



The Planning Board of the Town of Cicero held a meeting on **Monday, January 12, 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 December 22, 2014 Meeting (**approved**)
- Appointment Planning Board Clerk for 2015 (**Approved**)
- Appointment Planning Board Engineer for 2015 (**Approved**)
- Appointment Planning Board Attorney for 2015 (**Approved**)
- Establish 2015 Schedule for Planning Board Meetings (**Approved**)
- Appointment of Deputy Chairperson for 2015 (**Appointed Patrick Honors**)
- Minor Subdivision Preliminary & Final Plan, Public Hearing, Popyk-McGruder Subdivision, 9290 Brewerton Road, 2 Lots (**to return**)
- Site Plan, Set Public Hearing, Syracuse SMSA Limited Partnership d/b/a Verizon Wireless, 6268 State Route 31, Proposed Co-Located Wireless Telecommunications Facility (**Public Hearing Set for January 26, 2015**)
- Site Plan, Sketch Review, Widewaters Country Squire II Company, LLC, 7980 Brewerton Road, Proposed Restaurants (**to return**)
- Minor Subdivision Preliminary & Final Plan, Sketch Review, Widewaters Country Squire II Company, LLC, 7980 Brewerton Road, 2 Lots (**Public Hearing Set for January 26, 2015**)
- Site Plan, Tassone Farms, Inc., 8455 Whiting Road, Proposed Pole Barn (**approved**)
- Site Plan, Plan Review, Contemporary Home Suites, Orangeport Road (Tax Map#116.-01-05.4), Proposed Apartment complex (**to return**)

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

**Others Present:** Neil Germain, Planning Board Attorney, Mark Parrish, Planning Board Engineer, Richard Hooper, Director of Codes Enforcement, and Vern Conway, Town Board Member.

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.

Mr. Abbey led the Pledge of Allegiance.

Notes from the Chairman:

The Town Board has reappointed me as Chairman for the upcoming year, which I appreciate and I look forward to the upcoming year. Also I appreciate the Town Board reappointing Pat Honors for the next five years. A reminder to the Board members they have to do continuation education classes.



Traci Cosilman (Town Clerk) read out loud the Oath to Pat Honors and he repeated with his right hand raised.

I Pat Honors do solemnly swear that I will support the constitution of the United States and the Constitution of the State of New York and that I will faithfully discharge the duties of Planning Board Member.

**Mr. Abbey made a motion** to approve the Planning Board Minutes from December 22, 2014. **Mr. Ruscitto seconded the motion.** The Chairman called a vote.

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

#### **Appointment Planning Board Clerk for 2015**

**Chairman Smith made a motion** moving for the adoption of a resolution to appoint Kristin Ryder as Planning Board Clerk for 2015. **Mr. Abbey seconded the motion.** The Chairman called a vote.

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

#### **Appointment Planning Board Engineer for 2015**

**Chairman Smith made a motion** moving for the adoption of a resolution to appoint Mark Parrish of O'Brien & Gere as Planning Board Engineer for 2015. **Mr. Marzullo seconded the motion.** The Chairman called a vote.

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

#### **Appointment Planning Board Attorney for 2015**

**Chairman Smith made a motion** moving for the adoption of a resolution to appoint Neil Germain, of Germain & Germain, LLP as Planning Board Attorney for 2015. **Mr. Marzullo seconded the motion.** The Chairman called a vote.

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

#### **Establish 2015 Schedule for Planning Board Meetings**

**Chairman Smith made a motion** moving for the adoption of a resolution establishing the following schedule for the 2015 Planning Board Meeting:

January

Monday, January 12, 2015



PLANNING BOARD MEETING  
TOWN OF CICERO

January 12, 2015  
PAGE 3

Monday, January 26, 2015

February

Monday, February 9, 2015

Monday, February 23, 2015

March

Monday, March 9, 2015

Monday, March 23, 2015

April

Monday, April 13, 2015

Monday, April 27, 2015

May

**Wednesday, May 6, 2015**

**Wednesday, May 20, 2015**

June

Monday, June 8, 2015

Monday, June 22, 2015

July

Monday, July 13, 2015

Monday, July 27, 2015

August

Monday, August 10, 2015

Monday, August 24, 2015

September

Monday, September 14, 2015

Monday, September 28, 2015



October

***Wednesday, October 7, 2015***

***Wednesday, October 21, 2015***

November

Monday, November 9, 2015

Monday, November 23, 2015

December

Monday, December 14, 2015

Monday, December 28, 2015

**All meetings shall take place in the Cicero Town Hall and will begin at 6:30 PM unless otherwise advertised.**

**Mr. Honors seconded the motion.** The Chairman called a vote.

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

**Appointment of Deputy Chairperson for 2015**

The Chairman appointed Pat Honors as Deputy Chairperson of the Planning Board for 2015.

**MINOR SUBDIVISION  
PRELIMINARY & FINAL PLAN, PUBLIC HEARING,  
POPYK-MCGRUDER SUBDIVISION,  
9290 BREWERTON ROAD, 2 LOTS  
IANUZI & ROMANS**

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

Chairman Smith indicated that this was sent to Onondaga County for their review for their January 21st meeting so there can be no action tonight.



Mr. Romans: The only changes that I made to the plan are that I added the bulk restrictions per code and each lot. Lot 1, with the existing house, the setbacks that are shown are existing non-conforming, the bulk restrictions as far as maximum coverage, height, lot size and everything else works, it is really the side offsets on the north side and on the front offsets. I have also added the names and zoning for the adjacent parcels, which is agriculture district. This piece here is general commercial and is surrounded by agriculture district.

Chairman Smith: So Lot 1 and Lot 2 would both be general commercial

Mr. Romans: Correct. The owner is going to sell off Lot 1, which is 1 acre and has an existing septic behind the building on the property. Lot 2 is vacant and at this time if something is going to happen on Lot 2 then they will have to come in for site plan. So a lot of the proposed bulk restrictions you see for lot 2 are 0 to 0 because it is vacant right now. We have added the signature blocks and a note on Lot 2 as far as it not being a building lot at this time until it has an approved septic design for lot 2, which is typical for any lot over 5 acres. Other than that nothing else has changed on the plan, it is a 2 lot subdivision, at one time it was two separate parcels and then it got combined.

Chairman Smith: The new owner of Lot 1, if there is any change from its current residential use, which is non-conforming, they understand that they would also have to have site plan.

Mr. Romans: That is correct. They understand that it is a commercial lot with a non-conforming structure in use.

Chairman Smith asked Mr. Germain to review the general rules of a public hearing.

Mr. Germain stated that anyone wishing to speak for or against the project would be given an opportunity to be heard. Anyone wishing to make any comments would be recognized and asked to approach the podium and provide their name and address for the record. Only the comments from the person recognized to speak at the podium would be considered. Mr. Germain asked that people not simply shout comments from the audience as they are not subject to recording and will not be part of the public record.

Chairman Smith opened the Public Hearing at 6:45pm.

Chairman Smith asked for those who wished to speak for the project. **(None)**

Chairman Smith asked for those who wished to speak against the project. **(None)**

Chairman Smith closed the Public Hearing at 6:46pm.



**SYRACUSE SMSA LIMITED PARTNERSHIP  
D/B/A VERIZON WIRELESS,  
6862 STATE ROUTE 31,  
PROPOSED CO-LOCATED WIRELESS  
TELECOMMUNICATIONS FACILITY  
NIXON PEABODY**

Representative: Jared Lusk, Attorney, Nixon Peabody

Chairman Smith indicated the reason for putting this on the agenda tonight was because there are been some questions. The Board is going to play it safe and conduct a public hear on this.

Mr. Lusk: Last week we received O'Brien & Gere's engineering letter and we wanted to provide responses to the Board to see if they had any other questions. Our revised site plan in response to the engineers comments. One was that we should show the access easement, which has been added to the plan. Also the question regarding the noise generated from the equipment shelter and the HVAC units, we have provided a letter from the project engineer outlining the noise level and demonstrating that the project will create noise just a little bit louder than soft music, which is certainly similar with residential properties that are in the area. There was question whether we should be seeking a waiver regarding from the EAF requirements given the Towns code, which I assume hasn't quite caught up with the revised EAF forms, in lieu of requesting a waiver just to make sure the Board had everything it need we created a full EAF with a visual addendum based on the requirements of the code, so that's added. There were general comments and then finally we added the drainage easement to the revised site plan. As far as moving forward, as mentioned in my email to Mr. Germain, we disagree with the need for the public hearing but understand if you look at it from Verizon's perspective a building permit was issued for this project in 2008. We came for site plan approval and it went to County and now we are back again. We are delayed another month as we go through the site plan process. I am not disagreeing, I understand the purpose of it but I want to make sure is there anything that the Board needs between now and the public hearing.

Chairman Smith indicated that his intention is that the Board will hold a public hearing and then we will discuss it to make determination. But the Board is committed to public input and there were some questions from neighbors, which hopefully the public hearing will take care of.

Chairman Smith asked Mr. Germain to put that in the form of a motion.

Mr. Germain: You are going to move for the adoption of a resolution calling for a Public Hearing in the matter of Syracuse SMSA Limited Partnership d/b/a Verizon Wireless, State Route 31, proposed co-located wireless telecommunications facility. This public hearing shall commence at 6:30 pm at the regular scheduled meeting of the Planning Board on January 26, 2015.



**Chairman Smith made a motion** as stated by Mr. Germain above. **Mr. Abbey seconded the motion.** The Chairman called a vote.

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

**SITE PLAN, SKETCH REVIEW,  
WIDEWATERS COUNTRY SQUIRE II COMPANY, LLC,  
7980 BREWERTON ROAD,  
PROPOSED RESTUARANT,  
NAPIERALA CONSULTING**

Representative: Bill Andris, Widewaters and Neal Zinsmeyer, Napierala Consulting

Chairman Smith indicated that this has been sent to Onondaga County on January 8, 2015 and the County meeting is on January 21<sup>st</sup> because it is on the State highway we have to have the County referral.

Mr. Andris: The plan is to try to subdivide the 1.75 acre site, roughly 1 acre and  $\frac{3}{4}$  of an acre, with Dairy Queen in one location and a future restaurant in the other. We have a right in right out driveway that will connect to the Widewaters commons behind the site. The DOT has approved the concept of the right in right out onto Route 11. We are in a general commercial zoning district.

Chairman Smith asked about the sidewalks he didn't see on there.

Mr. Andris: You are right, when we spoke we were supposed to put in sidewalks, I think it was an oversight. I believe we meet all the requirements for the subdivision, lot line setbacks and so forth. Does the Board have any questions?

Chairman Smith asked Mr. Parrish if he had anything.

Mr. Parrish: We will do a complete review of the information that has been submitted and get you some details and comments on the site plan. One thing that I do not that has not been provided is a storm water and SWPPP, we will need that to complete our review.

Mr. Andris: I believe Neal Zinsmeyer has that report here with us.

Chairman Smith asked Mr. Zinsmeyer to provide them to the engineer, and Richard Hooper, with the Codes Office, which he did.

Mr. Germain indicated that there should be a public hearing scheduled.



Chairman Smith indicated that it would go to the County's next meeting on the 21<sup>st</sup> so the public hearing could be at the next planning board meeting.

Chairman Smith asked Mr. Hooper if he had anything. He had nothing.

Chairman Smith asked the Board if they had anything had anything.

Mr. Ruscitto: Nothing at this time.

Mr. Abbey: Not at this time.

Mr. Marzullo: The proposed restaurant is that a given, are you looking for approval of that footprint as well?

Mr. Andris: We are in discussions with the potential tenant, there is nothing definite but we hope to have somebody there.

Chairman Smith: If we subdivide that, you understand that lot would be separate, you would have to come back in for site plan.

Mr. Andris: Can we get approval for that at the same time?

Chairman Smith: I don't know how, I wouldn't feel comfortable, we don't have any idea of what it is going to look like, the fact that we agree that it is going to a proposed thing that we subdivide for but I wouldn't be comfortable not even seeing elevations or anything for site plan. So I think the answer is no. We would still want to see what it is going to look like and we would need elevations. I am sure Mr. Parrish is going to want that.

Mr. Honors: Unless it progresses to the point that you know who the tenant is going to be.

Mr. Germain: The problem is you would be approving something that you have no idea what it would be. Different kinds of restaurants have different kind of uses, customer basis, traffic flow, etc. So you would be making a decision based on no information whatsoever. You would basically be approving a box.

Chairman Smith: If we are approving a subdivision, this site plan is specific for the one.

Mr. Germain: Correct, whatever site plan you approve that's going to be the site plan. So if they are showing it there that's what you're approving, that is the issue that I see taking a look at this for the first time. That's a good question, what are you going to put there?

Mr. Andris: Well we would put a conforming use, you can't get an approval for that?



Mr. Germain: You could get an approval for a conforming use if you could tell them what the use was, and you could get to some kind of comfort level with the Planning Board so they had some knowledge of what you were actually going to put there. But what you are asking for is a blanket approval of that box with that configuration but you are not providing the underlying information that they are seeking to approve that. In other words you are not telling them what is going to be there and exactly what type of use it is and I think, what the comment back to you was, it's going to be a restaurant but what we really want to know is what kind, what type so they can make an informed determination as to approving it or disapproving it or modifying it.

Chairman Smith: You will also have to provide elevations for the DQ project, elevations are required. How are you going to submit elevations for the other building if it's not decided yet who is going to be in it? They must have some sort of an elevation and signage they will want and you can't give us that.

Mr. Andris: I can't give you that right now.

Chairman Smith: We can't give you can approval of a building if we don't know what it's going to look like or what its use is going to be.

Mr. Germain: So what you are looking at is a subdivision approval with just one half of the lot being under site plan.

Chairman Smith: The parking and the storm water are shared features, so we are obviously working on approving those but we can't approve another building if we don't know what it's going to look like. The Codes Office won't issue a CO unless you are in compliance on appearance and elevations so even if we gave you an approval it would be pretty much meaningless for the other building. It will be a shorter process because you will have the storm water and parking out of the way but you are still going to have to come back when you know what the building is going to be.

Mr. Andris: But I can get an approval for the layout and the parking except for the building itself?

Mr. Parrish: If we are going that route then you may want to show the layout that you are contemplating for that area but dash it in as proposed future development indicating that you are not asking for approval at this time but at least so we can see how this fits in with the rest of the plan.

Mr. Andris: We are going to have to pave the driveway at this point because that's shared and that connecting to Route 11.

Mr. Parrish: But you wouldn't have to do the parking or any of that beyond this point to operate the other site.

Mr. Andris: The hope is that when we start construction we could do everything at the same time.



Mr. Parrish: Then you have to come in with the information so they can approve that site.

Chairman Smith: Do you intend to build the parking lot?

Mr. Andris: We are going to at least grade it, yet. I don't know how far along the lease negotiations go or we may end up with nobody.

Chairman Smith again indicated that this Board will not approve something that they have no knowledge of. They are happy to go forward with the Dairy Queen project but we are not going to do an approval on something they don't know.

Mr. Andris: OK

Mr. Marzullo: Do we have elevations and color scheme on the Dairy Queen?

Mr. Andris: We have typical elevations and color scheme. It would be part of the signage package.

Chairman Smith: It will have to be built according to the site plan that we approve.

Mr. Parrish: You say those are typical are those actually what you are going to have constructed here then.

Mr. Andris: The signage was taken off another building but it is typical Dairy Queen signage.

Mr. Germain: If you give us a depiction of what you are looking to get approved, that is what the approval is going to be. To insert of change later you are not going to conform to what you are asking for.

Chairman Smith: We are going to have to have elevations and I am sure Dairy Queen can provide them to you. You should understand when we approve the elevations that you submit, if you are approved, and then it is going to be built substantially as you presented it. And the Codes office is very diligent about that.

Mr. Andris: We have a representative of the Dairy Queen here. Steve Carl and Mark Goldberg, the Franchisees for the Rochester and Syracuse area.

Mr. Carl: Thank you for considering the project, we are excited to move forward with the project. We fully expect that it will be the elevations that were submitted. I think we are in good shape but I will check into it because Widewaters has been leading the project. This will be very similar to the one we did in Rochester in Henrietta and Webster. They have been updated, they are more modern, higher end



stores and we've included covered patios which are great. We looked at a lot of areas in Syracuse and we want Cicero to be the first location and we are very excited of the dynamics you have in your Town.

Mr. Honors: It does look updated, it's nice.

Chairman Smith: There is great traffic flow in that area and I think you will do well and Cicero will be well served but we also have a job to do and we are very specific about it and we want to do it right. We are all very excited it will be a good addition. You should make sure you provide your engineer with Mr. Parrish contact information.

Mr. Marzullo: Nothing further

Mr. Honors: Nothing further.

Chairman Smith asked when they would be starting it.

Mr. Carl: Whenever we have approval and then weather providing, it takes about 120 days to get the building open, we hope to be open by July. The store in Rochester most similar to the one we would be building here would be the one in Webster, here would be a little smaller but very similar and includes the outdoor patio we added.

**MINOR SUBDIVISION  
PRELIMINARY & FINAL PLAN, SKETCH REVIEW  
WIDEWATERS COUNTRY SQUIRE II COMPANY, LLC,  
7980 BREWERTON ROAD,  
2 LOTS,  
NAPIERALA CONSULTING**

Representative: Bill Andris, Widewaters and Neal Zinsmeyer, Napierala Consulting

Chairman Smith asked Mr. Germain to put that in the form of a motion.

Mr. Germain: You are going to move for the adoption of a resolution calling for a Public Hearing in the matter of Widewaters Country Squire II Company, LLC, 7980 Brewerton Road, 2 Lots. This public hearing shall commence at 6:30 pm at the regular scheduled meeting of the Planning Board on January 26, 2015.

**Chairman Smith made a motion** as stated by Mr. Germain above. **Mr. Ruscitto seconded the motion.** The Chairman called a vote.

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



**SITE PLAN,  
TASSONE FARMS, INC.,  
8455 WHITING ROAD, PROPOSED POLE BARN,  
IANUZI & ROMANS**

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

Chairman Smith indicated the Board received back the County resolution January 5, 2015.

Mr. Romans: The only changes I made to the drawing here is I did provide this architectural picture of the existing pole barn and fruit stand. It is a picture from the Whiting Road side. It was asked what the building would look like and it is going to look like the existing pole barn that is in the back here that is gray, there is a color insert on the map. I have added the bulk restrictions to show that we meet or exceed all the requirements for the bulk restrictions for the property. This is just a pole barn that is going up on the existing gravel pad area here to be used for the farming operation, which is spelled out in the statement of use. The building is for boxes and they may have farm equipment, like tractors and other things used when it doesn't have boxes. The boxes are used to box the produce before it is shipped out to a distribution center for use in local grocery stores. This is totally for the farm operation itself. This is a 65 acre parcel. I also added the hours of operation to the statement of use, which are basically sunup to sundown.

Chairman Smith asked Mr. Hooper if he has any issue with just having it that the building will conform to the picture that they put up there. Mr. Hooper had no issue.

Chairman Smith asked Mr. Germain if he had any concerns and he had none.

Chairman Smith addressed the question asked about the construction that had already begun on the project and it was discussed with Richard Hooper and due to the time of year they had to get their footings in and they understood that it was entirely at their risk, that if they didn't get approved they would have to take it down. But the Planning Board tries to work with people when we can.

Chairman Smith asked Mr. Parrish if he had anything from an engineering perspective and he had nothing. He also asked the Board if they had anything further and the Board members were all set.

Chairman Smith asked Mr. Ruscitto to do SEQR.

**Mr. Ruscitto made a motion** regarding the SEQR. He 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. **Chairman Smith seconded the motion** and called a vote.

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



Mr. Germain: You are going to move for the adoption of a resolution approving the Site Plan application known as Tassone Farms, Inc., 8455 Whiting Road, Proposed pole barn. The Site plan Site Plan last revised January 8, 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 original elevations as presented herein.

**Chairman Smith made a motion** as stated by Mr. Germain above. **Mr. Abbey seconded the motion.** The Chairman called a vote.

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

**SITE PLAN, PLAN REVIEW  
CONTEMPORARY HOME SUITES,  
ORANGEPORT ROAD (TAX MAP#116.-01-05.4)  
PROPOSED APARTMENT COMPLEX  
IANUZI & ROMANS**

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

Chairman Smith indicated that this project is properly zoned, a public hearing was held, the County said that the traffic will have little to no affect. The biggest concern was the lighting on this project, which is a decision of the Planning Board Because it is an apartment complex we have the commercial out front on Route 11 and we have single family homes, the apartment complex is supposed to act as a buffer between the commercial and the neighborhood.

Mr. Romans: We would like to use residential fixtures. We have three different styles to choose from and each style has a pole light that would be on an 8 foot high pole, an entrance light and a porch light.

1. LED with frosted glass – a residential fixture
2. Incandescent light with frost glass – a residential fixture
3. Incandescent light - a different style than #2, residential fixture

I have a comparison on LED vs. candescent lights. I can hand these out for you to see.

Chairman Smith asked for a copy to go to Mr. Parrish, Mr. Germain, Mr. Hooper and the clerk.



Mr. Romans: We look at this as a residential project because it really is, it is zoned residential and we want the lighting to be residential. We think the 8 foot high pole lamps will fit in with that they won't be something sticking up 20 feet.

We also show that we have added landscaping along the entire west side, that is with an evergreen that will survive and work well in the storm water management areas that are along that property line.

Chairman Smith asked where the pole lights would be along the property line.

Mr. Romans: The pole lights will actually be along the drive lanes.

Chairman Smith: At the narrowest spot, how far would the pole lamp be from the back yard of the house next door?

Mr. Honors: How far roughly, the distance between them, how many are we talking?

Mr. Romans: Our idea is not to have it lit like daylight. Really it is to light the driveway enough so that you could walk along there in the evening.

Chairman Smith: You have to have enough light for safety and security.

Mr. Romans: That closest portion of that drive lane is 32 ½ feet from the rear property line, I picture that the light pole will be about 5 feet off the edge of pavement, so about 25 feet at its narrowest.

Chairman Smith: Will there be poles along those narrow sections or are they going to be on the other sections?

Mr. Romans: We would try to offset it on the narrow sections to the east side of the driveway.

Chairman Smith: Is that possible to offset it on the east side?

Mr. Romans: Yes, again it is not to make this lit perfectly at night.

Mr. Marzullo: Is it less than a street light?

Mr. Romans: It is a lot less than a street light. When you look at the wattage table, residential outside is going to be somewhere in the 75-100 watt range so you would be looking at an LED in the 10-15 watt range. The thing that you don't have with residential fixtures is the full cut off that you get with the commercial fixtures but what you gain with the residential fixtures in our mind is, 1) it looks residential and 2) you don't have poles that are 15-20 feet high, which I think would be more problematic for any of the 2 story existing residential dwellings. The trees that we are planning for this west property line here are a species that will get large over time.



Chairman Smith: What about the offices and the community room down in the front, how will that lighting be?

Mr. Romans: All we would do down there is for the parking lots we would use these same pole lights 8 foot high, probably a couple along the south side of the property, maybe the entrance lights there and maybe an additional one on the north side but we would try to keep that pretty minimal. It will be light enough to go out and see your car and that there is nobody around it, to keep people safe. We wouldn't have any lights in the back or the side of the building, there is no reason to. You would have the main entrance and the east side entrance lit. What we would do, if you tell us we can use the residential lights and we prefer 1 or 2, then what we would do is add the locations well before the next meeting so you can see where they are going to be. But we would make sure that anything on those pinch points that were definitely on the east side of the property, to maximize the distance away.

Chairman Smith asked to discuss the style so as to give the applicant an idea of how the Board feels. He would prefer to see the residential lights, stating it's a better idea. The other Board members feel the same way, which would take commercial light fixtures off the table. Also the Board thought that LED was the better way to do.

Mr. Parrish indicated he needed time to look over all the information provided to him from the applicant.

Chairman Smith asked how the lights will be turned on. Mr. Romans indicated that they would be turned on by sensor, they will be automatic.

Mr. Abbey: How big are the evergreens that are being planted?

Mr. Romans: I think it is in the 6-8 foot range, I believe they are a hemlock and their projection is they get fairly large. The whole idea is we wanted something that spacing wise would fill in. We are not doing any grading off our property.

Chairman Smith indicated that they could rule out halogens, mercury vapor, metal halide, or high pressure sodium. The compact florescent may not work well in the weather here. Seems LED is the way to go. The Board agreed subject to Mr. Parrish's review.

Mr. Romans indicated the LED lights when you have them on every night they are more efficient. And with the frosted glass it will soften the LED.

Chairman Smith indicated that the Board would like LED and residential.

Todd Loscombe(Developer): This LED light that we want to use, is brand new, you can't even get it for three months. The production of LED lighting is still being developed. So finding a residential fixture in



LED is very hard because they are not out there. They are the most expensive lights but they are the least expensive to operate over long term. To clarify the difference between the two is that they are a true LED fixture vs. a fixture with an LED bulb in it. So it reduces the maintenance of changing bulbs all the time and it creates the same consistency of the color of light throughout the whole project. It speaks to the whole aesthetics of the project to keep it as pretty as possible. There are different wattages to pick from so when we go through the engineer review and placement that can all be considered but it was more or less the actual fixture itself that we needed to move forward on.

Mr. Ruscitto: If the LED light goes out does it have to be changed with an LED bulb, whereas the other type of fixtures you could actually put either or in.

Mr. Loscombe: There are actually different chips that you can replace the diodes, so it is more like a circuit board than a traditional light bulb. The better ones have a replaceable diode plate that emits the light. They have a 40,000 hour rating so it shouldn't need to be changed for like 20 years.

Mr. Romans: But yes, that LED you could only have LED but the others it would be interchangeable.

Chairman Smith: Regarding the emergency entrance off the back, neither the neighbors nor developer wanted to have that as a full access. It is designed off Walnut Hill Road to be for emergency access so that the fire department or an ambulance could get in there should the need arise in case the entrance on Orangeport was blocked. Is that what we have?

Mr. Romans: That is what we have. We have proposed signs on each side that says it's for emergency access only. We were not going to put up a formal gate unless the Board wanted us to due to plowing and snow removal.

Mr. Parrish: I would suggest a couple things, it is not clear is that going to be paved or gravel?

Mr. Romans: We were going to pave it, for snow removal otherwise you are just picking up gravel. I believe we are showing it is going to be paved. If it is unclear, I will put a note on the plan.

Mr. Parrish: There is also some striping shown on the plan, are you striping that or is that just something you got that hatch.

Mr. Romans: The hatch that he shows, I will confirm that we can hatch it out.

Mr. Parrish: I am not suggesting yes or no that you do that. I was just trying to clarify.

Chairman Smith: Can we determine exactly what you want to do?

Mr. Romans: We would like to pave it, put the emergency access only signs up and leave it as that.



Chairman Smith asked how comfortable the Board is with that. And the Board was fine with it.

Mr. Parrish: The only other thing I suggest that you do is get a hold of the highway superintendent and review this with him so he has his input relative to snow removal. Because he does push the snow down there and if you go back there it is kind of a mess currently.

Chairman Smith indicated that he would check with him on that.

Mr. Romans: I believe he has ample room where the snow would get pushed. The bulk of it is on my client's property.

Mr. Parrish asked if there were color architectural of the building yet? Mr. Romans indicated that they have been submitted.

Mr. Parrish asked if the dumpster size is adequate for these facilities, indicated there are two 5x8 enclosures shown on the plan. There was further discussion about whether the dumpster sizes would be sufficient for the facilities. The Board thought it seemed small for the number of units. They but not knowing the frequency of the trash pickup and amount of trash that will be generated they were not sure if that was the case. Mr. Romans and Mr. Loscombe said that they would look into it. Chairman Smith wanted to make sure that it was determined before the next meeting.

Chairman Smith asked Mr. Parrish, Mr. Germain and Mr. Hooper and all the Board members if they had anything further. They had nothing further at this time.

Mr. Romans: There was one thing that Mr. Parrish brought up in his comment letter. In front of Lot 29 there is some existing landscaping and a fence that may have to be moved when we put the water in. My question is if we have to move it, are we telling the property owner that it goes back on his property because right now it is in the right of way.

Mr. Parrish: The note that has been provided indicates it will be replaced.

Mr. Romans: The question is replacing it in the same location, is that an issue with the Town, because it is technically in the Town right of way.

Mr. Marzullo: It is where it shouldn't be and I don't think we should put it back where it shouldn't be.

Mr. Romans: The trees and landscaping those are allowed to go in right of ways in residential but the fence is something that I wasn't sure.

Chairman Smith: I think the definitive answer is, no you can't put it back in the Town's right of way. I think it would be good if you talk to the neighbor if they would like you to put it back up fine, if they



PLANNING BOARD MEETING  
TOWN OF CICERO

January 12, 2015  
PAGE 18

don't want you to put it back up fine. But no it should not be in the Town's right of way, unless he wants to go to the ZBA and get a variance.

The remaining Board members are all set and had nothing further at this time.

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

**Next Scheduled Regular Meeting: January 26, 2015 at 6:30 PM.**

IN AS MUCH AS THERE WAS NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 7:50pm.

Submitted by Kristin Ryder  
Planning Board Clerk