



The Planning Board of the Town of Cicero held a meeting on **Monday, July 14, 2014** at **6:30 p.m.** in the Town Hall at 8236 Brewerton Road, Cicero, New York 13039.

**Agenda:**

- Pledge of Allegiance
- Notes from the Chairman
- Approval of the Minutes from the June 23, 2014 Meeting (**approved**)
- Minor Subdivision Preliminary & Final Plan, Public Hearing, Cicero Commons, Meltzer Court (Tax Map #092.-01-27.0), 2 Lots (**return July 28, 2014 for action by the Planning Board**)
- Subdivision, Drivers Village, 5857-5927 East Circle Drive, 2 Lots (**Approved**)
- Site Plan, Sketch Review, Lands of Essig Subdivision, 7321-7325 Thompson Road and 6083 E. Taft Road, 3 Lots (**Set Public Hearing for July 28, 2014**)
- Site Plan, Cantech Automotive (6267 E. Taft Road, LLC), 6267 E. Taft Road, Proposed Addition (**Approved**) (**Exhibit A-Amended Site Plan**)

**Board Members Present:** Bob Smith (Chairman), Chuck Abbey, 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

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.

**Mr. Abbey made a motion** to approve the Planning Board Minutes from June 23, 2014. **Mr. Honors seconded the motion.** The Chairman called a vote.

*In favor: 3      Opposed: 0      Abstained: 0      Motion approved unanimously*

**MINOR SUBDIVISION PRELIMINARY & FINAL PLAN,  
CICERO COMMONS, MELTZER COURT,  
(TAX MAP#092.-01-27.0), 2 LOTS  
DAVID MOONEY (LORETTO)**

Representative: David Mooney, Loretto

Mr. Mooney: Thank you for having us here. This is the final phase for the approval of this subdivision of construction commenced over a year ago. We completed the project, infrastructure is in, the building is in and we wish to close the project. We constructed the 12 homes and we have been through the



process with the Town, we have had good inspections in the buildings and on the site. We are hoping to bring it to closure so we can have occupancy and prepare to occupy these nursing facilities.

Chairman Smith: Just one question for Neil, this is a PUD, does this have any effect on the subdivision process?

Mr. Germain: This is in line with the subdivision process.

The Chairman 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 6:38pm.

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

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

Chairman Smith closed the Public Hearing at 6:39pm.

The Chairman noted that the Town had requested time to review this matter and asked to coordinate its review with the Planning Board. Mr. Smith requested that the record reflect that this matter will be placed on the agenda for the determination at the next Planning Board meeting on 7/28/2014.

**SUBDIVISION, DRIVER'S VILLAGE,  
5857-5927 EAST CIRCLE DRIVE, 2 LOTS  
IANUZI & ROMANS**

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

Chairman Smith indicated that Mr. Germain would be able to address this.

Mr. Germain made the following comments in regard to the subdivision application: The Driver's Village subdivision was previously approved by this board. Pursuant to Section 185-6 Subsection F of the code the applicant has 90 days from approval to file the map. In this case the applicant missed the 90 day filing deadline so their approval expired. They are now asking that the Planning Board reapprove the subdivision so they can file the map.



Mr. Germain further noted that the original approval was conditioned on the applicant submitting an easement for review and approval. I have reviewed and approved the proposed easement submitted herein.

**Chairman Smith made a motion** regarding the SEQR. Mr. Germain 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: 3 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 Driver's Village, 5857-5927 East Circle Drive 2 lots. This approval is contingent on the following:

1. Applicant shall provide an acceptable easement on Lot No. 1A along the north side of Lot No. 1B to provide access to a driveway onto Hogan Drive South. Said easement has been submitted to the Planning Board attorney for approval and I have approved the same as to form & substance.
2. The Applicant is hereby directed to record the Easement with the Onondaga County Clerk's Office and provide proof of said recording to the Planning Board attorney. The applicant is hereby advised that the Town will not issue a final certificate of occupancy in regard to this project until said proof of filing has been completed.

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

*In favor: 3 Opposed: 0 Abstained: 0 Motion approved unanimously*

Chairman Smith noted that there is a Town ordinance that was discovered, this 90 day rule. Maybe we could look at changing the application and making it very clear on there that once you have your approvals you need to file them within 90 days because it is the responsibility of the applicant.

**SITE PLAN, SKETCH REVIEW,  
LANDS OF ESSIG SUBDIVISION  
7321-7325 THOMPSON ROAD AND 6083 E. TAFT ROAD  
3 LOTS, IANUZI & ROMANS**

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

Chairman Smith asked Mr. Germain to craft a resolution for the public hearing.



Mr. Germain: You are going to move for the adoption of a resolution calling for a Public Hearing in the matter of Subdivision Preliminary & Final Plan Lands of Essig Subdivision, 7321-7325 Thompson Road and 6083 E. Taft Road, 3 Lots. This public hearing shall commence at 6:30 pm at the regular scheduled meeting of the planning on July 28, 2014.

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

*In favor: 3      Opposed: 0      Abstained: 0      Motion approved unanimously*

Mr. Romans: Currently there are two tax parcels. The owners have tenants that use these buildings and they have approached the owners on purchasing them. So we would take the two tax parcels and split it into three lots. Nothing will be changed as far as the layouts of the driveways we are really just configuring it so it can be sold off to the users that are on the Thompson Road side.

Chairman Smith noted that this will have to go to the County for their recommendation and referral before the Planning Board can take action.

Mr. Romans: We have already applied to seek variances on the 2 lots for lot depth.

Chairman Smith asked Mr. Germain and Mr. Parrish if they had any comments. Mr. German had none at this time.

Mr. Parrish: We may be asking for a drainage easement for the channel that runs along the north property line that drains into a swale that comes from behind it. We have had a number of issues throughout the years with that drainage way so we will consult with the Town Engineer to see if that is something that they feel is appropriate. We will ask them to put it on the plan and then we will do a thorough review of the plan and may have more comments.

Chairman Smith asked Vern Conway of the Town Board if he was familiar with the drainage.

Mr. Conway: The other side of Thompson Road we redid a few years ago going east, and yes behind that area is bad.

Chairman Smith asked the each of the board members if they had anything additional at this time. The board members had nothing further at this time.

**CANTECH AUTOMOTIVE (6267 E. TAFT ROAD, LLC)  
6267 E. TAFT ROAD, PROPOSED ADDITION,  
KEPLINGER FREEMAN ASSOCIATES**



Representative: Scott Freeman, Keplinger Freeman Associates

Chairman Smith noted that this has been reviewed by the entire Board a couple times and it has gone through a couple variations and we have been at this since September. He indicated that there may be some conditions that were discussed and is hoping to resolve some issues in a discussion here.

Also the Town Board has scheduled a special Town Board meeting on Wednesday on July 16, 2014 for the purposes of examining and considering approval of the zoning for the this parcel along with 31 additional parcels encompassing 160 acres to correct zoning issues that arose during this application process.

Mr. Freeman: I have submitted revised site plans along with a letter in response to the most recent letter provided by O'Brien and Gere. I would like to briefly go through the comments.

Item 1A- The plan has been revised to show the current project items. We have removed all the time references with the exception of Item A3.

Item A3 -The tractor trailer we had a discussion in the field with representatives of the Board and we came to an agreement.

Chairman Smith: That tractor trailer is currently used to store parts for the automobiles because this particular vendor utilizes, does a lot of specialty cars and a lot of these parts are stored. 5 years seems like a long time to remove that, could the applicant agree to maybe 2 or 2 ½?

Rocco Cannata (Owner of Cantech): 5 years is really what I am looking for because I need the storage trailer to store specialty parts on European cars, stuff that is not available anymore. And due to the fact of what this project is going to cost me I cannot afford to build a purpose built shed at this time. I think in 5 years the trailer will have served its useful life and I will have to do something with it. If you look at my property I like everything to be very nice and in order and you cannot see the trailer from the road.

Chairman Smith: You understand that when you go to replace that trailer, you will have to come in and file site plan to build another building. You would at least have to modify your site plan if it is 5 years from now, because construction of that building won't be on here. We are trying to work with you on it.

Mr. Germain: It sunsets after one year.

Chairman Smith: The Codes Office enters it into their system and if in how ever many years we agree on the Codes Office will be coming to see you and say the trailer has to be gone. You understand that there is no future construction on this plan, we can't do it.

Mr. Cannata: I understand.

Chainman Smith: The Board will have to make a decision on how many years will go on removing the tractor trailer.



Mr. Germain: You have a sunset provision for one year and you are allowing items to be on the plan that is being submitted for approval in excess of one year. You have an item as the plan stands right now that I was just given minutes ago, Note #15, which says that that trailer on their submittal will be there for 5 years. I believe that the comment was that anything beyond 1 year is beyond the sunset provisions that are existing and you are now negotiation past the one year sunset provision on a plan.

Chairman Smith: It seems that it would be helpful to Code to put a time period that the trailer has to be removed.

Mr. Freeman: Item #A2- relocation of the freestanding sign shall meet town setback requirements.

Chairman Smith: As part of our approval we will require that you get a variance for the sign.

Mr. Freeman:

Item 1B-provide a note of summary of uses, which we have added to the plan.

Item 1C-light levels should be reduced to a maximum of 8 foot candles, which our electrician said the foot candles are required for security purposes.

Item 1D-should note the location of all freestanding and building mounted signage.

David Mosher: (Heritage Mosher Architects) Currently there is an existing sign on place on the existing facade now. It is going to be a new channel letter mounted sign with internal LED laminated. The total square footage is 21 sq. feet by 42 sq. feet.

Chairman Smith: And that is what your front elevation will be because that is what we will be approving at site plan.

Mr. Mosher: Yes that is what it is going to be.

Mr. Freeman: Item E-we added that to the title sheet on the first page.

Mr. Parrish: It references the incorrect zoning, it references general commercial and the zone change it will be to general commercial plus.

Mr. Germain note that the applicant should make hand changes to the plan and mark it as an exhibit. Then provide it to the clerk and that will be the plan that is approved.

The Applicant made the hand change on the plan to change the zone to General Commercial Plus and provided it to the clerk as Exhibit "A" – Amended Site Plan.

Mr. Freeman:

Item F-location of existing dumpster, which are now noted on the plan and we added a dumpster enclosure to the rear of the building by the back addition.



Item G- Simple subdivision is needed for completion, which David Mosher has applied for that.

Chairman Smith: The Codes Office will handle that, it's administrative. The approval will be a conditioned on that is granted first.

Chairman Smith noted that this has been a long and difficult process; there are have been some mitigating circumstances to the degree that the Town Board is very much aware of it. Even to the point that the Town Board has taken the extraordinary step of scheduling a public meeting of the Town Board when there wasn't one to accommodate the project. This is not the typical process we are all trying to work together to try the local business owner to improve his property and bring it into compliance.

Chairman Smith asked Mr. Parrish if he had anything else from an engineering position. Mr. Parrish was all set.

There was further discussion among the Board members, Mr. Hooper, Director of Codes, and the applicant regarding the tractor trailer and what time limit will be for removal of the trailer.

Chairman Smith: We can go with the 5 years, if you can agree to that?

Mr. Cannata: Yes, I can agree to that.

**Mr. Honors 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: 3      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 Cantech Automotive (6267 E. Taft Road, LLC), 6267 E. Taft Road, Proposed Addition. The Site plan Site Plan last revised 7/14/2014 SAID SITE PLAN HAS BEEN MARKED AS EXHIBIT A AND HAS BEEN RECEIVED BY THE PLANNING BOARD SECRETARY. It is hereby noted that the Applicant has made amended the Site Plan to correct an error in the Zoning Chart which erroneously referred to the zoning as General Commercial. The Applicant has corrected the zoning chart to read General Commercial Plus.

The Planning Board notes that it has received and considered the County's Referral regarding this matter. This approval is strictly conditioned on the following:

- 1 The Planning Board notes that this property is subject to an application to change the zoning on this property to General Commercial Plus. This approval is strictly conditioned on the property's zoning classification being changed to commercial plus. Accordingly this approval shall not be effective until such time as the zone change has been completed.



3. The planning board notes that the applicant's sign violates the Town's 20 foot setback regulation. The applicant has agreed to apply to the zoning board of appeals to obtain a variance to allow the sign to remain in its present location. Accordingly this approval is conditioned on the applicant obtaining a variance allowing the sign to remain in its present location.
2. 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 modified herein.
4. The applicant shall complete a simple subdivision to combine the two parcels that comprise the site. No final certificate of occupancy shall be issued until said lots are combined.

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

Chairman Smith: Applicant should understand that the Planning Board's approval is 100% contingent on the Town Board approving the zone change.

Mr. Cannata: I understand.

The Chairman called a vote.

*In favor: 3    Opposed: 0    Abstained: 0    Motion approved unanimously*

Chairman Smith asked the each of the board members if they had anything additional at this time. The board members had nothing further at this time.

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

**Next Scheduled Regular Meeting: JULY 28, 2014 at 6:30 PM.**

IN AS MUCH AS THERE WAS NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 7:23pm.

Submitted by Kristin Ryder  
Planning Board Clerk