



The Planning Board of the Town of Cicero held a meeting on **Monday, June 8, 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 May 6, 2015 Meeting (**approved**)
- Site Plan, Discussion – Riccelli Enterprises, LLC, Northern Blvd., Tax Map Nos. 055.-02-19.3, 25.0 and 26.1, Proposed Bituminous Concrete Mix Plant (**Application Incomplete**).
- Minor Subdivision Preliminary & Final Plan – Hancock Airpark, Stewart Drive, 5 Lots (**Schedule Public Hearing**)
- Preliminary Plan Re-Approval – Tocco Villaggio, 5333 State Route 31, 10 Lots - (**Schedule Public Hearing**)
- Sign – William Farm Stand, 8455 Whiting Road, Proposed electronic message board (**approved**)
- Site Plan – Sketch Review – Fulton Heating Solutions, 6288 Running Ridge Road, proposed manufacturing facility (**To Return**)

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

Others Present: Neil Germain, Planning Board Attorney, Mark Parrish, Planning Board Engineer and 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. Abbey led the Pledge of Allegiance.

Chairman Smith Notes: All members of the Board must complete ethics training for all staff and public officials. This is required by the Town Board. 1 and ½ hour session. One is on Monday, June 22nd at 6:00am and one is on Tuesday, June 30th at 9:00am. I have asked and they will do a makeup session that will be scheduled at a later day. Please contact Shirley Stewart. I signed up for the 6:00am just so everyone is aware of that.

Notice to the Board: Earlier this week, Richard Hooper, Director of Codes Enforcement, contracted me regarding A&P Marina, their site plan expired. They only get one year. They want to start building. They did get a first site plan extension pursuant to the Town of Cicero Code and per the recommendation of the Town of Cicero Enforcement. The Original site plan approval was April 28, 2014 and will expire on October 28th. This is a 6 month extension. The



Chair can grant up to one year but I didn't think one year was necessary so I gave them six months.

Chairman Smith Notes: There is a 2015 planning and zoning summer school if anyone is interested. I am not sure if the Town Board is going to approve training. Contact Heidi LaLone in codes office. She has the form.

Approval of Minutes of May 6, 2015 Meeting:

Mr. Abbey made a motion to approve the Planning Board Minutes from April 13, 2015. **Mr. Marzullo seconded the motion.** The Chairman called a vote.

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

Chairman Smith: We are changing the agenda order tonight. The Riccelli Site Plan discussion has been moved up and we will get started right away.

**SITE PLAN DISCUSSION
RICCELLI ENTERPRISES, LLC
NORTHERN BLVD,
TAX MAP NOS. 055.-02-19.3, 25.0 & 26.1
PROPOSED BITUMINOUS CONCRETE MIX PLANT
IANUZI & ROMANS**

Chairman Smith: Ianuzi & Romans represents the applicant in any discussion. This item is on for discussion only between the Planning Board Attorney and the Members for procedural issues. No public discussion from the applicant or members of the public will be entertained. This is a procedural issue. I have recused myself on this issue. Mr. Germain will start the conversation on procedure.

Mr. Germain: It has been a long time since we have been in session so let's review since the last meeting:

Mr. Germain: As all of you know this board scheduled a Public Hearing in this matter on May 6, 2015. The Public Hearing had to be adjourned due to the fact that this town hall couldn't accommodate the number of people wanting to speak. The public hearing was rescheduled to May 20, 2015. By letter dated May 14, 2015 the applicant requested that the public hearing be adjourned to a time and date that would accommodate their experts. I have provided a copy of the Applicants letter requesting an adjournment of the Public Hearing to the Clerk and ask that it be included in the file.



Mr. Germain: On May 19, 2015 I received notice from the County that the Planning Board had submitted a referral of this matter to the County. I have provided each of you with a copy of the referral and one to the clerk to be included in the file.

Mr. Germain: As you can see the referral indicates that the project "requires a use variance". It further states that that the "Manufacture or processing of Asphalt is prohibited in zone" From the County's perspective the referral was incomplete because it was not accompanied by a variance. The Onondaga County Planning Board requested that as part of a full referral, a statement in writing from the Town as to why this action was not appealed to the ZBA, given the CEO's action. Any clarity as to the process by which this case is being reviewed is appreciated, so that the Onondaga County Planning Board can understand the action before them.

Mr. Germain: At this point, I informed the applicant of the County's position and stated that I believed that the referral constituted an official determination that use was prohibited in Zone.

Mr. Germain: The applicant responded by Letter dated May 22, 2015 stating that the referral could not be deemed a determination by the Codes Enforcement Officer because it was not signed by the Codes Enforcement Officer. At this point, we have an applicant that is seeking to continue on with the application process. It would be helpful if our Codes Enforcement Officer would provide us with an opinion. In the past, it was determined that it was not an approved use within the Zone. I think for clarity sake, before this goes further, we should seek out and ask if our Codes Enforcement Officer is still of that opinion.

Chairman Smith recognized Richard Hooper, Director of Codes Enforcement to address Mr. Germain's question.

Mr. Hooper: In my opinion, based on the current codes, it is not approved in that zone.

Mr. Germain: At this point, you have an application for site plan approval for a use that is not approved in this zone. They can appeal that determination to the Zoning Board of Appeals. In general, when you go through your obligation as Planning Board, according to procedure Section 210-28B: PROCEDURE The Town Planning Board shall review such plan for completeness and suitability in accordance with the provisions of this chapter.

Section 210-29 REVIEW CRITERIA - the Planning Board shall consider Compatibility of the proposed use with neighboring uses.

Mr. Germain: At this point, you may very well want to consider a motion that you will not hear this site plan until you know that the underlying use is an approved use. That would require the applicant to seek whatever remedy that they want...from the ZBA or whatever source. At that point, you will at least know that the use is allowable in the zone. That is what you want to consider to make that motion because if you do not, you won't even know if that is an allowable use in that zone. You were just told that it is not.

Mr. Marzullo: The determination by the county was that it was not an allowable use?



Mr. Germain: The County did not make that determination. The County looked at it. Our own referral said that it was not an allowable use. You are handing us a referral that says it is not an allowable use but you don't have anything to support that. Their question is why is it here because you are giving us a site plan to look at that your Codes Enforcement Officer says is not an allowable use in that zone. They don't want to accept the referral because it is incomplete.

Mr. Marzullo: We can't approve a site plan for a use that is not allowable?

Mr. Germain: I suppose you could go through the process but the Codes Enforcement Office would not have to issue a COO. It would seem to me that you wouldn't want to take that action.

Mr. Marzullo: I agree. We have to go by the rules and regulations.

Mr. Honors: That being said, this is out of order in regards to being in front of us.

Mr. Germain: We have in the past, if you had an application in front of you that requires a setback variance, you would hear that, instruct the applicant to go to the ZBA to get your variance and tell them to come back. Here, we consider the application incomplete until you show us that you have the right to use. It is not an approved use in the zone.

Mr. Marzullo: I would concur. Can a motion be made this evening?

Mr. Germain: Yes, you will make a procedural motion. I will word the motion for you.

Mr. Honors: Anything else to add?

Mr. Ruscitto: No, it shouldn't be in front of us.

Mr. Germain: You are going to move for the adoption of a resolution acknowledging that the Code Enforcement Officer has found the proposed use as set forth in the Site Plan known as Riccelli Enterprises, LLC., Northern Blvd., Tax Map Numbers 055.-02-19.3, 25.0 & 26.1, is not permitted in the zone.

Mr. Marzullo: I move for the adoption of a resolution in accordance with § 210-28 Procedure B which requires this board to consider completeness of any application and § 210-29 A 1 which requires you to review the Compatibility of the proposed use with neighboring uses, declaring the Site Plan known as Riccelli Enterprises, LLC., Northern Blvd., Tax Map Numbers 055.-02-19.3, 25.0 & 26.1 to be incomplete until such time as applicant has obtained relief from the decision of the Codes Enforcement Officer.

Mr. Ruscitto seconded the motion. (Chairman Smith abstained from vote).

In favor: 4 Opposed: 0 Abstained: 1 Motion approved

Chairman Smith recessed the Board for five minutes to allow people to go home that were there for the Riccelli matter. Meeting reconvened at 6:50pm.



**MINOR SUBDIVISION PRELIMINARY & FINAL PLAN
SET PUBLIC HEARING
HANCOCK AIRPARK
STEWART DRIVE, (Tax Map #057.-02-29.1)
5 LOTS
D.W. HANNIG, L.S., P.C.**

Chairman Smith: The sole purpose of this item is to set a public hearing. Application fees have not been paid. It is required that we have to set a public hearing for subdivision. This subdivision is part of Syracuse Label site plan application we are expecting. I want to get a public hearing set to expedite the process. We can cancel the public hearing, if the fees are not paid, but I want to get one scheduled.

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

Mr. Germain: You are going to move for the adoption of a resolution calling for a Public Hearing in the matter of Hancock Airpark, Stewart Drive (Tax Map #057.-02-29.1), 5 Lots,, This public hearing shall commence at 6:30 pm at the regular scheduled meeting of the Planning Board on June 22, 2015.

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

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

**PRELIMINARY PLAN RE-APPROVAL
SET PUBLIC HEARING
TOCCO VILLAGGIO
5533 STATE ROUTE 31
10 LOTS
IANUZI & ROMANS**

Representative: Hal Romans from Ianuzi & Romans

Chairman Smith: Just some background – This was approved but the preliminary subdivision that expired in May. There were considerable notices given to the applicant. However, Town law is very clear on the expiration of preliminary subdivision, which is one year from approval. So we have to start from scratch again. Would you like to give us a brief overview Hal?



Mr. Romans: There are no changes from the preliminary plan that was approved about 3 years ago. The client is constructing roads in Cicero. We need to ask for a public hearing as soon as possible. We went to a number of meetings because part of it is in Cicero and part in Clay. The final result was a public hearing request. The fees have been paid.

Chairman Smith: Yes, they have.

Mr. Romans: Please set a public hearing. No changes.

Chairman Smith: In consideration of our short construction season the Codes Office has allowed the applicant to continue with construction. However, applicant understands that it is their full responsibility. I will refer this project to Onondaga County Planning for review this week. It has also been sent to County Wastewater and Environmental Protection (WEP).

Chairman Smith asked Mr. Germain to craft a resolution setting a public hearing on the application.

Mr. Germain: Move for the adoption of a resolution calling for a Public Hearing in the matter of Tocco Villaggio, 5533 State Route 31, 10 Lots. This public hearing shall commence at 6:40 pm or as soon as practicable after the Hancock Airpark Public Hearing at the regular scheduled meeting of the Planning Board on June 22, 2015.

Chairman Smith: That is in the form of a Motion. Mr. Marzullo seconded the Motion. The Chairman called a vote.

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

**SIGN
WILLIAM FARM STAND
8455 WHITING ROAD
PROPOSED ELECTRONIC MESSAGE BOARD
TONI DiPIRRO**

Representative: Toni DiPirro

Chairman Smith: Is the sign you are asking for on Route 31 or Whiting Road?

Ms. DiPirro: Route 31.

Chairman Smith: Did you approve the sign (directed toward Mr. Hooper)?

Mr. Hooper: Yes



Ms. DiPirro: We want to replace the marquis with the digital message board. I believe that you have the measurements of the sign in front of you.

Mr. Honors: It is very close to the size.

Ms. DiPirro: A little smaller actually.

Chairman Smith: Is this a red, green and yellow LED? No fluorescent blues and purples?
Mark- are we hitting all the setbacks that we have to hit?

Mr. Hooper: It may be non-conforming but we looked at it that they are just replacing the sign that they currently have. We are comfortable with it.

Chairman Smith: We do have a few things that we need to ask. Neil, will you cover the oscillating portions and all of the colors for the sign? We do ask that should there be an Amber Alert, that you display the Amber Alert.

Ms. DiPirro: Absolutely.

Chairman Smith asked Mr. Germain to craft a resolution approving the sign request.

Mr. Germain: The applicant has volunteered and agreed to display Amber Alerts when requested to do so by Town officials. The reader board signage will not display any neon or loud or overly bright colors and no messages will scroll in an interval of less than 15 seconds. There will be no flashing, oscillating, or scrolling of messages. The sign may be internally but not externally lit.

Chairman Smith: That is in the form of a Motion.

Seconded by Mr. Honors. The Chairman called a vote.

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

**SITE PLAN SKETCH REVIEW
FULTON HEATING SOLUTIONS
6288 RUNNING RIDGE ROAD
PROPOSED MANUFACTURING FACILITY
ERIN SPERRY**

Representative: Erin Sperry

Chairman Smith: We have had one or two site visits at the facility. This is the Tarax building in Beacon North and formerly manufactured shampoo and beauty products. They have moved their operations and manufacturing offices sites out of the area. The facility is vacant.



Ms. Sperry: I am the director of commercial heating products for Fulton Heating. We are looking to expand our business out of Oswego County. The owners purchased this facility. We are going to be manufacturing heat transfer equipment, basically boilers for schools, hospitals, etc. in the facility. We are hoping to start renovating the office space within the next six months. We are hoping to start manufacturing within the next five years. Overall sales and growth are allowing us to have the capital to ultimately employ 60 people at this location. What questions do you have for me?

Chairman Smith: Any changes to the exterior? Any additions? Parking spaces?

Ms. Perry: At this time, we believe that we have appropriate space. We are going to work with what is currently there for parking the parking lot. We are adding stripes to the existing parking lot. We will not be adding any additional pavement.

Chairman Smith: Are you looking to add signage?

Ms. Perry: Yes, we are taking down the sign that is up there now and placing a Fulton Companies sign on the building.

Chairman Smith: Did you submit the sign with your plan? Mark – comments?

Mr. Parrish: They are adding two new poles- light poles. That is the only modification. Not much to say.

Mr. Chairman: Any legal issues?

Mr. Germain: Just the use.

Chairman Smith: Board members- any concerns that they should start looking into?

Mr. Germain: Light industrial site use.

Chairman Smith: As long as you can get the items addressed, I will get you on the next agenda for determination. Have contact with Mark Parrish. We may be able to make a determination on the next meeting.

Ms. Perry: Thank you

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

Next Scheduled Regular Meeting: Monday, June 22, 2015 at 6:30 PM



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IN AS MUCH AS THERE WAS NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 7:06pm.

Submitted by Lisa L. Stewart
Planning Board Clerk