

The Town of Cicero Planning Board held a meeting on **Monday, August 18, 2008** at **7:00 P.M.**, in the Town Hall at 8236 South Main Street, Cicero, New York 13039.

Agenda items:

- Approval of the meeting minutes from August 6, 2008 (**approved with corrections**)
- Preliminary/Final Subdivision Plan, Public hearing continued, Mattoon Subdivision, 5216 Orangeport Road, 3 Lots, M. Mark Grobosky (**approved**)
- Site Plan, JMG Inc., 8462 Wayfarer Drive, Proposed 5,000 square foot office building, LJR Engineering (**to return**)
- Site Plan, Syracuse SMSA Limited Partnership, d/b/a Verizon Wireless, 7697 Route 31, Proposed Wireless Telecommunications Facility, Nixon Peabody LLP (**approved**)
- Site Plan, Syracuse SMSA Limited Partnership, d/b/a Verizon Wireless, 5531 Louis Avenue, Proposed Wireless Telecommunications Facility, Nixon Peabody LLP (**approved**)
- Site Plan, Syracuse SMSA Limited Partnership, d/b/s Verizon Wireless, 6005 McKinley Road, Proposed Wireless Telecommunications Facility, Nixon Peabody LLP (**to return**)

PRESENT:

Patrick Leone, Chairman
Richard Cushman, Board Member
William Purdy, Board Member
Sharon May, Board Member
Jason Mott, Board Member
Robert Smith, Board Member
C. Vernon Conway, Town Board Member
Heather Cole, Esquire, Wladis Law Firm
Mark Parrish, P.E., O'Brien & Gere
Steven Procopio, Code Enforcement Officer
Tonia Mosley, Clerk

ABSENT:

Wayne Dean, Director of Planning & Dev.
Scott Harris, Ad Hoc Board Member
Christopher Rowe, Board Member

The meeting was opened with the pledge of Allegiance.

Mr. Leone noted the locations of the three fire exits and that there was one formal public hearing today. 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 called upon by the Chairman. Please use the microphone in the front while speaking and let us know if we can not be heard.

**APPROVAL OF THE PLANNING BOARD MINUTES
FROM AUGUST 6, 2008**

Mr. Leone noted corrections on page 4. I want to make sure that Lots 29-31 show up. Those are Lots 41A-45A. The new lot numbers all have an A. On page 5 the first line was more of a question. On page 9 in the motion numbered 2, the word rear needs to be removed. Mr. Parrish stated that he would clarify with the clerk what needs to be corrected. **Mrs. May made a motion** to accept the August 6, 2008 Planning Board minutes with those modifications. **Mr. Smith seconded the motion.** The motion was **approved** with the following vote:

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

**PRELIMINARY/FINAL SUBDIVISION PLAN, PUBLIC HEARING
MATTOON SUBDIVISION, 5216 ORANGEPORT ROAD
3 LOTS, M. MARK GROBOSKY
(SEE ATTACHMENT A: OBG LETTER DATED 8/18/08)**

Representative: Robert Mattoon, Owner

Mr. Mattoon addressed the Board. He explained that basically there were not any changes since the last meeting except that the access easement from the road and the water line easement running through Lot 2 have been added.

Mr. Leone noted a question from Mark's comment letter relative to water service being available. He asked Mr. Parrish to also bring the Board up to speed about the septic approval.

Mr. Parrish: The property is not located in within a Town Water District. When the water services are provided OCWA should determine whether a Water District needs to be or does not need to be formed. Our records show that there is no District there.

Mr. Mattoon: The only discussion I had with them was if I were to bring a line down from the road and split it off to multiple residences, I would have to form a District.

Mr. Parrish: So they are not requiring that for each individual house?

Mr. Mattoon: If each house brings its own main in, it is not required.

Mr. Leone: It that your intent?

Mr. Mattoon: Yes. I had that discussion with them last year when the first house was built.

Mr. Leone: Do we need something in writing or something on file?

Mr. Parrish: No, that's fine. He will have to co-ordinate with OCWA to get water services. When he does, they will check the records and determine if a Water District is needed. I am sure they will let us know.

Mr. Leone asked if there were any other questions from the Board, etc. Are there any issues relative to easements?

Ms Cole: I do not anticipate that there will be. I did email your attorney and have not heard back from her. I will try and contact her again. If the Board wants to move forward I would ask for the typical contingencies for legal approval and that we have easements recorded for the ingress/egress and for the water line.

Mr. Leone: I believe Mr. Mattoon has addressed all of the other issues. He has given us a detailed survey with all of the lot configurations and house configurations. It shows they have the ability to put in the required septic systems. I will continue with the public hearing. *(The public hearing was continued at 8:10 p.m.)* Is there anyone who would like to speak in favor of this project? (There was no response.) Is there anyone who would speak against the project? (There was no response.) I'll close the public hearing. *(The public hearing was closed at 8:11 p.m.)*

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

Mr. Leone made a motion to approve the preliminary/final subdivision plan with a final date of 7/15/08 and with the contingency that the easement and water distribution system is in compliance or approval of our engineering and legal groups. **Mr. Cushman seconded the motion.** The motion was **approved** with the following vote:

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

**SITE PLAN, JMG INC., 8462 WAYFARER DRIVE
PROPOSED 5,000 SQUARE FOOT OFFICE BUILDING
LJR ENGINEERING**

Representative: Alex Wisniewski, P.E., LJR Engineering and Joe Grosso, Developer

Mr. Wisniewski introduced himself. The intent is to construct a 5,000 square foot office building within the Joseph's Landing Subdivision, Lot 28. To the north is residential property; to the east is agricultural property. This is part of the original subdivision/zone change approval for the site. The parcel is zoned as Neighborhood Commercial and the office use is allowed by code.

JMG has a contract to construct the building to be purchased by Dix Digital Prepress Inc. This is a 30 year old company currently located in Gateway Office Park off of Taft Road. They have approximately 12 employees and project up to 18 employees. Before books go to press, they receive a digital manuscript of the book to proof for spelling and other grammatical errors. Then they format the book for publication. Most of their work is transmitted and received digitally. They are not a printing or distribution center. This is purely an office use.

Mr. Smith reminded Mr. Wisniewski of the need for plans to be projected onto the screen so that people in the audience can see them.

Mr. Leone: Typically a Neighborhood Commercial use is to provide services to a local community. I want to make sure that this use applies.

Ms. Cole: The statement of intent for Neighborhood Commercial does say that it is designed and intended to provide for relatively small, stand alone commercial uses whose primary market is the immediate neighborhood of the enterprise. Such uses are located on Town highways or relatively non-intense County highways and are characterized by

their small size, less than 5,000 square feet, and their low traffic generation. That seems to be a general guideline that you would typically go by for Neighborhood Commercial. If you move on to the uses permitted of retail sales and services, offices, etcetera, I think it falls within that definition. Do I think it meets squarely within the statement of intent? No. But, I think that it meets the uses that are allowed in the district.

Mr. Wisniewski: They do not inventory printing material or chemicals. They do not draw outside customers to the site. Again, most of their stuff is transmitted digitally from publishing companies. Their employees live and work locally. This is purely an office use.

Mrs. May asked for the hours of operation.

Mr. Wisniewski: Monday through Friday, 8 to 9 p.m. They send and receive deliveries via DHL and FEDEX. Other than that they receive your standard office supplies from a village office supply type store.

Mr. Leone: I would like to see how close this is to the next house.

Mrs. May: There is a house on the corner of South Bay and Route 31. Does the applicant own that property? Is that house vacant?

Mr. Wisniewski: It is not owned by the applicant. I believe the house is vacant and that it falls outside of the Joseph's Landing subdivision.

Mr. Smith thought that it was currently being marketed for commercial use.

Mr. Leone: We have a separate driveway servicing this facility. Is there a need for an internal connection between the two sites and perhaps not have a separate driveway to the site? Do you see the distances as an issue?

Mr. Parrish: No. I think that is probably more appropriate along a more major highway with more intense commercial type uses. Given that this is basically a local, minor road, I don't necessarily see a need for that.

Mr. Leone: Are there any storm water issues?

Mr. Parrish: No. The storm water was accounted for with the development of Joseph's Landing as a whole. No separate storm water facility is required for this site.

Mr. Wisniewski: I have submitted copies of the design of the building. It is intended to compliment the residential nature of the area.

Mr. Smith asked for the building's colors.

Mr. Leone requested that information to be available for the next meeting.

Mr. Wisniewski: This would be a single story construction, slab on grade. The exterior would be clad with a hardy plank composite material intended for low maintenance. It resembles wood. The front entrance faces away from the residential area with the parking and drive access on the opposite side of the building. We have maintained the appropriate setbacks and a greenspace buffer with the adjacent property. There is a cedar shadow box fence proposed along the entire residential property line.

Mr. Leone: I am concerned about headlights hitting the house from the parking area or the swing in from the people going west. Is it possible to carry that fence a little further?

Mr. Grosso: I am not sure the fence will look good. I would rather see more landscaping. We could do something with spruce trees or something like that.

Mr. Leone noted as long as the headlights were addressed.

Mr. Wisniewski: We have extended the sidewalk requested by the Board across the site's frontage. Signage is very modest. There is a single 4' by 4' sign box internally illuminated and mounted to the building's façade. There is no free standing signage proposed. They are not looking to bring traffic in off the street. I believe this is the color scheme of the sign: their logo centered in red lettering on a white background.

Mr. Smith asked about dumpsters. This project will be similar to your Button road buildings. It noticed you have three full sets of dumpsters there without enclosures.

Mr. Cushman and Mrs. May noted the plan's enclosed dumpsters.

More discussion occurred regarding the code for the enclosure of existing dumpsters and changes in that code from the past.

Mr. Parrish: The Board has gone to 5' wide sidewalks. Can I assume that you prefer to have them at 5 feet?

Various Board members responded yes.

Mr. Parrish: Where the sidewalk ends on the north end of the property it would be better to bring that down to have it meet the road similar to what they are doing in some of the DOT projects. It is not likely to extend further in the near future. Bring it down to the road edge.

Mr. Grosso: Don't you think that it would be better to have it all go south instead towards South Bay Road?

Mr. Wisniewski: From South Bay to the site driveway?

Mr. Grosso: It is not a matter of pouring sidewalks. It really makes no sense to extend it to Lot 27, a residential lot, which does not have sidewalks.

Mr. Leone agreed for this particular use, but if the use changes to a real Neighborhood Commercial use you would probably see a path across your lawn to get there. I would like the Board to think about that.

Mrs. May noted the building's owner should be made aware that they would be responsible for maintenance, upkeep and snow removal for the sidewalk.

More discussion occurred.

Mr. Wisniewski discussed lighting details including spillover. There is a single site pole off-set from the front entrance. The intent was to not create an issue for the neighbors by getting it back into the site. There is zero spillover onto the adjacent neighbor.

Mr. Leone asked about lighting at the driveway's entrance. It will be completely dark.

Mr. Grosso reminded the Board that this was a nine to five operation.

Mr. Leone: What about another light along the front of the building? The entire back parking area is dark also, maybe a couple of building lights?

Mr. Grosso suggested wall packs and/or post lights, with something softer in the front.

Mr. Smith: In as much as this transitions into a neighborhood should we have the applicant put up a sign saying kids at play?

Ms. Cole: In general we have advised the Town against putting up children at play signs for liability reasons.

Mrs. May asked for clarification as to what occurs in the shipping and shop areas.

Mr. Grosso clarified.

Mr. Leone asked that a representative from the business be present at the next meeting.

Mr. Wisniewski discussed landscaping. We tried to accentuate the front driveway and the entrance into the site. There is a combination of junipers and ornamental grasses. The front of the site features an ornamental weeping cherry tree with some lower lying plantings.

Mr. Leone: No plantings in the back expect grass? Nothing along the side between the two buildings?

Mr. Wisniewski: Correct.

Mr. Leone: Is the check dam for runoff?

Mr. Wisniewski: It is just a temporary eroding control measure. We have concentrated flow to try and slow down the water and stall any sediment. It is used during construction.

Mr. Smith: Will the snow removal area be paved?

Mr. Wisniewski: That is the intent, to pave it and stripe it off so that it can not be used for parking.

Mr. Smith: Is there the potential for doing something with storm water for example pavers so that we have less runoff?

More discussion occurred.

Mr. Wisniewski asked if the application had been referred to the County.

Mr. Leone: As soon as this Board feels the application is complete. I would suggest that this application is complete except for some sidewalk, lighting, etc. details. If the Board feels comfortable, I think we should authorize Steve to send it down.

The Board agreed.

Mr. Wisniewski recapped the Board's requests:

- color pallets
- make the sidewalk adjustments
- adjust the lighting issue trying to bring more to the front entrance and rear parking area
- have a company representative present
- try to reduce the impervious surface

Mr. Leone included landscaping in front to stop headlight swing and the PDF.

**SITE PLANS, SYRACUSE SMSA LIMITED PARTNERSHIP
D/B/A VERIZON WIRELESS, PROPOSED WIRELESS
TELECOMMUNICATIONS FACILITIES, NIXON PEABODY LLP FOR:
4697 ROUTE 31, 5531 LOUIS AVENUE AND 6005 MCKINLEY ROAD
(SEE ATTACHMENT B: OBG LETTER DATED 8/18/08**

Representatives: Tom Greiner, Esquire, Nixon Peabody
Ric Andras, Project Radio Frequency Engineer
Theresa Reed, Intergraded Facilities Solutions, Site Acquisition
Jennifer Wright, Esquire, Nixon Peabody

Mr. Greiner reminded the Board they were before them last June presenting all three sites. The Board had two principal questions. Is co-location on the existing Sprint tower located off Route 81 feasible? If so, would it eliminate the need for the towers on the Mud Mill (McKinley Road) or the Michael Field (Louis Avenue) sites? The next question was is it possible to move the proposed Mud Mill tower further away from the existing residences on McKinley Road further north?

Mr. Leone: That was part of the question. Is there another location within the site and/or is there another location which would service the same function outside of the site in some other available area?

Mr. Greiner: We tried to answer these questions with new submittals dated June 24th and August 12th. Again we are looking for the coverage from cellular frequencies which are 850 megahertz and the PCS service which is at 1900 megahertz on the radio frequency spectrum. (Mr. Greiner showed the existing coverage areas and the proposed coverage areas. What was called Cicero Center is the Route 31 site.) Again, the service was telephone or voice service. The service has expanded over the years to include data transmissions. This could be for the internet or other types of data transmissions. The company is trying to anticipate the explosion in data applications to wireless and voice coverage.

Mr. Leone: When do you anticipate buildout of your towers? We specifically asked for your five year plan. From a planning perspective and under SEQR with the advice of our consultant, it is a wise perspective to have. We want to understand what you are going to do within the next five years, how that effects current towers, future towers and any additions to those towers.

Mr. Greiner: The five year plan assumes the existence of the today's three proposed sites. You see two big gaps in the Town. This area will be covered by a site this Board approved as a co-location which is not yet built on the American Tower. That leaves this second gap here.

Mr. Leone: It appears you have left out the question of what that tower extension would have done as it was already approved. What would the overlap be? I would ask our consultant if he realized another tower co-location had been approved.

More discussion occurred.

Ms. Cole: You are suggesting that when that co-location is complete, you still need the Mud Mill site?

Mr. Greiner: We need the Mud Mill site as proposed.

More discussion occurred.

Mr. Leone: This Board approved a tower that covers some of that area under the scrutiny of another set of neighbors. I did not realize that information. It was discussed during the approval of the American Tower in detail. Verizon did not lead us to believe that you were the co-locator on that tower. If you don't need to cover this area again, wouldn't it better to find a site someplace further north?

Mr. Greiner: This was all part of our submitted application. We did show the Lakeshore (American Tower) site. It was a co-location application that I was not personally a part of.

William P. Johnson, Consultant, Rochester Institute of Technology: In my opinion I am not seeing the gap Mr. Greiner showed on the plot. I looked at the hard copy Mr. Andras just gave me quickly. The height of the Mud Mill site did not change because it is not the coverage to the south that is the issue which this co-location will fill. It is the coverage to the north that Mud Mill is aiming at.

Mr. Leone: If a site was available for that tower to be moved further north, wouldn't they be better served trying to increase their coverage going north where they already have some of that southern coverage available to them?

Mr. Johnson: That is possible. A site that is somewhere in that gap area in general, given the fairly flat terrain, would generally be feasible. I would rather take the time to look at this plot as well as the Sprint Tower regarding the Mud Mill (McKinley Road) site. But looking at it quickly the Sprint Tower at any height would not cover the area northeast of the McKinley Road site.

More discussion occurred regarding what was previously approved, tower height, coverage areas, and possible site locations.

Mr. Smith: Mr. Johnson did I understand correctly that you did not take into consideration the American Tower? Did you say that you would want more time to study that and its impact?

Mr. Johnson: Correct.

Mr. Andras: We actually looked at a number of candidates. The small black dots represent the candidates that were considered. I believe this is the road you were speaking of, Sneller. If you went to the west the tower height would have to increase because you are getting further from the target area. You could go north but this is wetlands. As you go in this direction you would need a tower that was at least 160-180 feet tall to compensate to make it down to this area.

More discussion occurred.

Ms. Cole: Your consultant has stated he would like more time to review that. If you would like to wait and have him take some time for review, that is appropriate. I wonder if you would want to address the other sites now and how they fit into the larger picture.

Mr. Leone: I would like to talk about the health issues and then talk about the other sites.

Mr. Johnson asked if the chairman could show him those areas that were less contentious after the meeting. That would help me work with the applicant to identify the sites that are applicable.

More discussion occurred.

Mr. Johnson spoke about his report regarding health effects. Some of the questions that we have to look at in the research of health effects are was the research peer reviewed and is it repeatable. Robert Herberman, M.D. is in charge of the Cancer Center at the University of Pittsburgh. He recommended to staff at the hospital via a memo that they not use cell phones near their heads. He does admit that this information has not been tested. It is preliminary information. I feel comfortable recommending his recommendations to someone if they are concerned about the electromagnetic effects of cell phones. They include using a hands free device to keep the phone away from your head while talking and storing the phone with its back away from your body. His ten recommendations have to do with the use of a cell phone. Not one of those recommendations has to do with base stations. Why? Because the transmission from the cell phone is a phenomenally larger field than what one would get from a base station that is 200 feet away.

Mr. Johnson continued discussing his report. More discussion occurred regarding the line of sight.

SITE LOCATION: 7697 ROUTE 31

Mr. Leone: There were some minor drainage issues. Did you address the driveway with the state?

Mr. Greiner: I don't think there are any issues with the curb cut.

Mr. Parrish: I have not seen any correspondence, but they have acknowledged that they need to go to the DOT and get the curb cut permit. These are low volume access points. I don't see any particular issues.

Because they have disturbed more than an acre they need a storm water pollution prevention plan, which they have prepared. They have indicated some small increases in the storm water runoff rates but in my opinion they are negligible. Because this is a very long narrow facility it is difficult to collect the water, not necessarily providing the storm water quality that would typically be required. I do not think that is a significant deviation. I would ask that they get approval from the DEC for those deviations. I think they have indicated that they will do that.

Mr. Leone: We have qualified the tower height for that location based upon our consultant's review.

Ms. Cole clarified. I believe the consultant only reviewed the McKinley site. The theory was if the research on that site appeared reasonable, then it could be imputed to the other two sites as well.

SITE LOCATION: 5531 LOUIS AVENUE

Mr. Parrish: This site has had no modifications. I do not believe there are any particular issues of significance beyond how it may have related to the McKinley Road site.

Mr. Leone: They did that. There is overlap and then there is the Sprint Tower. The tower is now located some 300 feet back. Mr. Greiner said they are not disturbing any wetlands.

Mr. Parrish: They do have wetlands they are crossing, but it is less than a tenth of an acre. They still need to do a pre-construction notification to the Army CORPS but it would be within the limits of a nationwide permit.

Mr. Leone: Based upon our consultant's findings, an alternative design would seem to not work there at 145 feet. The tower height was confirmed to be the height needed. As we discussed we do not have a new set of visuals.

ALL SITES CONTINUED

Mr. Leone: We are left dealing with the McKinley Road issues. I raised some issues that I would like sorted out on the site. I have no problem if people would like to move further along with the Route 31 site and the Louis Avenue site.

Mr. Smith referred to a recent court case. We received an email that pointed out zoning issues which were used successfully in some areas. Cell towers are permitted in which zoning classifications within the Town of Cicero?

Ms. Cole: I believe all of them.

Mr. Leone: All of them. It is under the Telecommunications Act.

Ms. Cole: Underneath our code in any district. The Telecommunications Act does apply to this applicant. She read Section 83-3 Subsection B of the code.

More discussion occurred.

Mrs. May: I received a couple of emails from some individuals. I do not appreciate people emailing me strongly recommending to me how I should vote on any of these sites. When we are given knowledge from the applicant, engineer and attorney we have to base our vote on that knowledge and our training. Not upon people who threaten possible law suits. I do not like people emailing my home or calling my house with an untraceable private number. If anyone has something they would like to say to me personally, they can come to a public hearing. I have only one vote on this Board.

Mr. Leone: I will bring a SEQR motion and a vote motion for Route 31 and Louis Avenue. They will be taken separately. Does anyone have any comments on the Route 31 site? (There was no response.)

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
Mrs. May:	Yes

Mr. Mott: Yes
Mr. Smith: Yes
Mr. Leone: Yes

Mr. Leone made a motion to approve the cell tower site plan located at 7697 Route 31 as designed with a height of 145 feet. The plans were reviewed by our engineer and attorney. Our consultant gave his report. **Mrs. May seconded the motion.** The motion was **approved** with the following vote:

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

Mr. Leone: Does anyone have anything to say about the Louis Avenue site? (There was no response.)

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

Mr. Leone made a motion to approve the cell tower site plan for 5531 Louis Avenue as reviewed by our engineering consultant. **Mr. Smith seconded the motion.** The motion was **approved** with the following vote:

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

Mr. Smith: Yes
Mr. Leone: Yes

Mr. Leone: Would anyone like to speak about the McKinley Road site?

Mary Beth Carella, 5991 McKinley Road responded to Mrs. May. I did email but did not call. Any attorney was not directed towards you or the Board. It was not designed as a threat by any means. My email did not have anything to do with this particular Board. I have lived in the Town of Cicero for 38 years. I have every right to disagree with a cell tower being built in my backyard when I have two little boys and no screen in front of a 145' tower. I am a broker. I know that my property will be worth less.

Carol Pardee, 5977 McKinley Road: As far as the health issues go, it is like cigarette smoking. 40-70 years from now those cell towers are going to show their effects, not now.

Mr. Leone: I am not going to argue the point either way. With very little proof or validation at this point we can not make a recommendation based upon everyone's perception.

Mrs. Pardee: Can they put a balloon up so that the entire neighborhood will see what it would look like?

Mr. Leone: One way or another they will get us the information we need to address that issue. Also, the issue relative to having phone readings verses what they are trying to achieve are two different things. I am basing that on the expertise of our consultant who says this is a reasonable request. They have asked for this because they don't have this area covered. I also heard the consultant say there maybe something a little more reasonable by moving the tower, if the land were available. That is where we sit tonight.

Loomis Pardee, McKinley Road: I think they need to be a little clearer on where the towers would be located. Calling the McKinley Road site Mud Mill is very misleading. The tower would not be on Mud Mill Road.

Mr. Leone noted we can not control the names. The reality is that letters were sent out to people who would live near the proposed tower locations. If they had a concern they would have been at one of or all of these meetings and/or weighed in via letters or emails. We have made every effort to contact people who would be most effected by it. We have heard the McKinley people loud and clear. I agree with Mrs. May. We are going to do our best to get through this being fair to all parties. They have a right. You have a right. The homeowner has a right. Our job is to balance those rights. You have a great Board here who is trying to do everything they can to balance that.

Ms. Cole: I think the clerk in the Zoning Office (Heidi LaLone) has done a good job for purposes of the agenda too, with the specific site addresses listed here. That is how it was noticed and everything. I think it has been as clear as it can be.

Mr. Johnson: We talked a lot about the health effects, which was more for informational use. Subject to your attorney's advice, health effects are something that are precluded from consideration on these applications.

Ms. Cole: Yes, that is something that we have not addressed. Given the information that Verizon has submitted in their packages it takes it outside of the threshold of your being able to consider it as part of the application process.

Mr. Leone agreed. It is stated that way in Mr. Johnson's report. It is listed as a matter of knowledge.

We are looking for a couple of pieces of information from the applicant about the McKinley Road site. We are also looking for information from our consultant. **Mr. Leone made a motion** to table the discussion on the McKinley Road site. **Mr. Smith seconded the motion.** The motion was **approved** with the following vote:

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

Mr. Leone made a motion to adjourn. **Mr. Smith seconded the motion.** The motion was **approved** unanimously.

IN AS MUCH AS THERE WAS NO FURTHER BUSINESS BEFORE THE BOARD,
THE MEETING WAS ADJOURNED AT 9:05 P.M.

Dated: August 30, 2008

Tonia Mosley, Clerk



Town of Cicero

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ATTACHMENT A

August 18, 2008

Planning Board
Town of Cicero

Re: Mattoon Subdivision
Final Plan Review

File: 0101/25439.335

Dear Board Members:

We have reviewed the Map of Mattoon Subdivision dated July 7, 2007 revised July 15, 2008 prepared by A. Scott Whittaker, P.C. for the above referenced project for conformance with Town Code requirements for subdivisions and effect on Town utilities and roads. The 10.37-acre site is located on the south side of Orangeport Road and is bounded on the west by the Town line. The site is comprised of a mixture of brush and woods and Lot 1 of the proposed subdivision contains an existing house and associated improvements. It is proposed to subdivide the site to create three lots from 1.23 to 7.87 acres in area. The site is zoned Agricultural. The Plan is in general conformance with Town Code requirements for Final Plans subject to the following comments:

1. The site is located within the Lakeshore Sewer District but there are no Town sanitary sewers available to provide service to the site. The existing house is provided service by an individual sewage disposal system. Similar systems, which will need to be approved by the Onondaga County Department of Health, will be required for the two new lots. The Plan shows the approximate area of the proposed systems.
2. The site has frontage along Orangeport Road, which is a Town highway and there is an existing driveway onto Orangeport Road for Lot 1. It is proposed that this driveway will be shared with Lots 2 and 3 via an ingress/egress easement on Lot 1 and no additional entrances onto Orangeport Road will be needed.
3. Stormwater runoff from the site is generally tributary to drainage facilities along Orangeport Road and adjacent properties. A grading plan has not been provided but information has been provided indicating that less than 1-acre of land will be disturbed. As such a New York State Department of Environmental Conservation SPDES General Permit for Stormwater
4. Discharges from Construction Activities will not be required. The Codes Enforcement Office should determine if a grading plan is needed provided prior to issuing building permits.
5. The site is not located within a Town water district but water service is available from a 12-inch diameter water main located along the south side of Orangeport Road. The water

6. service for Lots 2 and 3 will cross Lot 1 and a utility easement has been provided for this purpose. Also, an easement has been provided across Lot 2 for the water service that serves Lot 1. The applicant should coordinate provision of water service with the Onondaga County Water Authority (OCWA) along with determining if a water district is needed for the site.
7. There is a National Grid easement for a power line that crosses Lot 1 and a portion of Lot 3. The location of the houses relative to the power line has been reviewed with the Planning Board and appears reasonable.
8. The site is not located within a floodplain per the 1994 FEMA Flood Insurance Rate Maps.
9. The New York State Freshwater Wetland Map and the National Wetland Inventory Map do not indicate any wetlands are present on the site.

If you have any questions or comments, please do not hesitate to contact us.

Very truly yours,

O'BRIEN & GERE ENGINEERS, INC.

Mark C. Parrish, P.E.
Managing Engineer



ATTACHMENT B

August 18, 2008

Planning Board
Town of Cicero
P.O. Box 1517
Cicero, New York 13039-1517

Attention: Patrick Leone, Chairman

Re: Verizon Wireless Communication
Tower Applications Review

- 6005 McKinley Road
- 7967 Route 31
- 5531 Louis Avenue

File: 101.25439.327/328/329

Dear Board Members:

The following are comments on the revised and additional materials that have been submitted for the above referenced sites. The materials have been submitted to address comments from the Planning Board and in our May 14, 2008 review letters on the projects.

6005 McKinley Road

We have reviewed the following materials that have been submitted for this site:

1. June 24, 2008 letter from Nixon Peabody, LLP including additional exhibits:
 - a. Propagation Study of Sprint Tower on Pardee Road
 - b. Response to Radio Frequency Related Issues/Questions
 - c. Analysis of FAA Requirements for Sprint Tower on Pardee Road
 - d. Revised Environmental Assessment Form
2. Zoning Site Plan dated June 18, 2008
3. Detailed Zoning Site Plan dated June 18, 2008
4. Zoning Detail Sheet dated June 18, 2008.

Nixon Peabody provided item 1 and Costich Engineering prepared items 2 to 4.

The following are comments regarding the above referenced materials:

1. The Town has retained a radio frequency (RF) Consultant to review and provide a report on the issues associated with the RF propagation and need for the site, which are addressed in the original submittal and the items noted in Item 1 of the materials noted above. The Board should review the results of the RF Consultant report and discuss them with the Applicant and RF Consultant to confirm these issues have been adequately addressed.
2. The revised Site Plan materials reflect a new location for the proposed tower approximately 300 feet north of the previous locations. The following are comments regarding the new site location:
 - a. The minimum tower setback distance from the property line provided is approximately 178 feet. This exceeds the minimum setback distance recommended in the Town Communication Tower ordinance. A Tower Height Setback Easement with a radius of 145 feet has also been provided.
 - b. The access road now crosses Federal wetlands located on the site. The Applicant should obtain and comply with any necessary permits for wetland disturbance.
 - c. As the tower is generally located further from adjacent structures and roads the visual impacts of the tower should be reduced. However, the Board may wish to review the potential for reducing visual impacts from the project such as disguising the tower and the advantages and disadvantages of that approach.

The other comments in our previous letter are still applicable but require no further action at this time.

7967 Route 31

We have reviewed the Stormwater Management and Pollution Prevention Plan Report (SMPPPR) dated May 2008 prepared by Costich Engineering for this site. The SMPPPR was

required as the project resulted in more than 1 acre of land disturbance, which requires a NYSDEC SPDES Permit for Stormwater Discharges from Construction Activities is required for the project. The SMPPPR provides the required erosion and sediment control measures for the project. The Permit also requires water quality and quantity control measures be provided for the project. The SMPPPR notes the project results in a small increase in stormwater runoff rates and impervious area but indicates mitigation measures are not to be provided due to the impervious nature of the soils and high ground water tables. Our office does not object to this subject to approval by the NYSDEC.

The other comments in our previous letter are still applicable but require no further action at this time.

5531 Louis Avenue

There has been no additional information or modifications to this site. As such, the comments in our previous letter are still applicable but require no further action at this time.

If you have any questions or comments please do not hesitate to contact us.

Very truly yours,

O'BRIEN & GERE ENGINEERS, INC.

Mark C. Parrish, P.E.
Managing Engineer

