

The Town of Cicero Planning Board held a meeting on **Wednesday, June 4, 2008** at **7:00 p.m.**, in the Town Hall at 8236 South Main Street, Cicero, New York 13039.

Agenda:

- Approval of the minutes from the May 19, 2008 meeting
- Site Plans, Syracuse SMSA Limited Partnership d/b/a Verizon Wireless, Proposed Wireless Telecommunications Facilities at: 7697 Route 31, 6005 McKinley Road and 5531 Louis Avenue, Nixon Peabody LLP
- Site Plan, H.M.T. Office & Warehouse, 6268 Route 31, Proposed Warehouse Addition H.M.T. Inc.
- Site Plan, Marble International, 8141 & 8145 Brewerton Road, Proposed Retail Store & Storage Facility, Martin Merola

PRESENT:

Patrick Leone, Chairman
Richard Cushman, Board Member
William Purdy, Board Member
Sharon May, Deputy Chair, Board Member
Jason Mott, Board Member
Robert Smith, Board Member
Heather Cole, Esquire, Wladis Law Firm
Wayne Dean, Director of Planning & Dev.
Mark Parrish, P.E., O'Brien & Gere
C. Vernon Conway, Town Board Liaison
Tonia Mosley, Clerk

ABSENT:

Scott Harris, Ad Hoc Board Member
Christopher Rowe, Board Member

The meeting was opened with the Pledge of Allegiance led by Mrs. May.

Mr. Leone noted the locations of the three fire exits and that there were no formal public hearings tonight. This Board acknowledges the importance of public input and encourages anyone who would like to speak about an agenda item to do so by raising your hand, being recognized by the Chairman and using the microphone up in front. We have heard some input relative to the cell towers, especially the McKinley Road tower, at the last meeting. I would not like to have redundant input, but if there is new information that people would like to present we are willing to let that happen. Please, we have talked about the health effects of towers, the aesthetics of cell towers and what cell towers may do to property values. We are keenly aware of your concerns regarding those issues.

If the microphones go down and/or you can not hear us please raise your hand as we would try to correct that situation. Please turn off all cell phones

APPROVAL OF THE PLANNING BOARD MINUTES FROM 5/19/08

Mr. Cushman made a motion to accept the May 19, 2008 Planning Board minutes as presented. **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

**SITE PLAN, SYRACUSE SMSA LIMITED PARTNERSHIP D/B/A
VERIZON WIRELESS, PROPOSED WIRELESS TELECOMMUNICATIONS
FACILITIES, NIXON PEABODY LLP**

Representatives: Tom Greiner, Esquire, Nixon Peabody LLP
Rick Andras, Radio Frequency Engineer (RF), Verizon Wireless
Jennifer Wright, Esquire, Nixon Peabody LLP
Theresa Reed, Site Acquisition Specialist, Integrated Facility Solutions
Ashley Edwards, Law Student, Summer Intern

PROPOSED 6005 MCKINLEY ROAD LOCATION

(PRESENTED FOR THE FILE: PETITIONS SUBMITTED BY ERIC LOGAN AND
ED WARE, PHOTO PRESENTATION SUBMITTED BY LOOMIS PARDEE)

Mr. Greiner introduced himself and those with him detailing their individual specialties. We understand from the last meeting, especially with respect to the McKinley Road tower, that there are people who live in the area and are concerned. They state that they do not seem to have a problem with Verizon phones in the area so why are we here? I think that is a good question. I think that it deserves an answer. This is what Rick's presentation will talk about.

I have handed out to the Board and staff two sheets that did not make it into our power point presentation. The first sheet is what we call assisted conditions. The purple area intends to show the coverage that we have from our existing cell sites in the Cicero area. You see in the McKinley road and Michael Field tower locations, currently those areas are white. The next sheet has the same cell sites but it also shows a yellow area. The yellow areas show coverage at 850 megahertz—the current broadcast system's area. The purple area is what the 1900 megahertz would broadcast.

Mr. Leone asked what was broadcast now.

Mr. Greiner responded 850 and I think, 1900 as well from all of these sites.

Mr. Leone: So when someone holds their phone up, if they have an 850 they will get a reading in the yellow.

Mr. Greiner: That is correct.

Mr. Leone: If they have 1900 they will only get a reading in the purple? Or, does the 1900 also pick up the 850 signal?

Mr. Greiner: No, it is one way or the other.

Mr. Mott: So for the lay person, a cell tower will not work off both signals?

Mr. Andras explained. It is actually two completely independent networks that operate simultaneously. Currently at each site there are two completely independent networks operating individually. One is the PCS or 1900 megahertz system. The other is the more traditional cellular 850 megahertz system. It is important to note about the two frequencies that the 850 cellular systems travel not only a greater distance, but are more tolerable of building materials and they penetrate through trees better. The PCS systems are more or less a line of site system. This means that if you can not see the tower you get a drastic reduction in signal strength between the tower and the location that you are at. That can be anywhere from you barely being able to make a call to having no service what so ever.

The yellow in this plot shows that the area is currently blanketed with 850 megahertz signals, but not at the 1900 megahertz. Currently, the yellow area has your typical voice services and some lower level data services. The blue areas where the PCS systems are currently are very high speed (internet), at comparable speeds to Roadrunner, DSL, etc. The issue is now we have data on the 1900 megahertz system but you do not have the same coverage as you do the 850 megahertz system. Because of the difference in coverage Verizon nationwide is now traditioning PCS high-speed data down to the 850 cellular networks so that the coverage is comparable and because you get the better propagation characteristics at 850.

The license that Verizon Wireless holds at the 850 band is able to carry eleven channels. The data network is going to suck-up currently one but it will get up to possibly 3-5 channels leaving only 6 channels for voice. We are operating at 6 voice channels now. The issue becomes you don't have any capacity left on the 850 cellular network.

Mr. Leone: Could you increase capacity if your license was different?

Mr. Andras: The only way you can increase capacity is to add on another license switch. Sprint holds a license. Cingular and AT&T hold a license. That is not a feasible option unless the FCC has an auction.

Mr. Leone: The real issue appears to be that you are trying to add towers to increase the 1900 signal. Are you planning to rid yourself of the 850 signal? Will the 850 signal still exist?

Mr. Andras: The issue is that the 850 system is running out of capacity. Once the 11 channels are all used up, you can try to make a call or get on the internet and you will not be able to access the network. The plan to get around that is to build out the 1900 megahertz so that both systems have the identical footprint and so that independent of whatever system you are on you would have the same coverage, the same coverage footprint and the same signal strength.

Mr. Smith: But the phone service will still work at the 850.

Mr. Andras: Right, your phone or device will give preference to the 850 system because it is the superior as far as propagation characteristics, building penetration, etc. Everything will work fine until that system is completely full. We anticipate that happening within six months to a year.

Mr. Leone: Ultimately, you are building out space for internet or data transfer not necessarily voice. If you were not doing that you would have the capacity to handle voice.

Mr. Andras: But it is a matter of time. As the channels fill up on the voice end, once you hit the eleventh channel, there is no more room. You need more spectrum and that is where the 1900 megahertz comes in.

Mr. Greiner added as the 850 is used more and more for data, the voice will flip to 1900. Where you can make a phone call today in the yellow areas on your propagations at 850, when the switch happens, the voice calls can not be made unless we provide the 1900 megahertz signal.

Mr. Leone had a question about the Telecommunications Act. I want to be assured that this Act covers data transfer and not just simply voice transfer. There has also been some conversation about health effects. I know studies have been done. Can you tell me if you have additional information relative to the 1900 band in regard to health effects?

Mr. Greiner: The Telecommunications Act of 1996 indeed covers all of these services. It covers personal communication services. It is voice and data. Data is also helpful for public safety functions for example fire departments, police departments and ambulance services. There is no distinction between the federal law and the state public utility case law.

When you get to the health effects section of Telecommunications Act, it already knew about the 1900 megahertz. There is no difference between 850 and 1900. It does not talk about it in the actual statute but if you drill down to the FCC bulletins dealing with health effects it certainly does deal with this. Exhibit K shows everyone that Verizon Wireless comes within that safe harbor in the Telecommunications Act. It is within the FCC's restrictions and guidelines on wireless communications.

More discussion occurred.

Mr. Leone: How did you establish your need for coverage? You provided us with the need for coverage. You paid a consultant to generate your need. I would like to make sure that it is not biased in any way.

Mr. Greiner: I do not think that the information was biased. The consultant was not paid to generate these propagations. These are in-house propagations from Verizon Wireless' RF engineers. If you are suggesting that the Town might like to have someone independent look at this on the Town's behalf, it is within your prerogative to have that done.

Mr. Leone: Is the applicant willing to pay for it?

Mr. Greiner: The applicant is willing to pay for it.

Mr. Leone: We can select through our engineer who we would like, at a reasonable fee?

Mr. Greiner: Absolutely.

Mr. Parrish: Our office is not set up to do this type of work but I have worked with some other Towns who have hired consultants for similar types of projects. I would be happy to get the names of them for you.

Mr. Leone: Heather, is that a reasonable request for this Board to make? We are not requiring it.

Ms. Cole: Absolutely. Particularly because the applicant agreed.

The Board agreed, discussing whether to do propagations for this site or all of the sites.

Mr. Greiner preferred not to do all of the sites. But, if you bring someone in who has experience in these types of propagations, the tool is the tool. Looking at one they could at least verify the veracity of all.

Mr. Leone: They provided us with their needs. They have provided us with the base Telecommunications Act. Does legal or engineering dispute Mr. Greiner's statement on the Telecommunications Act?

Ms. Cole: I do not dispute it.

Mr. Leone: It is hard to dispute their data on their need. They are saying that the signal is not going to exist in those white areas and that is why they are here. I think it behooves us to understand the propagation as it exists and the locations they have asked to be built upon.

We asked about the feasibility for co-location on the Sprint tower that exists on Pardee. You said that it did not give you the same coverage band that the new tower would. Is co-location possible there? Have you been denied co-location? Was raising the tower 20 feet looked at as a possibility?

Mr. Greiner: We looked at it at 150 feet. It is 100 feet today. We would not get the coverage. I have a slide showing that. Also, the highest available area on that existing tower is 66 feet which is even worse.

Mr. Leone: If you put the Louis Avenue (Michael Field) tower in place, would it cover any of that area?

Mr. Greiner: It would cover to the west but that is what the Louis Avenue tower is for.

Mr. Leone: What is it at 175?

Mr. Greiner: Marginally better.

Mr. Leone: We have tower heights available to 250 feet if the availability to raise that tower significantly exists. What is the cut-off that the tower could be raised, to possibly take care of the coverage area that you need? Would it cover the area that you need?

Mr. Greiner: I am going to say probably not. Rick would we need to propagate that to give a good answer?

Mr. Andras: It is hard to tell, but generally I would say no because of the trees. As I said before, if you can't see the tower you will not get a strong signal from it, particularly in neighborhoods surrounded by trees.

Mr. Leone: How far are you from the other tower?

The audience responded 8/10 of a mile.

Mr. Leone noted that it was the responsibility of this Board to assure ourselves that co-location does not work. It may not be as great as you would like it. We need to see that it does not work for you at all.

Mr. Greiner: We could propagate it to the point at which it would cover everything, to see what that looks like. I suspect it will be something in the 300-350 range.

More discussion occurred.

Mr. Leone: What was the height that you requested the Louis Avenue tower to be?

Mr. Greiner: 145. We call it Cicero Center. Louis Avenue is 140.

More discussion occurred. Mr. Leone restated some of the resident's concerns. He then asked for comments from the audience.

Eric Logan, 6001 McKinley: My question is in regards to the site assessment and finding this location. How did the consultants go about determining the best sites? Maybe it could be 300 feet to the north. They talked about co-locating on the Sprint tower and getting coverage up to Mud Mill Road. Why not add maybe a 100 foot tower to the east of Mud Mill Road? I am curious to know if the number of residents living along the border of the lake would actually be affected.

Mr. Leone: That is a reasonable question today. But what we do is called planning. You can not base it upon what could happen in the future. There maybe some latitude on that particular site. I will work with our engineer to make sure that we address the appropriate information in the RFP. It may be that a tower is re-located on the very site they are looking at placing it. It may be able to be moved another 300-400 feet and still gain the basic effect. I don't know. I don't see anyone trying to shove something down someone's throat. The applicant has a willingness to work with the Town and we have to show that same willingness to work with them.

Mr. Logan: Can it be disclosed what other properties were inventoried, what other owners were talked to, what were the negotiations that took place, and the amount of

monies to be given to the proposed landowners? I think that is relevant.

Mr. Leone: That makes no difference to this Board. Certainly it makes a difference to the proposed landowner, but that is their right. If the applicant is willing to share that information and other information so be it.

Mr. Logan: It is important to know where they have looked. Perhaps they would get better coverage in a different location.

More discussion occurred. The applicant showed a list of sites that were investigated, noting that the information was in the application for public review.

Mr. Logan: We talked about the clearance, the 50 foot setback. Is that off the planning stage?

Mr. Leone asked where Mr. Logan lived relative to the tower.

Mr. Logan responded 300 feet front of it.

Mr. Leone: Suppose the tower could be moved another 400 feet back?

Mr. Logan responded fine. My initial reaction when I found out was that I assumed it would be covered by the tree line. I see deer, I see turkey. And now I could be seeing a tower.

Verizon needs to consider the long term effects. If there are health effects, twenty years from now they could be out of business. How many reports do you see on-line? Maybe they are not correct but bees die around cell phone towers. That is real. So if bees can die, I know they are the size of my thumb nail, but there is a problem there. My wife is carrying an infant child.

Mr. Leone: I am not trying to downplay your concerns. I am not a health expert. I can only go by what I see in print. Unfortunately this Board has been told by the government that we have to exclude that from our thought process.

More discussion occurred.

Ed Ware, 6008 McKinley Road: I have environmental concerns about where it is going and its placement to the wetlands. It borders two sides. Is there a buffer zone?

Mr. Leone: There is a requirement under the code for site plans about setbacks from wetlands. They will be addressed by the Town's engineer as part of the site plan

requirements. If they are disturbing any wetlands, if they are in-filling, if they are doing anything they will be required to have the appropriate DEC permits. If it is on Army Corps wetland they will have to deal with that. They are required to have all permits in place before site plan approval. Or it is approved with contingencies.

Mr. Ware: There are seven towers within a 3.5 mile radius of that location. I have drainage issues with drainage behind the gentleman's house. (Mr. Ware presented pictures to the Board.)

Mr. Leone: If it is an area being disturbed by the applicant or if it is disturbed in the process of putting in an access road or building out the site itself, the issue of drainage could be taken care of. He is willing to do that and the engineer would see to that.

Mr. Parrish: I believe this is the area where I mentioned that I think the Town has a culvert that comes out there. We expressed our concerns about that at the last meeting and the need for it to be done appropriately.

More discussion occurred.

Tim Murphy, Noel Road: I thought about the residents. As you know I live with Wal-Mart in the backyard and we have not been treated very well with their backyard. I remember a meeting where there was discussion about a generator running at one of these sites.

Mr. Leone: That was an American tower where they were doing a renovation. It was brought to our attention and I believe it was corrected.

Mr. Murphy: I too think that 300 feet is too close to the gentleman's house. It is visual pollution. I could care less if the company did not have any coverage.

Mr. Ware gave the Board a petition signed by 53 of the residents who live along that road. Mr. Logan gave the Board a signed petition also.

Mr. Logan: This is in relation to the by-law I spoke to you about. I brought up the 50 foot setback. The 50 foot setback on top of the height of the tower—190 would be the minimum distance from the pole to the property line.

Mr. Leone: That was the issue. It reads without any other recourse to public safety, this is what you would apply. But, if the tower drops within the property that they own how does that create a public safety issue to you?

More discussion occurred.

Loomis Pardee, 5977 McKinley Road: Did you get the CD that I brought in? It was one where I took pictures of different locations and their coverage.

Mr. Leone: I knew that existed. Mr. Pardee brought a CD where he had video or pictures of coverage based upon his cell phone use in the areas where the applicant is saying that there is no propagation. But, the issue really doesn't have much to do with voice today as it does with adjusting the data transfer signal in a high use area because voice is tying that up. Again it is a planning issue. We do have that on file and we will share that with the other consultant.

Mr. Smith asked if there were any complaints on file of service problems within the area, with the public service commission, etc?

Mr. Greiner: I do not know the answer to that but suspect that we have not. Basically and the Chairman has said this is a planning issue. Every new application like push to talk, etc. comes in over the data frequency. We are trying to create data capacity. At some point you will not be able to make phone calls from those yellow areas.

More discussion occurred.

Mr. Smith: Are we doing this to maintain or provide service or are we doing this to provide more balance so that you can increase the services you sell?

Mr. Greiner: It is really all of that.

Mr. Leone: Mr. Pardee when you did your cell phone presentation did you do inside structures or was everything outside?

Mr. Pardee responded in a car.

Mr. Leone: But not in a house.

Mr. Pardee: No.

Mr. Greiner: Everyone knows when you use your phone and you are outside it is easier to use in the winter than in the summer. In the summer the transmissions are blocked by leaves and are weak. You lose 6-7 DD (signal strength) just walking into your car and 9-10 walking into a wood house. If you are inside a stone or brick building you lose even more. Cell phones are now used in homes, business, every where. You need that stronger signal inside buildings.

Mr. Logan: Looking at the assessment area, I see the McKinley Road dot and I do not

see many dots around it. Why aren't there other locations within that vicinity? I would like to see the graphics of the sites which state this location does not meet Verizon Wireless coverage objectives.

Mr. Leone: We could do that but the applicant has asked for this location. They have shown us that there is some weak coverage in the other area. Let's work on what we have.

More discussion occurred.

Constance Ware, 5993 McKinley Road: If they put this tower in and I have trouble with my pond or my septic system because it will be close to my property line, can I complain afterwards and have it ratified?

Mr. Leone: Do you have problems with your pond or septic today?

Mrs. Ware: Not today but the wetlands are there.

Mr. Leone: The conditions should be addressed by our engineering services. The applicant should not create any problems. If it does I think that your rebuttal is with the engineer and the developer.

Mrs. Ware: Okay. I just want to be able to complain afterwards. I want it on record.

Mr. Leone made a motion to defer any action on the 6005 McKinley Road site for a proposed wireless telecommunication facility until we get additional information as a result of the ability to have an unbiased, Town related, Planning Board related consultant take a look at it. **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 thanked residents and the applicant. He discussed when the next scheduled meeting would be.

Mr. Greiner: In addition to underwriting and determining reasonable consultant fees, we

are willing to look at other sites on the property that would be substantially further away from houses. But, one of the constraints is the presence of wetlands. I have the RF engineers looking at a different site. I have the site acquisition folks and the civil engineer looking to see if we can thread our way through to go north a few hundred feet.

We have delineated the wetlands. At some point the wetland ends. If we can see our way towards a site that keeps us under a tenth of an acre disturbance, that is what the law requires. If that was the case I think that we could move this maybe a football field further away than it is now. If we get an unwilling landlord, that is the end of the story.

More discussion occurred.

PROPOSED 7697 ROUTE 31 LOCATION

Mr. Leone: Mr. Smith is asking if we can act upon this location tonight. It is possible.

My thought process on 5531 LOUIS AVENUE is what if they were able to do something with the current tower on Pardee Road and that tower was raised 50 feet. What if that allowed us to lower the tower height of Louis Avenue? Would that not be a good choice for both locations? For Louis Avenue if the tower was co-located and raised to 200 feet it would throw coverage toward the west. Some of the same coverage you need for a 145 foot tower on Louis Avenue might be then be supplied by a 125 foot tower. Basically you get two bangs for your buck. I would rather wait for the consultant's report about Louis Avenue before we take any action.

More discussion occurred.

Mr. Greiner noted his concern for the client. If you pay a consultant to look at all of these, they will charge triple. We do not think that is necessary.

Mr. Cushman: Can't we have the reasonable expectation that if an independent auditor takes a look at this and the propagation is fine on one, using the same tools it would be fine on all of them?

Mr. Leone: You are probably right. But what if it comes back out the other way? I agree that it may not be necessary. We do have some storm water issues with the Route 31 location that you do not have on the other two sites. Let's just talk about Route 31 and then we can make a judgment call.

The Board agreed.

Mr. Greiner on Route 31: We call this Cicero Center but it is not in Cicero Center. You can see that it is between our South Bay and Bridgeport sites. The Bridgeport site is in the Town of Sullivan. At our proposed site of 145 feet you see very good coverage.

Mr. Leone: Can you show us the difference between the 850 and 1900?

Mr. Greiner showed that on the screen.

Mr. Leone noted that location is close to some apartments. Otherwise, I thought the chosen location was a great location. There is a storm water issue. They are disturbing more than an acre.

Mr. Greiner showed the site plan.

Mr. Leone commented on how you would get to the site. It is unbelievable that we can not find another way in.

Mr. Greiner noted that they had tried repeatedly to contact another property owner to obtain a better access road and were unsuccessful.

Mr. Parrish: There is a storm water issue because of the length of the road. Because of the length of the road they are disturbing more than an acre of land and therefore require a SPEDES permit. There are also wetlands to the south of the site.

Mr. Greiner: We could have come in here and had a shorter road but putting the tower back here really takes the visual impact away.

Mr. Smith referred to the generator comments made by Mr. Murphy. Are there things that we should incorporate into our site plan approval to ensure that Wayne is not stuck with generators running all night? Other communities have. Heather, I am not sure what the wording would be.

Mr. Greiner: Every site has a generator backup in case of some weather or catastrophic event. It is only other time the generator is used is once a week, for 45 minutes.

Mr. Leone added to test itself.

Mr. Parrish: My understanding of that situation is they had put in a number of co-locations. With the last co-location that came in they needed to upgrade the power supply. They were not able to get the power upgraded for a period of time. They were running the generators during that time until they could run the new electric services.

Mr. Smith asked if this was a possible situation given its remote location off the road.

Mr. Leone: I would like to apply those types of terms, if they are legally applicable, to each of these applications.

More discussion occurred about the noise ordinance, construction, codes, etc.

Mr. Smith: Wayne answered my question. He has the tools to take care of it if there was a problem.

Mr. Parrish discussed the needed SPEDES permit. I received the storm water report but have not had an opportunity to review it in detail as part of the MS4 permit that the Town has. If the Board chooses to approve this tonight, I would not have a problem with that if the Board conditions it upon our review.

Mr. Leone: I would like to spend a little time thinking about some of the contingencies we just talked about and apply them to all three sites. If it does not change their construction schedule it is a non-issue. It is up to the Board.

Mr. Cushman: I think we should defer all three.

All of the Board members agreed.

Mr. Leone asked if there was anyone who would like to speak about this application. There was no response.

Mr. Cushman made a motion to defer action on the proposed wireless communication facility at 7697 Route 31. **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

PROPOSED 5531 LOUIS AVENUE LOCATION

Mr. Leone asked Mr. Parrish if he had any comments. We have the drop zone. Access does not seem to be a problem.

Mr. Parrish responded no, nothing that has not already been addressed.

Mr. Greiner reviewed the propagation. You will notice the whole is filled in nicely.

Mr. Leone: Again, is that an 850 or is it a 1900 issue?

Mr. Greiner noted this would be 1900. It is the 1900, the white areas, that we are concerned about. This tower is 140.

Mr. Greiner also showed slides of the existing NYEX tower and the proposed site plan.

Mr. Leone asked if there was anyone who would like to speak about this project. He answered Mr. Murphy's question about where the tower would be located on Louis Avenue and how far it would be from the houses.

Mr. Smith asked what issues do we have with this site. Do we disagree with this coverage?

Mr. Greiner responded.

Mr. Leone made a motion to defer action on the proposed wireless telecommunications facility at 5531 Louis Avenue. **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. Greiner: We will try to get everything back to you by your next meeting.

Mr. Parrish: The new consultant will be the driving factor in when your next meeting would be.

**SITE PLAN, H.M.T. OFFICE & WAREHOUSE, 6268 ROUTE 31
PROPOSED WAREHOUSE ADDITION, H.M.T. INC.
(SEE ATTACHMENT A: OBG LETTER)**

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

Mr. Romans introduced himself. We have the modified site plan reflecting the Board's comments and the comments from O'Brien & Gere. The first thing is a sidewalk provided in the 5 foot wide sidewalk easement located along the frontage. We have an existing 5 foot wide sidewalk easement and a 4 foot wide, centered, concrete sidewalk. The second issue refers to a note being placed on the plan acknowledging the curb cut on the site being abandoned and consolidated with the curb cut on Lot 2 across from Button Road at the time Lot 2 is developed. We have added that note. Mark also had comments regarding parking and site calculations. We show 24 existing parking spaces, 4 in the front and 11 in reserve. The site requires 27 spaces. When Lot 2 gets developed we have 11 spaces in the back that we can more than make up by what will be lost.

Mr. Leone: Will they stop using that driveway?

Mr. Romans: The applicant will not use this driveway at all. We are cutting it off and putting in a 5' wide grass strip between our paved driveway and that.

Mr. Parrish: The access drive is for the cell tower. You can see the shaded gravel area adjacent to the building on the site plan. That is being taken out. They can not get to that now by coming through the access in the front of the building. Now with the site, they will be able to use their entrance to get to that area without having to use the other area.

Mr. Leone: It is a safety issue. We wanted this drive to be disbanded and a new one to be put in. We can make it a contingency.

Mr. Romans continued. We show a 45 foot greenspace along that entire property. We will have more room for snow storage in the back of the site. We show landscaping in the green island here, which Mark suggested be eliminated. There is also an existing gas meter there. We would like to keep that. We did make it bigger. It is approximately 5 feet out from the building.

We met with Mark Grainer. I have a letter that I wrote to him which summarizes our meeting. There was an agreement that when Lot 2 gets developed, the Lot 1 driveway will disappear.

Mr. Leone: County Planning disapproved this because of that driveway.

More discussion occurred.

Mr. Romans noted that lighting was not being modified at all. The existing sign sits about where the sidewalk will be and therefore will be re-located.

Mr. Parrish noted that the drainage issue between the applicant and Spera's has been

improved.

Mr. Dean mentioned the width of the sidewalk. We talked about a 5 foot sidewalk. I do not know what the purpose of a sidewalk easement is.

Mr. Romans stated we can put in a 5 foot sidewalk if that is what you want.

Mr. Smith: I think our code officer is right; 5 feet would make more sense. Without direction from the Town Board, as long as we are the ones who have to keep instituting it, his point is well taken.

Mr. Leone: Wayne should keep reminding this Board of that so that we remain consistent. What is the easement for? Who is getting the sidewalk?

Mr. Parrish: To indicate the intent to put the sidewalk in.

Mr. Leone: Not the intent to give it to the Town.

Ms. Cole: Correct.

Mr. Parrish: The easement was put in during subdivision as an indicator that sidewalks should be put in.

Mr. Conway added Wayne and I have been working on the sidewalk width. When the ordinance is done it will be a 5 foot minimum wide sidewalk width.

Mr. Romans: Could you see fit to give us approval tonight subject to modifying the sidewalk to 5 feet?

The Board agreed. Mr. Leone asked if there were any other comments from the Board, Zoning, Engineering or Legal. There were none.

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. 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 that we accept the site plan for H.M.T. with a revision date of May 8, 2008 and the following additions: The sidewalk will not be 4 feet but 5 feet wide concrete maintained by the owner throughout the year. A special note is to be included to deal with the driveway closing once Lot 2's access becomes available. They must stop using the access road for the cell tower as soon as their construction has been completed. **Mr. Mott seconded the motion.**

Mr. Leone noted the need for a super majority approval because the County recommended disapproval.

Mr. Smith: A super majority would be?

Mrs. May responded five.

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, MARBLE INTERNATIONAL
8141 & 8145 BREWERTON ROAD, PROPOSED RETAIL STORE
& STORAGE FACILITY, MARTIN MEROLA**

Representative: Martin Merola, Robin Development

Mr. Leone: The last thing on tonight's agenda is for Marble International for the use of a property at 8141 & 8145 Brewerton Road. I will recuse myself because I have a conflict of interest with this. (Mr. Leone left the podium and the building. Mrs. May lead the discussion as Deputy Chair.)

Mrs. May asked Mr. Merola to bring a presentation for projection next time.

Mr. Merola introduced himself as the representative for Alcorn Associates and Marble

International. We are doing a change of use for the property at 8141 and 8145 Brewerton Road. Currently the front area of the building is being used for a dance studio. The rear is being used as office space for Paragon Environmental. The remaining vacant lot in the back has some storage sheds and parking for some of Paragon's equipment. Alcorn has made a lease agreement, subject to getting approval from this Board, with Marble International. Marble International is currently located next to the Fastrac Gas Station on Route 31.

It is my understanding that the Town had approved this plan back a couple of years ago when Paragon took position of the property. However, Paragon never did the island work which I believe was on the original plan. We have it as an island in the center with one entrance to the north and one entrance to the south. There would be do not enter signs for entering one way and exiting one way.

Marble International would be selling pre-made products there. They would also have slabs of marble for display. There would not be any fabrication. They might cut a hole in a counter top for a sink, etc. Otherwise, all of the counter tops are fabricated at another location.

Mrs. May: You don't do any grinding of the marble as far as fabricating the counter top itself? There is no re-manufacturing there at all?

Mr. Merola: No. He does storage and sales. It is a much better site all around. At his current location it is hard for people to get in and out.

Mr. Smith asked for a survey of the site.

Mrs. May asked about the area for the potted trees and shrubs. What is its width? You should have at least a 20' greenspace there.

Mr. Merola: My survey is not to scale, but if that is what you would like we will do that.

Mrs. May: As you just heard, you would need a 5' concrete sidewalk in the front of the building.

Mr. Merola responded okay, I guess we will have to do that.

Mr. Smith requested when the site plan was brought back in could it be on a survey with dimensions. The words approximate property line are a problem. I think that we should have something more detailed.

Mr. Parrish: I think we should get an actual survey that shows actual property lines to

scale and the dimensions appropriately.

Mr. Cushman: What is your feeling about two driveways?

Mr. Parrish suggested that the applicant go to the DOT and get approval for the modifications to the entrance and how that is going to work.

Mr. Cushman was concerned with the size. Do you have an estimate of the width of the lot on Route 11?

Mr. Merola noted that it was two separate parcels. The one piece is a long, skinny two acre parcel which has about 90 feet of frontage if I am reading this correctly. The other piece is approximately another 76. 166 feet is the total.

Mr. Cushman: I have a feeling at 166 feet this is going to come back from the DOT with one curb cut.

Mr. Merola: It is my understanding that this was approved by the Board prior, with this plan.

Mr. Cushman: Right, but it is also a change of use.

Mr. Parrish did not recall this coming before the Board, but that is not to say that it did not happen. It may have been a very minor action by this Board.

Mr. Dean was also concerned about the entrance. By the time you put a sidewalk across the front and increase the width of the island it may not work for delivery trucks coming around the back of the building and getting to the side of the building.

Mr. Merola: That is why we laid it out with two entrances that are enter only and exit only. People have to be able to get to this other large piece.

Mr. Cushman: We are going to be tied to whatever the DOT allows for a curb cut and then we would be able to work with a good survey.

Mr. Smith made a motion that the application was not complete and that we table this and send it back. Then the applicant can come back with an acceptable site plan for this Board to consider.

Mr. Parrish: For clarification to the applicant, you are not suggesting that you are finding the use to be an issue.

Mr. Smith: No. We don't have enough stuff to work with.

Mr. Parrish: You just need it to be clarified, for example parking, and a justification for the number of parking spaces and those types of things.

Mr. Smith: Absolutely. Everything that we would normally have.

Mr. Cushman: We need dimensions. We don't know how big the building is, lot size or setbacks.

Mrs. May: We look for landscaping and architectural.

Mr. Smith: Drawings, renderings of what it will look like.

Mr. Parrish: Signage and lighting.

Mr. Merola: This is an existing building. Why are we going through all of this? I don't understand all of the new rules.

Mrs. May: It is a change of use.

More discussion occurred.

Mrs. May asked if Zoning, Engineering and Legal had anything else to add.

Mr. Parrish noted this has not been sent to the County.

The Board felt it was not ready to go yet to the County.

Mr. Purdy asked if the Board had to first decide if this was a change of use.

Mr. Dean: When this first came up he was going to use this as a fabrication shop. The issue would have been with dust and noise near residences. At that time it was requested that I go and look at a similar operation in East Syracuse. I did that and then reviewed the application. Then the application came back stating that operation was not going to be done here anymore. The applicant would cut and fabricate the slabs off-site. The application would be brought before this Board with a minor modification of holes for sink cuts. That would be an acceptable use for this General Commercial zone. You would have needed an Industrial site before.

Mr. Mott seconded the motion.

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

Mr. Cushman:	Yes
Mr. Purdy:	Yes
Mr. Mott:	Yes
Mr. Smith:	Yes
Mr. Leone:	(Not part of the vote)
Mrs. May:	Yes

Mrs. May made a motion to adjourn. **Mr. Cushman 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 9:13 P.M.

Dated: June 10, 2008

Tonia Mosley, Clerk