



The Planning Board of the Town of Cicero held a meeting on **Monday, July 28, 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 July 14, 2014 Meeting (**approved**)
- Minor Subdivision Preliminary & Final Plan, Public Hearing, Lands of Essig Subdivision, 7321-7325 Thompson Road and 6083 E. Taft Road, 3 Lots (**to return for action**)
- Minor Subdivision Preliminary & Final Plan, Cicero Commons, Meltzer Court (Tax Map #092.-01-27.0), 2 Lots (**approved**)
- Site Plan, Set Public Hearing, Used Car King, (Sun Auto), 8016 Brewerton Road, Proposed Gravel Parking Area (**Public Hearing Set for August 11, 2014**)
- Amended Site Plan, Sketch Review, Parks Storage, 8822 Brewerton Road, Proposed Amended Site Plan (**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

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. Ruscitto led the Pledge of Allegiance.

Mr. Abbey made a motion to approve the Planning Board Minutes from July 14, 2014. **Mr. Honors seconded the motion.** The Chairman called a vote.

In favor: 3 Opposed: 0 Abstained: 2 Motion approved

**MINOR SUBDIVISION PRELIMINARY AND FINAL PLAN,
LANDS OF ESSIG SUBDIVISION
7321-7325 THOMPSON ROAD AND 6083 E. TAFT ROAD
3 LOTS, IANUZI & ROMANS**

Representative: Timothy Coyer, Ianuzi & Romans



The Chairman stated that no action would be taken on the application at this meeting as the applicant required a variance from the Zoning Board of Appeals before any approval could be granted from the Planning Board.

Mr. Coyer: As I stated this map has been revised, we are looking at 3 lots. Lot 100 is about .366 acres, Lot 102 is about .2 acres, which has a fence line shown on our map that the applicant wants to keep it with this building because it is currently utilizing this fenced in area. The third lot is about .6 acres. Right now we are going in for a couple variances. The main one is that we do not meet our lot depth requirement for both Lot 101 and Lot 102. We do not have the required 135 foot requirement. The other variance we are going to be adding is the 15 foot minimum side yard. There is a structure that is an outdoor storage structure that we are going to be asking for a variance for that because it is 13 feet verses the 15 feet that is required. At this time it is all existing utilities, we are not adding any buildings. We have to locate and find out where the exact water line or lateral is for this building and as long as it is not crossing into any of the proposed adjacent lots, but if it does, we will have to run an easement to satisfy that.

We have gotten some notes from the Town engineer. There is a drainage easement that may be needed for Lot 101, which we have to go out into the field and locate where that is. The water main has to be located to find out exactly where it is for Lot 103. There was also a request for other variances, for example, this new Lot 102 that side yard is existing 4.1 feet, the way we're interpreting it is, that it's existing, non-conforming, as it is. We are not getting any closer with that building. There are a lot of existing non-conforming situations going on with these buildings in here, for example, with the lot 100 it is only 8 foot off the road boundary. But again as it sits now that's the way it is, its existing non-conforming and we didn't put those variances into our request.

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 6:40pm.

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 6:41pm.



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

Representative: David Mooney, Loretto

Chairman Smith: I believe the issues have addressed with the Town.

Mr. Germain: Yes, I believe they have.

Mr. Mooney: Yes.

Chairman Smith: We are dividing out the nursing home from the vacant land.

Mr. Mooney: Right. There have been no changes to the subdivision map since the last time I was here. The Town and I have had conversations and we have provided assurances, checks, agreements, etc. I am sure they can address that, it is my understanding that we have resolved the issues that were raised.

Chairman Smith: it is my understanding that it was not subdivision related it was dealing with securities, and road and engineering issues. I believe most of those things have been resolved. Mr. Hooper from Codes is here, is that correct?

Mr. Hooper: We are waiting to hear from CNS, there is a special Town Board meeting on Wednesday.

Chairman Smith asked Mr. Parrish and Mr. Germain if they had anything further and they were all set. Chairman Smith asked the Board members if they had anything further and Mr. Ruscitto, Mr. Marzullo and Mr. Honors were all set.

Mr. Abbey: I think it is a great addition and it looks great.

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 Cicero Commons, Meltzer Court (Tax Map #092.-01-27.0) 2 Lots,. 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, USED CAR KING (SUN AUTO)
8016 BREWERTON ROAD
PROPOSED GRAVEL PARKING AREA
IANUZI & ROMANS**

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

Chairman Smith noted that he added this to the agenda; the applicant did not ask to be here. It was put on the agenda because there have been a few phone calls and to give the neighbors an opportunity to be notified and address the Planning Board.

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 Site Plan Application of Used Car King (Sun Auto), 8016 Brewerton Road, Proposed Gravel Parking Area. This public hearing shall commence at 6:30 pm at the regular scheduled meeting of the planning on August 11, 2014.

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

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

Chairman Smith noted that some neighbors did present some written comments that have been presented to Mr. Hooper and Heidi will forward copies to the Board Members for consideration. The neighbors have been advised that they still need to come to the meeting to have a discussion.

Mr. Germain noted that they should also be provided to the Clerk for the record.

Mr. Romans requested copies of the comments so they could be addressed as well.



**AMENDED SITE PLAN, SKETCH REVIEW
PARKS STORAGE
8822 BREWERTON ROAD,
PROPOSED AMENDED SITE PLAN,
IANUZI & ROMANS**

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

Chairman Smith this parcel was subject to a ZBA action a number of years ago, I asked Heidi to send out all the minutes. So there is a ZBA determination that we have to comply with.

Mr. Romans: As you can see on Sheet 1 shows what is existing out there today. There is the old house that was converted into the office for the self-storage facility and these two buildings here that were put in and then the appropriate entrance way and asphalt around it. Sheet 2 of 5 of the Site Plan, has a note on it that it amends the 2009 site plan that was approved, I think it was October 7, 2009 which occurred here at the Planning Board after the use variance was granted. So what this does is it amends that Site Plan. It does some modifications to the grading back in the area that is unbuilt. As a result of those modifications we actually shortened up and made smaller some of these buildings in here. The same number of buildings is shown as on the 2009 plan. Some are built and there is a proposed climate controlled building, which is basically where the existing house is. That is going to be built as the later phase.

Chairman Smith: Could you specify what a later phase is?

Mr. Romans: I am not sure, yes it will basically be one built right after another.

Chairman Smith: So it's not a phased plan?

Mr. Romans: No I picture that they will probably make that one of the last buildings to be built.

Chairman Smith: As long as we know it is going to be built, Cicero has a time element now.

Mr. Romans: That is really why we are in here, because of that time limit. My client was ready to start this last phase of the project here. Really what it is, is the modification to the drainage and the smaller buildings that result in that. Everything else, the layout and everything is really consistent with the 2009 plan.

Chairman Smith: What about storm water?

Mr. Romans: We had WM Engineers do the storm water drainage. You can see that there are storm



water management areas, and you can see that everything was graded to accommodate and go to those facilities there. It is basically the same layout that was shown on the 2009 site plan with the caveat that this grading back in here changed. Really what it is was to make it so we would take out less material back in here, build more with the existing contours of the property and not have to truck away as much fill or as much access material. Sheets 3, 4 and 5 of the site plan are basically sheets done by WM Engineer's Bill Morris and was presented as part of the package and they have been modified from the 2009 plan for these grading changes. And obviously if after Mr. Parrish goes through the review if there is anything that has to be addressed I will let Bill Morris address that as part of any new regulations for the storm water.

Chairman Smith asked if the Codes Office or Mr. Parrish if they had and could get the approved 2009 approved site plan and provide a copy to all the members.

Mr. Romans indicated he would also have a copy that he could provide if necessary and mentioned that the last revision date on the plan would be October 6, 2009. Also that this went through a couple meetings at the Planning Board and quite a few meetings at the ZBA. Basically that 2009 plan was what went through the ZBA and then there were only a couple modifications from the Planning Board.

Chairman Smith: This represents the final build out?

Mr. Romans: This is the final build out, believe me he is going to do it all and finish it off. If always was a project that was going to go through the first phase and then go to the final build out.

Chairman Smith indicated that this does have to go to the County and he has already sent it so it will be the August meeting before the County sees it

Mr. Romans: That is fine.

Chairman Smith: Have you had discussions with the NYSDOT?

Mr. Romans: We had discussions when the 2009 driveway modifications where done, and we should be set but I will confirm with them.

Chairman Smith: Ok, did they approve it with the expanded use?

Mr. Romans: They had seen the 2009 plan but I will make sure I get something to them.

Chairman Smith asked Mr. Parrish, Mr. Germain and the Board members if they had anything further and they were all set.

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



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Next Scheduled Regular Meeting: August 11, 2014 at 6:30 PM.

IN AS MUCH AS THERE WAS NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS
ADJOURNED AT 6:55pm.

Submitted by Kristin Ryder
Planning Board Clerk