



The Planning Board of the Town of Cicero held a meeting on **Monday, November 21, 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 October 21, 2015 Meeting (**Approved**)
- Site Plan, Michael J. Cesta, 9140 Brewerton Road, Proposed Used Car Lot, Repair and Towing, Mike Cesta, Ianuzi & Romans (**Approved**)
- Site Plan, Evolve Salon & Spa, 8431 Brewerton Road, Proposed Addition and Pole Barn, Ianuzi & Romans (**Approved**)
- Excavation/Fill Permit, RWA Associates/Vector, Island Road (Tax Map No. 054-01-07.2), Proposed Re-Grading, Ianuzi & Romans (**Approved**)
- Site Plan, Sketch Review, Referral Notice Submitted to County Planning, W. Brian Caruso, 8578 Whiting Road, Proposed Garage/Pole Barn, Ianuzi & Romans (**To Return**)
- Site Plan, Sketch Review, Referral Notice Submitted to County Planning, Peter N. Talev, 8033 Brewerton Road, Proposed additional parking and drive, Ianuzi & Romans, (**To Return**)
- Site Plan, Sketch Review, Referral Notice Submitted to County Planning, Island Hollow (Two Plus Four Construction), 6274 Island Road, Proposed Multi-Family Development, Keplinger Freeman Associates (**To Return**)

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

Others Present: Neil Germain, Planning Board Attorney, Mark Parrish, Planning Board Engineer and Richard Hooper, Director of Code 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. Honors led the Pledge of Allegiance.

Chairman Notes: The application for a home occupation should be coming to us shortly. I did elect to waive the engineering deposit. Mr. Hooper and I looked at it and if we do require engineering service fees, the applicant will have to pay them. We tried to come up with the fairest way for the applicant and protect the Town.



We have our reorganization meeting in January. The Planning Board appoints our attorney and engineer. If we are going to Request for Proposals (RFP) them, we need to discuss this. If the Board wishes to RFP professional services, I will appoint a committee and we will get the process started. If you do not want to do it today but would rather contact me, please do so. Personally, I do not see a need for RFP as I am satisfied with our current professionals.

Approval of Minutes of October 21, 2015 Meeting:

Mr. Abbey made a motion to approve the Planning Board Minutes from October 21, 2015.
Mr. Marzullo seconded the motion. The Chairman called a vote.

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

**SITE PLAN
MICHAEL J. CESTA
9140 BREWERTON ROAD
PROPOSED USED CAR LOT, REPAIR and TOWING
MIKE CESTA/IANUZI & ROMANS**

Tim Coyer of Ianuzi & Romans, Representative and Michael Cesta, Applicant

Mr. Cesta: We have approval from the County on the septic and we had a septic test done. I have the paperwork. That part is done. We resituated some stuff. We talked about the blacktop and got that figured out. We are going to have 56 spaces in front for display. The blacktop will be from the front door and over to the right. In the right back corner, we will have presale cars. If I buy 10 cars one day and they are not ready to put out, they will go here. On the left side, we changed that to a 60 x 60 fenced in area for the police impound. That fencing was a little rough. We are going to make it look nice. We will either fix it up or new. We moved the lighting poles.

Mr. Honors: What has changed in regards to the concrete pads?

Mr. Cesta: We will have to remove them. We are not going to raise the elevation of the blacktop. If they are taller than the blacktop, they will have to come out before we pave.

Chairman Smith: Are you proposing that all of the display areas will be paved?

Mr. Cesta: Yes.

Mr. Marzullo: If you want that option, I want you to have that option.

Chairman Smith: Does the removal add significant cost?



Mr. Cesta: Yes.

Chairman Smith: If we consider this contingency, the Codes Office can verify that if there is not an issue with elevation, it would be okay.

Mr. Germain: Just say it is a minor change.

Chairman Smith: We do have the referral back from the Onondaga County Planning Board (OCPB). They recommended modification. The Chairman read the OCPB comments. Mr. Parrish, do you have anything for the application regarding changes?

Mr. Parrish: There are a number of issues in the letter that need to be addressed. A revised set of plans dated November 20th has been provided. This addresses all the issues except for 2 items: One is pictures of the building and the other was just to document the relocation of the existing sign to meet required setbacks but nothing documented on the sign.

Mr. Cesta: There is no lighting on the sign and the setback is 20 feet. Whatever sign is there now is what we are using. We are leaving the existing sign, just moving it back 20 feet.

Chairman Smith: You are leaving the existing sign and there will be no lighting?

Mr. Cesta: Yes.

Chairman Smith asked Mr. Germain to construct a motion for the adoption as lead agency.

Mr. Germain: You are going to 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.

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

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

Joe Ruscitto 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.

That is in the form of a motion. Chairman Smith seconded the motion.



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

Chairman Smith asked Mr. Germain to construct a resolution that would incorporate the changes as addressed.

Mr. Germain: You are going to move for the adoption of a resolution approving the Site Plan application known as Michael J. Cesta, 9140 Brewerton Road, Proposed used car lot, repair and towing. The Site Plan last revised 11/20/2015. 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 elevations as presented herein.
2. Concrete as labeled to be removed on the Site Plan need not be removed by the applicant if same is not practical and upon approval of the Code Enforcement Office.
3. The existing sign will be moved to comply with the 20 foot set back and shall not be lighted.

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

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

**SITE PLAN
EVOLVE SALON & SPA
8431 BREWERTON ROAD
PROPOSED ADDITION AND POLE BARN
IANUZI & ROMANS**

Tim Coyer, Representative, Ianuzi & Romans and Stacey Uzinoff, Applicant

Mr. Coyer: We got approval for the variance. We were here once before for the sketch plan. This building is located at 8131 US Route 11, just north of the fire department, about 1.1 acres. It is zoned general commercial. There is an existing salon on the property. We are looking to add 1100 square foot addition plus a 1200 square foot garage. They got rid of an existing garage that was there. They are going to match the colors with the existing building. They will match the existing stone. The garage is going to match the building as well. Right now, we are proposing 30 parking spaces. They have 28 spaces now. They have one handicapped spot.



They are going to get rid of the existing entrance. The new one will be ADA compliant. We brought the building to the road about 10 feet to reduce the pavement. They still do want to pave.

Chairman Smith: The Onondaga County Planning Department has offered some comments. The sewer, storm water runoff, water authority would like notice. Just comments. You have gas meters on the picture. Are the gas meters out there by the parking lot? What is that? Between the 2 windows? If they are gas meters, what is protecting them?

Mr. Coyer: That is a Verizon box.

Ms. Uzunoff: That is a Verizon box on the building.

Mr. Parrish: A few items. We asked for proposed light fixtures.

Mr. Coyer: They are residential. She didn't pick them out.

Chairman Smith: Are you using the existing or adding more?

Mr. Coyer: Just the 2 residential lights on the garage on the back and on the building. They are all residential. Nothing commercial. They just have to pick out the style.

Chairman Smith: Night LED light. What does that mean? Night sky?

Mr. Coyer: Just shining straight down.

Chairman Smith: Any new lights on the existing building?

Mr. Coyer: No.

Mr. Parrish: What is the latest revision of your plan?

Mr. Coyer: November 12th.

Mr. Parrish: November 12th plan does show light fixtures, 2 on the proposed building and 3 on the proposed addition. One other issue is the existing sign. It does not meet the setback requirement. Is there a variance?

Mr. Coyer: No, we did not apply for variances. We are not moving the sign or changing it.



Chairman Smith: The state actually widened the highway. There isn't any way to move it. They would have to get rid of their walkway.

Mr. Germain: I concur with the Codes office that they do not have to move the sign. They are not asking for any changes. We do not approve a non-conforming use. They are not asking for any changes to the existing sign. If they were, my answer would be different. It can stay as non-conforming.

Mr. Germain and Mr. Marzullo discuss changing of signage and non-conforming signage.

Chairman Smith: I was there for the code explanation. This is a very old house. In this case, there is no place to move the sign. The State widened the road so much that the road got closer to the sign, the sign didn't get moved.

Mr. Germain: You are not a legislative body, you are not making the law. You are supposed to make a decision case by case. The second you start saying we are going to do this on every case, you are then becoming legislative. You want to be consistent but if you create a rule and always follow that rule, you are legislative, that is counter intuitive.

Chairman Smith: In this particular case, it would create a hardship for the applicant.

Chairman Smith: You have overhead doors and man doors, correct? No auto repair. No public storage. Strictly for the applicant's use. No ancillary uses. No automotive repair there. No public storage. Please note the Minutes that the applicant has agreed to these conditions as condition of approval. I want to make it very clear for the Codes office what the use for this building is.

Mr. Ruscitto: It would be nice if we could eliminate some of the asphalt. Get some green space.

Mr. Coyer: Do you have a problem eliminating some asphalt (to the applicant).

Ms. Uzunoff: It will be very difficult to plow the snow without asphalt.

Chairman Smith: We asked them to move the barn closer to the house to reduce the asphalt. Moving the barn closer to the house solves that. It sounds like they need 30 spaces.

Chairman Smith asked Mr. Germain to construct a motion for the adoption as lead agency.



Mr. Germain: You are going to 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.

Chairman Smith put this 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

Joe Ruscitto 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.

That is in the form of a motion. Seconded by Mr. Abbey.

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

Chairman Smith: Mr. Germain, will you construct a resolution for approval including the conditions of no use of auto repair, no public storage, etc.

Mr. Germain: You are going to move for the adoption of a resolution approving the Site Plan application known as Evolve Salon & Spa, 8431 Brewerton Road, Proposed addition and pole barn The Site Plan last revised November 12, 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 elevations as presented herein.

2. There will be no auto repair, there will be no public storage of any kind at the property, storage will be limited solely to the applicants use in regard to the conduct of applicant's business at the property.

Chairman Smith put this 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



**EXCAVATION/FILL PERMIT
RWA ASSOCIATES/VECTOR
ISLAND ROAD (TAX MAP NO: 054.-01-07.2)
PROPOSED RE-GRADING
IANUZI & ROMANS**

Tim Coyer, Representative Ianuzi & Romans

Chairman Smith: This is strictly an approval for the Codes Office to issue a permit.

Mr. Coyer: This property is located on Island Road. The industrial district. Existing Fill. They are looking to regrade the property and level it out. They are not bringing in extra fill. They have received Mark's comments and I believe he is satisfied.

Chairman Smith: Any questions Mr. Parrish?

Mr. Parrish: No, I am satisfied.

Chairman Smith: The Codes office will be enforcing this. Is there any reason why we should not approve Mr. Hooper?

Mr. Hooper: Not at all.

Chairman Smith asked Mr. Germain to construct a motion for the adoption as lead agency.

Mr. Germain: You are going to 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.

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

Mr. Ruscitto 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.

That is in the form of a motion. Seconded by Chairman Smith.

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

Chairman Smith asked Mr. Germain to construct a motion approving the evacuation/fill permit.

Mr. Germain: You are going to move for the adoption of a resolution approving the Excavation/Fill Permit application known as RWA Associates/Vector, Island Road (Tax Map #054.-01-07.2), Proposed Re-Grading.

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

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

Chairman Smith: This Board asked the Town Board to deliberate on this a little while ago. This does nothing but protect the community. We are going to have a piece of property improved. It does not affect storm water and does not hurt the environment. I appreciate the fact that the Town Board completed this.

**SITE PLAN
SKETCH REVIEW
REFERRAL NOTICE SUBMITTED TO COUNTY PLANNING
W. BRIAN CARUSO
8578 WHITING ROAD
PROPOSED GARAGE/POLE BARN
IANUZI & ROMANS**

Andy DiStefano and Timothy Coyer, Representatives Ianuzi & Romans

Mr. DiStefano: This property is located on South Bay Road and Whiting Road, approximately 1.5 acres. There was a variance granted on October 5th and it is noted on the map. It is zoned agricultural. The applicant wants to put up a 1700 square foot cold storage garage. No public



use. They will utilize the existing driveway off of South Bay Road. No gas or water, just electric. No outdoor use or storage. There is one overhead door on front of the pole barn with one residential light.

Chairman Smith: Are there notes on the site plan? We are not seeing them.

Mr. DiStefano: There are no notes. They are under statement of use: strictly used for personal storage of antique cars.

Chairman Smith: Elevations been submitted?

Mr. Coyer: No, the applicant has not submitted them.

Chairman Smith: Colors submitted?

Mr. Coyer: Not yet.

Chairman Smith: We need a color chart. That will be part of your approval. Changing it would require a return to the Planning Board. We need it as part of the record.

Chairman Smith: Mr. Germain, Mr. Parrish, Mr. Hooper – any comments?

Mr. Hooper: Is the owner still the Powells?

Mr. Coyer: The contract is subject to this site plan being approved.

Chairman Smith: This is out for County referral. As soon as we have the referral back, I will put it on the agenda again.

Mr. Germain: You need to get the property owner to sign the application. Right now, the application is only signed by Mr. Caruso. You need the property owner to sign or give us documentation that the property owner has granted you the authority to grant this application.

Mr. Coyer: I will take care of that.

**SITE PLAN
SKETCH REVIEW
REFERRAL NOTICE SUBMITTED TO COUNTY PLANNING
PETER N. TALEV
8033 BREWERTON ROAD
PROPOSED ADDITIONAL PARKING AND DRIVE**



IANUZI & ROMANS

Tim Coyer, Representative, Ianuzi & Romans

Mr. Coyer: This property is located at 8033 Brewerton Road. Right now it is an existing office building with one tenant. He is looking to have his business on the other side of this. The issue with this property is the parking and driving around this building. He wants to add pavement on the south side of the building so that we can have a circular driving lane around the building. We met with Betsy last month. She is on board with us. Any improvement that we can make is going to be an improvement. As it sits right now, the parking spaces are almost backing out onto Route 11. It is very limited on the north side of the building as far as getting in and out. One car would have to back out if another car came in. One way signage. Parking in back. We want people to park in back and we want it safe. We are going to talk to Auto Zone to try to get an easement as another egress area. Trying to make is safer.

Chairman Smith: Mr. Honors and I visited this site with the owner at the time that he had another tenant which was a much higher use than a professional use at that time. This is a challenging site. I am glad you are trying to get Auto Zone to work with you here. I do see that you have the concrete sidewalk in place. NYS DOT agrees that it should go in there right away.

Mr. Coyer: She would like us to continue the sidewalk. We are still working with her.

Chairman Smith: Does anyone have any comments? This is our first look at this. I have been down there. Certainly having circular moving around the site would be an improvement over what we currently have there. There is very little room, very little opportunity for error here.

Mr. Honors: Being on site there, I am for the improvement for the site. My big concern is the National Grid issues with making it a lot smaller. Moving those utilities that are in the proposed asphalt drive.

Mr. Coyer: On the south side of the building? I was over there. I am going to show them on the site plan. We might have to do something to protect it. I already brought it up with the client that it will come up with the site plan.

Chairman Smith: They may have to move them. He is going to talk to National Grid. No way we can have cars driving up there with gas meters in it.

Mr. Coyer: He is going to use it as his personal attorney office. And his current tenant is a heating/air conditioning office.



Chairman Smith: When they last asked us to look at the property, it was for a fast food restaurant. Pat couldn't back out of the space with his truck. It was challenging.

Chairman Smith: Do we have a code that specifies how wide a driveway should be?

Mr. Parrish: The code talks about drive aisles and parking lots. It does not necessarily say anything about the actual width of a driveway.

Chairman Smith: This may be one of those sites where we consider a public site visit. It is challenging. I think you knew that when you came in for sketch review.

Mr. Germain: You have 3 different property lines on the back portion of the building. One that is labeled 'property line by agreement'. If you are going to do anything in that area, you don't really own that area but you have some kind of use agreement for that area.

Mr. Coyer: Land swap.

Mr. Germain: If you did a land swap and you didn't move it over to the other tax parcel, you have an issue there. Here is what a lot of people think they can do. I get a deed for a 10 x 5 parcel. That doesn't really change anything. We have to look at the tax map. We have to look at the 'by agreement'. If you are not part of a tax parcel, that is really your neighbor's parcel. That is really part of the adjoining tax parcel. You must have some kind of easement? But if you move the property line back via deed and had it done by some kind of administrative subdivision and just moved the property line back, that is done right. What exactly are you referring to by 'property line by agreement'?

Mr. Coyer: I will clear that up for you.

Chairman Smith: We have some legal issues, coverage issues, traffic issues. We all have to clearly understand where we are at with this piece of property. This is about the lowest use that you can possibly get for this structure. If we are not able to come up with a site plan that we can approve, we are, by large, telling this owner that there is no commercial application that is usable for this. This is going to take a lot of thought and effort. If we cannot approve, and I am not saying we should, just understand that there really isn't another use that is going to be less than using this as a private law office. The owner faces some challenges.

Mr. Coyer: Peter is very aware of how difficult this site is going to be. He understands.



**SITE PLAN
SKETCH REVIEW
REFERRAL NOTICE SUBMITTED TO COUNTY PLANNING
ISLAND HOLLOW (TWO PLUS FOUR CONSTRUCTION)
6274 ISLAND ROAD
PROPOSED MULTI-FAMILY DEVELOPMENT
KEPLINGER FREEMAN ASSOCIATES**

Ed Keplinger, Keplinger Freeman Associates
Sue Kimmel, David Kimmel and Pete Wilson, Two Plus Four Management and
Michael Bragman, Property Owner

Chairman Smith: The referral has been submitted to Onondaga County.

Mr. Keplinger: I think that you are all familiar with the site plan. The property is located on the south side of Island Road. We are proposing a site plan consisting of residential housing. Part of the plan would be a 3 part lot subdivision. We plan to submit for that down the road. This is an 8 acre lot where the apartment complex will be. A 13 acre lot for the townhouse development. The remaining property would be residential land for future development on the south portion of the site. Proposed 36 unit apartment complex, 2 story building, 54 parking spaces. The townhouse development would be 59 total units. The proposed road network throughout the site would remaining the same layout as the approved Island Road subdivision layout. Access points off Island Road would be the same as they were on the approved subdivision map. The road would be a driveway. It would not be a dedicated town road, private road.

Chairman Smith: The owner of the property would be responsible for all maintenance.

Mr. Keplinger: Parking for the townhouse units would be along the driveway. 7-8 parking spaces for each 4-unit model. 100 parking spaces total. Another 24 parking spaces with garage complexes. At the west entrance would be a community room for all of the users of the development. There would be an outdoor patio space, playground and 11 parking spaces.

Chairman Smith: Any public use for the community room? Will you be renting it out?

Ms. Kimmel: It is strictly for the use of the residents of the property. They may use it for some school programs or individual family events.

Chairman Smith: Community room in senior center?



Ms. Kimmel: Yes, strictly for the seniors, not for the public.

Mr. Abbey: One story or two?

Ms. Kimmel: One. Management office as well. Postal delivery will be worked out with the postmaster. Typically the 36 unit would have inside mailboxes but it is up to the postmaster.

Chairman Smith: Will you have fire hydrants?

Ms. Kimmel: Yes.

Mr. Keplinger: Water and sanitary sewer will be similar to the original. Gravity sanitary sewer to pump station and then pump station would send sewer to public sewer. No cost to the Town.

Chairman Smith: Mr. Hooper, will you see which fire department covers this.

Mr. Hooper: I believe North Syracuse.

Chairman Smith: Please ask Heidi to send the plans and we want to have some sort of communication that the fire department has seen it.

Mr. Keplinger: Storm water management area has been delineated. Part of the original subdivision design. Another storm water management are on lot 1 is being relocated to another portion of the site

Chairman Smith: In the past, the Town Board has had an interest in this pump station. Have we explored how we are going to do a sewer easement or what sort of legal mechanism is happening. How are we moving the sewage across the property?

Mr. Kimmel: We have agreed that we will build the pump station so that it can handle the capacity of future development as well at the cost of the developer.

Chairman Smith: I know the Town spent approximately \$75,000 to expand the sewer line in anticipation of this. The Town needs access to the pump station.

Ms. Kimmel: we will be sure to work this out before we come for final approval.

Mr. Abbey: Any street lighting?

Mr. Keplinger: Yes, there will be street lighting throughout the entire complex.



Mr. Marzullo: What is the vision of the property down on the south?

Mr. Keplinger: More residential development at some point.

Mr. Marzullo: Single family?

Mr. Keplinger: Hard to say.

Mr. Parrish: It is not going to have public road access that would allow for single family residential. You couldn't bring a road down through there. We have discussed it. It is up to the applicant to proceed how they see fit with that.

Chairman Smith: None of these are single family ownership. The entire complex is rentals with one owner.

Ms. Kimmel: Correct.

Chairman Smith: If they are going to put single family then the Town may require that the private road be brought up to Town specs. You have a 50 year deed restriction. You pretty much have to operate this as it is for the next 50 years.

Ms. Kimmel: Correct, under the supervision of New York State. We have to get approval from the State when we want to make a capital investment. As we mentioned before, we will be maintaining all the shoveling, maintenance, upkeep.

Chairman Smith: With the ownership with the manner as it is, we are not going to end up with different colors.

Mr. Kimmel: Correct. All uniform.

Mr. Germain: Note that when you speak about a 50 year deed restriction, that restriction is between the applicant and New York State. If you are concerned with that, you would have to put that into your approval and you will follow this restriction. NYS and the applicant are private. They can be changed.

Mr. Parrish: I would recommend that they pursue the subdivision application because that will impact the site plan review.

Chairman Smith: We need to get the subdivision in.



Mr. Ruscitto: What about trash disposal?

Ms. Kimmel: There will be 3 spots. Dumpster enclosures. The senior building will have disposal inside the building and it will be removed by our staff.

Chairman Smith: Trash removal is not covered by the Town's trash contract. The applicant is responsible for all trash removal from the site.

Ms. Kimmel: Correct.

Mr. Marzullo: The deed restrictions are imposed by New York State?

Ms. Kimmel: Yes. They are laying out what is going to happen. They are going to review our applicant. They are protecting our targeted population. They give us money based upon the type of project that we are going to produce. The deed restriction says that we have to rent to those specific tenants.

Chairman Smith: What is the timetable?

Ms. Kimmel: We probably won't be back for a couple months. We wanted to come to you for comments. Best case scenario, we will be here in May. We are going to keep working on it. In about two months, we hope to be back with all the engineering plans.

Chairman Smith: You build, you develop and you manage. The Town will be dealing with you throughout the entire process.

Ms. Kimmel: Yes.

Chairman Smith: Do any members of the Board have anything additional? The Board did not have anything further.

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

Next Scheduled Regular Meeting: Monday, December 14, 2015 at 6:30 PM

IN AS MUCH AS THERE WAS NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 8:03pm.



PLANNING BOARD MEETING
TOWN OF CICERO

November 21, 2015
PAGE 17

Submitted by Lisa L. Stewart
Planning Board Clerk