



The Planning Board of the Town of Cicero held a meeting on **Monday, November 24, 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 November 10, 2014 Meeting (**approved**)
- Site Plan, Public Hearing, Contemporary Home Suites, Orangeport Road (Tax Map#116.-01-05.4), Proposed Apartment complex
- Site Plan Modification, Public Hearing, Riccelli Enterprises, LLC, Northern Blvd. (Tax Map #055.-02-19.3 & 25.0 & 26.1), Proposed Ready Mix Facility (**Exhibit 1 & Exhibit 2 Attached**)
- Zone Change Recommendation, Nice N Easy Amended, 5565 Bartel Road, R10 to General Commercial (**Tabled**)
- Site Plan, Sketch Review, Amerco Real Estate Company, 7803 Brewerton Road, Proposed U-Haul Store (**to return**)
- Site Plan, All Season Landscaping, 7173 State Route 31, Proposed Storage Building (**Approved**)

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

Others Present: Neil Germain, Planning Board Attorney, Mark Parrish, Planning Board Engineer, Richard Hooper, Director of Codes Enforcement, Don Snyder, Zoning Board of Appeals, Vern Conway, Town Board Member, Mark Venesky, Town Board Member, Assemblyman Al Stirp 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.

Mr. Ruscitto led the Pledge of Allegiance.

Notes from the Chairman:

Chairman Smith indicated he is making the calendar for next year and asked the Board members if the way it was this year with the Monday holidays and the Wednesday meetings worked. The Board members all agreed it did.

Mr. Abbey made a motion to approve the Planning Board Minutes from November 10, 2014. **Mr. Marzullo seconded the motion.** The Chairman called a vote.

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



**SITE PLAN, PUBLIC HEARING
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 asked Mr. Romans to briefly go over the project.

Mr. Romans: The layout has not changed since the board has seen it. There is one entrance from Orangeport Road. This area is an existing drainage easement area and it acts as a storm water basin. This is the same layout plan with the grading plan LJR Engineering completed for them. We are proposing that we would rework the existing drainage easement to have a 4 bay and a pond here for the storm water for the site. We are using green infrastructure using bio retention areas to charge water back into the ground. We have three areas proposed on the site. We are utilizing this existing storm water management facility and upgrading it for the runoff that will be produced by our site. We have cutoff swales along the eastside and on the west side. There is on the west side an existing drainage easement that is centered on the property line so 10 feet of it is on our property and 10 feet of it is on the residential single family homes that are along Wickum Drive. We are improving everything outside that drainage easement we have had to re-grade certain areas that we are trying into the existing drainage. We had a conversation with the fire department and they asked for an emergency access to Walnut Hill Road as an alternate route in the event of an emergency. We haven't completed the landscaping or lighting plan yet. Basically the property drains southerly into the southeast corner where there is a cross culvet. We are maintaining the existing drainage pattern just upgrading it to handle the improvements that we have incorporated here and we have incorporated the green infrastructure as much as possible.

Chairman Smith indicated that we are not here for an approval we wanted to hold a public hearing to hear comments.

Mr. Romans provided the Board members elevation drawings to show what the building is going to look like. It is basically a residential apartment complex broken up with two different types of siding, each would have their own patio or porch, the lighting we would have would be residential in nature. This is a residential project, it is zoned RM so we would like to stick with that theme throughout the project.

Chairman Smith asked Mr. Germain to review the general rules of a public hearing.

Mr. Germain stated that anyone wishing to speak for or against the project would be given an opportunity to be heard. Anyone wishing to make any comments would be recognized and asked to



approach the podium and provide their name and address for the record. Only the comments from the person recognized to speak at the podium would be considered. Mr. Germain asked that people not simply shout comments from the audience as they are not subject to recording and will not be part of the public record.

Chairman Smith opened the Public Hearing at 6:41pm.

Chairman Smith asked for those who wished to speak for the project.

David Wickum (5480 Orangeport Road) I am in favor of the project. My family owned this property for several generations. We worked with the Town of Cicero to create this multi-family zoning to fit between the single family lots and commercially zoned lots. Since our family couldn't build the multi-family housing as expected, we have waited for the right developer for this project, which we believe have found and would be a good fit for the neighborhood.

Chairman Smith asked for anyone else who wished to speak for the project. **(None)**

Chairman Smith asked for those who wished to speak against the project.

Charles Hickok (9485 North Wickum Drive): I am against the project. I am concerned about the traffic this project would generate and Orangeport Road and Route 11 and there should be a traffic study done. Also DEC should be involved to look at this project regarding the wetlands in that area.

Michael French (9486 N. Wickum Drive): I am against this project because I don't feel we have been given any information about this project. I live in the lot where it is said the water collects and it collects there now, I would like to know how they plan on making it drain somewhere because it doesn't go anywhere now.

Owen McGraw (9481 Wickum Drive): I am against this project. There is no benefit to the neighborhood, the property values will be lowered. I am worried that these units will not be able to be rented for the high rent they say they are going to go for. No body benefits but seller and developer. The developer should put homes there instead.

Nicholas Otis (5403 Walnut Hill Road) I am against this project. I have lived on Walnut Hill Road my whole life, I recently just purchased my childhood home because it was cheaper to own my home then to rent an apartment similar to these. I don't think Brewerton is the place for apartments, it is the place for homes and single family residence. I don't think we need these apartments and I don't think they will be able to fill them so rent may get lowered and attract a different kind of tenant. I am also concerned with the traffic that would increase.

Lori Typhair (9473 Wickum Drive): I am against the project. I live the across the street and we already have drainage problems. I am concerned about the drainage and the traffic.



Jim Corcoran (9519 Brewerton Road): I am not for and I am not against because I don't see enough information. I share the concerns of the neighbors about water and traffic study. I am also concerned about the sewer line that's goes along the properties. Also I am concerned about the safety of our properties, so I am curious about fencing or some kind of barrier against our property line.

Chairman Smith indicated that a public hearing is done so we can hear the comments. The engineer who studies the storm water and the sewers, etc. will review everything and there will be another meeting with a determination process and a full review and we want to incorporate the neighborhood concerns which are the point of the meeting.

Chairman Smith asked for anyone else who wished to speak against the project. **(None)**

Chairman Smith closed the Public Hearing at 6:58pm.

**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 indicated that Mr. Hooper the Director of Codes Enforcement has requested an opinion of the Planning Board regarding whether these are substantive changes or not.

Mr. Romans: I am going to go through the minor changes we have made to the site plan. This aggregate pile here was here, so this aggregate pile got moved to the east and these two buildings got upsized slightly. This driveway here, was connected here and because we moved the stone pile here we moved this here. 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. 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 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. Their position hasn't changed they were always in those relative positions. And those are really the only changes made to the plan. The statement of use stays the same.

Chairman Smith asked Mr. Germain to review the general rules of a public hearing.



Mr. Germain stated that anyone wishing to speak for or against the project would be given an opportunity to be heard. Anyone wishing to make any comments would be recognized and asked to approach the podium and provide their name and address for the record. Only the comments from the person recognized to speak at the podium would be considered. Mr. Germain asked that people not simply shout comments from the audience as they are not subject to recording and will not be part of the public record.

Chairman Smith opened the Public Hearing at 7:03pm.

Chairman Smith asked for those who wished to speak for or against the project.

Charles Tomlin (8112 Picket Lane): I support the project.

Jim and Terry Lockett (6065 Lisi Gardens Drive): Terry presented a power point presentation. (Please refer to Exhibit 1 Attached for the full presentation)

Terry Lockett: We are against the project. After attending the last hearing, we did some research. The Riccelli site is within one mile of 865 residential parcels and an elementary school. I am concerned about several things with this project. The property intrudes on the Cicero swamp and I am concerned about groundwater contamination because the water table is close to the surface. The current zoning code in an industrial district prohibits the processing of asphalt and/or the use of Asphalt in a manufacturing process. Noxious uses, inherently dangerous uses and storage of liquid combustibles are all prohibited in this district. According to the National Fire Protection Association liquid asphalt is a Class 3B combustible liquid. I am concerned about the toxic air emissions and fumes that are a by-product of these plants. Approximately 25 days a year the winds will blow east to west over those neighborhoods. We would like to see an environmental impact study specific to the plans for this site. We are also concerned that the plant will grow if we allow this to go forward. We would like to come up with a plan for clean manufacturing that gives us sustainable jobs for the future.

Jim Lockett: EPA report conducted in 2000 on Emissions from a Hot Mix Asphalt Plants (Attached Exhibit 2). Would like to board to look at the study and develop an environmental impact study for this project. The report indicates that there are several sources that are emitting toxins and particulates. The process flow diagram shows several emission sources not just the heating and the mixing of the ingredients. A table identifies the different kinds of emissions, some are particulates and some are called hazardous materials, they are gaseous and they are solids.

We think the public has the right to know what could be coming from this one and what the health impacts and risks are for everyone around the plant. We also want to know what the radius of impact from the activity in the plant.

Shelly Stirpe (Lisi Gardens) I am against the project. We don't have enough information, we have not been able to see a similar working plant to know what it looks like, smells like, etc. The vibration from the drums worries me. I am concerned about the wetlands and the environmental. If we allow this now, what else will come in?



Curtis Harrington (328 Wells Ave. East) I am against the project. I live less than two miles from the site. I have been to the site in Rensselaer, it is a wasteland, it smells bad and plant life doesn't really thrive about a mile out. I am concerned if Riccelli has thermal fluid heaters, and if not are they going to use them. What is there plan if their heater explodes or is not properly maintained, because they can do damage if they are not properly taken care of. My daughter goes to Smith Road and I don't want her around this, if this goes in we move out.

Mike Fegley (6039 Lisi Gardens Drive): I am against this project. I am woken up every morning from the beeping of the trucks. The lights are on all night long. I don't want to get stone chips in my windshield. I am concerned about the smell.

Mike Relf (8825 Lombardy Drive): I am in favor of the project. I work for Riccelli. Northern Blvd. has been empty for so long and if that starts something there than I think that's great. The Rensselaer plant is a huge facility, the local blacktop plant in Jamesville has beautiful neighborhoods and plants. Don't see it affecting housing values and the fumes only 25 days a year not bad. There is truck traffic down that road all day long.

Joseph Corapi (8337 Eva Circle): I am in favor of this project. I work for Riccelli too. I live a mile from the plant, and I don't hear the beeps. Our truck drivers are very courteous. City of Syracuse has a bituminous concrete plant and it is in an industrial area surrounded by residential and there are no complaints. Riccelli will take care of any problems that arise. I am in favor of the taxes and jobs it will bring to the Town. I don't believe the emission will bother anyone.

Brendan Roy (6177 Lakeshore Road) I am in favor of this project. I live about a mile away. This will bring jobs to the area for younger people who are not going to college. They are a good company and they pay their employees well so people can support themselves. Riccelli trucks are nice and are not out too early or late and they have mud flaps to help with the stones.

Christopher Graff (103 Linda Lane): I am in favor of the project. Northern Blvd. has been empty for so many years it will be nice to have someone use it. The Riccelli family is environmentally conscious.

Phillip Depuy (6075 Merigold Lane): I am against the project. I don't feel we know enough about this project and the noxious fumes. It could affect our health and property values. I am concerned about it being close to Cicero swamp. We need to make sure it is safe. If this goes through, there should be someone monitoring the environmental conditions and the air quality to make sure it is safe.

Deborah V. Gardner (7805 Verner road) I am against the project. I live within a mile of the project. I am concerned about the odor. I don't think we know enough about this plant. Concerned about the trucks and a traffic study should be done. Maybe the speed limit could be lowered. Concerned that the codes would not be informed strictly enough.



Leone Coons (6241 Tarton Drive): I am in favor of the project. I travel that road everyday and you can hardly even see the plant.

Paul Dunn (6055 Lisi Gardens): I am against the project. As a civil engineer and in my opinion asphalt is hazardous no matter what you do with it. The change to the plant to be bituminous is not a small one and more studies should be done to understand it because the petroleum based product is hazardous. Don't want property values to diminish.

Michael Lisi (6033 Lisi Garden Drive) I am against the project. When my family developed the land he wanted to be a safe place for families. I am concerned that the plant could be harmful to the residents and wants to make sure that everything is safe for the families in the area.

Paul H. Griggs (Principal Geologist, Griggs-Lang Consulting Geologist, Inc.) I am a consulting engineering for Riccelli. This plant is not producing liquid asphalt it is using already manufactured liquid asphalt and mixing it with stone and sand, which is an entirely different process. In 2002 EPA changed blacktop plants from a significant source of air emissions to a minor source. Zoning ordinance could be interpreted for very large scale operations not for blacktop plants. Modern technology has been developed to control the omissions. The Rensselaer site is over 1000 acres and has been industrial for over 100 years it covers over 1000 acres and the blacktop plant was built a year and a half ago and is only 3 acres.

Jim Luckett: I thought the process was we were to be giving our opinion and how we feel about the project and that we weren't to be engaging in a back and forth with the applicant. I think what we just had here was a consultant who I respect, who just took notes on what everyone against the project had to say and is an informed person who said you don't have to worry about this, you were wrong about that. And really what we were expressing were concerns and our concerns are legitimate and they remain legitimate. I have nothing against the Riccelli companies; I am glad they are in Town and wish them well. We have no problem with portland and ready mix processing we just don't want the bituminous cement change. It seems like the code is very specific about this so I am not sure it should even be before this Board.

Joseph Corapi: I was on the Planning Board when we industrialized that zone. This plant and the ready mix concrete plant fits the mode.

Chairman Smith asked for anyone else who wished to speak for or against the project. **(None)**

Chairman Smith closed the Public Hearing at 7:55pm.

Chairman Smith asked Mr. Germain to put in front of them what the Board is actually considering.

Mr. Germain: You have an approved site plan, so they are already have the right what that was approved for. The applicant is asking for minor modifications for their site plan, and the contentious



issue seems to be changing from the portland concrete plant to a bituminous concrete plant. Right now it is before the Codes Department, and they make the decision of they are building to site plan or not. At that point it is really in the realm of the Codes Department to seek more information on that to come to some kind of decision. What you have here is the Codes Department had a question about whether or not what they are doing is more than a minor change to an approved site plan. Minor changes the Codes Department can simply approve, which happens all the time because it is almost impossible to build to an exact site plan that is why the Codes Department is allowed that latitude to make that decision making process. Here the Codes Department has said I am not so sure about it and has asked for some input or opinion from the Planning Board. You had a public hearing on it so you could hear the opinion of neighbors or interested parties, but ultimately the decision whether it is a minor deviation or not rests within the Codes Office. They can certainly ask your opinion about it and by doing that they have allowed the public to speak and have an opportunity to be heard.

Chairman Smith asked Mr. Parrish if he had an opportunity for an opinion on any of this stuff.

Mr. Parrish indicated that he asked for information be provided to him on the plant they are proposing to put in there and the applicant never received it so they didn't have the chance to do a review.

Mr. Marzullo asked Mr. Germain what exactly they are looking for from the Board.

Mr. Germain: You can voice an opinion but the authority to approve that change rests with the Codes Office. They are looking for some input, some kind of direction or some type of information finding process to aid in that decision. One of two things could have happened when this first started, Codes could have gone out to the site and said you have an approved site plan, this is a minor deviation, no problem, and we would not be here. The second thing they could say is that is more than a minor deviation from your site plan and what you are doing there is not approved under your site plan. We have a third thing happening here where the Codes Department said I want to gather more information about that and that is really what we have done. But ultimately that decision is not yours.

Mr. Marzullo: I am of the opinion that this needs further review by this Board.

Mr. Germain: The issue with that is what you are saying is that this needs further review by the Board, what you are really contemplating is that the board has the ultimate authority to decide that.

Mr. Marzullo: Are you looking for an opinion?

Mr. Hooper: We are looking for an opinion.

Mr. Germain: You can just voice your opinion or you can poll the Board and see what everyone thinks. Your opinion could be I don't have enough information yet, I want more information.

Chairman Smith asked about the process with the Codes Office.



Mr. Germain: The Codes Office goes out and looks at the property and when they look at the project they have an approved site plan in front of them. So they can say they built to their site plan and issue the Certificate of Occupancy and everything is good. Or they can say wait that deviates from your site plan and my point is there is going to be some deviation always from a site plan, and the question to whether or not it is a substantial deviation or minor deviation the decision on that rests with the Codes Office because ultimately they are the ones that go out and enforce it.

Chairman Smith: So assume the Codes Office said to an applicant stop you are not going to build that, then the applicant's remedy is the reapply. I mean we don't have a site plan in front of us, we don't have an fees or engineering fees or anything. So if the Codes Office and the applicant don't agree then what.

Mr. Germain: Then the applicant can either file an appeal or file for an amended site plan and ask for that approval from the Planning Board on that amended site plan. You don't even have an amended site plan in front of you. In front of you is just your opinion as to whether or not you believe the change from portland concrete ready mix plant to a bituminous concrete plant is a substantial deviation from what has been approved.

Chairman Smith asked Mr. Hooper if he wants to poll the Board or an opinion from the Board.

Mr. Hooper: We feel that it is a substantial change. We are hanging our hat on the code 210-13 210-22, noxious and asphalt. As Mr. Lockett said maybe it doesn't belong here maybe it belongs before the ZBA, for a use variance. We considerate substantial in the Codes Department, we will not approve it.

Chairman Smith indicated that the Board doesn't have standing here.

Mr. Germain: At that point the decision has been made, he listened to all the evidence, he listened to the public and he made a decision and that's his right, the Codes Office saying it is substantial so the applicant has a number of options that we have already discussed. You don't have standing because there is no application in front of you. Should the applicant apply for a modified site plan then it will become your consideration but right now it was simply fact finding and an opinion has been rendered.

Chairman Smith: This is the first time we have gone through listening to what standing we had in this situation.

Mr. Marzullo: So now the applicant files for an amended site plan?

Mr. Germain: The Codes Office has made decision that it is a substantial deviation for their approved site plan so the decision to file an amended site plan is up to the applicant. That is not your decision that is the applicants decision. That would be one of the next options for the applicant



Chairman Smith: It seems the Codes Office made their decision and now it is up to the applicant to make their decision.

Mr. Germain: That is correct, the applicant can say ok I am just going to make portland there, or they could file an amended site plan for approval and then it would be in your approval. Right now it is up to the applicant.

Chairman Smith indicated that Mr. Hooper the Director of Codes Enforcement is on the record and that they consider it a substantial deviation and the public hearing was of some value because he doesn't have a way to hold a public hearing. But there is nothing for us to vote on.

**ZONE CHANGE RECOMMENDATION
NICE N EASY AMENDED,
5565 BARTEL ROAD, R10 TO GENERAL COMMERCIAL
IANUZI & ROMANS**

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

Chairman Smith indicated that this is a recommendation to the Town Board on a zone change that is before them, they have scheduled it and it requires a referral yah or nah from the Planning Board.

Mr. Romans: This is where Nice n Easy is. There are two lots and some of the lot is still zoned residential instead of general commercial that the bulk of the two lots are zoned. When these properties were picked up they were picked up in pieces and this is how they were zoned. Nice n Easy was bought out and we are trying to clean up some things, so this is really a cleanup operation to make the zoning on the entirety of the property, so it is just to rezone this area here, which is .507 acres. It was always looked at as being something to do with commercial so that is what we are trying to do is just rezone it to general commercial to match the bulk of the property. This lot here is built out as the Nice n Easy but this lot here is an undeveloped commercial lot. What I picture happening is that obviously if there is any commercial building there it is obviously going to go where it is zoned commercial and this will probably be a driveway or parking that goes through there.

Mr. Marzullo asked how long ago the Planning Board reviewed the Nice n Easy.

Mr. Romans thought it was quite a few years ago, 5 or so.

Mr. Marzullo asked if there was discussion about that parcel back then. He thought there was a discussion back then about it. He asked if we could get the minutes from back then.



Mr. Romans wasn't sure, he doesn't remember. He said he could get the minutes though for back then.

Chairman Smith asked if there was a house on the corner.

Mr. Romans wasn't sure but he said he would find out.

Mr. Romans: There is an existing drainage easement, there were existing easements that were modified when this was developed which is typical of a commercial development. If this lot were to be developed, I picture this easement were an issue it would be relocated along the property line.

There was further discussion about what is currently in the area on Bartel Road.

Mr. Marzullo: I presume it's not cleaning up, they probably want to do something with that parcel to the west.

Mr. Romans: Eventually they will want to but it is cleaning it up because the reality of it is you could do a commercial development but you would have two zoned properties it just makes sense to have all the same zoned. The new owners of Nice n Easy asked what thins we had in the works to clean up and this was one of them.

Chairman Smith: The Town Board will still hold a public hearing, which is scheduled for December 10, 2014 and they will make the determination. So the referral from our perspective is does it seem to make sense for this parcel which is vacant to become part of the overall commercial parcel for development.

Mr. Romans: Just to be clear this residential property is part of those lots, so it is part of that. So the worst case scenario is you would have development that would have to abide by commercial zoning for this portion and residential setbacks for the other.

Mr. Marzullo: Our next meeting is the 8th, you would be ok with a recommendation then?

Mr. Romans: that is fine, I think what you want is to see if there was any recommendations back on the old site plan.

Mr. Marzullo: Yes, you will provide those?

Mr. Romans: Yes.



**SITE PLAN, SKETCH REVIEW,
AMERCO REAL ESTATE COMPANY,
7803 BREWERTON ROAD,
PROPOSED U-HAUL STORE,
IANUZI & ROMANS**

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

Mr. Romans: This is Business Avenue, which is basically a dead end street, this is all zoned commercial, this is 481 here and this is Brewerton Road. This is the old restaurant, which has been vacant for a while. U-Haul has a facility farther to the west and what it is there rental and store operations will move here. Storage would not come to this site. We are really proposing little to no change to the site. No change in the pavement that is out there today, restriping if necessary but we will use the banks of parking for their U-Haul trucks. I can provide to the Town a trip analysis that they did for U-Haul stores verses restaurants or other retail stores. Typically the busiest time is the beginning of the month and the end of the month. The typical store has packaging and moving materials. So they would modify the building to provide for an overhead door so a person can bring their vehicle in if they want to have a trailer or towing hitch put on. The remainder of the building would be the U-Haul Store where they have boxes, packaging tape and all that stuff. No change in the access. There is an existing sign that sites in the right of way, which would be moved. The existing bigger sign we would be looking to move it to the island here so it has to properly setback from 481 and using it as a sign that is higher. And the smaller sign we would move to the front for Brewerton Road traffic. They are updating the elevation drawing with the changes and the landscaping changes.

Chairman Smith indicated that NYS is going to be installing sidewalks in that area, probably next spring or summer. He also asked about the three parking spaces and if there is the potential of moving the entrance back because of the U-Haul trucks coming in and out and trying to get out onto traffic. It would give more room for them to get their trucks out.

Mr. Romans: I can explore that with them.

Mr. Parrish: I think it is a good idea from an engineering standpoint.

Mr. Romans: I will talk with them about it.

Chairman Smith: The fact that it isn't going to be a restaurant is great it will cut down on the traffic and it is good to see the building repurposed but given the new purpose if we could at least if we can consider moving it back when people rented their vehicles it would give them more room to enter traffic.



Mr. Romans asked if there is going to be any issue with the two signs. The larger one in the back will be faced so you can see it from 481 but the one in the front would be for the traffic there.

Mr. Abbey: Isn't there another 50 foot sign there in that area?

Mr. Romans: There is one but that would be taken out. There is another one further to the west off site, its not ours.

Mr. Abbey: So it would be in addition to that one?

Mr. Romans: Yes, but your code allows for higher sign as long as you are within 1000 feet of 81 or 481.

Mr. Abbey: There is no rule about population of signs in an area.

Mr. Romans: No there isn't. They would prefer not to have to rehabilitate this sign they would like to move it to a new location. But they still realize that they need something on Brewerton Road. The whole idea is you want to be able to see where the U-Haul facility is.

There is further discussion about the sign off site and its location and proximity to this site.

Mr. Ruscitto: Where you are changing the entrance could you add that as green space?

Mr. Romans: If we do that, yes than something like that would occur. I will definitely talk to them about that.

Mr. Abbey: Is this in addition to the one that is on Taft Road or in place of?

Mr. Romans: It is not going to be in place of Taft Road, the way they are currently leasing space at the end of Business Ave. for their storage end of it, this is for rental and retail. They are going to more smaller locations. They do have some bigger facilities where they store stuff for people but they don't do any of that here.

Mr. Marzullo: Any propane here, they do propane over on Taft.

Mr. Romans: I am not sure I will check.

Chairman Smith indicated this did go to County and their meeting will be held on December 10, 2014. He asked the board if they had anything further.

Mr. Ruscitto was all set.

Mr. Abbey: It makes sense to move the entrance.

Mr. Marzullo was all set.



Mr. Honors was all set at this time.

Mr. Parrish: As Hal said, there are really not many modifications and your suggestion about moving the entrance is probably about the only thing I see.

Chairman Smith we can bring this back for the second meeting in December when we will have the County referral back.

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

Representative: Marshall Dix, III, Owner /Applicant

Mr. Dix: We have made all the revisions to the plan and addressed all the questions including put in notes to indicate that it is a landscaping business and snow removal business, the hours are M-F 8am to 6pm and the winter hours are permitted by weather conditions. There is lighting that is on the existing building so we added that to the site plan. On the new building there is not lighting we don't propose any lighting to the new building.

Mr. Parrish: Just a couple other things they do note that there is not retail use as part of the project that is associated with the operation of the business and I believe there is no signage proposed, which is all noted on the site plan.

Chairman Smith asked Mr. Parrish and Mr. Germain if everything has been addressed.

Mr. Parrish: We provided a letter summarized our review and again it was pretty minor.

Mr. Germain: I think everything is addressed.

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 All Season Landscaping, 7173 State Route 31, Proposed storage building. The Site plan Site Plan last revised November 17, 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 made a motion as stated by Mr. Germain above. **Mr. Abbey seconded the motion.** The Chairman called a vote.

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

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

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

Next Scheduled Regular Meeting: December 8, 2014 at 6:30 PM.

IN AS MUCH AS THERE WAS NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 8:36pm.

Submitted by Kristin Ryder
Planning Board Clerk