns, landscaping, etc. would be maintained by the homeowner's association. There is a marina incorporated in this. We will get involved with the

Army Corps with that. The developer wants to go with upper-end developments, 13 units. There would be about 300' of private road. The Town would increase its tax base at virtually no cost. We have received favorable comments from the north property owner, Mr. Peterson. He is here tonight. The developer is trying to get a hold of this property owner here, which might get incorporated into the development.

We would like to go ahead with the project. Tonight we would like to hear the Planning Board's comments to get more detailed drawings done. An engineering firm has been contracted to do the stormwater management. They would probably use this area here. There is no storm water quantity it would just be quality of whatever is discharged.

Mr. Cushman: How much of this exists now? Does all of this need to be dug? What time frame are you looking at?

Mr. Helmbold: All that exists is the former marina. They will probably need to do some dredging and cleaning up of the area. If we can get some positive comments tonight we will look into it immediately with Mr. Morse.

The marina would be for residents and their visitors. There is a visitor's dock here. It would be a private marina.

Mr. Marzullo: Will there be shore power at the docks?

Mr. Lopresti: We are still in the budget phase to see what exactly is involved and how many amenities that the association wants to take on to make it affordable. Ideally we would like to have it, but I'm not sure. It will only be for residents.

Mr. Smith: This was presented to us a while ago at a workshop. The project still looks good. What happens to the Onondaga County/Oswego line? Currently, when you hit the water you are in Oswego County. Is that correct?

Mr. Helmbold: Yes, it follows the edge of the marina.

Mr. Dempsey: I don't have that legal information, but I know what happened to Fisher Bay Marina which is currently under construction. The Corps looked at that as being up into the mouth. Where it opened up into the lake was their jurisdiction. Everything else was considered the Town of Sullivan.

Mr. Smith: At some point we should have an answer to that. We see the sidewalk that you have. At the workshop we discussed the land across the street and making it easy for folks to walk over. Are you still looking at that land to build houses?

Mr. Lopresti: Yes. That parcel is 27 acres, but I don't know how much is actually usable because there are wetlands involved. We are trying to find out more details. We left that in our design to have the opportunity for that access.

Mr. Smith: So these people would have some sort of lake rights?

Mr. Lopresti: Exactly.

Mr. Helmbold: But for right now we are just focusing on this piece of it. It does not depend upon what happens across the street.

Mrs. May: If the homeowner's association fails, who would maintain the roads? What about fire protection and police? That would be of some cost to the Town.

Mr. Helmbold: I misspoke. The Town would provide fire and police protection. I meant as far as the development costs up front for putting in the road and maintaining that road, there is no cost to the Town.

Mrs. May: I also have a concern about how a fire truck or ambulance would get to the marina. I don't see any access to the marina if there is an injury or a boat fire.

Mr. Helmbold: Those are the types of comments we are looking for to help finalize the plan. We don't have a definite plan as of yet.

Mr. Mott: Isn't there an existing gravel road that goes to that point?

More discussion occurred.

Mr. Smith: At the workshop we discussed sewers and how this would work into the sewer district. Would the Town be responsible? What kind of easements would be needed for utility access?

Mr. Lopresti: I believe that we were going to dedicate the sanitary sewer and provide an easement over it to the Town. Then utilities and storm water would be considered private.

Mr. Smith: How would the PUD handle the utilities and the easements?

Mr. Lopresti: The easements would probably be conveyed to the Town.

Mr. Germain: You could put an easement across the road if it is dedicated from the owner. But the problem we would run into is down the line, if it is not the same owner, you could have difficulties. You have to be careful about what rights you are getting and what rights you are giving up---what you can do to their private road.

Mr. Parrish: This is kind of a sketch plan review. They need to take the comments gathered tonight and begin to advance the plans. For the zone change the Board would refer this back to the Town Board with a recommendation. You would review the detailed plans and make that recommendation.

Mr. Germain: At this point you are just giving direction so that the applicant can focus their efforts. You aren't going to vote on anything tonight.

Mr. Parrish and Mr. Germain agreed that the Town Board is not expecting anything back at this point.

More discussion occurred regarding the steps the Planning Board should take for a PUD zone, possible noise concerns from the neighboring marina/bar and the buffering needed, looking at the entire project, lake rights, two driveways onto Lakeshore Road, wave action and protecting the beach area, etc.

**SITE PLAN, SEA RAY BOATS  
9122 BREWERTON ROAD, PROPOSED SEA RAY DEALERSHIP  
BRAD SMITH AND CRAIG DESORMEAU, P.E.**

Representatives: Brad and Geoff Smith, Sea Ray Boats  
Craig Desormeau, P.E.

Mr. Desormeau introduced himself and the applicants. The plan that you are looking at is a Phase I existing site plan. It shows the existing buildings, paved areas and graded areas. The site is 2.2 acres. Phase I of the project is putting a sign on the existing building and painting the building a light blue.

This next drawing shows the existing building with a new 40 by 80 structure, an additional 4,000 square feet. It shows additional parking and a larger gravel area to the rear. There are details for signs and drainage. The Phase I sign is shown here. We are proposing a sign out near the power lines property that would be visible from Route 81.

Mrs. May: This is similar to what you proposed in the past?

Mr. Brad Smith: At one time we looked at the Plaza on the corner of Route 11, but we were never able to come to terms with the landlord. We are currently located on Bartel but our ultimate goal is to own our own property.

Mr. Smith: At the workshop you stated that you would be willing to totally vacate the Plaza if you received approval someplace else.

Mr. Brad Smith: That is correct. Our current lease expires in roughly five months. We are looking to move relatively quickly and then work on the building's addition.

Mr. Desormeau: There is very little that needs to be done to the existing building for them to move.

Mr. Smith: At the workshop we asked for better elevations including colors and what the building would look like, pictures of what is currently on the site, a schedule of the phasing sequences, etc.

Mr. Desormeau: Those things are on the drawings. The bottom of the building will be the same corrugated siding that you see at the top. The whole thing will be metal siding all of the way to the bottom. This is the type of sign that we are proposing.

Phase I—Paint existing building, install building sign, windows and doors, done mid 2010.

Phase II—Install soffit on the existing building with a permanent sign, install new driveway cut and parking area, and install gravel to limits shown. That would be done in the spring of 2011.

Phase III—New building done mid 2011.

Mr. Dean: I am concerned about how many boats you can park and where, what areas are paved and if the Board is going to require that all display areas be paved. I was also concerned with screening the back area that would be used for boat storage.

Mr. Smith: We discussed that shrink-wrapped boats would be stored behind a barrier. We require more details.

Mr. Marzullo: We need a sample of the siding with colors. Is the number of boats that you want to store in each phase here?

Mr. Desormeau: Yes, on the pdf copy. I also have two hard copies. Are we complete enough to give a referral to the County?

Mr. Parrish: Ultimately, you want two curb cuts?

Mr. Brad: Yes. If the state does not want us to have two, we would close up the existing one.

Mr. Parrish: I would suggest that the Board, wait until the feedback from the state to make a decision. The state does not typically allow two curb cuts.

More discussion occurred.

**Mr. Smith made a motion** to send the Sea Ray Boats site plan application to the County for

their approval with the understanding the NYSDOT has not yet approved the plan. The applicant and the Board understand that whatever the NYSDOT says we will have to live with.

**Mr. Cushman seconded the motion.** The motion was **approved** with the following vote:

Mr. Purdy:	Yes
Mr. Mott:	Yes
Mr. Smith:	Yes
Mr. Cushman:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

**SITE PLAN, LORETTO HEALTH AND REHABILITATION  
CICEERO COMMONS PROPOSED LONG TERM CAR FACILITIES  
PIONEER COMPANIES**

Representative: Alex Wisniewski, P. E., LJR Engineering  
David Norcross

Mr. Norcross introduced himself and Mr. Wisniewski. We are before the Board for site plan approval, ultimately a recommendation to the Town Board to amend Phase II of the previously approved PUD site plan for this project. We have submitted a set of drawings to Mark Parrish for his review. We have also submitted a long form EAF. Under SEQR the Planning Board has declared itself as lead agency and I believe has made the appropriate referrals to the involved agencies and SOCPA.

The site plan is similar to what we presented in the past. The project's size continues to be 18 acres. There are 13 single story skilled nursing homes proposed. Each home is 8147 square feet. The intent is to have 12 single occupancy rooms per dwelling unit for a total of 156 beds. One commons building is shown in the southerly end. It is 2574 square feet. It is for administrative support with the potential for holding community functions.

Loretto has fine tuned their employee needs. They anticipate employing 140 people on three shifts, seven days per week. The maximum number would be 70 people on the first shift which is from 7 a.m. to 3 p.m.

The site plan details 153 parking spaces: 49 of which are located on the greenhouse premises, 27 in the commons area and 77 along both sides of Meltzer Court. Loretto has agreed to no on street parking after 11 p.m. The third shift operation of approximately 20 people can be accommodated on site with the parking at the greenhouse.

The applicant has submitted a traffic study to the NYSDOT. They will comment on any mitigation that might be required at the intersection of Route 11 and Meltzer Court. We may want to reduce the speed limit along Route 11 in front of the Cicero Commons from 55 mph to 45 mph. I believe this suggestion came from the DOT.

We will also require a subdivision. Those maps are not complete, but we will be coming back to ask for preliminary subdivision approval to create two lots in Clay. It is an approximately a 16 acre lot with a remainder New Dimension of about 71 acres.

We are not here seeking any approvals this evening. We would be prepared to come back at the next PB meeting to discuss architectural details.

Mr. Cushman: Didn't we discuss widening Route 11 and making a left turn lane?

Mr. Norcross: There was some with the DOT. They wanted to take a hard look at the traffic data before they responded. That is still up in the air.

Mr. Wisniewski gave a brief review. The majority of the site is in Cicero. Our plan makes provisions to preserve both the wetlands and their buffers. We will not be seeking any wetland permits. The stormwater from the site would be directed to two proposed stormwater facilities according to SPEDES permits. We have met with the Town of Clay and their engineer. We are on the same page there as it relates to drainage.

The plan calls for the extension of Meltzer Court and what is currently an un-named Town road to form a full loop. We have made an effort to provide parking without un-necessary paving. There is room for some expanded parking in the Commons area. The potential is there for a future expansion. Our drainage calculations have accommodated that possibility.

There is non site street parking proposed. We discussed road maintenance with Chris Woznica.

Town law prohibits overnight parking. We have assured that we have sufficient off street parking for the thirds shift.

I think that we are at a point where everyone is comfortable with the plan. We have prepared extensively engineered drawings that Mark and I can coordinate the engineering review on. We have laid out some time lines. The intent tonight to receive any comments this Board might have. Mark is due to deliver comments that we can respond to and re-submit with the intention of returning to the Board on June 21<sup>st</sup>. At that point we hope to have answered all of the questions and comments and gotten you the documentation to complete your review. At that time the subdivision plan will have been submitted with the appropriate protocols. That night we hope that you would be in a position to make a SEQR determination, making your recommendation back to the Town Board to continue through the PUD process. We would also like to take action on the subdivision plan.

Mr. Smith: On page 3 you have 4 acres of wetland. On page 4 we have .7.

Mr. Wisniewski explained the distinction was between state and federal wetlands.

More discussion occurred.

Mr. Marzullo: Have you had a chance to review the granite curbing recommended by the Highway Supervisor?

Mr. Wisniewski: Yes, he has asked for mound able curbing. Basically it is angled at 45 degrees. He likes that from a maintenance longevity standpoint. I have detailed that.

Mr. Smith: Will the Town own the stormwater facilities or will they remain with the developer?

Mr. Parrish: That will need to be determined.

Mr. Wisniewski: We discussed that in our work session, ownership and easement rights. Because of the common ownership we do have some flexibility. Loretto will have the ability to maintain its site by itself or under contract.

I think that Loretto would prefer that there not be an easement associated with the storm water facility. Those at the work session agreed. However, Mark did suggest that there at least be some access and maintenance agreement be in place to allow the come in to clean/un-clog the easement.

More discussion occurred.

Mr. Wisniewski: Neal and I spoke again. We are anticipating on the June 21<sup>st</sup> date that your Board would have to have a public hearing to entertain the minor subdivision application that has yet to come before you. We anticipate that will be coming shortly with ample time to refer it to SOCPA and get their recommendation back. On the night of the 21<sup>st</sup>, given that you would need to schedule a public hearing to consider the subdivision I thought it would make sense to add SEQR to the public hearing notice. Then on the night of the 21<sup>st</sup> you could make your SEQR determination subsequent to the closing of the public hearing, at on the subdivision plan and make your recommendation back to the Town Board. We were hoping to get our approvals from the Town Board no later than early July.

Mr. Smith: Where does the site drain too, Oneida Lake?

Mr. Wisniewski: Young's Creek is the watershed. I think that is in the EAF.

Mr. Parrish: I believe that it ends up in Oneida River.

Mr. Smith: I did not see any silt fences along the front of the property. NIMO requires you to pave the road. You will put in your stormwater. NIMO will come in with their trucks, etc. We always have a problem with a ton of mud coming off the site, going onto the road. To make SEQR complete could you talk about how you will control that type of tracking?

Mr. Wisniewski: On the grading and erosion control plan we have detailed our erosion control. You are correct. We can put silt fencing along the front, but it is likely none of these facilities will be Town facilities at the point where the units are being constructed. Unlike in a residential construction area, what will be public infrastructure could carry on simultaneously with construction of the units.

More discussion occurred about the time line for subdivision and site plan approvals.

**Mrs. May made a motion** to adjourn. **Mr. Mott 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 10:21 P.M.

