



The Planning Board of the Town of Cicero held a meeting on **Monday, January 26, 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 January 12, 2014 Meeting (**approved**)
- Site Plan, Public Hearing, Syracuse SMSA Limited Partnership d/b/a Verizon Wireless, 6268 State Route 31, Proposed Co-Located Wireless Telecommunications Facility (**Exhibit "1" (approved)**)
- Minor Subdivision Preliminary & Final Plan, Public Hearing, Widewaters Country Squire II Company, LLC, 7980 Brewerton Road, 2 Lots (**Exhibit "2" (approved)**)
- Site Plan, Sketch Review, Widewaters Country Squire II Company, LLC, 7980 Brewerton Road, Proposed Restaurants(**to return**)
- Site Plan, ESQ Realty LLC, 6166 South Bay Road, Proposed Dunkin Donuts restaurant with adjacent commercial tenant space (**to return**)
- Minor Subdivision Preliminary & Final Plan, Popyk-McGruder Subdivision, 9290 Brewerton Road, 2 Lots (**approved**)
- Site Plan, Contemporary Home Suites, Orangeport Road (Tax Map#116.-01-05.4), Proposed Apartment complex(**approved**)

**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, Vern Conway, Town Board Member and Don Snyder, Zoning Board of Appeals.

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. Marzullo led the Pledge of Allegiance.

Notes from the Chairman:

The Board received information on the federations training schedule for March, if you are planning on attending let Heidi know so she can register. A reminder to the Board members they have to do continuation education classes and there are some online courses.

**Mr. Abbey made a motion** to approve the Planning Board Minutes from January 12, 2015. **Mr. Marzullo seconded the motion.** The Chairman called a vote.

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



**SITE PLAN, PUBLIC HEARING,  
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

Mr. Lusk: We applied December 4, 2014 we are proposing to co-locate a wireless telecommunications antenna ray on the existing 160 foot wireless telecommunications tower located at 6268 State Route 31. The proposal is the install the antenna array at the 100 foot level of the existing tower as well as the install a 12x30 equipment shelter at the base of the tower to house the telecommunications equipment inside of the shelter as well as a generate to operate the facility in the event the power is unavailable.

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 6:39pm.

Chairman Smith asked for those who wished to speak for or against the project.

Kathleen Schussler( 8347 Eva Circle): My home is located directly behind the tower. I have some letters from neighbors and letters previously submitted to the Code Enforcement Office about the noise that comes from the tower (Attached Exhibit "1"). Our concern is that it is very noisy as it is and we were told that it was an existing structure so we had no leg to stand on. It sounds like a train all the time. I am worried about another building being put there. All we want is sound abatement; I am not asking to lower the tower. Our concerns are is the tower going higher, is it going to have this building with more noise, where is the equipment going and will it be incased, and which side of the tower will the building go. Ms. Schussler read the definition from the codes for unreasonable noise.

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



Chairman Smith closed the Public Hearing at 6:42pm.

Chairman Smith asked Mr. Germain if the issue regarding the property owner hadn't signed the application. Mr. Germain indicated that the applicant was property authorized via the lease and the assignments of the lease to sign so that issue is resolved.

Mr. Lusk showed Ms. Schussler the plan (because it wasn't visible on the projector) so she could see where the shelter was going to be located.

Mr. Lusk: All the equipment is inside the proposed 12x30 shelter, which will have a fence around it. We are moving the existing fence to extend it to incorporate the shelter. The fence is moving in the direction of your home. This Board understands the concerns raised about the noise and they asked us for more detail on the noise that would be generated by the equipment shelter. The noise generated in this proposed shelter is about 58 db, which is about that of a window air conditioner, which is laid out in Exhibit O in our site plan. The generator will be operating once morning during the week usually on Monday or Tuesday to test at 10am, it runs for an hour to exercise the generator. They wouldn't test them during the weekend or night hours. Otherwise the generator would only be operating if there is an emergency and there is no power. The air conditioner will run like any window air conditioner would run in any home to maintain the temperature control inside the electronics inside the shelter.

Chairman Smith asked Mr. Parrish if they had anything about it.

Mr. Parrish: They have presented the noise levels and it is what is expected at property line.

Chairman Smith asked Mr. Germain if they had the ability with this to enforce that if it is part of it.

Mr. Germain: You have the ability to enforce anything as far as a site plan if they are guaranteeing you a certain decibel level but I don't think that is what you are going to get. You're going to get a guarantee that's not going to exceed a certain decibel level but that will be very difficult for you Codes Enforcement Office to actually enforce.

Mr. Marzullo: The Town has a noise ordinance?

Mr. Germain: If it violated the noise ordinance that is a separate issue, but to slip in some kind of provision in some kind of approval that limited the decibel level that would be very difficult. But there is a noise ordinance that is part of the Town law that could be enforced.

There was further discussion regarding what the decibel level is for the Town ordinance.

Mr. Ruscitto: Do you know what the decibel level is now?



Mr. Lusk: It is not our equipment, I have no idea.

Chairman Smith confirmed with Mr. Lusk if they are not extending the tower just adding a building.

Mr. Germain: The equipment that is being complained of is not the applicant's equipment.

Chairman Smith asked Mr. Parrish to address the engineering comments. Mr. Parrish indicated that they addressed all the comments, they added some things onto the plan, the plan didn't show up very well, we discussed the noise, they submitted the environmental assessment for visual information.

Chairman Smith asked Mr. Germain if there are any easement issues and he indicated there are none.

Mr. Ruscitto: The noise that is coming from it now, that is not going to change but you are going to new equipment. We won't have any way of knowing the difference between their noise and the current noise.

Mr. Marzullo: It seems that what was described during the public input the existing noise that is there, it seems like there should be a remedy not through this body but through the Town hall.

There was further discussion that this Board cannot do anything about an existing noise problem and it isn't the responsibility of this applicant either.

Mr. Abbey: What type of fencing?

Mr. Lusk: It is going to be the same that is there now, a chain link fence.

Mr. Abbey: It seems like a solid fence would help to retain the noise.

Mr. Lusk: I am sure we could talk about it. I am not sure how you would do it.

Chairman Smith: The wood fence would be between the residences. Is there a reason that we couldn't put a solid fence just along this section to protect the residence?

Mr. Lusk: Sure, if you wanted to do that, we could do that.

Mr. Honors: I think the new technology is going to help reduce the noise. I think what is there is older. I think there is a concern that this is going to make it worse and I don't think that's going to be the case.

Chairman Smith asked Mr. Hooper to look into the existing noise at the building.

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. **Mr. Honors seconded the motion** and called a vote.

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

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 approving the Site Plan application known as Syracuse SMSA Limited Partnership d/b/a/ Verizon Wireless, 6268 State Route 31, Proposed Co-Located Wireless Telecommunications Facility. The Site Plan last revised 1/12/2015. This approval is strictly conditioned on the following:

- 1 The applicant volunteered to install wooden fencing in the area facing the neighboring property owners as opposed to the chain link as set forth in the plan. Accordingly this approval is conditioned on the installation of Wood Fencing in this area as opposed to chain link.

**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*

**MINOR SUBDIVISION  
PRELIMINARY & FINAL PLAN, PUBLIC HEARING,  
WIDEWATERS COUNRTY SQUIRE II COMPANY, LLC,  
7980 BREWERTON ROAD,  
2 LOTS,  
NAPIERALA CONSULTING**

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

Mr. Andris: The plan is to try to subdivide the 1.75 acre site, roughly 1 acre and ¾ of an acre, the idea is to have two independent single tenant buildings occupying each. We want to split it down the middle with a driveway between them that will connect Route 11 to Widewaters Commons.

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 7:02pm.

Chairman Smith asked for those who wished to speak for or against the project.

Tim Murphy (5806 Noel Road):(Exhibit "2" Mr. Murphy's list of concerns) What is the going to be called? Why are they using this name commons, what does that mean anyway? Is there any public funding associated with it or public funding? Also I think there should be a traffic study done again for this project. There is a lot of traffic issue there now.

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

Chairman Smith closed the Public Hearing at 7:05pm.

Chairman Smith asked Mr. Germain if we create two lots they are going to share a parking lot, does that raise any issues for the subdivision.

Mr. Germain: The subdivision has to have access to the lots and if they have an REA or a similar agreement that will create access to both lots, which is generally good planning so there is some kind of access agreement that will go between the two lots. At this point, the application that is in front of you now, that is subject to the public hearing is just for a simple subdivision to create two lots and I believe both lots have sufficient access as they are. If the applicant is going to talk about his further project, I am sure they will address that at the site plan stage.

Chairman Smith asked Mr. Parrish if he had anything on the subdivision.

Mr. Parrish: We had a number of comments that we suggested be addressed on the plan, which they have done. One of those does touch on the issue that was just being discussed there is an access easement shown along the property line between the properties as was mentioned. As Neil mentioned perhaps relative to parking if there is some need to share parking between the lots otherwise they would have to stand on their own. So any future agreement relative to parking being shared on one lot or the other could be addressed but the access is addressed by the easement that is shown on this plan.

Chairman Smith confirmed then that subdivision was fine. Mr. Parrish confirmed it was. Chairman Smith asked the Board members if they had anything further. They were all set at this time.

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*

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 approving the subdivision application known Widewaters Country Squire II Company, LLC, 7980 Brewerton Road, 2 Lots, said plan last dated 1/20/2015. This approval is contingent on the following:

1. The applicant is hereby advised that Pursuant to Section 185-6 Subsection F of the code the applicant has 90 days from approval to file the map. If the applicant missed the 90 day filing deadline this approval will have expired
2. The applicant is further notified that the Chairman of the Planning Board may delay signing of the final plan until the chairman verifies that the applicant has executed any and all necessary agreements with the Town and that all security or undertakings are in place.

**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,  
WIDEWATERS COUNTRY SQUIRE II COMPANY, LLC,  
7980 BREWERTON ROAD,  
PROPOSED RESTUARANT,  
NAPIERALA CONSULTING**

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

Mr. Andris: Based on the subdivision, we want to place the Dairy Queen in one location and a future restaurant in the other. We have done some elevations and some finishes that we can show you for that one. The DOT has approved the concept of the right in right out onto Route 11. We want to connect it to the Widewaters Commons behind. We addressed the Fire Chief's comment about making a left turn, by placing a mountable curb island here, they can pass over the island if they need to in an emergency. I believe we have addressed all of the other comments from Mr. Parrish with the exception of this S curve on the original approval, which we feel doesn't work with the plan that we need to try to get approved today.



Mr. Parrish: The S curve was agreed to at the time when the Widewaters project was approved that when this property was developed they would remove that curve that was a condition of approval, which Widewaters agreed to. They are suggesting now that they do not want to meet that condition. I will let the Board decide whether or not you choose to enforce that or not. We did have some other suggestions relative to the layout of the site. On the southerly site you have the parking that is backing out directly into that main access drive between the sites that is not a good condition. So we have suggested that they re-layout the site. I note that the County's resolution suggested re-orienting this site also. As far as taking out the S curve, they are suggesting it can't be done because they might lose parking, you could relay out this site and you could probably get that to work. There is a 50 foot+ area on the west side of the site where if you look on the north side of the site they are coming right up to the edge of that area. You have a bunch of area out in the front that you could use, shift that site a little bit. There are ways that they could make this work and remove the S curve and it may or may not result in exactly what they are requesting at this point. There was a question relating to the dumpsters and I asked for some input from Mr. Hooper and it was considered that those dumpsters would be structures and therefore would need to meet the setback requirements. They are asking the Board allow the structures, as they are being defined, in the setback but this Board cannot do that. They would either have to get a variance or change the site plan to meet the requirements.

Chairman Smith asked if dumpster enclosures have ever been considered structures. Mr. Parrish indicated that it has been talked about before and because of their location he noted it on the plan. When the Codes Office was asked for their interpretation and that is what was suggested.

Mr. Andris: What we are proposing for dumpster enclosures is PVC fence around a concrete pad.

There was further discussion about what will be considered a dumpster enclosure going forward to be consistent in the approvals. There was a similar decision on the Jimmy Johns site plan, but the issue that it is causing here is because it is in the setbacks.

Mr. Parrish indicated that there was a submittal made today that he has not had a chance to review but he believes that any outstanding comments are small and the ones listed above are what would require the Board input.

Mr. Marzullo: It seems to me the site is tight, I am not crazy about the parking spaces emptying out into the drive. I am not really thrilled about that S curve either. We keep trying to make things pass through here and things like the McDonalds across the street are terrible.

Mr. Andris: Is it really any different backing out into a drive aisle here from one of these stalls.

Chairman Smith: Yes it is because this roadway serves the Commons and you are going to get traffic coming through here and they are not going to have to go down to the Wegmans light. They are going to be using this to access northbound Brewerton Road. It is going to have higher traffic usage than you



are going to have in just a drive through lane. I don't think there is a lot of support from this Board about those parking spaces going into the drive lane.

Mr. Marzullo: I think that S curve is an issue. It was something that was agreed upon well before this site plan and I am not sure what makes it better now than it was prior to this application.

Mr. Honors: If we could move on to that. Why do you not want to change the S curve?

Mr. Andris: My understanding is that the S curve was agreed to be straightened out based on a residential development behind the SunAuto. Then there was probably going to be some residential behind the Marshall plaza. And that traffic was going to funnel through that road at the time and come out to the light, even though it doesn't say that in the approval that was the context it was agreed to under. Now there is no development back there. We haven't had any complaints or any incidents on that road. I think the way this site is going to function, we are better off leaving it the way it is. There is going to be a four way stop put in as well to try to control traffic.

Chairman Smith asked if there is a reason why we can't move it more towards Route 11.

Mr. Andris: There is a proposed monument sign. Our storm water is stubbed out in this area. We probably have some room to move forward, a little bit.

Mr. Abbey: It appears there should be enough room to straighten out that curve and as far as the parking on the north parcel, they would have to back up towards the dairy queen and go around to get out.

Chairman Smith: It would seem if you moved it up that would straighten it or at least we could improve it a little. Maybe we could soften the curbs a little bit.

Mr. Abbey: How does the traffic coming in from traveling south to get into the Dairy Queen.

Mr. Andris: They would have to come into the Wegmans light.

Chairman Smith confirmed that the sidewalks were on the plan. He asked about the elevations for the other restaurant, the signage, if there is going to be a drive thru and how many seats.

Mr. Andris: Yes, this is the elevations and signage. There is not going to be a drive thru. It will probably be 60-70 seats, maximum 70, it's 2,200 sq. feet which is on the site plan.

Mr. Marzullo: Do you have any idea of traffic, what additional traffic these two site would bring on Route 11?



Mr. Andris: I do not but I know that it was a redevelopment so there was traffic accounted for back when they did the original development and I think it was accounted for in the traffic study that was done then.

Mr. Parrish: There was an original traffic study completed. I know on the previous County referrals for Panda Express and the bank there was an overall master traffic plan that was put together to address the development of the site and all the improvements that they did when they did this. I think the suggestion was that they (Widewaters) go back to that study and make sure that this is consistent with the assumptions that were used to develop that study. Because they had the original study commissioned and they did all the improvements. We could confirm that this is what was assumed. I am guessing that at the time when the Widewaters Commons project went forward this site was actually envisioned to have all access come into the site with nothing to Route 11. The DOT has changed their stance from before and allowed this right in right out but my guess is that since that is the case the traffic study that was done at that time would have anticipated some development from this site. So they should be able to resurrect that traffic study and see if this is consistent with those assumptions.

Chairman Smith: DOT has reviewed the right in right out and they did some research on it.

Mr. Marzullo: Those streets are very difficult to get out, and I don't think this is going to have a huge impact but I would like to know that based on the study that was done.

Mr. Honors: In regards to that area where you said is the old First Niagara building there, is there room to straighten it and cheat the building, as the lesser of two evils, to straighten it. If you can cheat it and make it a little bit straighter through there I think it would make it a little bit safer.

Chairman Smith: Is that a parking lot back there, the building itself sits back? And we are replacing the bank that hasn't been there in a while with a retail Beauty Shop.

Mr. Andris: There is a drive isle that comes around the old drive thru, the drive thru sticks out and it kind of sticks out a bit. Yes, Sally Beauty Supply.

Chairman Smith: So are the traffic counts going to be different than a bank.

Mr. Parrish: Yes, I am sure a lot less.

Chairman Smith asked Mr. Hooper if they had considered what the traffic changes would be from the bank. He indicated that they have not.

The Board and Mr. Andris looked at the plan to try to determine how much space they have to work with the try to straighten or soften the S curve.



Mr. Andris indicated they haven't had any complaints or incidents from tenants or customers. Chairman Smith indicated that they haven't had any traffic there basically nobody uses it, it sometimes doesn't even get plowed. So there haven't been any incidents because there hasn't been any traffic so there really was no one to complain. The Board didn't feel like it is good planning.

Mr. Andris: The traffic will be moving at a slow rate of speed and we are proposing four stop signs.

Mr. Abbey: Like Mr. Parrish said the original site plan was contingent on the removal that S curve, so that is the way it is.

Mr. Germain: Probably the forward thinking on that was once you do get traffic there that you are going to change the situation and the S curve should be removed. But if it was a condition of the previously approved site plan, it is still a condition.

Mr. Andris: I guess we are asking if we can get relief on that.

Mr. Marzullo: I think you have heard our input.

Chairman Smith asked if they could move their parking lot. Mr. Andris indicated they would have to look at it.

Mr. Germain: You would be in violation of the previous site plan if you do anything but that.

Mr. Ruscitto: No, that is the big one, I think it can be moved and if we are going to be in violation I don't see how we can approve it.

Mr. Abbey: I agree, so I would suggest going to back and see how much room you can move there and work with taking that S curve out and doing the best you can.

Chairman Smith asked the applicant if they want to come back in two weeks. And the applicant agreed to look at it and come back.

**ESW REALTY LLC,  
SITE PLAN,  
PROPOSED DUNKIN DONUTS RESTAURANT WITH ADJACENT  
COMMERCIAL TENANT SPACE,  
6166 SOUTH BAY ROAD,  
ROBERT ABBOTT**

Representative: Robert Abbott



Mr. Abbott: We received comments from DOT and Mr. Parrish and we addressed the comments. We received new comments from DOT that weren't addressed on our plan now. One of the comments was a traffic study, which is new to us. We just heard on Thursday, before we didn't know we had to do that. I am asking the Board if it is necessary for us to do that because we don't believe it is necessary for what we are proposing here.

Mr. Parrish: If the County DOT is asking you for a traffic study, they are the ones that are issuing you a permit for the work on the entrance. They are granting the approval and the permit and if you don't comply with the requirements of their request for the permit then you won't get it.

Chairman Smith: Whether we require a traffic study or not is entirely up to this Board but as to whether you are going to get your entrance off South Bay Road without a traffic study is entirely up to County DOT. They are indicating that you need a traffic study.

Mr. Parrish: Which would be a concern of this Board, if you did not get that entrance because then that changes the site plan.

Mr. Abbott: Even though the driveway is existing, and is in the same spot?

Mr. Parrish: You are asking the wrong people, you have to talk to the County DOT.

Mr. Abbott: Mr. Parrish had concerns about the drainage.

Mr. Parrish: They are still working on the drainage. I know the County DOT did have some comments on the storm water in addition to the traffic study. We have written a letter and noted some things that need to be addressed with the plan and until those get addressed we are recommending not to approve the plan. There is enough on there that needs to be addressed and I wouldn't be comfortable doing it with the condition that the items be addressed.

Mr. Abbott: There was a concern about the main drainage pipe that goes from South Bay to Gillette, the County pipe. We have shown the easement that we proposed there. One of the issues is the ground cover of the pipe.

Mr. Germain: The easement was approved as to the visual of it and the location but someone has to draft the underlying document conveying the easement.

Chairman Smith indicated the fees for this site plan were paid in October of 2014 and he has consistently been asking for the drainage easement and was told it will be forthcoming. These documents need to be provided to the engineer and the attorney. It is going to be put on the agenda in two weeks for determination but all the paperwork has to be in. Mr. Abbott said they should be able to have all their documents in by then, with the exception of the traffic study and the Chairman said that was ok.



Mr. Abbott: One of the other issues is signage. The wall signs comply with the zoning ordinance of the Town. We are asking for a pylon sign that has a reader board along with the Dunkin identification and two extra boards for the tenants for the pylon.

The Board all agrees they have seen the signage and they don't have any issues with it.

Mr. Abbott: The Board asked for increased landscaping on the plan. We added trees on the islands on each side that are approximately 10-12 feet high. We added low lying shrubs between the parking and the streets on both the Gillette Road side and the South Bay Road side. We did this on the Mexico Dunkin Donuts that we did and its nice because these plants grow about 3 feet high and they shield the lights from anybody parking to the street. We added a dense buffer zone separating the property to the north and we have also done some additional trees separating the transmission shop that is on the east side to our parking. All the rest of the area is parking, circulation and our retention basins.

Mr. Marzullo: What about any landscaping near the dumpster enclosure?

Mr. Abbott: We have a basin behind the dumpster for more retention, we were going to fence it off but we could put landscaping there if you required it in front of the enclosure.

Mr. Parrish indicated that area is a bio-retention area and there is a landscaping plan. It is going to be inundated with water frequently so it is going to have landscaping in it, water tolerant type of landscaping, brush, grasses and those types of things. That area is landscaped and I don't know how much room they have between there and the dumpster. That landscaping is part of the storm water management.

Chairman Smith: What will the effect be on the line of site for people coming out Gillette Road, will this landscaping impact them at all? Because it is already difficult there.

Mr. Abbott: No, it is low lying landscape.

Mr. Parrish: I think that is set back enough.

Chairman Smith: We discussed whether there would be any sort of a barrier. I don't know if it's necessary with your entrance back here and here in one up here.

Mr. Abbott: You are not really going to have any sort of traffic through pedestrian or vehicle in this area at all. One of our concerns when you were talking about the drainage again, it was noted that this pipe right now, with our basin being in there along with the drainage pipe, we don't have enough ground cover over the pipe. Mr. Parrish said he wanted two feet of ground cover and were only about 9 inches.

Mr. Parrish: That is the County's.



Mr. Abbott: Ok. So that is what we are dealing with right now because if we have to split this up into two halves to make it work, or it is cheaper than going in and trying to take the pipe and change that. So that's another reason why the drainage isn't solved because of that pipe. We also submitted the photometrics plan for the additional wall lights that are going on the Dunkin and I guess we didn't have any comments on that so we are ok with that. We provided color elevations for the Dunkin.

Chairman Smith indicated that if the applicant gets the drainage in and deal with Onondaga County and their traffic study then it's very close to having a plan the Board can make a determination on.

Mr. Abbey: So the drive thru is on the north side, so people going to the drive thru coming out South Bay have to going in there and make a whole 360 degree around the building .

Mr. Abbott: Yes, anybody going through South Bay will take a right because you can't go straight there will be do not enter signs, this is one way traffic out, everybody has to go counter clockwise, which works the best for drive thrus and it gives us a nice long queuing area too. It will be marked out pretty clearly.

**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

Mr. Romans: The only thing we were waiting for was the County referral, which I have and had a couple modifications just that no access to Mud Mill Road, we are not proposing any new access as part of the subdivision and they wanted us to contact the County Health Department regarding the existing or proposed septic system that service proposed lot 1. It is an existing system, we have already sent the drawing to the Health Department and they signed off on it when he gave us this note here that we had put on lot 2. Lot 2 could not be developed until such time as a septic design is completed for that project. Basically once the Board approves the final plan we have to take it to the Health Department for signatures before it's filed.

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 subdivision application known as Popyk-McGruder Subdivision, 9290 Brewerton Road, 2 Lots said plan last dated 1/9/2015. This approval is contingent on the following:

1. The applicant is hereby advised that Pursuant to Section 185-6 Subsection F of the code the applicant has 90 days from approval to file the map. If the applicant missed the 90 day filing deadline this approval will have expired
2. The applicant is further notified that the Chairman of the Planning Board may delay signing of the final plan until the chairman verifies that the applicant has executed any and all necessary agreements with the Town and that all security or undertakings are in place.

**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: At the last meeting we were mostly considering the lighting. I think you turned something in and I think it is LED, correct.

Mr. Romans: Yes, it is and we got a review letter back from Mr. Parrish and he said the lighting appears reasonable for the use of the site. I did have Todd Loscombe check with the trash hauler and he said that the dumpster enclosures are sufficiently sized for their dumpsters that will go inside them and for these facilities. And actually Todd looked at a couple apartment buildings to confirm that too. The other things were a couple of little things we had to take care of for Mark Parrish and we did.

Chairman Smith asked Mr. Parrish if there were any comments in addition for the engineering. Mr. Parrish indicated he had none and that the drainage issue would be covered with the conditional approval.



Chairman Smith asked Mr. Germain if there were any addition legal issues. Mr. Germain confirmed the light that was being discussed and verified that it was submitted to the clerk.

Mr. Romans also provided the elevations to the clerk.

Chairman Smith asked the Board if they had anything further. The Board had nothing further.

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 Contemporary Home Suites, Orangeport Road (Tax Map #116.-01-05.4), Proposed apartment complex. The Site Plan last revised January 22, 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.
2. The applicant referred to the Planning Board's engineer's comments regarding the proposed construction of storm sewer within a Town easement and dedication of additional drainage easements to the Town. The Applicant will need to obtain approval from the Town Board for the modifications and additions to the stormwater management facilities. In accordance with the Town Local Law a Stormwater Control Construction and Maintenance Agreement should be executed with the Town for the stormwater management facilities proposed herein. Accordingly this approval is conditioned on the above referenced approvals and Agreements with the Town. No certificate of occupancy shall be given until said approvals and agreements have been reached with the Town.

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

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

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

Chairman Smith wanted to bring it to the Board's attention Riccelli Enterprises had resubmitted their application but the Codes Office has determined that they are declining the application based on use. It



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is now going before the ZBA for determination. Mr. Hooper indicated he will not discuss the matter since it was not at the agenda.

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

**Next Scheduled Regular Meeting: Monday, February 9, 2015 at 6:30 PM**

IN AS MUCH AS THERE WAS NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 7:58pm.

Submitted by Kristin Ryder  
Planning Board Clerk