



The Planning Board of the Town of Cicero held a meeting on **Monday, November 10, 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 October 15, 2014 Meeting (**approved**)
- Site Plan, Sketch Review, ESW Realty LLC, 6166 South Bay Road, Proposed Dunkin Donuts restaurant with adjacent commercial tenant space
- Site Plan, Sketch Review, All Seasons Landscaping, 7173 State Route 31, Proposed Storage Building
- Site Plan, Sketch Review, Contemporary Home Suites, Orangeport Road (Tax Map#116.-01-05.4), Proposed Apartment complex(**Set Public Hearing for November 24, 2014 at 6:30pm**)
- Site Plan, Oil City Customs, 5867 State Route 31, Proposed Motorcycle Garage and Retail Store (**Approved**)
- Site Plan Modification, Riccelli Enterprises, LLC, Northern Blvd. (Tax Map #055.-02-19.3 & 25.0 & 26.1), Proposed Ready Mix Facility (**Set Public Hearing for November 24, 2014 at 6:30pm**)

Board Members Present: Bob Smith (Chairman), Chuck Abbey, Joe Ruscitto, Mark Marzullo and Sharon May

Others Present: Neil Germain, Planning Board Attorney, Mark Parrish, Planning Board Engineer, Richard Hooper, Director of Codes Enforcement, Don Snyder, Zoning Board of Appeals, Vern Conway, Town Board Member and Jessica Zambrano, Town Supervisor

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.

Mrs. May led the Pledge of Allegiance.

Notes from the Chairman:

Sun Auto invited us to a 10th anniversary celebration. The just finished an expansion project. It is a great business, they are doing a great job and I think we are lucky to have them as part of the community. It was a nice celebration.

Mr. Abbey made a motion to approve the Planning Board Minutes from October 15, 2014. **Mrs. May seconded the motion.** The Chairman called a vote.

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



**SITE PLAN, SKETCH REVIEW
6166 SOUTH BAY ROAD,
PROPOSED DUNKIN DONUTS RESTAURANT WITH ADJACENT
COMMERCIAL TENANT SPACE
ROBERT ABBOTT**

Representative: Robert Abbott, Architect

Mr. Abbott: This is a 1.3 acre site on the corner of South Bay and Gillette Road. Presently there is a 3,000 sq. foot commercial building, general commercial zoning on the site that has two tenants occupants. It is our developers wish to demolish the building and put up a Dunkin Donuts building approximately 2,600 sq. feet with a pedestrian patio in the front and an adjacent 3,200 sq. foot building behind it for other tenant occupancy. The site right now has three means of egress, one on South Bay Road and two on Gillette Road. We are planning on reusing the same curb cuts that are already in place. Because of the drive thru window on the Dunkin the flow of cars is counter clockwise so anybody coming in the driveways can go both directions but when you go around thru the drive thru it will be one direction only as will be the garbage truck. They will come around to the dumpsters that are located at the dumpster enclosure on the north side close to the rear door. The parking requirement is sufficient for the amount of sq. footage that we have. Mr. Parrish have you had a chance to look at the SWPPP.

Mr. Parrish: I have not been able to yet in any detail yet.

Mr. Abbott: My signage should be within compliance with zoning, pylon sign is 20 feet back from the right of way on South Bay Road. The only thing you don't have right now is the color, I do have some other photographs that I have taken from the Dunkin that we did on Teal Avenue. It is basically the same color schedule it comes from corporate, they dictate the colors.

Chairman Smith: We still have to approve them. We have to make sure whatever we approve, is what they have to stick with. We will need the pictures for the file.
How many parking spaces and how many employees?

Mr. Abbott: 57 spaces. We are behind all our setbacks, as far as all the things we had to comply with I don't think we needed any variances or anything.

Chairman Smith: Mark do you have any questions from an engineering perspective?

Mr. Parrish: No questions at this time, I will do a full review and get a hold of them with any questions or comments we may have. I guess that you provide some basis for the number of parking spaces.

Chairman Smith: We would need to know how many employees, how many seats in the restaurant. Cicero doesn't have guidelines for parking so the Planning Board tries to take a look at what the use is



going to be and how many employees, how many seats in the restaurant before we approve how many you have. The Town we try to reduce as much paving as possible with still meeting the needs of the applicant.

Mr. Marzullo: What can you tell us about the two additional spaces?

Mr. Abbott: Well right now there are no tenants, so when he builds it he is going to put up the outside walls and sort of vanilla box it. Bring plumbing in and as a tenant comes forward, and we have to come for a building permit you will be able to see but we don't have a tenant at this point. There is a pizza shop at this time in the building that exists there now and it's a possibility that they would just stay but we don't know yet. Right now it is totally open but I know it won't be a competing business with Dunkin because there won't be another drive thru. Sometimes Subway goes there, it will be someone that is a low key tenant, and it won't be as traffic intense as Dunkin.

Mr. Marzullo: We talked about parking but we really don't have any idea of what's going on.

Mr. Germain: You really don't, without him showing you asking for approval for the full site, which would be the uses for the other two sites, you are left in the dark as far as what they might be and what kind of impact they might have. I would say that if they had to make some substantial changes to the site like wanted another drive thru or wanted to make that type of change they would be subject to further site plan review. But what they are showing you now is a Dunkin use, which you can have an adequate understanding of what that would be but you really are in the dark as to the other two uses and to what kind of concerns you would have. You would be reasonable assured that those two uses would be conformed to the general district that its in GC, but you really don't know because they are not telling you or are limiting in anyway what those other two uses are going to be other than to say that they would presumably be allowable uses in that district and that there wouldn't be a substantial change to the plan itself without having to come back in for site plan

Chairman Smith: The Codes Office would have the right, when they asked for a building permit to send it back in for site plan review.

Mr. Germain: If it outside of the use, if it was something that would cause concern to your Codes Office then at that point they could require more site plan review, even if it was an allowable use. Because if the use is substantial enough to change the actual site plan and vary it to that extent they could ask that they come back in for site plan review.

Chairman Smith: They have very narrow parameters now, change in traffic patter, change of appearance and there are like two more and they have to bring it back in.

Mr. Abbott: Typically for the parking requirement, this type of Dunkin 2,500-2,600 Dunkin would use anywhere from 22-26 parking spaces and even at that they are usually never full. 50% or more of



Dunkin's business goes thru the drive thru. Which leaves us with another 30 for the additional square footage and if there are two tenants in there that would be 15 parking spaces per tenant.

Mr. Marzullo: Depending on use that could get a little tight.

Mr. Abbott: We are just looking at typically other locations like this. If there is a real intense user that might change a little but we are not sure if there will be one tenant for the whole space or a couple.

Mr. Marzullo: If you could delineate that for us, what you just described for the parking for Dunkin Donuts and then what you perceive happening in these two other spaces. Should that be on the plan in the notes?

Mr. Germain: He could at least put that on the plan and then that would at least give you some guidance as to what the parameters are that you are approving. And you could have some forethought as to what is actually going to happen at that site, if it is going to be substantial deviation you can be assured that is going to have to come back for site plan review.

Mr. Abbott: Is it a possibility to put some parking spaces in reserve like the Town of Dewitt does?

Chairman Smith: It would almost make it impossible for the Codes Office to enforce, I think we have to look at it in its entirety.

Mrs. May: I see the existing sign is the green space, are you going to utilize the green space for your sign that you are presenting and is your sign going to be internally lit, as I see you are going to be open 24 hours a day.

Mr. Abbott: Tom can you shed any light on the hours?

Tom Santurri (Franchisee) Typical hours are 5am to midnight or 4am to 11pm.

Mrs. May: Your application states 24 hours a day.

Mr. Santurri: It is part of the franchise agreement, you have to at least look into being open 24 hours, but once we prove to the Dunkin Corporation that it is not financially feasible, then we reduce the hours.

Mrs. May: The sign in the green space?

Mr. Abbott: It is going to be close to it but I can't guarantee that it is going to be on the exact same location. But it is typically the same location and we made sure we were 20 feet back to be in compliance and it will be internally lit.



Mr. Marzullo: The entrance and exit sign on South Bay Road looks like it infringes on the easement?

Mr. Abbott: It should be on our own property, if it does I will have them moved back.

Mr. Marzullo: What is stone diaphragm?

Mr. Parrish: It is for the storm water, it is used to filter the storm water off the parking lot before it gets into the swales.

Mrs. May: Your snow storage would go in the back of the building?

Mr. Abbott: We would put it on the sides, I don't have a designated area for snow storage right now.

Chairman Smith: You understand you may have to do some trucking?

Mr. Abbott: They are aware, they do that now at their other locations. This project that you are looking at is currently being built on the corner of John Glen.

Mr. Ruscitto: Do you have any intent of adding more green space?

Mr. Abbott: More green space, no.

Mr. Ruscitto: If you don't get the full amount of parking spaces you are looking for the 57 spaces, would there be any.

Mr. Abbott: If you wanted to bring our parking down then that would become green space.

Mr. Abbey: What type of time frame were you looking for?

Mr. Abbott: As soon as possible. They will go right through the winter as long as the ground cooperates they will keep right on going.

Chairman Smith: This has been sent to the County. We will need a County referral on this and I think their meeting is a couple weeks out.

Mr. Marzullo: There is a lot of impervious ground cover now with the improvement, have you looked at any additional storm water management? Like some impervious parking spots or rain barrel.

Mr. Abbott: No I think she was able to take care of it all, we have three areas where we are going to have retention areas, one in front and there is one on the northern corner and one on the southeastern corner.



Chairman Smith: How deep will they be? Because there is a lot of traffic there and I would hate to have someone make a pass on the shoulder and go down inside a storm water ditch.

Mr. Abbott: I don't know, but if we need to put up a guardrail there we could look into that and see if there is something we need to put up for safety.

Mr. Marzullo: I don't see any landscaping page?

Mr. Abbott: You will get it before the next meeting.

Chairman Smith asked them to get it in before the next meeting so the Board had adequate time to review it before needed to make a determination.

He asked Mr. Germain if there were any further legal issues and he was all set.

The Board was all set also at this time.

**SITE PLAN, SKETCH REVIEW,
ALL SEASON LANDSCAPING,
7173 STATE ROUTE 31, PROPOSED STORAGE BUILDING,
MARSHAL DIX, III**

Representative: Marshall Dix, III

Mr. Dix: I am the owner of All Season Landscaping, and we are proposing a storage building for the company for storage of equipment and being able to repair or fix anything during the winter months or during the evening hours.

Chairman Smith: You want to briefly go over the type of construction what your building is going to be, and like what type of utilities you are going to have in it.

Mr. Dix: We are building a stick frame building with a metal exterior and the only utilities there would be electrical.

Chairman Smith asked what the zoning was and if there was going to be water or sewer or natural gas just simple electric.

Mr. Dix: The zoning is agricultural and there will be no water or sewer or natural gas just simply electric.

Chairman Smith: Do you intend to heat the building and will there be offices in it or any employees working from it.



Mr. Dix: We do intend to heat the building but there will not be any offices. There will just be employees there when they are dropping off equipment or if they are pulling in a truck to service it. It would be mainly for storing plows in the summer time and in the summer time we would store seed and fertilizer and stuff like that.

There would not be any signage.

Chairman Smith asked Mark Parrish and Mr. Germain if they had anything at this time.

Mr. Parrish had nothing at this time.

Mr. Germain: You are talking about the storage of only your equipment for your own personal business. You are not storing stuff for the general public.

Mr. Dix: Yes, that is correct.

Chairman Smith: if that is not on the site plan, we will want that absolutely noted specifically that you are not going to have any retail and what the uses of the facility are.

Mr. Dix: I have no intention of any retail.

Chairman Smith noted that this is a commercial building in an agricultural zone and if down the road you should sell it and you should change and all off a sudden you have customers coming in or you start putting in water or sewer the Codes Office will be visiting because it would most likely be considered outside the zoning.

Mr. Dix: I understand because we have an existing building there that has water in it, it has septic in it, it has a bathroom and it has a small office in it so we have no intentions of doing that with the other building.

Chairman Smith asked if that building was on the site plan and if there were customers coming to that building now.

Mr. Dix answered that it was listed as the existing one story framed garage and no it is just for employees to check in and get their agenda for the day and then go out for the job site. Mr. Dix also said there is existing parking for employees and all the equipment that is there on site. We are proposing that we add a little bit more parking area and that no more than 10 employees.

Chairman Smith asked Mr. Hooper if he could check into it before the next meeting to make sure it is all in compliance with the zoning with the existing uses because it is all part of site plan. Mr. Hooper agreed to do so.

Mr. Marzullo: IS there any exterior lighting?



Mr. Dix: There is no exterior lighting.

Chairman Smith added to make sure that is noted on the plan if it isn't already.

Mr. Marzullo asked about storage of equipment outside the building and color scheme.

Mr. Dix indicated just trucks that would be parked outside the building on the gravel areas. And the color scheme would be gray and tan and the roof would be tan, and I can provide that for the next meeting.

Chairman Smith asked if there is a bulk bin out front and if so what is stored in it?

Mr. Dix: We store crushed run, stone dust and mulch.

Chairman Smith asked if they store salt and if so, do they cover it and to make sure that it is all noted on the plan.

Mr. Dix: Yes we do, and we do cover it. I will make sure it is on the plan.

Chairman Smith asked if Mr. Dix had all the notes of what had to be added to the plan and Mr. Dix said he did he was all set.

The remaining Board members had nothing further at this time.

**SITE PLAN, SKETCH 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 indicated that this project came in a few months ago and they required a variance and the applicant has appeared before the ZBA and the variance was denied. They are now back in front of the Planning Board and hopefully not needing any variances.

Mr. Romans: Yes, we are not seeking any variances on this project. We are proposing 2 apartment buildings, one would have 24 units and the other would have 25 units, the site allows 49 units. That is



the total number of units. We show proposed garage units and we show a proposed community building/office/storage area at the southwest corner of the site. There is one entrance coming in. This area is an existing drainage easement area and it acts as a storm water basin. The property basically drains to the southwest and then over to this southeast corner. There is a cut off easement and swale that runs through here and takes on storm water from the Wickum Drive and the residential community to the west and this site here and takes it down through here and the drainage continues off through the east. We are proposing 111 parking spaces, I usually figure at least two spaces per unit plus a little overflow for holidays or get together. We have LJR Engineering who is going to be doing the SWPPP and the drainage plan for us and they will probably have that ready for us in 7-10 days. The landscaping plan hasn't been developed yet this is really to look at the layout. You can see it is not a straight drive thru to Orangeport Road I have a series of turns in there so no one can go too fast. The dumpsters would be at the end of the site and would be in enclosures that would match the siding of the buildings. We are going to be able to have colored elevation drawings for the next meeting but these are supposed to be residential looking apartments. They will have a patio or porch. We tried to do it where we had enough garage spaces for each unit and we were really close to that. What I picture happening with the storm water is that there will probably be something in a couple areas for storm water quality and then there may have to be some rework done to the existing storm water easement. It is zoned RM, which this is an allowed use and we are not seeking any variances on height or anything.

Chairman Smith: Is there a note on the plan yet that the community building is for the use of the tenants and the operator? They won't be renting it out right.

Mr. Romans: No we will add that with our statement of use. They will not be renting it out. The back part of the building is going to be for storage of certain things to maintain the apartments it has a garage bay on the east side and the other part would be a small office for someone that works on the facility and works at the office and the rest would be community space for this project only and we will spell that out.

Mrs. May: Where you said there are going to be the dumpsters, is there enough room for the trash truck?

Mr. Romans: Yes there is enough room.

Mr. Marzullo: What about snow removal?

Mr. Romans: Basically we are going to have a cut off swale along the side of the property here and what snow can go to the end will go there and then you will have the storm water management areas and the storm water quality areas which are usually used to push snow towards. My guess they will have to move some snow around when it gets to a certain level.

Mr. Ruscitto: It looks pretty tight between the garages and the buildings.



Mr. Romans: It actually has more than the required set back there, but I will double check that with LJR. I think we have enough spots for snow on site and if need be he could truck it. This whole area is a defined storm water drainage easement. What I picture happening is that an easement that takes the storm water from the existing residential subdivision that you are going to have storm water quality pockets. It kind of goes back with the new storm water regulations where they like you to have certain areas broken off like that so you can try and actually recharge some of the ground water.

Mr. Ruscitto: I can see you have space for it; it's getting it there from where the parking is that may be the hard part.

Mr. Abbey: Between the buildings and the garages, is there adequate space for fire equipment?

Mr. Romans: Yes, what I did was what your code calls for and then I bump it out for the garages so I have another 10 feet and that's because I know you need at least 30 feet from the garage to the end of a lane and still have cars there, so there is enough room. The developer has meet with the fire department and I believe he got one comment that we have to do with.

Chairman Smith: I know the neighbors would like to review this and are probably going to have comments so I would like to set up a public hearing and notify the people in the area that this is under consideration. Do you think you will have the engineering and storm water ready for the next meeting?

Mr. Romans: I think we would have it in time for that. Mr. Parrish might not have it in time to do a full review but we would have a preliminary layout, we would be able to have the landscaping plan done.

Chairman Smith: I would like to give the residents a chance to hear this and get their thoughts on it.

Mr. Romans: That is fine.

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 calling for a Public Hearing in the matter of Contemporary Home Suites, Orangeport Road (Tax Map #116.-01-05.4), This public hearing shall commence at 6:30 pm at the regular scheduled meeting of the Planning Board on November 24, 2014.

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

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



Chairman Smith noted that we will want to expand just the typical continuous I think quite a few people are interested and we certainly want to hear from there.

Mr. Romans: Are there any other comments or questions?

Mr. Marzullo: Yes, there is a long driveway with just one entrance, I am just curious why you didn't connect to Walnut Hill Road?

Mr. Romans: We actually had a conversation with the fire department about possibly connecting that so we are going to look into that. It would be for emergency access, it wouldn't be for the intent of Walnut Hill Road. Because Walnut Hill Road is a public road to that property line there so it would be like a driveway coming off of there.

Chairman Smith: I think the residents expressed concern at the ZBA meeting; they really didn't want additional traffic through the neighborhood also.

Mr. Marzullo: I get that, I think that it should be there for emergency use and emergency vehicles and for people to get out if they needed to if the driveway gets blocked. I think there should be some decent vegetation or a barrier between the residential single family homes and maybe even a fence up at the community center.

Mr. Romans: Just keep in mind that there is an existing drainage easement that runs along the west side of the property line and we won't be able to put a fence right on the property line if that is what you are talking about. It would impede the drainage of the existing subdivision. We have no intent of reworking that drainage easement we would keep all of our drainage to the drainage that is onsite. Mainly because there are trees and stuff that have gone up and that we don't want to deal with

Chairman Smith: What about the headlights, when people are leaving the parking lot.

Mr. Romans: it is actually set up pretty good to protect against that. And we will show what landscaping is necessary to compliment that. With this layout there is no parking lot that is facing the back of the houses and it really is a small complex, its only 45 units typically they are 100 units plus.

The remaining Board members were all set at this time.

**SITE PLAN, SKETCH REVIEW
OIL CITY CUSTOMS, 5867 STATE ROUTE 31,
PROPOSED MOTORCYCLE GARAGE & RETAIL SPACE
LUIGI PASCARELLA & TRACY BUDZIELEK**

Representative: Luigi Pascarella, Tracy Budzielek and Pam Overtom



Chairman Smith noted that this was a motorcycle shop that has been closed for past the one year moratorium and it is an existing building and unfortunately it didn't have a site plan so we start from there.

Pam Overtom: We submitted all our paperwork and we did get a letter back so I think that about sums it up.

Chairman Smith: They were here at the previous meeting and they have made every good faith attempt. This is one of the locations in Town that never had site plan and they have made every attempt to meet the requirements and establish a location. Mr. Parrish do you have anything; I know you have given them some comments already.

Mr. Parrish: I did provide some comments to them last week and they responded back with a revised plan that addressed the comments. It is a fairly simple project, it is really just good use of an existing site, there is really no modification of grading utilities or anything like that. Unless you some questions specific about the letter, I think that pretty much covers it.

Chairman Smith asked Mr. Germain if there were any legal issues and Mr. Germain said no it is pretty straight forward, all the comments have been addressed.

Mr. Ruscitto: Where you have proposed parking, I assume that is gravel and it is going to stay gravel.

Pam Overtom: Yes it is.

Chairman Smith: Is there any changes to the pavement or egress or access to the location at all.

Pam Overtom: No there isn't.

Mr. Abbey: It seems very straight forward I'd like to see that property active again and it seems like a perfect business to go in there.

Mr. Marzullo and Mrs. May are all set at this time and wish the applicant a lot of luck.

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 Oil City Customs, 5867 State Route 31, Proposed Motorcycle Garage & Retail Store. The Site plan Site Plan last revised November 5, 2014. 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.

Chairman Smith asked Mr. Hooper if he received color photos yet. Mr. Hooper said we did and that the applicant has been extremely diligent and great to work with.

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

**SITE PLAN MODIFICATION
RICCELLI ENTERPRISES, LLC,
NORTHERN BLVD. (TAX MAP#055.-02-19.3 & 25.0 & 26.1)
PROPOSED READY MIX FACILITY
IANUZI & ROMANS**

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

Chairman Smith wanted to make everyone aware that the two cement plants were already approved, they made modifications to the site plan and the Codes Office has said to send it back to the Planning Board to make sure we are still happy with it as proposed.

Mr. Romans: I am going to go through the minor changes we have made to the site plan. These 2 storage buildings were 80 x 100 on the original site plan and we have now made them 100 x 100, so we have made them slightly larger.

Chairman Smith asked if the use had changed.

Mr. Romans: It is still the same they are proposed storage buildings it was always for the cement mixer trucks to be stored during the winter out of the elements. During the production time they have some additional outside parking where they park a lot of them outside. The statement of use stays the same.



This aggregate pile here was here, so this aggregate pile got moved to the east and these two buildings got upsized slightly. No difference in depth, the road patterns stayed the same. This driveway here, was connected here and because we moved the stone pile here we moved this here. So that is the geometric change that would happen to the plan. No change in the traffic patten and no change in the curb cut, those are in.

Chairman Smith: The driveway was moved to the east, it looks like.

Mr. Romans: it was moved from the east to the west. If you were to look at the original site plan what you would have site seen was the driveway here, then building, building, stone pile. What we did was we took the stone pile over to here, pushed the building over slightly and pushed the driveway over a quarter.

Chairman Smith: The aggregate pile was not near the plant where it needed to be?

Mr. Romans: Correct. Originally it was thought we had one here and we could have one across the street to make it for easy offloading but it is actually easier to have it over here for production.

The last change is that we showed two portland cement concrete plants, we are still showing two plants but one of them is bituminous concrete plant and that is the last change.

Mr. Abbey: And the difference being?

Chairman Smith I asked Mr. Romans to provide someone that could explain the differences to the Board.

Paul H. Griggs (Principal Geologist, Griggs-Lang Consulting Geologist, Inc.) I am a consulting engineering geologist with 30 years experience in the construction industry in NYS. I have been asked to describe the difference between a portland cement concrete plant, commonly referred to a as a ready mix concrete plant and a bituminous concrete plant or often referred to as a black top plant. Basically they are very similar processes. In both cases you take sand and stone and mix them with an ingredient much like making a cake it is a recipe, you mix them with other ingredients that are manufactured on other properties. In the case of a bituminous concrete plant you are talking about, the ingredient that you use to bind everything together is liquid asphalt. On the ready mix concrete plant it is a mixture of water and portland cement. So it is basically mixing sand and stone with the two ingredients. Typically on a black top plant, bituminous concrete plant, we are looking at 5% liquid asphalt. On a portland cement plant you are usually looking at about 15% portland cement.

Chairman Smith: Is that like the binder or something.

Mr. Griggs: That is basically the binder or the glue that holds the product together, yes. A couple other questions that I know where raised in this process. What is the difference between an asphalt manufacturing facility and a bituminous concrete plant? The first thing is the order of magnitude. A



bituminous factory plant is a small plant, covering a fraction of an acre and serves a local community. An asphalt manufacturing facility is essentially a petroleum refinery. There are roughly 200 bituminous concrete plants in NYS they serve the local community; to my knowledge I don't believe they are any petroleum refineries in NYS. Riccelli has a couple of bituminous concrete plants at some of their other locations and they get their liquid asphalt from plants in Pennsylvania. I think is the nearest one and it is trucked in. This is asphalt manufacturing facility it is serves a regional market. Based on my research there are roughly 100 different petroleum refineries in the United States there are thousands of blacktop plants in the United States. So there is an order of magnitude difference. If you have ever seen a petroleum refinery or an asphalt manufacturing facility instead of covering a fraction of an acre, typically it covers, I think the smallest one I have seen covers about 30 acres, most of them are 70 to 100 acres in size. They are a very industrial looking facility with storage of petroleum products on the order of hundreds of thousands of gallons of various petroleum products vs. a few thousands of gallons for a blacktop plant. So there is a vast difference in the magnitude of the storage. If you also look at the processes, in a bituminous concrete plant you are taking products that are made at other facilities and mixing them together in a receipt fashion. In a petroleum refinery or asphalt manufacturing facility you are taking raw petroleum, you are breaking it down in a chemical process, separating it out, distilling into different products, so there will be gas, propane, asphalt, would represent one of the heavier components there, it is a little stickier and gasoline, diesel or propane. It is a much different process. The air omissions that are associated with a asphalt manufacturing facility are, it is considered a major facility, air omissions are regulated in this Country by the EPA, NYS is a designated State so DEC does handle most of the air permitting issues here. An asphalt manufacturing facility would be a title 5 facility, a major consideration with the potential to omit large amounts of air omissions. A blacktop plant you do have to get air approval from DEC but it is considered a relatively minor source of, I think a proper comparison is, when you think of an asphalt manufacturing facility, think of an elephant, blacktop plants more on the order of a mouse. It is a relatively small operation in comparison.

Mr. Marzullo: So you are making blacktop here

Mr. Griggs: We are making blacktop here, yes.

Mr. Marzullo: What is the use, what do you do with it.

Mr. Griggs: Well the blacktop would be loaded into trucks hauled off the site to road construction jobs, manufacturing parking lots, driveways for people's homes, whatever the use may be, but it would be in a local market. You can't ship blacktop too long before it starts to set up, so it is more of a local market for this product.

Mr. Marzullo: So when I happen to walk by a contractor that is putting a blacktop driveway in, it is that material?

Mr. Griggs: Yes, that material could come from this plant in the future.

Mr. Marzullo: And the smells that come from that to me, are rather obnoxious, are you saying that that wouldn't be the case here? Is this already in place?



Mr. Griggs: No, this plant is not in place yet. They are asking for approval to build it.

Chairman Smith: We approved two concrete plants, they are looking to approval it. Could you expand on the EPA thing, you said one was a Title 5, and I don't know much about it?

Mr. Griggs: The Title 5 permit is for the largest facilities in the Country, asphalt manufacturing, nuclear power plants, coal burning plants. Then the next stage of permitting is what we would call a state wide facility permit. And those are kind of your mid-sized operations and then the smallest air omission sources would be a air registration, most blacktop plants fall into the air registration category. The smallest permitting required.

Mr. Marzullo: Would the residents to the west of us notice an odor?

Mr. Griggs: No they shouldn't, with the older blacktop plants there were issues with omissions. The new technology on the new blacktop plants takes care of it you don't get noxious fumes or the blue smoke or the noxious odors that you would get at an older blacktop plant. There have been tremendous improvements in the technology in the last 5-10 years.

Chairman Smith: So would we smell more from this plant or would we smell more from the driveway?

Mr. Griggs: You would smell more from the driveway.

Chairman Smith: Could you talk about what the filtering system is like?

Mr. Griggs: Basically what you have is a drum that rotates and that is where the aggregate, the sand and the stone, is mixed with the liquid asphalt and you have to heat up the aggregate to the same temperature as the liquid asphalt so it will bind together better and it is in that process that the fumes or the odors might be generated. This occurs in an enclosed drum that has this positive air flow in it, so instead of allowing air or fumes to escape everything is sent. Within each company that manufactures blacktop plant does this a little bit differently but the same principals stay the same, one they don't want to heat the asphalt too much, that's what tends to cause the fumes to occur and second of all they want to heat the stone gradually so it dries off the water that is in the aggregate and also it will be the same temperature as the liquid asphalt. What they do is they capture all the fumes before they can escape and they run them through a stone dryer again so that they are completely burned up and combusted before anything is omitted. The other thing that happens is that the stone, a lot of the new designs of the way the stone is fed into the product and what they do is they have a flame coming out of one end and the stone is shielding that, so what happens is the stone tends to heat the air and it heats the air, that in turn heats the aggregate. The other it will do is after they have heated the aggregate in a separate chamber not exposed to the burn they will heat the, mix the liquid asphalt with the aggregate there so it reduces the exposure and the generation of potential noxious fumes.

Mr. Abbey: Would you be proposing a hot mix or a warm mix or cold?

Mr. Griggs: Well blacktop encompasses hot mix as well as warm mix, both would be produced at this plant because the States specifying agencies, the County specifying agencies they require hot mix for



some applications and warm mix. The difference between warm mix and hot mix is that in some hot mix you heat the aggregate to slightly higher temperature from about anywhere from 20 to roughly 100 degrees difference and then the warm mix is more the newer technology. I think in the future you will see specifying agencies will require that use, it requires less fuel overall and lower temperatures.

Mr. Abbey: In the notes I ran across was that the hot mix was at 300 degrees and the warm 200 degrees.

Mr. Griggs: The 200 roughly is typical but the warm mix can go anywhere from 200-270 degrees and the hot mix is anywhere from 270-375 degrees. It depends on each recipe is a little bit different.

Mr. Abbey: Where would you be proposing to accomplish this on this property?

Mr. Romans: This one here would be bituminous.

Chairman Smith: I would like you to go a little bit further because I think the biggest concern is the smell, is the process that you are talking about, is the EPA, has approved that but they are expecting the State DEC has to issue you an air quality permit. So if someone in the area, we are all the sudden starting to get smells out of this plant, which the EPA says we shouldn't and the DEC is supposed to be in charge of. Because the Town doesn't have the resources to handle that, is that a DEC?

Mr. Griggs: Yes the DEC would send out an inspector and they would investigate the potential complaint.

Chairman Smith: Can you tell us what requirements the EPA has set for these plans might be, in terms that we might understand.

Mr. Griggs: Yes, they are required to contain omissions, have omission controls, the air permit application has to be filed with DEC, the NYSDEC does the actual review. It is roughly a 75 page form, 75 pages of information describing how much fuel they are going to use, what type of fuel they are going to use, how much tonnage they are going to get, how many hours per year they are going to operate. They have to quantify the omission that could potentially occur from all the operation the site and DEC goes through an extensive review process and wont issue an approval until such time that is meets the requirements.

Mrs. May: Does the DEC ever do an unannounced inspection of the air omissions?

Mr. Griggs: Yes they do, they will respond to any complaint that is raised and they are also required to do routine inspections and the inspections are anywhere from annual to monthly inspections in some facilities depending on the history of the operation.

Chairman Smith: Have had any experience in putting these permit things through? And what has your experience been after the permit is issued and the plant is operating?



Mr. Griggs: I have permitted, I have been the main consulting in permitting roughly 30 blacktop plants in NYS in the last 30 years, that is 30 out of the roughly 200 in NYS. I think the most typical reaction I have had is last year, we permitted a blacktop plant in the middle of the City of Rensselaer and there was some concern from the community and it was in a small industrial park with residential community around it and I ran into a couple people that would come to the Planning Board meetings from the City of Rensselaer and he came up to me and he said you know this wasn't at all what we expected, it wasn't nearly as noxious, we don't even know it is there. And they had expressed a lot of concern at the public hearing.

Mr. Ruscitto: I think that is a concern here, because I think what you are saying and what is perceived and my interpretation of asphalt plants, you can smell them and when people are trucking it around, and it is a half mile away you can tell it is close by. I have had some phone calls already, people are concerned about the smell. A question is how much of a percentage are you going to change from concrete to asphalt in your business.

Mr. Griggs: That is a question that I cannot answer, Rich can you answer that?

Richard Riccelli (President of Riccelli Ready Mix) We anticipated doing about 500 cubic yards in both plants and that hasn't changed per day production.

Mr. Ruscitto: So you are going to have 500 in concrete and that much in asphalt.

Mr. Riccelli: Yes.

Chairman Smith: Are there any plants in the area, where would they be making bituminous concrete or asphalt at this point in our area?

Mr. Riccelli: In Onondaga County I believe there are 3 in Dewitt, 2 in VanBuren and 1 in the City of Syracuse that I know of.

Chairman Smith: That one is up by Barret's Quarry somewhere?

Mr. Riccelli: Yes so the 3 in Dewitt are all located in the Jamesville Quarry.

Chairman Smith: Have you been aware of any complaints of smell, they are pretty sensitive there because they have the incinerator right down the street.

Mr. Riccelli: Yes, the plants there, the crushing plants there are a 100 years old, the blacktop plants are 40-50 years old. They have made no improvements so you do get an odor there, the new plants like the City of Syracuse you don't get the odor. So if you are going to build a new plant like we are you are not going to get the odor. If you are going to keep producing with 40-50 year old plants you are going to get an odor.

Chairman Smith: So the new plant would need all the EPA regulations?



Mr. Griggs: Any of that plants that are put into operation now have to meet the new air requirements and low knots burners and much more efficient use of fuel with this order control and the noxious fume control on the new plants, it is night and day difference the old plants that we see in this area.

Mr. Abbey: So the old plants don't have these controls?

Mr. Griggs: They do not have the same controls, no. It is apples and oranges.

Chairman Smith: Is that because the DEC doesn't care or the DEC can't go back and force old plants into new regulations?

Mr. Griggs: Yes that is basically it.

Mr. Ruscitto: Would the asphalt be produced all winter long, typically don't the plants shut down?

Mr. Griggs: Yes, for example State DOT typically cuts off pavement of blacktop, depending on the weather but it usually around this time of year.

Mr. Germain: I am just going to correct the premise of that question because the specific question was, will the asphalt be produced all year long, and I think what you are going to say is that we are not producing asphalt at this plant, what they are producing is a mix. But once you say that mix is asphalt, it becomes a prohibited use under the Code. If the premise of the question really should be are you producing asphalt at the plant, and the answer to that question should be, unless you are producing asphalt at that plant but everything that you have stated up until now is that you are not producing asphalt at that plant.

Mr. Griggs: I thought I said that the production of blacktop is what I thought I said.

Mr. Germain: Throwing around the terminology you have to be careful because what you are going to run into is the Code question that is coming up and the Code question is that asphalt production or production of asphalt or the processing of it is not a permitted use. And I think the argument they are making is this is neither the production nor the processing of asphalt is what I think they are trying to get at here. But so when you question the applicant, if your question is it asphalt that you are producing then that is a legitimate question. But you have to be careful of the premise of your question because if you are saying, are you producing asphalt that is not a permitted use.

Chairman Smith: So restating the question would be are you producing blacktop or bituminous concrete all year long.

Mr. Germain: That is really the question before you.

Mr. Griggs: The blacktop is produced is weather dependent during the winter months they may not be producing the blacktop.

Mr. Marzullo: I asked the question earlier whether the residents would notice a smell and you said they shouldn't, is that really a no?



Mr. Griggs: Yes, I say no, with the new technology, I have been down to the new plant in the City of Rensselaer, I have probably been there 30 or 40 times and I have never smelled anything. And I have talked to the neighbors and the neighbors said they haven't smelled anything either.

Mr. Marzullo: The regulations that are in place would they prohibit that, an odor, being observed by neighboring properties.

Mr. Griggs: No that is a requirement of the new regulations now, yes.

Mr. Abbey: Are you proposing doing any recycling at the new place?

Mr. Griggs: The blacktop when there is a road construction job they will mill up the old blacktop and it is sent to blacktop plants and they would recycle it. Blacktop is the most recycled material in the world. So it is recycled commonly.

Mr. Abbey: So does that mean you will or won't be doing that?

Mr. Griggs: We will be doing that.

Chairman Smith: Is that the millings that the highway department is always asking about?

Mr. Griggs: Yes it is,

Chairman Smith: So when they shave down the top of our roads they could conceivable bring them over and dump them on you so to speak.

Mr. Ruscitto: And that isn't going to produce a smell from repressing.

Mr. Griggs: The new technology, with an old plant, the recycled blacktop, commonly referred to as rapp, can produce a smell but the new technology controls that and takes that into account. The rapp is not added in the same chamber, it is not exposed to the flame in there and the new technology you don't get the smell from the rapp.

Chairman Smith: What is the source of the fuel, to heat this stuff up is it natural gas?

Mr. Riccelli: Yes natural gas and electric. We have electric and natural gas coming into the property.

Chairman Smith: Now Portland cement, what we were talking about, do you have to heat that up. Someone told me that you have to heat that higher than the asphalt.

Mr. Riccelli: The current plan is the portland cement mix batch plan and we have gas and is also powered gas and electric. In the winter then we have to heat the whole facility so that the water doesn't freeze and we can still produce the portland cement.

Chairman Smith: So you would be producing portland cement in the winter months and you wouldn't be producing blacktop.

Mr. Riccelli: That is correct.



Chairman Smith: How hot do you have to make this concrete, the portland stuff?

Mr. Riccelli: Hot enough for it to be water.

Chairman Smith: What happens to the fumes from that? Or you're just heating the water so it is basically steam.

Mr. Riccelli: Correct me if I am wrong but the omissions would be from the fuel you use to power the plant not the actual portland cement. I have been pretty close to it and I don't smell anything.

Chairman Smith: The difficulty has been for everybody as we refer to the terms we don't use terms necessarily we use them as layman. What I call blacktop, someone else calls asphalt, someone else calls paving and apparently now the proper term is bituminous concrete, which is what Onondaga County said today is because I think they now bid this stuff as bituminous concrete, which is newer. So that is what they are bidding it as, is that correct?

Mr. Riccelli: Yes.

Mr. Marzullo: The questions relative air quality, does that include the load of the vehicles and the transporting of the product.

Mr. Griggs: Yes, I mean on the transporting once it leaves the site, it's not regulated you know at the facility. But on the site, even the points where they empty into the truck there are fans there that pull the fumes back up into the plant where they are sent through the burner again. So even that is with the new technology they take that into account.

Chairman Smith: This is probably a question that you might not want to answer or can maybe, how good is the DEC at keeping an eye on these things and how quickly do they respond and have they taken any action where people have been in violation of the EPA regulations.

Mr. Griggs: I think the most common response to a complaint is they call the facility and they find out that you know, yes I had a bad go on my back house, I shut down the plant, I am fixing it right now. There is pretty good system in place, Rich you can probably speak, being part of the regulated community, I am a part of the regulated community quite often they are on our backs all the time. They are very much on top of it. A lot of times, a lot of the complaints that are generated at some of these facilities, DEC calls us and we will say we didn't operate today and yet there was a complaint generated. So not all complaints, you know they just smell something and assume it must be the blacktop plant, a lot of times its not, the blacktop plant is not doing anything actually.

Chairman Smith: But the DEC has a good follow up policy and they stay on top of it.

Mr. Briggs: Very good policy, they have the Environmental Conservation Officers as their first line of defense, their second line of defense would be the Regional Air Department Control Engineers, they can



send out regional PR people go out. If there is a DEC employee that lives in the area and he drives by he is looking at it all the time. So there are people that are dedicated to regulating these people and then there are people that are regulating general environment and then there are very dedicated employees that if they see something that looks out of order they will make a complaint and start their own investigation.

Mr. Abbey: Would you say this Rensselaer plant is similar to what you are proposing?

Mr. Griggs: Very similar, yes.

Mr. Abbey: I would be very interested in getting some more information on that plant and maybe talking to somebody with firsthand experience.

Chairman Smith: With that in mind, I don't know how the rest of the Board feels but would we want to do a public hearing to let the people talk about it and give us some time to get the information back in from Rensselaer.

All the Board members agreed that they should hold a public hearing.

Chairman Smith asked Mr. Germain to put it in the form of a motion.

Mr. Germain: You are going to move for the adoption of a resolution calling for a Public Hearing in the matter of Riccelli Enterprises, LLC, Northern Blvd.(Tax Map #055.-02-19.3 & 25.0 & 26.1)Proposed Ready Mix Facility. This public hearing shall commence at 6:30 pm or as soon thereafter as the matter may be heard at the regular scheduled meeting of the Planning Board on November 24, 2014.

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

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

Chairman Smith asked if they could get some directions to the Rensselaer plant.

Mr. Hooper asked if he could ask Paul Griggs some questions while he was here.

Mr. Hooper: Paul you mentioned liquid asphalt is trucked in from Pennsylvania. What are the truck sizes coming in and where is that stored? I don't see that on the site plan. Rich can you explain how this portable ready mix machine, correct?

Mr. Riccelli: Yes it is very similar to the current portable plant, of course we put concrete down, structure scales, and everything whether it is portland concrete or bituminous concrete. The difference



is the current take at the portland cement is 20,000 gallon water this would be a 20,000 liquid asphalt. Just like the water is now the liquid asphalt would be.

Mr. Hooper: The location of the heater on the site?

Mr. Riccelli: The same as it is set up now, adjacent to the plant.

Mr. Hooper: You mentioned 500 cubic yards coming out a day with the asphalt, would be about 30-40 trucks?

Mr. Riccelli: Approximately 1000 tons, 30-40 trucks.

Mr. Hooper: Is that the same as before when you had the two ready mix concrete plants?

Mr. Riccelli: It is no change, it is actually a little bit less trucks.

Mr. Marzullo asked Mark and Neil if they would be able to verify the information provided on the regulations and enforcement.

Mr. Germain: Are we talking about that DEC ultimately has the power to regulate the omissions from this.

Mr. Marzullo: Yes, and that no smell will be permitted.

Mr. Germain: There is a difference between no smell permitted or the DEC has a regulatory authority and the ability to punish any violation of regulation if a smell is omitted. I don't know what their standard is but I can look into that.

Mr. Parrish: I can certainly have our office look into this we do this type of work at the firm. I just need to get a better description of the facility and production, what kind of facility it is.

Chairman Smith: Can you provide that the Mr. Parrish?

Mr. Riccelli: Yes we can provide that, we will give you directions to Rensselaer and other local plants and the specifications for our plant.

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

Chairman Smith made a motion to adjourn. Mrs. May seconded the motion. The motion was approved unanimously.

Next Scheduled Regular Meeting: November 24, 2014 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 8:15pm.

Submitted by Kristin Ryder
Planning Board Clerk