

The Town of Cicero Planning Board held a meeting on **Wednesday, April 2, 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's Minutes from March 17, 2008
- Sign Permit, Barone Gardens, Proposed Free Standing and Electrified Signs, 6200 South Bay Road
- Site Plan, Robert Walczyk, Proposed Professional Office Building, 9650 Brewerton Road
- Informal Discussion, Site Plan, Syracuse SMSA Limited Partnership d/b/a Verizon Wireless, Proposed Wireless Telecommunications Facility, 7697 Route 31, Nixon Peabody LLP
- Informal Discussion, Site Plan, Syracuse SMSA Limited Partnership d/b/a Verizon Wireless, Proposed Wireless Telecommunications Facility, 6005 McKinley Road, Nixon Peabody LLP
- Informal Discussion, Site Plan, Syracuse SMSA Limited Partnership d/b/a Verizon Wireless, Proposed Wireless Telecommunications Facility, 5531 Louis Avenue, Nixon Peabody LLP
- Discussion: O'Brien & Gere Letter Regarding Site Plans: Construction Inspections

PRESENT:

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

ABSENT:

Christopher Rowe, Planning Board Member
Scott Harris, Adhoc PB Member

The meeting was opened with the Pledge of Allegiance.

Mr. Leone noted the locations of the 3 fire exits. There are no formal public hearings tonight. This Board recognizes the importance of public input and encourages anyone who would like to speak about an agenda item to do so by raising your hand and being recognized by the Chairman. Please use the microphone when speaking. It is our intent to be heard. If you can not hear us please raise your hand.

**APPROVAL OF THE PLANNING BOARD'S
MARCH 17, 2008 MEETING MINUTES**

Mr. Smith made a motion to approve the Planning Board meeting minutes from March 17, 2008. **Mr. Mott 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

**SIGN PERMIT, BARONE GARDENS
6200 SOUTH BAY ROAD, PROPOSED PERMANENT FREE STANDING
AND ELECTRIFIED SIGNS**

Representative: John Barone

Mr. Barone referenced the existing sign and the proposed sign.

Mr. Dean stated the existing sign is located next to the property line. That location is not appropriate. I brought the proposed signage to the Board because it includes an electronic reader board.

Mr. Leone: We have been approving reader boards somewhat reluctantly. So we have set certain conditions. We don't like to see them flashing or scrolling.

Mr. Dean: I believe we established a time delay of 10-12 seconds.

Mr. Barone stated that was agreeable.

Mr. Leone asked for verification of that number. Sign location, the way it is built out and its size is important. Is the 5 x 7 the reader size?

Mr. Barone: That is the total size of the sign unit. The reader part is about 32 x 7 inches.

Mrs. May asked for the size of the current sign.

Mr. Barone responded 8 x 5. This would be smaller.

Mr. Leone noted that the new sign would be raised 10 feet. Is that the height of your current sign?

Mr. Barone noted the proposed sign is about 1-1.5 feet lower. It would show sale prices, etc. It would also have the ability to show low grade pictures, but not like the sign at Burdick's.

Mr. Leone: You are planning on removing your current sign. What other signage do you have on the building?

Mr. Barone: I believe we have our name above the hip roof. That is pretty much it.

Mr. Leone: The code states you are able to use one square foot of sign per linear foot of the front of your building. If it goes over that a variance is required from the ZBA.

Mr. Barone: The front of the building, if you include the retail greenhouse, is 57 feet.

Mr. Leone: The reader board must stay within that size limit. I don't know how the fascia of the reader board is counted.

Ms. Cole: I'm not sure if the code even addresses that. For clarification, I am assuming that this site has a previously approved site plan, with a previously approved sign package.

Mr. Barone: That was back in 1989.

Mr. Leone: You are coming in with a sign under today's code. I think that if we can assure that it is not greater than the linear square footage that is required based upon your frontage that should not be a problem for this Board to address.

Mr. Smith: So, basically we are modifying a site plan from 1989.

Mr. Leone: If you modify the site plan, and that is not what this application is for, you would have a little leniency because you were approving a new site plan. Unfortunately that would take you into other perspectives. Would it have to go back to the County, etcetera, opening up other questions and possibilities?

I just want to speak to your sign issue and get a reasonable concurrence from the Board. If we work within that square footage I am fairly comfortable. If Legal tells me that seems reasonable and Codes accepts that we should be able to march through this.

Mrs. May again noted the sign will be a little less than the existing sign.

Mr. Smith asked Mr. Dean if he saw any problems with this.

Mr. Dean responded no.

Mr. Leone asked the Board if they would like to see some landscaping along the base of the sign.

Mrs. May asked Mr. Barone if he was willing to do that.

Mr. Barone agreed.

Mr. Leone: I don't think that Mr. Barone should adhere to anything other than what was in the Kinney's sign package. Kinney's is right across the street. These signs are the wave of the future. The problem is we don't want to see the area look like the Vegas Strip. If Mr. Smith will make the motion, we can comply with what was set for Kinney's.

Mr. Smith made a motion to approve the sign permit for Barone Gardens as presented. Since the Code Office has to do some research to determine the reader board's delay time, approval is conditioned upon adhering to the delay time as determined by the Code Office. **Mrs. May seconded the motion.**

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

Mr. Cushman:	Yes
Mr. Purdy:	Yes
Mrs. May:	Yes
Mr. Mott:	Yes
Mr. Smith:	Yes
Mr. Leone:	Yes, with a point of clarification. The linear square feet that we discussed was within the square footage requirements for the total length of the building. I have no problem with Mr. Barone including the secondary building, the greenhouse, as frontage.

Mr. Smith amended the motion to include Mr. Leone's statement above.

Mr. Leone: You are all set. Wayne can help you with whatever permits that you need.

Mr. Barone thanked the Board.

**SITE PLAN, ROBERT WALCZYK
9650 BREWERTON ROAD
PROPOSED PROFESSIONAL OFFICE BUILDING**

Representative: Robert Walczyk

Mr. Walczyk introduced himself. I am the owner of the commercial property at 9650 Brewerton Road in the Hamlet of Brewerton. On January 7th I appeared before the Town Board to request a waiver on the moratorium as it applied to my building. On February 18th I applied to this Board for approval of the site plan to renovate the existing structure, the former Masonic Lodge, into professional office space. My presentation showed the existing building and the proposal of what the building would look like from the Route 11 side and from the north side which would be the East Washington Street side of the building.

After my presentation it was suggested that I make some clarifications and provide better details with respect to the site plan. I have done that and believe you each have a copy of that. You have requested that I provide better detail on the parking to reflect the permanent easement that will be conveyed for the use of the property. My wife and I are owners of the adjacent parcel, so that will not be a problem. It is my intention to use the existing sign, but to reduce it to about 3 x 4. There will be no direct access from this parcel onto Route 11. Ingress and egress would be East Washington Street. We have also noted where the lighting would be on the building. As part of this renovation the existing stairs on the outside of the building, will be removed. We will just have interior stairs. The shed like attachment on the back of the building would be removed, and would be replaced by a small entry way similar to the entry way on the front of the building. For architectural finishes, my intent was to use hardy board which has a primed tan color which would match my building next door. I would like to have some neutral colors on the building, perhaps a light blue or steel grey.

Mr. Leone: I know it is early but the color scheme seems to fit in with the proposed Brewerton standards.

Ms. Cole: A design committee has been formed which works with the Town's consultants for the Hamlet of Brewerton. They have started looking at models and draft codes. I do think that the types of things Mr. Walczyk is proposing seem consistent with what has been discussed during this preliminary phase. Mr. Leone, Mr. Mott and Mr. Dean sit on that committee.

Mr. Mott noted he was excited about this project. I think that it will be consistent with the direction that we are going. I am comfortable with the materials and the color.

Mr. Leone: Mark, do you have any issues that need to be addressed? I know that you are not expected to give us an engineering letter.

Mr. Parrish: I think the parking layout is reasonable assuming that the easement gets recorded appropriately. There is a porch light shown out front and two lights shown off the back porch. There are no details given on those so we need to confirm that they are a low watt type of decorative, basically residential, fixture as opposed to a flood light. So, it not a flood light or anything like that? It's just a decorative fixture, residential type correct?

Mr. Walczyk responded yes.

Mr. Dean: We are addressing the signage in the standards committee. I think he should wait until we establish those standards.

Mr. Leone: We could allow him use of the present sign. You are welcome to change it to something smaller. There will be a very specific set of sign regulations for Brewerton. It is too early to tell if your sign will be impacted by that. The sign may not meet the requirements of what the whole town will do. I don't think the changes will be staggering, but there is no sense in investing a lot of money in a sign you might be required to change within a year.

Mr. Walczyk asked if the new regulations would be in place by September.

Ms. Cole thought that was the goal. There is only a certain amount of time that the moratorium is going to be in effect. I know that the committee is looking to get this done sooner than later.

Mr. Leone anticipated it would be done within the next four months.

Mr. Walczyk noted he understood and would not go out a buy a sign right away.

Mr. Leone discussed the comments from the Onondaga County Planning Board. Basically they had none. I think we are ready to take action on the project.

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. Mott 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 site plan for 9650 Brewerton Road with a revised date of February 19, 2008 including the following conditions: the easements are conveyed and approved by Legal. Scattered lighting will not occur, scattered lighting being off the property. Down lighting will be used. The existing sign can be reused until such time as the sign standards come in for the Brewerton area. The sign must then be reflective of that change. **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

INFORMAL DISCUSSIONS

**SITE PLANS, SYRACUSE SMSA LIMITED PARTNERSHIP
D/B/A VERIZON WIRELESS, NIXON PEABODY LLP
PROPOSED WIRELESS TELECOMMUNICATION FACILITIES AT:
7697 ROUTE 31
6005 MCKINLEY ROAD
5531 LOUIS AVENUE**

Representatives: Thomas C. Greiner Jr., Esquire, Nixon Peabody, LLP
Jennifer Wright, Nixon Peabody, LLP
Theresa Reed, Integrated Facility Solutions (Site Acquisition)

Mr. Leone noted the applicant had come to a pre-agenda meeting with a number of possible sites. I suggested that once you have narrowed the site selection that you should come to the Planning Board on an informal basis to get some feedback on how the Board felt about those sites. My guess is that there will be some specific questions relative to new sites, co-locations and what Verizon is trying to accomplish.

Mr. Greiner suggested we could discuss each site individually, but it would not be a bad idea to discuss some of the common aspects of what we are doing. In the application packets we have provided propagations on each location. In each you will find some areas of poor/inadequate coverage. Since '93-'94 there has been an evolution in service in terms of use, technologies and uses in which it is put. The service has evolved from just voice to voice and data, for examples the data for wireless internet, medical telemetry, police and fire. We also use different frequencies to provide for voiceover 850 megahertz and voiceover 1900 megahertz plus the data.

Mr. Leone discussed site names for clarification. The names are what Verizon selected as names. The names have no basis in where they are located. Cicero Center is not at Cicero Center as we know it. Cicero Center is actually behind the apartments up further towards Bridgeport on the right-hand side of the road. Mud Mill is confusing because it is actually McKinley.

Mr. Greiner agreed. You can not go by the names.

Mr. Leone noted the areas selected, for the most part, are not encumbered by wetlands. Are you looking to own or lease the land?

Mr. Greiner responded lease.

Mr. Leone asked if the roads that are built in disturb wetlands to get to the sites.

Mr. Greiner: No.

Mr. Leone asked about drop zones. Are you within the confines of your leased property? Have you looked at it with a scale that is large enough that if you did a legal extension within the heights that the Town allows, you would still be in your drop zone within your leased property? I want to assure as we move forward to approve sites that you have the adequacy that someday if a tower had to be raised, you would still be in the confines of your leased area.

Mrs. May noted there was nothing around the Route 31 site.

Mr. Purdy: I have visited all of the sites. Your applications say 200 x 200 parcels. With a 145' tower, it would not totally be within the fall zone. That is if the tower fell straight over.

Mr. Greiner: In addition to the 200 x 200 feet leased parcel, Theresa went out and acquired a circular easement with a radius of the tower's height. That is shown on the plans by the dotted circular lines. For the three sites the towers would be 140' or 145'.

We have easements that describe that whole area.

Mr. Purdy: I noticed the applications also state that there is enough area on there for the service of two or three more cellular companies. Would that mean an extension? Now there is nothing next to this, it is all vacant property. But it is only vacant property for so long before someone wants to put something on there. If the drop zone extends onto someone else's property, where it is open now it may not be open in the future. My concern is, if it is available for two or three other cell phone companies, will we have to come back later and have to give you another 20-30' on top of that?

Mr. Leone: If we set those conditions up front and they accept those conditions at for example 145 feet; that is it. Don't come back. Unfortunately on the one tower that was extended recently we did not have that condition.

Mr. Smith: That raises another issue. In as much as we are not looking to site anymore of these than we have to; I assume that you have looked at all of the existing towers. None of them are usable for co-habitation?

Mr. Greiner: We looked at the NINEX tower in Clay, west of what we call the Michael Field site. There is also a Sprint tower at the corner of McKinley and Route 81. We looked at all of those towers in combinations with our sites, one sites, two sites, lower heights—everything to see if we couldn't make one of the existing towers work. The problem is that when you get to the 1900 megahertz, the broadcasts do not propagate nearly as efficiently and as far as the lower frequencies. They penetrate better, but they do not propagate as well.

Mr. Leone: We have learned a lot about towers in the past year. This Board has been diligent in trying to understand them. We also understand the need. Did you get approval for a tower in the Town of Clay on Guy Young Road?

Mr. Gaiser: I don't work on the Town of Clay sites, one of my partners does. I will find out. We have within the last year or so gotten approval in the Town of Clay.

Mr. Leone: Have you built those out? If you did is that included in your propagation?

Mr. Gaiser: I believe those are built out but I will look. I had the engineers propagate the NINEX tower which is just over the border. We could not make it work. If we could we would not build one of these towers.

Mr. Leone asked for Cicero's height restriction on towers.

Mr. Smith: Your answer, in yes or no terms, is you have looked at all of the existing

towers and have made every effort to co-locate your equipment on those and they will not work?

Mr. Gaiser: That is correct. Half of our system is co-located. That is an easier, quicker thing to do.

Mr. Leone: If you have any of the information verifying that you have looked at the propagations from other co-locations and they would not work or you could not get access that would be valuable for our files. We would appreciate that.

Mr. Gaiser stated he would send those in prior to our next meeting so that people have an opportunity to look at what we have tried to do.

Mr. Leone: You have shown us some before and after photographs of what a site would look like after the tower is built from Route 31. That does not necessarily mean what the tower would look like from those apartments. These seem to be reasonable locations. It appears to me that your selection process was done quite well. I appreciate all of that. Again, pictures are worth a thousand words. What is the total height towers can go?

Ms. Cole: They can go a maximum of 250 feet without a variance. She read: in no event however shall any tower exceed a height of 250 feet without first obtaining a height variance from the Zoning Board of Appeals.

Mr. Leone: I want to make it very clear. The height of your tower is going to be limited to the land that you control. You have some rights on other issues as well for example visual issues. I think that this Board needs to wrestle with your request and what we can do to limit your extensions. Neighbors have adamantly said that they knew they had moved next to a tower. But they did not know towers could grow.

Mr. Smith: Our first goal is to use towers that are already there.

Mr. Leone: I see this Board as willing to work through the process. But, you may get some very specific stipulations within the conditions of your approval so that it does not happen that a tower can grow again.

Mr. Gaiser: I would say two things to that in working within those parameters. I am sure Verizon will be content with the height of the towers. If the tower needed to grow to accommodate co-locations, understanding the Board's structures there, I suppose it would then be incumbent upon whoever wanted to co-locate at a higher height. If they wanted to extend the tower they would have to go out, as we did, and procure control over more land to meet the radius requirement. Number two: if the land is not available then they would have to make the existing system work. If they are 10 feet below us maybe they

are not going to get absolutely optimal coverage. But, they are going to get very good coverage.

Mr. Leone: Mrs. May and Mr. Purdy spoke about the drop zones. People have come back and proved to us engineering wise that said towers do not drop collectively all together. I would rather have it secured by property that you control then property that you do not control. The last part of this is how you are going to engineer your way there. You have to be conscience of the wetlands. Our engineer and our Zoning Department will be looking at all of that. Your buildout of a tower is no different from any other buildout. You have issues with silt fences, grading, and trees coming down. We control those steps as part of the site plan/tower approval.

The last part is a Town requirement. I believe that all residents within 500 feet of the tower locations have to be notified.

Ms. Cole: Because there are three sites and 500 feet is a large radius, it is a burden on the Zoning Office to find all of these property owners and to notify them. This is also a very busy season for the Assessor's Office and so they are having a hard time helping out. One thing that Mr. Greiner and the applicant can do is to provide a list to the Town so that the Town can more easily make sure that those notices to out. That would be greatly appreciated.

Mr. Greiner: If we can get the engineers to draw a 500' circle around the center point of the tower? Where do you calculate the 500 feet from?

Ms. Cole: From the side of the tower.

Mr. Greiner: If we do that on tax maps we can get you a list of the tax map numbers?

Ms. Cole: Wayne just pointed something out. I am not sure it is 500 feet from the side of the tower or 500 feet from the property line.

Mr. Greiner: Is it our property that we are leasing, or the parent parcel?

Mr. Leone: It is the property that you are leasing. That is the site you are building on.

Ms. Cole: I think to be as safe as we can, 500 feet from the leased parcel.

Mr. Leone: If Heather is comfortable with that, I think as a Board we would be comfortable with that. Is the mailing done by the applicant or by the Town?

Ms. Cole: The mailing is done by the Town currently. This is rather a big project. That

is why we are asking for the applicant's help.

Mr. Greiner: We will get the engineers to look at the tax maps, draw the circles, calculate the distances and get you every tax map parcel.

Ms. Cole: Wonderful. Thank you.

Mr. Leone: This is needed because the tower locations are open for public comment. There will be a public hearing on it.

Mr. Mott had a question for Wayne or Mark. On your initial review, have you seen any problems with wetlands?

Mr. Parrish: They show some wetlands on their site plans. I have only done a cursory review.

Mr. Leone: Is it a wetland that is going to be disturbed by the buildout?

Mr. Parrish: On the Louis Avenue site, yes.

Mr. Leone: That needs to be addressed. If the site does not work for Mr. Greiner as a result of it or he can not acquire the appropriate mitigation permits, the site may become unusable for Verizon.

Mr. Greiner: I know as part of the due diligence that they do, they look at the wetlands. They look at maps. They go out and do field studies. If there is any possibility they will go out and do delineation.

Mr. Smith had a question for Legal. If we, as part of our resolution passing this, limit the height exactly and say that it can not be reconsidered, what effect would that have on another Planning Board twenty years later who faces the same issues that we face: either to site a new tower or to extend a tower? Would we be tying their hands?

Ms. Cole: It certainly sounds like you would be trying to, yes.

Mr. Leone: I am not necessarily sure that is a problem. I think that they could recreate a modified site plan to come back in. But, they would have to go back through the County and all of the other steps. I think that is probably reasonable.

Mr. Smith: We can not see into the future. My theory is we would not have had a way. Obviously we had two choices that we did not like. Obviously this Board did not want to site another tower. No Board does. If we had been so restricted, we would not have been

able to use the tower that we finally chose as the best solution of the two. I don't know if we should make it so restrictive that there is no door open twenty years from now.

Mr. Dean: We always try to first re-locate on another tower. Are we being short sighted by saying limit it to 145 feet because that is what we need now?

Ms. Cole: You can waive the crossing a drop zone over a property line requirement if the applicant can prove to your satisfaction that the tower will collapse upon itself.

Mr. Leone: If you control the property, you are controlling the drop zone.

More discussion occurred.

Mr. Leone: If you put that information, as detailed as possible, into your site plan that goes a long way in showing that it was always your intent to someday you would co-locate or extend the tower and the Board would accept that. I think it would be to someone's benefit to do that.

Mr. Greiner: The Cicero factor that comes into play is the insistence that we also control exactly the same amount of land that the tower could possibly rise to. That is a little bit of a fly in the ointment because upfront we don't really know. We would be guessing. Secondly landlords are not always easy with their land. We only need 140. If we built it extendable to 160, will we really be able to get another 20' radius of land? What if no one ever comes?

Mr. Leone: It is a balance. Some conditions are limits. You are going onto property that subdivision builders own. Their intent is to someday build a subdivision there. Whether that happens in my life time, I have no idea. But the fact is that is what they do for a living. So why wouldn't I believe that someday there is going to be a tract of homes next to that tower? We have to go in collectively with our eyes wide open. That is the basis for the height of the tower in the future. That land could be an issue for getting an extension later. If you get the land now it will not be an issue.

Mr. Greiner: At least one of these needs SOCPA review.

Mr. Leone: I would say they should probably all go down.

Mr. Smith asked if the site plans could be sent down in their present forms.

Mr. Leone: If the Board is comfortable with the sites and Mark is comfortable with the set of plans, I think that we could make a motion to forward them down to the County. But, we will not act upon this until those notices go out and the public hearing is there.

Mr. Smith made a motion to send the site plans to the County as long as we are all in agreement. The Town's Planning Board will take no action until notices are sent, but we will send it to the County so that they have a chance to review it. **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 asked that the site plan be available for projection for the public hearing and that the applicant be ready for some hard questions.

**O'BRIEN & GERE'S LETTER REGARDING CONSTRUCTION INSPECTIONS
APPROVED BY THE TOWN BOARD**

Mr. Leone: From what I read in the draft minutes, I believe that the Town Board has approved construction inspections and to add that fee in.

Ms. Cole: Yes.

Mr. Smith: I think we should thank the Town Board for doing that. When will this go into affect?

Mr. Dean: We can do it immediately. We have not modified the application yet.

Mr. Leone: It is only fair that those modifications get made as soon as possible. We have applications before us that were made before this change in law. It could be an ethical thing or it could be a legal thing. Are they going to be required as part of site plan approval to move forward with the inspection fee?

Ms. Cole: I think we need to request it of them. If they choose to not do it, I don't know if we have enough teeth to go back in time. But I think that it is appropriate to request it of the applicant, explaining that this is a new policy that has been established. I do think that it is in everyone's best interest to do it and to make sure that sites are completed the way the Planning Board intended.

Mr. Leone suggested a simple notice from the Zoning Office might help, before the

actual change is made. An aware notice that this is going to happen.

Mr. Dean: Mark and I will get together and modify this as soon as possible.

Mr. Leone made a motion to adjourn. **Mrs. May 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 8:10 P.M.

Date: April 15, 2008

Tonia Mosley, Clerk