



The Planning Board of the Town of Cicero held a meeting on **Monday, February 23, 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 February 9, 2015 Meeting (**approved**)

--Site Plan, Sketch Review, Greg & Cindy Griffo, 7863 Kneeskern Road, Proposed Home Occupation (**Exhibit "1")**(**approved**)

--Site Plan, Sketch Review, Riccelli Enterprises, LLC, Northern Blvd., Tax Map Numbers 055.-02-19.3, 25.0 & 26.1, Proposed ready mix concrete plant and bituminous concrete mix plant (**Withdrawn**)

--Site Plan, Cicero Dumpster Service, 6188 South Bay Road, Proposed Storage of Construction Dumpsters (**delayed for two weeks**)

**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, and Don Snyder, Zoning Board of Appeals.

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.

Chairman Smith noted that there were changes in the agenda. Chairman Smith received a copy of a letter today addressed to Robert Germain, Esq. of Germain & Germain from William J. Gilberti, Jr. of Gilberti, Stinziano, Heintz & Smith, PC. dated February 23, 2015. Chairman Smith read the letter into the record and provided a copy to the clerk for the record. It read as follows:

Dear Mr. Germain,

This law firm represents Riccelli Enterprises, Inc. in connection with its Amended Site Plan Application, dated January 16, 2015 and submitted initially to the Planning Board of the Town of Cicero on January 20, 2015 and subsequently resubmitted on February 4, 2015 (the "2015 Application"). Please be advised that for the reasons set forth below, Riccelli Enterprises now formally withdraws the 2015 Application and all the documents and correspondence provided in conjunction with it at any time.

As I believe you are aware, on November 6, 2013, Riccelli received site plan approval for, among other things, the construction and operation of two concrete plants on its Northern Boulevard property (the "Approval"). In late 2014, in the course of considering minor modifications to the Approval, the Planning Board requested that Riccelli submit an amended site plan application prior to construction and operation of the second plant on the site, consisting of a bituminous concrete plant. Although Riccelli believed that the Approval fully authorized the construction and operation of the bituminous concrete plant, Riccelli submitted the 2015 Application pursuant to the Planning Board's request.



Following its submittal, Riccelli and its representatives received a volley of correspondence, some of it internally inconsistent, from the Town's Code Enforcement Office. In view of the apparent misunderstandings concerning the 2015 Application and the unsettled state of affairs with it, Riccelli believes it prudent at this time to withdraw the 2015 Application. "

Chairman Smith sent word to the County to stop any review on it. He also sent a letter to Mr. Gilberti to clarify that the Planning Board did not request an application of any applicant, the Planning Board has no standing to do so. The application was requested by the Director of Code Enforcement. And their concerns regarding the 32 day delay between the submittal to the Planning Board was not a result of anything on the Planning Boards behalf, their application was put on the agenda 48 hours after it was received.

Chairman Smith noted the second change to the agenda is regarding the site plan for the Cicero Dumpster Service, 6188 South Bay Road, the application as requested a two week extension. So the 62 day approval process will be delayed by 2 weeks.

Mr. Germain: That is correct, the applicant requested an adjournment of it so they could reassess their position, I believe they are getting further in their architectural plans. They will be back in plenty of time to pursue the application. I note that you all have probably received the County referral in this matter and it is much to the exact same cord as your last actions on this issue. The applicant will be back two weeks to present.

**Mr. Marzullo made a motion** to approve the Planning Board Minutes from February 9, 2015. **Mr. Abbey seconded the motion.** The Chairman called a vote.

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

**SITE PLAN, SKETCH REVIEW,  
GREG & CINDY GRIFFO,  
7863 KNEESKERN ROAD,  
PROPOSED HOME OCCUPATION,  
GREG GRIFFO**

Representative: Greg Griffo

Chairman Smith indicated they approved the riding thing here which was the last approval on this property.

Mr. Griffo: I have applied for my FFL, Federal Firings License and they said why don't you take the next step and apply and go through it.



Chairman Smith asked if there will be any changes to the structure, will there be signage or any change to lighting.

Mr. Griffo: Nothing, no parking or anything. It is all going to be internet and on a case by case basis. It is not going to be a whole retail shop or anything to that effect.

Chairman Smith: So there is no retail, is there any manufacturing. It is just your gunsmith operation.

Mr. Griffo: Yes, and there will be sales of it, we did have to apply everything to the Town of Cicero Police Chief, which he received everything and filed it he said.

Chairman Smith asked Mr. Parrish if he had anything at this time during sketch plan. Mr. Parrish had nothing at this time. Chairman Smith asked Mr. Germain as well.

Mr. Germain: If they are going to be sales at the property you may want to clarify what is going to happen there as far as, is it going to be for retail customers.

Mr. Griffo: It is going to be on a case by case basis, per firearm that I sell it is not going to be like open up the door and have stock and everything. I did have to go through a whole interview with ATF.

Chairman Smith asked Mr. Germain if that was sufficient and Mr. Germain indicated that the applicant is in a highly regulated industry.

There was discussion on what is actually before the Planning Board tonight. Mr. Griffo indicated that he has paid all the fees and provided a site plan. There is no physical modification to the site. Mr. Germain indicated that Mr. Griffo is asking for site plan approval so he can run that business from that site as a home occupation.

Mr. Germain asked the applicant if he manufactured firearms.

Mr. Griffo: It would be repair or sell but not manufacturing.

Mr. Marzullo: So there would be some traffic then.

Mr. Griffo: No not really I would typically go to them, I will do their sales, do their approval, and do all their paperwork.

Chairman Smith asked if he stocks any ammo, gun powder or explosives and the applicant said no.

Mr. Griffo explained that the ATF will come in and inspect the cases and firearms that he has now that are his and he can't go any higher than what he has the capability of doing which is 15 more. But he said



he is not stocking anything it is going to be on a case by case basis. The ATF comes to the house and make sure everything is legal and meets NYS standards.

Mr. Abbey: Do you have a website for purchases?

Mr. Griffo indicated that he would eventually have a website, but right now it is just a case by case.

Mr. Abbey asked what the process is if someone wanted to purchase a gun. Mr. Griffo explained they would contact him and then he would help do the paperwork for NYS. He would research the kind of gun they wanted and then he would order it and buy it and sell it to them. Then I would usually meet them at a gun range so they can shoot it. Occasionally there might be a customer to the house but typically I meet them.

Chairman Smith asked if there would be posted hours or signage and Mr. Griffo said no.

Mr. Abbey: Would you be dealing with any used firearms?

Mr. Griffo: No, I think it would be all strictly new. Because then if I deal with used I have to store it and my capacity is only to store a certain amount of guns.

Mr. Abbey asked if someone could get a better price from him and Mr. Griffo said yes because he will have wholesale pricing.

Mr. Ruscitto indicated that he is familiar with this and that if he wanted to sell a gun to someone they could go to his house, a transfer from my permit to his permit that is what someone could use your service for so it could be at your house or it could be anywhere. It can be used guns, I would imagine that the majority of the business is going to be used guns transferring from one person to another because I know how strict the laws are.

Mr. Abbey asked then someone could contact you.

Mr. Griffo: Yes, and I would do all the paperwork and just charge you the fee for doing the paperwork.

Mr. Marzullo indicated then that a customer could come to your house and Mr. Griffo said potentially yes. Chairman Smith added that it would be similar to an attorney working from their home they would come with an appointment doing paperwork and then leaving.

Mr. Griffo indicated that at any time the ATF could knock on the door and search anything that he has.

Chairman Smith asked if we could consider acting on this. Mr. Germain indicated you may want to ask for clarification on hours of operation, a statement about no gallery of guns, no shooting and no storing ammunition, you may want to think of what kind of restrictions you want to put on it. Chairman Smith



asked Mr. Griffo if he could add a statement of use onto his plan of all that they have discussed and then come back for approval.

Mr. Ruscitto asked if he had his license yet and Mr. Griffo said no not yet it has already been approved but he wanted to make sure everything was good here. He stated that he may have to refile if it has gone past the 60 days.

The Board discussed with Mr. Germain and the applicant the possibility of adding a note onto the site plan of the restrictions and limitations that have been discussed tonight so the Board could do an approval.

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*

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 approving the Site Plan application known as Greg & Cindy Griffo, 7863 Kneeskern Road, Proposed Home Occupation. The Site plan (Exhibit "1") which has been re-dated 2/23/2015. This approval is strictly conditioned on the following:

1. The Home Occupation approved herein is limited in scope to the activities reasonably necessary to facilitate legally permissible sales of fire arm and to allow for the repair of firearms at the premises.
2. The property shall not be made available to the general public for the retail sales of fire arms.
3. There shall be no storage of ammuniton or explosives in regard to the home occupation approved herein.
4. There will be no manufacturing of firearms at the property.
5. There will be no discharge of firearms in relation to the business to be conducted at the property.

**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*



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

**Next Scheduled Regular Meeting: Monday, March 9, 2015 at 6:30 PM**

IN AS MUCH AS THERE WAS NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 6:58pm.

Submitted by Kristin Ryder  
Planning Board Clerk