

The Town of Cicero Planning Board held a meeting on **Wednesday, August 6, 2008** at **7:00 p.m.**, in the Town Hall at 8236 South Main Street, Cicero, New York 13039.

Agenda:

- Approval of the Planning Board meeting minutes from July 21, 2008 (**approved**)
- Final Subdivision Plan, Park 277 Fees, Harbour Village, Route 31 & Oneida Trail, 38 Lots, Ron Mazzaroppi (**approved**)
- Site Plan, Syracuse Federal Credit Union, 6091 Route 31, Proposed Credit Union, Roy Stanley, Inc. (**approved**)

PRESENT:

Patrick Leone, Chairman
Richard Cushman, Board Member
William Purdy, Board Member
Christopher Rowe, Board Member
Sharon May, Board Member
Jason Mott, Board Member
Robert Smith, Board Member
Chief Carvel, Cicero Fire Department
Heather Cole, Esquire, Wladis Law Firm
Steven Procopio, Code Enforcement Officer
Steve Snell, P.E., O'Brien & Gere
Tonia Mosley, Clerk

ABSENT:

Wayne Dean, Director, Planning and Dev.
Scott Harris, Ad Hoc Board Member
Mark Parrish, P.E., O'Brien & Gere

The meeting was opened with the Pledge of Allegiance.

Mr. Leone noted the three fire exits and that there are no formal public hearings tonight. He acknowledged the importance of public input and encouraged those who would like to speak about an agenda item to do so by raising their hand and being recognized by the Chairman. Please use the microphone in the front when addressing the Board.

**APPROVAL OF THE PLANNING BOARD MINUTES
FROM JULY 21, 2008**

Mrs. May made a motion to approve the minutes. **Mr. Smith seconded the motion.** The motion was **approved** with the following vote:

Mr. Cushman: Yes
Mr. Purdy: Yes

Mr. Rowe:	Yes
Mrs. May:	Yes
Mr. Mott:	Yes
Mr. Smith:	Yes
Mr. Leone:	Yes

**FINAL SUBDIVISION PLAN, PARK 277 FEES
HARBOUR VILLAGE, ROUTE 31 & ONEIDA TRAIL
38 LOTS, RON MAZZAROPPI**

(SEE ATTACHMENT A: O'BRIEN & GERE LETTER DATED 7/31/08)

Representative: Ron Mazzaroppi, Harville Development

Mr. Mazzaroppi explained that there were 38 lots. Lot 113A involves green area and mitigated ponds to be used for the 278 clustering. That lot will be forever green, non-buildable. We have developed all of the roads. They have been inspected and approved. The blacktop is in. Gutters are in. Power from National Grid should be completed within the next week to all lots. We have laterals. All boxes are in. All sanitary sewers are in place. All utilities have been inspected by the various agencies and O'Brien & Gere.

There were a few issues that O'Brien & Gere wanted us to address regarding some setbacks at marked wetland areas and easements.

Mr. Leone: I believe Mark's opinion was to come up with some type of standard setback for the lots that had not been built upon.

Mr. Mazzaroppi: On Lot 99A there is a road easement which gives you access to maintain the entire detention area. In the minutes from August 1st of last year, we said that the easement maybe 20 to 30 feet wide. We will probably need a minimum of 20' along the bank of the wetland area, and that was added to the plan. With this improved access road we can get heavy equipment back there without significant damage to the yards. Mark suggested it should be 30 feet. My surveyor took the 20 foot easement that was centered on the property line and added 10 feet all along Lot 99A. This makes Lot 99A almost non-buildable.

I decided to give you the plan as drawn and to ask the Board if we could have the 20 foot easement, eliminating the 10 feet that we talked about in the original minutes. Or, if it was mandatory to have the 30' easement, that we move it 5' so that 15' would be on the adjacent property and 15' would be on the other property.

Mr. Snell noted the easement would be for maintenance access for excavation equipment. He felt the Town would be best protected by a 30' easement. We recommend shifting the

easement 15' on Lot 98A and 15' on Lot 99A. It would also be wide enough to get around parked equipment.

Mr. Leone: So we can keep that on at 30', simply because we have to be able to get back to the storm water ponds. The other drainage easements on the site are 20'.

Mr. Mazzaroppi agreed.

Mr. Rowe asked Mr. Mazzaroppi if he could build on that lot with the change.

Mr. Mazzaroppi responded yes, but I will have to be very creative. I can't build on it the other way. The problem isn't the easement. The problem is the setback from the easement.

More discussion occurred.

Mr. Leone: The preliminary plan showed setbacks from wetlands, not from the drainage easement, at 16 feet. Proposed houses were plotted 16' from the wetland but not 16' from the drainage easement. So, we have houses where if we used the universal setback of 16' from the drainage easement, we will have structures (to be defined later) that are in non-compliance. Two or three houses have been started without a filed final subdivision plan. We have an accumulation of facts based upon changes in various easements. For example behind the house on Lot 58A there is a drainage easement that goes east to west that is 10' and 10'. The minute the easement gets behind Lots 59A and 60A, it becomes a 20' easement that is not split between that lot and a potential lot to come. We have an issue where we have an easement 9 and 10 feet from an existing structure.

I asked Mr. Snell if it was a rule that we have to have 20' back there. Apparently, they discussed it deciding that a minimum of 15' would work. I would say to the Board that 15' gives the developer at least 12 to 14' in the back of the house to build a deck, etc. That's if we take a 15' drainage easement instead of a 20' drainage easement in back of these lots.

Mr. Snell agreed stating that seems reasonable. We prefer a minimum of 15' for the easement. There is very little drainage from the rear of Lots 58A, 59A and 60A. It goes back into the wetlands from there. 15' would work and that is what we are recommending.

Mr. Leone: I know that we want 16' per structure. I know that we are not going to get that on Lot 60A. I would ask Ron can we get it on Lots 58A and 61A.

Mr. Mazzaroppi responded absolutely.

Mr. Leone noted that Lot 60A already has a structure on it, where Lots 58A and 61A do not.

Mr. Smith asked how a building permit was issued for that.

More discussion occurred. Mr. Leone stated the Board's desire to maintain 16' for decks, etc. Mr. Smith asked if these changes would be noted in the deed so that future homeowners know upfront where they can and can not add structures, etc.

Mr. Mazzaroppi: Absolutely.

Mr. Leone: I think what he can show is a building line and notes stating homeowners are not to build permanent structures in the wetland.

Mr. Smith: Deed restrictions? There has to be a way for whoever purchases the lot to know. In this case it will be critical. I know they will get a survey.

Mr. Mazzaroppi: A survey from Ianuzi & Romans will absolutely show the easements and say not to build. They don't leave anything out.

Mr. Leone: Lots 41A to 45A back up to the existing homes of old Harbour Village. We have a 20' easement here. I do not understand why a structure has to have a 20' setback on that side of the road and only a 16' setback any place else on the property. The old Harbour Village homes have a 5'.

I don't have a problem with the 20' easement as much as I have a problem with us saying the structures can not be within 20' of that easement, instead of 16'. I think that the engineer feels that the slope in there is gradual enough that retained water will not inundate the existing homes. We want the water to exist primarily in the new house's backyards, not in the backyard of existing homes.

Mr. Mazzaroppi noted we have a drain tile going down there.

More discussion occurred regarding the amount of easement space and buildable space on various lots and possible solutions to those numbers for proper drainage, additional structures, etc.

Mr. Leone: We can leave this all contingent upon legal and engineering approval. I am not opposed to changing the drainage easement and the setback. I am in favor of the 16' from all wetlands and all drainage easements on the site except for Lot 68A where we already have a structure. This would be site specific. If we apply the 16' for both, the only remaining issue would be what we want the widths to be behind Lots 29 to 31.

Lots 41A to 45A is where we would be changing back to a 15' wide easement?

Mr. Snell: Drainage easement? No. That needs to be 20'. There is a swale that is there that is within those 20 feet. We need that 20' of drainage easement for those Lots 41A to 45A. It is already constructed.

Mr. Leone asked for a definition of structure. I do not want to use the word structure if the word now means a shed and shed can't be put in some area.

Ms. Cole read: Structure, anything constructed or erected the use of which requires location on the ground or attachment to something located on the ground. That would include a shed.

Mr. Leone: That is why I do not want to use the word structure. I think what we are talking about is building line. We are talking about the main house, not a deck attached to a house or shed. Those things should be able to be put within those 16 feet. They cannot go in the drainage easement.

Ms. Cole: What if you say structure but not accessory uses or accessory structures? Maybe we could specify that it be building setback for structures but not intended to include clearly accessory structures such as sheds, decks, pools, etc.

Mr. Procopio: The rear yard setback for R-10 is 30 feet. We don't allow a deck to go beyond that now. An accessory structure like a shed can, if it is under 192 square feet. If it is beyond 192 square feet, it has to maintain the 30 feet from the rear property line.

Mr. Leone: What is the rear setback for R-7500?

Mr. Procopio: There is no R-7500 in the current zoning book.

Mr. Cushman: But there is because this is a 20 year-old plan.

Mr. Leone: This is a 278. We applied special zoning and cluster use. We will make that provision very clear.

Ms. Cole agreed. We need to make sure that the Zoning Office does not get tripped up.

More discussion occurred.

Mr. Leone: We need to deal with the easement issue overall and we need to deal with stop signs.

Ms. Cole: I talked to Gregory Scicchitano, the attorney for Mr. Mazzaroppi, who faxed over a letter. I ask that it be included in full into the minutes. (SEE ATTACHMENT B: LETTER FROM SCICCHITANO & PINSKY, PLLC DATED AUGUST 6, 2008) A few of the legal points I wanted addressed include Lot 113A. They are going to provide me with the applicable covenants and restrictions to specify that this is going to be green space, forever wild. This will be recorded in County Clerk's office.

The second issue is if you look closely on this plan you will see faint lines that appear to be roads from a previously filed final plan for this subdivision. Mr. Scicchitano has provided proof in this letter that this is not an issue. I do not have any objections to this issue and the fact that it does appear that Mr. Mazzaroppi has clear title to the entire subdivision.

The third thing is that the developer, through his attorney, has made a commitment that within 45 days of filing of this final plan his attorney will work with me to make sure that all necessary easement and covenant restrictions to the benefit of the Town, which would include all of these drainage easements needed through out the site, will be provided and recorded. And, the developer will dedicate the roads to the Town of Cicero with the necessary deeds.

Mr. Leone: When we are done this will be contingent upon legal and engineering. Are you saying that if he does not file these easements within 45 days, or get them filed, no building permits will be issued?

Ms. Cole: There should not be any building permits until the final maps are filed. The final map will not be filed until I am comfortable that all deeds, easements that type of thing, have been fully resolved.

Mr. Smith: How many building permits have been issued prior to the final plan being filed?

Mr. Mazzaroppi responded 5.

Mr. Leone asked if that was a normal process.

Mr. Mazzaroppi explained we looked in your code. It says as long as the subdivision is substantially complete.

Ms. Cole: I don't have the Town's building code in front of me but I do recall that it says something similar to you are not supposed to be building without Town roads and public access.

Mr. Leone: It has been my experience that the course road and curbing is required before they give you more than the first model permit. You will never get occupancy until the final is done.

Mr. Mazzaroppi: The Town's code allows us to do this. We pull all of our permits. We have had the inspection of the sewers from O'Brien & Gere. We have everything done. The code says substantially complete meaning where we are, you can issue building permits. Plural. I am not asking for more. I just want to define what I can do. Then we are going to attack this with a vengeance.

Ms. Cole: I typically ask the Town Board to formally accept the roads and easements. The next opportunity for them to do that is on the 25th of August. You have a very good time frame working for you.

Mr. Leone: He still has to put the final base coat on the roads before you can accept it?

Ms. Cole: We take securities for that. The final thing I want to address is along the eastern portion of the site, to the south of Beaver Lane, the drainage easements off Mr. Mazzaroppi's property; I have been working with the developer and the developer's attorney to confirm that that is a legal drainage easement. If it is not, the developer is going to need to obtain that to make sure that it is. We can not have him draining through something that he should not be draining through. I know it says drainage easement, but no drainage easement has ever been officially recorded in the County Clerk's office for those lots he does not own.

The developer's attorney has provided me with what I think maybe some legal authority for me to be comfortable filing the final plan as it is. I would ask you to approve the subdivision amongst the other contingencies that Mr. Leone has including Lots 182, 183, 184, 185, and 187—contingent upon legal approval that the easement for there is satisfactory.

Mr. Mazzaroppi: I don't know about the record, but the easement is filed on the map.

Ms. Cole explained it is on the map. There is no deed recorded. The map is filed and recorded. The deed for the easement is not. The developer needs to legally get a deed recorded for that easement or; I need to be satisfied that the legal authority for why they do not need to do that which was provided in this letter is satisfactory. I have not yet had a chance to review the authority they have sited in this letter. I am comfortable with the Board approving the subdivision contingent upon one of those two things happening.

Mr. Smith: Will you give us a letter, once you are satisfied, to let us know what you have found?

Ms. Cole: Typically it is by e-mail to the Zoning Office, telling them that I am satisfied the conditions of approval have been met.

Mr. Smith: As long as you are going to approve it given this is not ordinary.

More discussion occurred.

Mr. Leone: Does your property but up to Chittenango Creek?

Mr. Mazzaroppi: There is a separation.

Mr. Snell: It does not abut the Creek. There is a County trunk sewer easement.

Mr. Leone: So if he can not get into that drainage easement there must be an alternative.

Ms. Cole: For the County.

Mr. Snell: That is a County has the sanitary sewer easement.

The Board discussed possible locations for stop signs or yield signs.

Mr. Smith: When we put the stop sign regulation in can we make sure that we stipulate? This Board went to great lengths to put stop signs up in Wallington Meadows. They do not exist. A building permit has been issued, a house is built, and the Codes Office did not have the signs installed.

Ms. Cole: It is not really the Codes Office's responsibility to make sure that signs are installed. It is a local law. Typically we hold securities to ensure that the developer does it.

Mr. Smith: The signs can be put up. We can not pass the law but we can have the signs put up. The Town would have to pass a law. But, the signs have to be up before they start building houses. There is no traffic control at all in Wallington Meadows. Can we include in the motion that the signs are installed and put up?

Mr. Leone: I think that stop signs should be contingent on any occupancy permits.

Mr. Smith: Absolutely. It the signs are up and the Town Board does not pass the law that is the Town Board's issue. We have done what we need to do.

Ms. Cole: Based upon their meeting schedule, the Town Board will not be able to set a public hearing until August 25th. They will not be able to have the local law potentially

adopted until September 8th.

Mrs. May made a motion regarding SEQR. She 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.**

The motion was **approved** with the following vote:

Mr. Cushman:	Yes
Mr. Purdy:	Yes
Mr. Rowe:	Yes
Mrs. May:	Yes
Mr. Mott:	Yes
Mr. Smith:	Yes
Mr. Leone:	Yes

Mr. Leone made a motion to accept the final subdivision plan for Harbour Village dated June 11, 2007 with the following contingencies:

1. Lots 98A and 99A have a 15' drainage easement on each site's bordering property line to constitute a total 30' drainage easement for access.
2. Lots 59A and 60A's drainage easement changes from what was on the plan, from 20' to 15' on the back lot line.
3. All lots within the subdivision except for 60A will have a setback for all structures of 16' from either drainage easement or wetland easement. Structures will not include accessory structures such as decks, sheds, pools or fences.
4. The rear setback lines from all back properties within the development will be considered to be 20 feet. This would be the rear yard setback building line.
5. Lot 113A will remain and be deeded accordingly, forever wild. Deed restrictions include no building. That will satisfy the open space for the 278 clustering requirement.
6. Drainage easement satisfaction for Lots 182-187 shall be obtained and approved by the Town's attorney.
7. A stop sign shall be placed at the corner of Beaver Lane and Marina Drive with a yield sign at Gable Drive and Marina Drive and another yield sign at Oneida Trail and Marina Drive. This shall be done prior to the issue of any occupancy permits.
8. In each case approval is contingent upon the resolutions of these issues which are in agreement with the Planning Board's engineer and attorney.
9. Because there are two parks within close proximity to the site as well as the open space left behind by the 278 cluster, we will collect park fees for 38 lots at \$475.00 per lot.

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

Mr. Cushman:	Yes
Mr. Purdy:	Yes
Mr. Rowe:	Yes
Mrs. May:	Yes
Mr. Mott:	Yes
Mr. Smith:	Yes
Mr. Leone:	Yes

**SITE PLAN, SYRACUSE FEDERAL CREDIT UNION
6091 ROUTE 31, PROPOSED CREDIT UNION, ROY STANLEY, INC.
(SEE ATTACHMENT C: O'BRIEN & GERE LETTER DATED 8/5/08)**

Representatives: Mark Kroneck, President, Roy Stanley, Inc.
Mark Weiss, M.V. Weiss & Associates
John Neumeister, Architect

Mr. Weiss introduced himself. SOCPA gave a resolution of approval. The Board requested that we re-look at the photometrics. We resubmitted a new layout with some new light locations, and some double headed fixtures. The light levels are dictated by Banking codes.

Mr. Leone: The County had no response. You had one area where you had spill over onto the neighbor's property.

Mr. Weiss: I have a letter here from LB Landscaping, the commercial neighbor. Mr. Belge does not foresee any issues with lighting. (SEE ATTACHMENT D: LB LANDSCAPING LETTER DATED 7/29/08.)

Mr. Leone: The area that pops out to me is the spillover to the residential house next door. You only have four foot trees going in there and they are some distance away from the car headlights. What about giving us some taller trees to stop the headlight swings? We need some denser cedar type plantings.

Mr. Kroneck: We can make them taller. We just can not bring them closer and still make the bank's requirements.

Mr. Leone: You are welcome to berm it and use 6' trees.

Mr. Kroneck: The other issue we have is taller trees might obstruct the signage. We have gone without a monument sign.

Mr. Leone: You have a right to put a monument sign in. You could also start your trees taller to smaller so that the building's sign could be seen. What is the height of the building sign?

Mr. Weiss: 12 feet from the bottom. It is right above the eave. But, we can make that change.

We have the catalog cuts for lighting at the ATM. Those are typical recessed lighting. I presented the fixtures that we are using for pole lights at the last meeting.

Mr. Leone: Did they talk to you about your datum point? Is it an assumed point or is it an actual point? Is it the actual elevation of the building?

Mr. Weiss: It is an assumed elevation. We put a finished floor elevation of 100 and that is where we made it at. There was no reason to tie it into anything.

More discussion occurred.

Mr. Leone: Ultimately if we move to approve this tonight, our approval would be contingent upon acceptance from engineering and legal. If they come back and say that they need an actual datum point, you will have to get it. If they can live with it, I can live with it.

Mr. Kroneck: We had the property surveyed but no grade was put to it.

Mr. Weiss continued. We changed the sidewalk location bringing it into the highway right-of-way. We measured where the pole was going to be located. It was not in the position that was originally shown on the plan. The issue is how close the sidewalk is to the drainage ditch. It would be one foot off that drainage swale. The pole is next to the ditch right now.

Mr. Leone: My guess is that that drainage ditch will be closed someday when the road is modified.

Mr. Weiss: Mr. Parrish asked if we could put an arrow here and show that the drainage would be conveyed to this low area back in here. That was added to the plan. He also asked that the note be changed. We have made that change to our plan. Once again, the plan is in front of the DOT for their final review.

Mr. Kroneck: The septic system has been inspected. We have a letter from the owner's contractor stating that they will make the corrections that need to be done.

Mr. Leone: Going back to the trees along that edge, would a six foot fence help along there instead of higher trees? I do not want to see a fence without some kind of landscaping in front of it. You could add the four foot shrubbery just to break up the fence.

Mr. Kroneck: I think it would be more appealing to do some sort of fence in combination with shrubbery.

Mr. Weiss: I would suggest the same fencing that we have along the dumpster enclosure. It is a tan vinyl to go along with the building. It is solid. We could consider a narrow strip of evergreens for safety reasons---you don't want people lurking behind the trees. We chose a compact variety of arborvitae. It is thicker and shorter than the normal variety.

The Board reviewed parking space information.

Mr. Smith: Will you have that porch sticking out? It is not going to be flat is it? It looks nicer with the porch.

Mr. Leone: That is where the ATM is going. Is there a sidewalk in front of this side door?

Mr. Weiss: There is a door over here.

Mr. Kroneck: That is not an entrance for the building. That is just a service entrance. But there is a sidewalk. This is the color scheme we will be using.

Mr. Leone asked if the sign was back lit and if it would show up on your photometrics.

Mr. Weiss agreed.

Mr. Smith asked if the sidewalk would be put in prior to certificate of occupancy.

Mr. Procopio responded the site work has to be complete to get a certificate of occupancy.

Chief Carvel noted this was the first time he had seen this plan. He asked if it was a drive around building.

Mr. Weiss responded no and detailed the driving pattern for the site.

Mr. Leone asked for signage information.

Mr. Kroneck noted the sign was 93” by 59”. The front of the building is 64 square feet. A pylon sign is an option for the future.

Mr. Leone noted you will need the Department of Health’s approval for the septic.

Mrs. May made a motion regarding SEQR. She 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 Eight of the Environmental Conservation Law of the State of New York. **Mr. Leone seconded the motion.**

The motion was **approved** with the following vote:

Mr. Cushman:	Yes
Mr. Purdy:	Yes
Mr. Rowe:	Yes
Mrs. May:	Yes
Mr. Mott:	Yes
Mr. Smith:	Yes
Mr. Leone:	Yes

Mr. Leone made a motion to approve the site plan for Syracuse Federal Credit Union at 6091 Route 31 dated July 14, 2008 with a revision date of July 28, 2008 and the following contingencies:

1. A fence is placed on the south eastern boundary to reduce the scattered lighting from headlights between your property and the neighboring property to the east. The fence will be a minimum of six feet high. It is to be of similar construction to the tan vinyl fence being used to the rear of the property. It needs to be landscaped accordingly as shown on your plan with four foot arborvitaes. The fence can dovetail back to the building as related to the four parking spaces. It should be past the southeast corner of the building’s front.
2. The datum point issue needs to be addressed to the satisfaction of the Town’s engineer. If they are comfortable with the datum point, that is fine.
3. Signage being approved includes a 38 square foot back-lit sign on the front of the building—the overhang over the ATM. It also includes a future pylon to be located on the east side of the driveway. It must be on your property. It must meet the setbacks from the road easement. That pylon will be 4 by 8 or 32 square feet.
4. An occupancy permit will not be granted until the County approves your septic system and site plan details have been completed.

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

Mr. Cushman:	Yes
Mr. Purdy:	Yes

Mr. Rowe:	Yes
Mrs. May:	Yes
Mr. Mott:	Yes
Mr. Smith:	Yes
Mr. Leone:	Yes

Mr. Smith made a motion to adjourn. **Mr. Leone** 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 8:20 P.M.

Dated: August 14, 2008

Tonia Mosley, Clerk