



The Planning Board of the Town of Cicero held a meeting on **Monday, December 14, 2015** at **6:30 p.m.** in the Town Hall at 8236 Brewerton Road, Cicero, New York 13039.

**Agenda:**

- Pledge of Allegiance
- Approval of the Minutes from the November 23, 2015 Meeting (**Approved**)
- Site Plan, Syracuse SMSA Limited Partnership, dba Verizon Wireless, 6256 Island Road, Proposed 150 foot wireless telecommunications facility, Nixon Peabody (**Approved**)
- Site Plan, Ryan J. Beckley, Snowshoe Trail, Tax Map No. 089.-10-40.0, Proposed detached garage/pole barn, Ryan J. Beckley (**Approved**)
- Site Plan, Paul Roux (Syracuse Label), Stewart Drive, Tax Map No. 057.-02-29.1, Proposed production and warehouse building, C&S Companies (**Approved**)
- Site Plan, Sketch Review, Set Public Hearing, Diemchi Nguyen, 5819 Lincoln Avenue, Proposed home occupation, Diemchi Nguyen (**Public Hearing Set for Next Meeting**)

**Board Members Present:** Bob Smith (Chairman), Pat Honors, Mark Marzullo and Joe Ruscitto and Chuck Abbey.

**Others Present:** Neil Germain, Planning Board Attorney, Mark Parrish, Planning Board Engineer.

Chairman Smith opened the meeting by noting the locations of the three emergency exits, asked that all cell phones be silenced and noted if anyone had difficulty hearing the proceedings please bring it to the Clerk's attention so the audio system could be adjusted.

Chairman Smith: We have some students here with us tonight. You must stay for a least one hour. Please bring your forms up to the Board at 7:30pm and we will sign them for you.

Mr. Marzullo led the Pledge of Allegiance.

Approval of Minutes of November 23, 2015 Meeting:

**Mr. Marzullo made a motion** to approve the Planning Board Minutes from November 23, 2015. **Mr. Abbey seconded the motion.** The Chairman called a vote.

*In favor: 5      Opposed: 0      Abstained: 0      Motion approved unanimously*



**SITE PLAN  
SYRACUSE SMSA LIMITED PARTNERSHIP  
DBA VERIZON WIRELESS  
6256 ISLAND ROAD  
PROPOSED 150 FOOT WIRELESS TELECOMMUNICATIONS FACILITY  
NIXON PEABODY**

Robert Burkdorf from Nixon Peabody, Colin Fazio from Verizon, representatives

Mr. Burkdorf: The application is for the Thompson cell tower. The application was made June 29<sup>th</sup>. There has been significant research done in the area and we have weighed all the options. The site has been moved significantly. We are back before the Board to receive site plan approval.

Chairman Smith: When we had the meeting at the Town Hall, site acquisition was going to come up with a presentation so the Board understood why we had to have this. I would like a presentation as to why we have to have this particular area. The Board should also know that you were going to do a balloon test. You were supposed to call the adjoining landowners but you never did – neither the test nor the contact to the landowners.

Mr. Burkdorf: We do have photo simulations done and they do include the balloon test.

Chairman Smith: We were looking for you to contact the landowners so they could observe the balloon test. That was not done. It was promised but it was not done. You did not keep your commitment to the property owners.

Mr. Fazio: We went to the northwest because we had pushed back problems with the neighboring owners. We did multiple wetlands delineations and there is only so many options to the northwest from our original proposed location where we would still not impact the wetlands. At a recent workshop, we presented this location and the adjoining owners seemed reasonably happy with that location.

Chairman Smith: Just so the Board knows, the Josas were as pleased as they could be because it is not going to be directly behind their home now. Speaking with Mr. Bragman, he said that it is as good as it is going to get. Those were the only two neighbors.

Mr. Abbey: In Clay, they used the camouflage treatment when they put up the last tower. Is that something Verizon will be doing here as well?

Mr. Burkdorf: The camouflage treatment would not make sense for this tower. You can't do it when you get that big with tower heights. 150 feet would be a tough one. Here, it would actually draw more attention to it. At that height, it really isn't a good option.



Chairman Smith: We have received County referral from May 29, 2015 and they recommended some changes.

Chairman Smith read the requested modifications from the Onondaga County Planning Board.

Chairman Smith asked Mr. Germain to construct a motion for the adoption as lead agency.

Mr. Germain: You are going to move for the adoption of a resolution that the Planning Board of the Town of Cicero assume the role of Lead Agency pursuant to the New York State Environmental Quality Review Act.

Chairman Smith put this in the form of a motion. Mr. Marzullo seconded the motion. The Chairman called a vote.

*In favor: 5    Opposed: 0    Abstained: 0    Motion approved unanimously*

Joe Rusitto read: Be it further resolved that the Planning Board of the Town of Cicero hereby determines based upon the applicant's completed environmental assessment, the information presented by the applicant, the information contained in the Planning Board's Engineer's Review Letter, the information contained in the Onondaga County Planning Board's referral, if any, the Planning Board's personal knowledge of the Site, and all other information presented and proceedings had herein 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. Further the Planning Board Chairman is authorized to complete environmental assessment form in accordance with the findings and proceeding had herein.

That is in the form of a motion. Seconded by Mr. Honors.

*In favor: 5    Opposed: 0    Abstained: 0    Motion approved unanimously*

Chairman Smith asked Mr. Germain to construct a resolution approving the site plan.

Mr. Germain: You are going to move for the adoption of a resolution approving the Site Plan application known as Syracuse SMSA Limited Partnership dba Verizon Wireless, 6256 Island Road, Proposed 150 foot wireless telecommunications facility. The Site Plan last revised 11/17/2015. This approval is strictly conditioned on the following:

- 1 The color schemes and renderings and/or elevations as presented by the applicant to the planning board in regard to this application shall be incorporated by reference into this site plan and the board's approval thereof. Accordingly the actual project must substantially conform to the elevations as presented herein.



Chairman Smith put this in the form of a motion. Seconded by Mr. Abbey. The Chairman called a vote.

*In favor: 5    Opposed: 0    Abstained: 0    Motion approved unanimously*

**SITE PLAN  
RYAN J. BECKLEY  
SNOWSHOE TRAIL (TAX MAP # 089.-10-40.0)  
PROPOSED DETACHED GARAGE/POLE BARN  
RYAN J. BECKLEY**

Ryan J. Beckley, Applicant

Chairman Smith: The Zoning Board of Appeals recently held a hearing and have granted Mr. Beckley a variance.

Mr. Beckley: The setbacks are supposed to be 50 foot from the western border and southern border. I increased the western border from 50 foot to 60 foot and made the driveway and turnaround a little smaller, about 20 foot.

Mr. Parrish: This plan does not reflect those changes.

Mr. Beckley: I dropped them off but I do have more.

Mr. Beckley distributed copies of the latest map dated October 15, 2015 to the Board for review.

Chairman Smith: Any issue with the change that there will not be any use for auto repair?

Mr. Beckley: Obviously, I will not use it for commercial use but I will use it for my own personal use.

Chairman Smith: Just to confirm, we can exclude major engine overhaul, etc.

Mr. Beckley: I am not running a business out of it.

Chairman Smith: No storage other than your personal property. No commercial storage – you can't rent it out. Any changes in elevation or colors?

Mr. Beckley: No.



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Chairman Smith put this in the form of a motion. Seconded by Mr. Abbey. The Chairman called a vote.

*In favor: 5    Opposed: 0    Abstained: 0    Motion approved unanimously*

Joe Ruscitto read: Be it further resolved that the Planning Board of the Town of Cicero hereby determines based upon the applicant's completed environmental assessment, the information presented by the applicant, the information contained in the Planning Board's Engineer's Review Letter, the information contained in the Onondaga County Planning Board's referral, if any, the Planning Board's personal knowledge of the Site, and all other information presented and proceedings had herein 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. Further the Planning Board Chairman is authorized to complete environmental assessment form in accordance with the findings and proceeding had herein.

That is in the form of a motion. Seconded by Mr. Honors.

*In favor: 5    Opposed: 0    Abstained: 0    Motion approved unanimously*

Chairman Smith asked Mr. Germain to construct a resolution approving the site plan.

Mr. Germain: You are going to move for the adoption of a resolution approving the Site Plan application known as Ryan J. Beckley, Snowshoe Trail (Tax Map #089.-10-40.0), Proposed detached garage/pole barn. The Site Plan last revised October 15, 2015. This approval is strictly conditioned on the following:

1        The color schemes and renderings and/or elevations as presented by the applicant to the planning board in regard to this application shall be incorporated by reference into this site plan and the board's approval thereof. Accordingly the actual project must substantially conform to the elevations as presented herein.



2. With the exception personal auto repairs to be performed by the property owner on said property owners vehicles there will be No automotive repairs of any kind will be performed at the property.
3. No public storage of storage or commercial storage of any kind will be permitted that the property. Storage is limited solely to the personal property of the property owner.

Chairman Smith put this in the form of a motion. Seconded by Mr. Ruscitto.

*In favor: 5    Opposed: 0    Abstained: 0    Motion approved unanimously*

**SITE PLAN  
PAUL ROUX (SYRACUSE LABEL)  
STEWART DRIVE (TAX MAP # 057.-02-29.1)  
PROPOSED PRODUCTION AND WAREHOUSE BUILDING  
C&S COMPANIES**

Michael Lamontagne and Mark Chambers, C&S Companies; Paul Roux, Syracuse Label

Mr. Chambers: Since our last meeting, we made a few changes. The manufacturing area stayed the same. The office space has taken a different look than before. We have a little more detail on the sign on Stewart. We have boards for the Board to view. These were including in the submittal.

The Board reviewed the boards that were provided by Michael Lamontagne.

Mr. Honors: How many signs are on the building?

Mr. Lamontagne: 4 total. There is one on the 3 main sides and also a smaller one.

Mr. Honors: What is the total square footage of the signs?

Mr. Chambers: 293 square feet total. That includes directional signs that are on Stewart directing traffic such as deliveries, visitor parking, etc. The layout of the parking lot stayed the same. It is a new building layout. Parking lot has 85 employee spaces and 15 visitor parking spaces.

Chairman Smith: How many employees? How many shifts?

Mr. Roux: 2 shifts per day. Parking accommodates both shifts.



Mr. Chambers: Moving on to storm water. Sizing does accommodate for some expansion later one. Along with that is a photometric plan. We are planning on using four parking lot light poles. Light areas of parking lot and delivery side of building. As far as landscaping, the plan hasn't really changed. Mix of three different types of evergreens and shrubs. That is about it at this point. Any questions?

Mr. Marzullo: How is the sign at the side of the road illuminated?

Mr. Chambers: There will be a light bar post mounted and the light will pointing down. Not ground mounted.

Mr. Marzullo: A larger concern is the tractor trailers backing up onto the public highway. It seems to be poor planning to allow tractor trailers to back up on public highways. That kind of disappoints me. That is a concern.

Chairman Smith: I agree with Mr. Marzullo. I have been by there several times and the most I have counted is 6 cars going by there in the morning. I do think that this is a case of undue burden for the benefit of the applicant. I understand that there are 4 or 5 trucks per day. I understand Mark's concerns but I am of a differing opinion. This is a dead end cul de sac road. We approved a loading dock on the back of the Braun building that goes out to the street. I think in this case, I don't see it as a large enough issue to incur the expense for the applicant.

Mr. Marzullo: I respect that. We are talking about tractor trailers backing up onto a Town road.

Chairman Smith: It would cost approximately \$25,000-30,000 to put pavement in.

Mr. Chambers: As far as our end, we looked at the amount of traffic. The building immediately across from the loading docks has very limited thoroughfare traffic. As far as the case as this being a cul de sac, we learn more towards the acceptance as a backing off of Coswell. It made sense that it is almost a dead end type of street and they were fine with that.

Mr. Marzullo: I do recognize that there is not a whole lot of traffic there right now but there is room for growth. It seems like poor planning to have tractor trailers backing up. I love the project. The building looks terrific. I do think that the backing up of tractor trailers onto the Town road is a mistake.

Mr. Ruscitto: It is a concern. If there were other options less costly, I would agree.

Mr. Abbey agreed with Mr. Ruscitto.

Chairman Smith asked Mr. Germain to construct a motion for the adoption as lead agency.

Mr. Germain: You are going to move for the adoption of a resolution that the Planning Board of the Town of Cicero assume the role of Lead Agency pursuant to the New York State Environmental Quality Review Act.



Chairman Smith put this in the form of a motion. Seconded by Mr. Abbey.

*In favor: 5    Opposed: 0    Abstained: 0    Motion approved unanimously*

Mr. Ruscitto read: Be it further resolved that the Planning Board of the Town of Cicero hereby determines based upon the applicant's completed environmental assessment, the information presented by the applicant, the information contained in the Planning Board's Engineer's Review Letter, the information contained in the Onondaga County Planning Board's referral, if any, the Planning Board's personal knowledge of the Site, and all other information presented and proceedings had herein 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. Further the Planning Board Chairman is authorized to complete environmental assessment form in accordance with the findings and proceeding had herein.

That is in the form of a motion. Seconded by Mr. Marzullo.

*In favor: 5    Opposed: 0    Abstained: 0    Motion approved unanimously*

Chairman Notes: Mr. Marzullo's comments are well taken and, talking to the applicant, if backing the trucks up on the future becomes a problem, they would make an adjustment in the interest of the community. Mark is correct, this is a concern. This is a compromise.

Chairman Smith asked Mr. Germain to construct a resolution approving the site plan.

Mr. Germain: You are going to move for the adoption of a resolution approving the Site Plan application known as Paul Roux (Syracuse Label), Stewart Drive (Tax Map #057.-02-29.1), Proposed production and warehouse building. The Site Plan last revised December 2015. This approval is strictly conditioned on the following:

- 1 The color schemes and renderings and/or elevations as presented by the applicant to the planning board in regard to this application shall be incorporated by reference into this site plan and the board's approval thereof. Accordingly the actual project must substantially conform to the elevations as presented herein.

Chairman Smith put this in the form of a motion. Seconded by Mr. Ruscitto.

*In favor: 5    Opposed: 0    Abstained: 0    Motion approved unanimously*

**SITE PLAN  
SKETCH REVIEW, PUBLIC HEARING  
DIEMCHI NGUYEN  
5819 LINCOLN AVENUE**



**PROPOSED HOME OCCUPATION  
DIEMCHI NGUYEN**

Diemchi Nguyen, Applicant

Chairman Smith: Before we go too far, I have been doing some research on this and I am passing out the Code that allows us to be the authorizing legislation and the definition of home occupations. I also have the parking legislation literature. The Town Clerk typed up the parking regulations for us. Mr. Hooper has asked up to bring attention to the sign ordinance. One sign on the interior window not to exceed 2 feet is allowed. This is a residential neighborhood.

Ms. Nguyen: I am just looking to do nails by myself in the back of my house.

Chairman Smith: How wide is your driveway?

Ms. Nguyen: 2 car.

Chairman Smith: One or two car garage?

Ms. Nguyen: No garage.

Chairman Smith: I had the clerk place this on the agenda as this is a residential neighborhood. This neighborhood is already impacted by commercial properties. It is zoned commercial up to one side of the street and residential on one side of the street. I would like to schedule a public hearing. I know that you have talked to your neighbors but I want everyone to have an opportunity to speak about their concerns. We will set the public hearing for the next meeting. We will also provide notice to everyone with a Lincoln Avenue address on that side of the street.

Chairman Smith asked Mr. Germain to construct a motion for a proposed public hearing for the next meeting.

Mr. Germain: You are going to move for the adoption of a resolution calling for a Public Hearing in the matter of Diemchi Nguyen, 5819 Lincoln Avenue, Proposed home occupation. This public hearing shall commence at 6:30 pm at the regular scheduled meeting of the planning on December 28, 2015.

Chairman Smith put this in the form of a motion. Seconded by Mr. Abbey.

*In favor: 5    Opposed: 0    Abstained: 0    Motion approved unanimously*



Chairman Smith: Please have your neighbors that support you come in. They will all get a postcard. We don't do a lot of home occupations – they are almost maxed out.

Mr. Abbey: A basic sketch of the property would be nice.

Chairman Smith: Did you get a survey when you bought the property?

Ms. Nguyen: No. There was no driveway either. It was empty for 5 years. So far, I have put stone in and cut down the big tree.

Mr. Honors: Is the home livable?

Ms. Nguyen: I am doing repairs right now.

Chairman Smith: How many people are going to be there at one time? How many cars will be there? Are your appointments going to overlap?

Ms. Nguyen: Just one customer at a time so maximum of 2 cars. They will have scheduled appointments and will not overlap.

Chairman Smith: The Town of Cicero does not allow parking on their streets. Any lighting that you will be changing?

Ms. Nguyen: Just normal residential lighting.

Chairman Smith: It allows for one employee but the Codes Office states that you, as the owner, would be the employee.

Ms. Nguyen: Yes, just me. Just me living in the house also.

Mr. Marzullo: The driveway needs to be 20 feet wide.

Ms. Nguyen: I am working on the driveway now.

Chairman Smith: We want to know where the driveway is going to be so Mr. Hooper can look at it. At this time of year, you cannot park on the street so Mr. Marzullo is asking you to measure your driveway. It needs to be 20 feet wide. Show us on the survey.

Mr. Marzullo: The neighborhood residents have been pressured by a lot of commercial. Their input is going to be important to me.

Ms. Nguyen: The neighbors support me. I have one here with me tonight.

Mr. Germain: You are living in the property, correct?



Ms. Nguyen: Yes.

Chairman Smith: Please come back on the 28<sup>th</sup> of December and we will hold a public hearing. Often times, we go into determination right after conclusion of the public hearing.

Chairman Smith: Do any members of the Board have anything additional? The Board did not have anything further.

**Mr. Honors made a motion to adjourn. Mr. Abbey seconded the motion. The motion was approved unanimously.**

**Next Scheduled Regular Meeting: Monday, December 28, 2015 at 6:30 PM**

IN AS MUCH AS THERE WAS NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 7:33pm.

Submitted by Lisa L. Stewart  
Planning Board Clerk