



The Planning Board of the Town of Cicero held a meeting on **Wednesday, May 6, 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 April 27, 2015 Meeting (**approved**)
- Site Plan, Public Hearing, Riccelli Enterprises, LLC, Northern Boulevard, Tax Map N Nos. 055.-02-19.3, 25.0 and 26.1, Proposed Bituminous Concrete Mix Plant (**Public Hearing Adjourned to May 20, 2015**)
- Site Plan, Cicero Fire State, 8377 Brewerton Road, Proposed New Fire Station (**Approved**)
- Major Subdivision Preliminary Plan, Consideration of Extension, Tocco Villaggio, 5533 State Route 31, 5 Lots (**Extension denied**)

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

Others Present: Neil Germain, Planning Board Attorney, Mark Parrish, Planning Board Engineer and Richard Hooper, Zoning Board, Sergeant Baldini from the Cicero Police Department

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.

Approval of Minutes of April 27, 2015 Meeting:

Mr. Marzullo made a motion to approve the Planning Board Minutes from April 27, 2015.
Mr. Abbey seconded the motion. The Chairman called a vote.

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



**SITE PLAN, PUBLIC HEARING
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: It is obvious to everyone that the Town Hall is not able to accommodate this meeting. We have taken this into consideration and our attorney will be speaking. Everyone has an opportunity to be heard. Neil, we had made a decision.

Mr. Germain: The purpose of a public hearing is so that everyone can be heard. The capacity of this room is 75 and it will not support everyone. This venue will not accommodate this amount of people. We will adjourn the public hearing to the next planning board meeting date which is Wednesday, May 20th. We need to obtain a larger venue for everyone to be heard. Everyone standing is in violation of the Fire Code.

Chairman Smith: I will open and meeting and then recess the meeting.

William Gilberti: Council to Riccelli Enterprises. We are here tonight with all of our experts for the public hearing. We share those concerns. I will speak loud enough. We understand the concerns laid out by the Chairman and Mr. Germain. We appreciate those concerns. However, we are here with experts from all over the Northeast. I believe that there are a number of people here in favor of the application. Riccelli is asking anyone who is in approval to move outside and therefore we can move forward.

Chairman Smith: Neil, is that an issue?

Mr. Germain: It is a Board decision. It is totally up to the Board. If you want everyone to participate. That is a Board decision.

Mr. Marzullo: What did you say?

Mr. Germain: If you can get the room to 75.

Note: Riccelli supporters leave the meeting room to allow those from the outside to come in.

Chairman Smith: Mr. Gilberti, we are still not going to make it. Sergeant, if we call a recess, how many people are here for the fire department?



Sergeant Baldini: Most of the people are here for the Riccelli issue. If you want my opinion, it is not going to work. Anybody who wants.... Is it safe to say that everybody outside is here for the Riccelli matter?

Mr. Gilberti: How many are out there?

Sergeant Baldini: 30-50?

Chairman Smith: 30-50? That puts us well over. Mr. Gilberti, I am sorry. The public hearing won't have an awful lot of standing. Unfortunately, the Town Hall....usually nobody comes to these things.

Mr. Gilberti: I understand Mr. Chairman: We appreciate the concerns of the Town Planning Board and the issues of fire safety and we do not want to jeopardize safety. I could have our experts leave as well but I don't think that is going to provide enough room either. So, it is an unfortunate burden for Riccelli because we have experts here from all over the Northeast that have come tonight. We have gone to considerable expense to give the Board.... I don't know what else to do myself.

Note: Mr. Gilberti goes on to state that he was surprised at the number of people there to oppose the Riccelli matter as Riccelli attempted to reach out to the public for their feedback and did not receive response. The room erupted with boos and negative comments.

Chairman Smith: if we don't have everyone, it loses some of its meaning. We are trying to accommodate folks and this is the reason why we are holding a public hearing. This is a public meeting. Mr. Gilberti is actually correct to state his opinion. This isn't anybody trying to deny anyone an opportunity to be heard. This is us trying to make sure that everyone does have an opportunity. Regardless of where it is heard, the Planning Board does not accept anything but respect for those that are speaking, whether they are for or against. Sorry, Mr. Gilberti.

Mr. Gilberti: That's OK Mr. Chairman. I am surprised by the reaction. This is not my first rodeo. I don't know what else to say. If the room will not accommodate, we have no choice but to reconvene in a larger venue.

Chairman Smith: That is the Town's responsibility. The Town Clerk. I will instruct her in the morning to find a venue that will hold 200 people. Neil, does that sound reasonable?

Mr. Germain: Sounds reasonable.



Chairman Smith: The Town will bear the expense for that but we will find a venue that will hold everyone. With that, we will open the public hearing.

Chairman Smith opens the public hearing for, Riccelli Enterprises, LLC, Northern Boulevard, Tax Map N Nos. 055.-02-19.3, 25.0 and 26.1, Proposed Bituminous Concrete Mix Plant at 6:47pm.

Mr. Germain: We will adjourn the public hearing for the reasons already stated until the next meeting of the Planning Board. That will be published.

Chairman Smith: I am sorry that everyone came here. I am sorry that the applicant came with their experts. I am sorry but the Town Hall just is not big enough.

Sergeant Baldini: I will relay that it is postponed (to those standing outside that we unable to hear what was being said inside the meeting).

Chairman Smith: It will be public notice and it will be published.

Chairman Smith closed the public hearing at 6:48pm.

Board recesses to allow time for those appearing for the Riccelli matter to leave the meeting.

Chairman Smith: Let the Chief know that our next meeting is on the 20th.

Sargent Baldini: Yes, I will let him know.

Chairman Smith reconvenes the meeting at 6:53pm.

**SITE PLAN SKETCH REVIEW
CICERO FIRE STATION
8377 BREWERTON ROAD
PROPOSED NEW FIRE STATION
NAPIERALA CONSULTING**

Representative: Neil Zinsmeyer, Napierala Consulting and Fire Commissioner Jim Perrin

Chairman Smith: Will you cover the changes for the Board?

Mr. Zinsmeyer: Yes, one of the comments was to examine the wetlands. We determined that this area here is wetlands. Prior to this plan, we had the driveway going straight back. We ended



up pushing the parking lot to the west to have the parking spaces. We still have the storm water management station. That is the majority of changes. In addition to Mr. Parrish's comments as well as in addition to lighting.

Chairman Smith: Mark, did you review the storm water? Did you review the change?

Mr. Parrish: Yes, I reviewed the letter. Storm water is conceptually the same. Pretty much similar to other plans.

Chairman Smith: All wetlands will be protected?

Mr. Parrish: Yes, they are not DEC wetlands so you don't have a buffer. These are only Corps wetlands so we should be all set.

Mr. Zinsmeyer: I believe we submitted the sign package.

Chairman Smith: We sort of are changing the way we operate because one of the changes that I want is that the county has made available topography. It is not a public program but it is a program that we can use with the Town. Mark is experienced with this program. It is my hope that we can put up aerial shots and we can answer questions and we will be able to see the area we are talking about. We moved all our folks here together and this change will continue.

Mr. Zinsmeyer: So, in order to avoid coming back for a second time for sign approval, we will have LED sign to display advertisements. Chicken barbeques, missing persons, amber alerts, enter and exit signs, responder only notification signs.

Chairman Smith: When you said it would be for advertising only, I am sure that you meant that it will be for community and fire department events. Public events. The fire department has been very good about advertising Boy Scout chicken barbeques and stuff which we applaud and this venue will give better coverage.

Mr. Zinsmeyer: Just for the public advertising. As well as a sign that says Cicero Fire Department.

Chairman Smith: You look like you are well within....it certainly does not look like you are in Las Vegas.

Mr. Zinsmeyer: If the budget will allow. That is the majority of our changes. Mr. Marzullo asked for some movements as to how the trucks will move in and out of Route 11.



Chairman Smith: I contacted DOT and they are happy that we are getting the fire trucks off Route 11.

Mr. Zinsmeyer: We started this project 2 years ago and that has been our goal. I believe that the subdivision is on the way also.

Mr. Hooper: Been submitted, yes.

Chairman Smith: Mark, any more questions?

Mr. Parrish: Relative to the signage, I just want to confirm the means of lighting these. The top of these, is it going to be internally lit or not lit at all?

Mr. Zinsmeyer: Not going to be lit at all. I think the LED light will be enough.

Chairman Smith: The LED sign customarily will have just two panels and having a light bulb inside. My guess is...I don't know how that it would not be internally lit. I don't think that you can buy one of those without.

Mr. Parrish: Then the building sign, is that lit at all?

Mr. Zinsmeyer: Our building architectural plan does not show any lighting for that sign.

Chairman Smith: Just to be clear, we are not putting lights on the sign where it says Cicero Fire Department? They are not putting more lights on the front of the building?

Mr. Zinsmeyer: Correct.

Mr. Parrish: You have the responder signs set back 20 feet from the property line. Richard-directional signs have to be set back 20 feet?

Mr. Hooper: Yes

Mr. Parrish: We are not showing a height for the tower.

Mr. Zinsmeyer: The existing tower is 15 feet. The top of the building is 22 feet. 37 feet total.

Chairman Smith: 60 is allowed, right Richard? It won't be any taller? Not to exceed 60? If we make it easy and if Neil can put it in there not to exceed 60 feet.



Mr. Hooper: 60 feet.

Mr. Parrish: The next issue relative to lighting, 2 issues I guess. You are using 400 watt lighting double mounted for the parking lots. You have some very high intensity lighting. 250 is more typical. We suggest that they use lesser watt lights. Alternatively, they may want to consider using LED. They are more energy efficient. I will leave it up to the Board, it is just my suggestion. The other item is that they are showing up-lighting around the flag pole. They have three lights around the pole. If you are going to allow that, maybe I would suggest that you go down to two because one would be pointing towards the road and also make that a condition that they get mounted so they do not create a glare up and down Route 11.

Chairman Smith: I absolutely want to see the flag. Let's see what we can accommodate.

Mr. Zinsmeyer: If we install them and there needs to be accommodations, we can make those changes.

Mr. Parrish: If we stuck with the lighting that they proposed, there wouldn't be any bleed off onto other properties.

Mr. Abbey: I think LED is the way to go.

Mr. Zinsmeyer: LED is more expensive. I see what Mark is saying. If we go to single head, we will double the amount of systems. Each pole is about \$3,500.00 for the foundation, pole and fixture.

Mr. Parrish: With the LED fixture, they have much better distribution. You are likely to cut down from 8 to 4. It may be more expensive per fixture but you might find that by cutting it in half, you might save money. They are less expensive to run.

Chairman Smith: Is it possible that we can ask the applicant to consider changing it?

Mr. Zinsmeyer: When this goes to bid, we don't mind putting in a LED alternative. We would be more than happy to review it with Mark.

Mr. Germain: You can put it in as a suggestion that the applicant would consider going to LED lighting.

Chairman Smith: The fact of the matter is that this is a public agency that we are reviewing and I am sure that they want to do what is best and what they can budget for. That's why I am asking. I know the fire chief is here.



Fire Commissioner Perrin: We are going to contact National Grid because there are grants for the lights. We are going to contact them to see if we can switch over to LED.

Chairman Smith: So, if possible, you would switch?

Fire Commissioner Perrin: Yes, we want LED as well.

Mr. Parrish: That is all I have.

Mr. Germain: The only thing I have is that they have applied for subdivision to remove the lot line. I would suggest a conditional approval pending the subdivision approval. If they don't remove the lot line, then the building would run right through the lot line. That is an administrative problem.

Fire Commissioner Perrin: I signed the application last week.

Mr. Ruscitto: You talked about a door on the responder side.

Mr. Zinsmeyer: That would provide a drive through bay for a larger fire truck.

Fire Commissioner Perrin: The option that we wanted was a drive through bay because backing up isn't safe. That is where we left it open if down the road we had to do it. Currently, the parking lot gives us enough room to turn around.

Chairman Smith: If they came back at a future time to put that door in, that isn't substantial, is it?

Mr. Hooper: No.

Mr. Marzullo: What is your timeframe?

Mr. Zinsmeyer: They want to submit plans for May 20th. June 1st for asbestos abatement. Existing building will be up and operational. November timeframe for completion.

Chairman Smith: Grand opening and a fundraiser- I am sure we are all invited.

Mr. Marzullo: Can you describe where the light fixture will be around the flag pole? I don't want cars to have glare coming down Route 11.



Mr. Zinsmeyer: The flag pole is in a different location. They will be ground mounted pointed straight up.

Mr. Marzullo: I agree with Mark. We should go with two.

Chairman Smith: We don't want glare onto Route 11.

Mr. Honors: Where did we stand in regards to the walk through path in the parking lot area? Anything come of that?

Mr. Zinsmeyer: We tried to accommodate that. We looked at it again. We have a swale and we don't have the elevation change to drop in a culvert. By losing that elevation, that leaves us no room to provide the swale. We tried. There is no possible way.

Chairman Smith: You know what will happen. People will eventually start walking through it. People will go where they want to go.

Chairman Smith made the following motion: Move for the adoption of a resolution that the Planning Board of the Town of Cicero assume the role of Lead Agency pursuant to the New York State Environmental Quality Review Act.

Mr. Abbey seconded the motion. The Chairman called a vote.

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

Mr. Ruscitto made a motion regarding SEQR. He read: Be it further resolved that the Planning Board of the Town of Cicero hereby determines based upon the applicant's completed environmental assessment, the information presented by the applicant, the information contained in the Planning Board's Engineer's Review Letter, the information contained in the Onondaga County Planning Board's referral, if any, the Planning Board's personal knowledge of the Site, and all other information presented and proceedings had herein 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. Further the Planning Board Chairman is authorized to complete environmental assessment form in accordance with the findings and proceeding had herein.

Chairman Smith seconded the motion. The Chairman called a vote.

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



Chairman Smith made a motion to move for the adoption of a resolution approving the Site Plan application known as Cicero Fire Station, 8377 Brewerton Road, Proposed new fire station. The Site Plan last revised April 30, 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 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, osculating, or scrolling of messages. The sign may be internally but not externally lit.
3. The Board notes that the applicant was advised as to the necessity to combine the lots comprising this site into a single lot. The applicant has applied for administrative approval of this subdivision. This approval is conditioned on the completion of said subdivision. Any building permits or a certificate of occupancy shall not be issued until said subdivision has been filed.
4. The tower as depicted on the plan will not exceed the code height limit of 60 feet.
5. The lights as shown around the flag pole will not face the road and will be installed and maintained in such a way as to minimize glare onto the road. Further there will be a maximum of 2 lights for the flag pole.
6. The Planning Board suggests that the applicant use LED lighting in the rear parking lot.

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

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

**MAJOR SUBDIVISION PRELIMINARY PLAN
CONSIDERATION OF EXTENSION
TOCCO VILLAGGIO
5533 STATE ROUTE 31
5 LOTS
CHA, INC.**



The Planning board attorney stated that the application to extend Tocco Villaggio's Major Subdivision Preliminary Plan Approval could not be granted as a matter of law as the application for an extension was not timely. He referred to **Code Section 185-5 as follows:**

Approval of a preliminary plan shall expire after 24 months from the date of approval. Extensions for periods of 12 months may be granted by the Planning Board upon application. Such applications for extensions shall not be entertained by the Planning Board unless such application is received by the Planning Board within 30 days after the expiration of such date of expiration. Such application for extension shall not be granted unless changed conditions or new information indicate the unsuitability to the development as shown on the preliminary plan.

Chairman Smith: We cannot entertain that? Do you need a resolution? We don't need anything. They will have to resubmit the application.

Mr. Germain: I believe the applicant has a representative here.

Chairman Smith: Obviously, they are going to have to reapply. In the interest of public information, I suggested to the applicant several months ago that if they had been timely, we probably would have given them an extension.

The Board did not have anything further.

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

Next Scheduled Regular Meeting: Monday, June 8, 2015 at 6:30 PM

IN AS MUCH AS THERE WAS NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 7:22pm.

Submitted by Lisa L. Stewart
Planning Board Clerk