

STATE OF NEW YORK  
ONONDAGA COUNTY  
TOWN OF CICERO  
REVISED MINUTES

SS:

The Cicero Town Board held their regular meeting on Wednesday, July 11, 2012 at 6:30 p.m. at the Cicero Town Hall, 8236 Brewerton Road, Cicero, NY 13039.

Present: Jim Corl, Supervisor  
Jessica Zambrano, Councilor  
C. Vernon Conway, Councilor  
Lynn Jennings, Councilor  
Tim Burtis, Councilor

Others Present: Tracy Cosilmon, Town Clerk  
Joseph Snell, Police Chief  
Robert Germain, Germain & Germain, Town Attorney  
Ron DeTota, C & S Companies, Town Engineer

The meeting was opened at 6:30 p.m. with the Pledge of Allegiance.

A moment of silence was observed in remembrance of our men and women serving in the Armed Forces in harms way.

Supervisor Corl indicated where the fire exits were in the rear and side of the room in the event of an emergency and asked everyone to please silence their cell phones and advised everyone that anyone who has an issue and can't hear the discussions from the town board members to please indicate so that they can make proper modifications to accommodate them.

S.E.Q.R.  
(State Environmental Quality Review Act)

Supervisor Corl moved the adoption of a resolution that all actions taken tonight are Type Two (2) or Unlisted actions under the New York Environmental Quality Review Act unless otherwise determined. Motion was seconded by Councilor Zambrano.

Ayes - 5 and Noes- 0. *Motion carried.*

APPROVAL OF TOWN BOARD MEETING MINUTES

Councilor Jennings moved the adoption of a resolution to approve the minutes of the June 27, 2012 Regular Town Board Meeting. Motion was seconded by Councilor Conway.

Ayes- 5 and Noes – 0. *Motion carried.*

APPROVAL OF ABSTRACT #13 OF 2012

Councilor Burtis moved the adoption of a resolution to approve Abstract #13, of 2012 as follows: Motion was seconded by Councilor Zambrano.

General Fund Voucher #1297 to Voucher # 1400 In the amount of \$384,832.16  
Highway Fund Voucher # 349H to Voucher # 375H In the amount of \$ 54,507.97

Ayes – 5 and Noes – 0. *Motion carried.*

BUDGET MODIFICATIONS AND AMENDMENTS

Councilor Burtis read the budget modifications and amendments as follows:

TOWN BOARD MEETING  
07/11/2012

**2012**  
**BUDGET MODIFICATIONS AND AMENDMENTS**

FROM	\$	TO
B90108 C Retirement Canteen	1919.00	
	714.00	B90308 C FICA – Canteen
	110.00	B90408 C Workers Comp – Canteen
	132.00	B90558 C Disability Insurance – Canteen
	963.00	B7310402 Program Supplies – Canteen
DB90608 Medical & Dental Highway	1119.85	DB99019 Transfer to other Fund
DB511045 Typar/Pipe	7000.00	DB511042 Runner Crush
B702044 Program Expenses	250.00	B702046 Staff Development
A677246 Utilities – Senior	1000.00	A677253 Bus Maintenance
B731044 Lease – Canteen	1750.00	B73101 Personal Services – Canteen
B731042 Utilities – Canteen	3000.00	B73101 Personal Services – Canteen
B731041 Training/Travel	1500.00	B7310402 Program Supplies – Canteen
A7110411 Fuel	1500.00	A711040 Supplies
A711042 Utilities	940.00	A71102 Equipment
B16804 Information Systems	2747.00	B312049 Flares/Firearms/Qualify
A11101 Justice Personal Services	24.55	A11102 Justice Equipment

**BUDGET AMENDMENTS**

B2004 Learn To Swim	60.00	B715012 Learn To Swim Personal Services	60.00
B2705FC Friends of the Canteen	1909.00		
B3389 State Aid/Safety Youth	4682.00	B73101 Canteen Personal Services	4554.00
		B7310402 Program Supplies	2037.00

Motion was seconded by Councilor Zambrano.

Supervisor Corl commented that the modifications relevant to the Canteen for every modification that has been presented here there is not only an expense side but also a revenue side which is grant driven. For the Highway, for the transfer to other fund, what that is was there was some unemployment claims, unfortunately some of the people that work on a seasonal basis tried to file for unemployment and the Town had to pay those, however, they're under protest and the Comptroller is trying to recoup those loses, which the town doesn't feel they should be paying out because they are temporary positions.

Councilor Zambrano asked if these were, for example, the wing people in the winter time.

Supervisor Corl replied yes.

Councilor Zambrano asked if they were hired as wing people and then turned around and tried to collect unemployment.

Supervisor Corl replied yes.

Ayes – 5 and Noes – 0. *Motion carried.*

**PUBLIC HEARING TO CONSIDER A ZONE CHANGE FROM GENERAL COMMERCIAL TO GENERAL COMMERCIAL PLUS FOR PROPERTY LOCATED ON BREWERTON ROAD (TAX MAP NO. 119.-02-30.2)**

Supervisor Corl introduced Terry Kirwan, Jr., representing J&J Equipment LLC, the developer.

Terry Kirwin, Jr., stated J&J Equipment, LLC, has been operating since 2001 up the road from the subject site. Since 2001, J&J Equipment has provided service, leasing and rental for heavy equipment. The sole member of J&J Equipment, LLC, is George Lonergan. George would like to move his business from the existing location, which is situated approximately on one (1) acre of land, to this new site which is approximately 3½ acres of land and move from a building as he currently has approximately 3000 feet to roughly double that on the new site. In order to do that, he needs to obtain board approval for a Zone Change from General Commercial to General Commercial Plus. He has a contract with the current owner, but it's subject to certain conditions, being approval of the Zone Change and what ever other governmental approvals are required. If they are successful with obtaining the Zone Change then they will present the plans to the

Planning Board. They don't have any plans to submit at this time, but they will do so upon approval.

Supervisor Corl stated it was his understanding that they had been at a pre-agenda workshop, with the Planning Board who recommended that they go through this process.

Terry Kirwan Jr., replied that was his understanding and also that the Onondaga County Planning Board rendered a resolution today, with the only recommendations being that the applicant would have to obtain the Department of Transportation curb-cut and approval for the private septic from the Department of Health, which they understand.

Proof of publication and posting was presented to the Town board by Town Clerk.

The public notice read as follows:

**TOWN OF CICERO PUBLIC HEARING NOTICE**

**PLEASE TAKE NOTICE** that there will be introduced before the Town Board of the Town of Cicero, County of Onondaga and State of New York, an application to **consider a Zone Change from General Commercial to General Commercial Plus** for property located on Brewerton Road, Tax Map No. 119.-02-30.2.

**PLEASE TAKE FURTHER NOTICE** that the public hearing will be held on the aforesaid application at the Town Hall, located at 8236 Brewerton Road, Cicero, New York 13039, on the 11<sup>th</sup> day of **July, 2012**, commencing at approximately **6:30 P.M.**, local time, at which time all interested persons will be given an opportunity to be heard.

**DATED:** June 13<sup>th</sup>, 2012

**TOWN BOARD OF THE TOWN OF CICERO,  
COUNTY OF ONONDAGA, NEW YORK  
BY: TOWN CLERK**

Public Hearing was opened at 6:45 p.m.

Speaking for –

Judy Boyke inquired how (if J&J operated in their current location since 2001, and they have been zoned Commercial 1 Storage), is it possible for them to have been operating this many years, of the same business, in that zone and now J&J has to have a zone change to move across the street.

Supervisor Corl replied what J&J is doing on this current parcel is really not relevant to the Zone Change itself. He believes the applicant did speak with Zoning and was referred at a pre-agenda workshop, given the use of the property Light Industrial, it fits under the portion of the code General Commercial Plus and that's what the Planning Board recommended J&J do.

Judy Boyke questioned how when J&J is already operating under Commercial Plus in the business he's in that he has operated all these years under the wrong zone.

Supervisor Corl replied that J&J wants to move across the street, and that property is not zoned appropriately for the business he wants to conduct.

Judy Boyke told Supervisor Corl since he wasn't going to answer questions in regards to that, she will come back again during Public Input.

Speaking against – None

Public Hearing was closed at 6:47 p.m.

Supervisor Corl solicited any comments or discussion from the Town Board.

Board Comments

Councilor Zambrano stated she was at a workshop session where Mr. Lonergan showed where he wants to move his business and it needs to be rezoned to accommodate the business. Along that corridor in Brewerton there are more properties that they are

reclassifying to General Commercial Plus and she thinks this fits in with the general area to change that zoning and to accommodate this business.

Councilor Burtis commented that there was no doubt in his mind that it fits the zoning. But, as the Supervisor said, all he can do is vote on what's in front of him and it makes good sense to him to make the change.

Councilor Jennings stated he also agrees with part of what Councilor Burtis said. He looked on the internet and did some research as well. In regards to the question that came up that Ms. Boyke asked was the fact that how is it possible to run a business across the street this many years under an incorrect zone, they will need to research that and find out where that fell through in 2001.

Councilor Zambrano asked the other board members if they were on the board back in 2001. All the board members replied no. She doesn't know how it's relevant what got implemented in 2001, that was a business that was established and it was running. So now, they are trying to rectify the situation and accommodate an expanding business.

Councilor Conway thinks the business wants to expand because they ran out of room for his business because currently he is only on 1 acre and he wants to expand to the larger property because its 3 ½ acres.

Supervisor Corl noted for the record, that they received a positive recommendation from the town Planning Board and the referral did come back from the County Planning Agency. At their meeting they gave this project a positive recommendation. He also noted that postcards were sent to adjoining property owners on June 27<sup>th</sup>, 2012. Last year, they also approved a parcel in that general vicinity, (near the Mud Mill Road and Route 11 intersection), also as General Commercial Plus, so he believes this zone change certainly meets the criteria and is an appropriate zone classification for this area.

**SEQRA** – Councilor Zambrano moved for the adoption of a resolution that the proposed Zone Change is an unlisted action involving no other permit granting agency outside the Town. The proposed Zone Change will not have a significant effect on the environment and therefore does not require the preparation of an EIS(environmental impact statement)

Motion was seconded by Supervisor Corl.

Ayes - 5 and Noes - 0. *Motion carried.*

**DECISION** – Councilor Zambrano moved for the adoption of a resolution to approve the Zone Change from General Commercial to General Commercial Plus for the property located on Brewerton Road, Tax Map No. 119.-02-30.2

Motion was seconded by Councilor Burtis.

Ayes - 5 and Noes - 0. *Motion carried.*

PUBLIC HEARING TO CONSIDER A ZONE CHANGE FROM AGRICULTURAL TO RESIDENTIAL FOR THE PROPERTY LOCATED AT 5869 LADD ROAD, BREWERTON, TAX MAP NO. 109.03-01-19

Dan Barnaba, Eldan Homes President, and applicant for the Zone Change request stated they recently acquired a parcel, exactly 1.55 acres. There's an existing farmhouse west to the property. The property is currently zoned Agricultural and he was seeking to rezone it to Residential 12 District. The property is surrounded on three sides by Residential 12 and Agricultural to the South and it's his intention to subdivide the property from one building lot to two building lots. He only acquired the farmhouse as a means to advance the application because it was a little complicated dealing with the owner. The house was on the market and he identified the parcel when he drove by it and saw that the house was for sale and it's their intention to put the house back on the market and sell it "AS-IS" after they hopefully acquire a zone change and a subdivision. He hasn't shown a subdivision line yet, but they've identified some ways where they could literally split the property in half, so each of the lots will have about 130feet of frontage. He doesn't recall the depth, maybe about 250 to 300feet and they'll each be about ¾'s of an acre.

Supervisor Corl asked if they had been before the Planning Board yet.

Dan Barnaba replied that they did go before the Planning Board about two weeks ago and received a positive recommendation from them. He saw a letter today that the matter went before County Planning and they returned without an opinion, deferring to the Town for their resolution.

Councilor Zambrano asked if the adjacent properties on each side of the parcel that Mr. Barnaba was speaking of were both Residential 12's.

Dan Barnaba replied that was correct. He stated he has a lot of history with this subdivision, he knows the original developer, he doesn't know the name of the corporation, but a gentleman by the name of George Tucci managed the land development. There were about fifty-three (53) lots in the subdivision and his company built a majority of the homes in the neighborhood (probably upwards of around 35 homes). He really enjoyed building in the neighborhood and found a great deal of success there; mainly because the lot sizes were bigger than the average lot size. He would like the opportunity to create another  $\frac{3}{4}$  acre lot, which will still be considerably bigger than the lots in the subdivision and yet this lot will still have access to public water and public sewer which will make it a very desirable lot for that size.

Supervisor Corl asked Mr. Barnaba why this particular parcel was not rezoned prior because it looks like it's kind of in the middle of the whole development.

Dan Barnaba replied he did not and he didn't want to advance a notion that may be correct other than he doesn't believe the original property owner, (whether it was the property owner he bought the property from), or some time before that necessarily got along with the developer and thinks there was a boundary dispute at one time or another before they could advance some of the utilities. He presumes the current property owner was very content with the size of the property and didn't really have any need to subdivide it nor even considered the notion, not being a land developer. When he engaged them, he found that they were interested in moving. They had a home up North in the Clayton area and were ready to sell the home.

Councilor Jennings stated most of the homes are really not on Ladd, but on Miralago. He inquired how many of the properties that are there are zoned Agricultural. It's his understanding that it's still Agricultural where these homes are built, that they weren't changed to Residential 12 (R12).

Dan Barnaba replied that they're all in an R12 zoning district (all the surrounding houses within the subdivision), and if he is given the opportunity to subdivide the property the house he would build would be on the eastern portion of the lot and the house would face Miralago Lane. His goal is to make it feel like its part of the subdivided community, (the 53 lots), so for instance they would call it Lot 54.

Dan Barnaba replied that he thinks quite a few parcels along Ladd Road are Agricultural. But, according to the map they were looking at between the Lots 51 and 52 the surveyors identified that as an Residential R12 District.

Councilor Burtis inquired if the plan was to leave the farmhouse set as is and make the new lot part of Miralago.

Dan Barnaba replied that was correct and that they would defer to the guidance of the Planning Board, if they get to that stage, as far as whether they would want to amend the subdivision map and add another lot. There's some district work that needs to be done and he's unsure at this point whether this parcel is included in the current sewer and water districts, so amendments to the districts could be made to add these parcels so that they have access to public utilities.

Proof of publication and posting was presented to the Town board by Town Clerk.

The public notice read as follows:

**TOWN OF CICERO PUBLIC HEARING NOTICE**

**PLEASE TAKE NOTICE** that there will be introduced before the Town Board of the Town of Cicero, County of Onondaga and State of New York, an application to consider a Zone Change from Agricultural to Residential for the property located at 5869 Ladd Road, Brewerton, Tax Map No. 109.03-01-19.

**PLEASE TAKE FURTHER NOTICE** that the public hearing will be held on the aforesaid application at the Town Hall, located at 8236 Brewerton Road, Cicero, New York 13039, on the **11<sup>th</sup>** day of **July, 2012**, commencing at approximately **6:30 P.M.**, local time, at which time all interested persons will be given an opportunity to be heard.

**DATED:** June 27th, 2012

**TOWN BOARD OF THE TOWN OF CICERO,  
COUNTY OF ONONDAGA, NEW YORK  
BY: TOWN CLERK**

Public Hearing was opened at 7:00 p.m.

Speaking for -

Judy Boyke stated she could answer the question in regards to the history of the property. That was all farmland, owned by the Ennis family and that was the original farmhouse. The folks that live in the house were relatives, so they chose to stay there, keep the homestead, and sell off the rest of that acreage. So all of that acreage was Agricultural and it was changed for the development. There are ten (10) other houses on Ladd Road which are all zoned Agricultural, they're all Residential. On this particular piece of property, it is Spot Zoning, when all the rest of the homes on that land or that road are Agricultural. She continued to say that it would be in the Town's best interest if they were all rezoned to Residential 12 (R12), because this is a Spot Zone Change and that shows favoritism. She's in favor of the change, but she also can see that if a new house is built on one piece of property and the other house is left as is it will stand out like a sore thumb and that's part of the reason that home had not been sold. First of all it's on septic and it's on well, so in order for Mr. Barnaba to build a new home it has to be zoned R12 before, because he can't subdivide it if it's Agricultural. She really thinks that the Town should look at rezoning all of Ladd Road to Residential 12 (R12) and give all those other people a break so they don't all have to come to the Town one at a time.

Speaking against -

Adam Panek stated his family built their home in 2005 and his property is directly east of the subject property. He is opposed to the proposed zone change. When they decided to build their home they chose their lot because there was already a house behind them, but it was a fare distance away, which provided them with some privacy and natural screen of wild brush and trees. When they were involved in the purchase of their home they were under the understanding, and they were informed that there were 53 lots in the development and the Ladd Road property was not part of that development; their title documents actually speak to that – that it wouldn't be part of that development. If they had ever contemplated a home placed directly behind him, (his backyard is very shallow and it'll be right up to his patio and it will change the character of his home), they wouldn't have built there if they believed something would change. They were aware that the lot behind him was zoned Agricultural and they relied on that. That is why they decided to purchase and build. In addition to the effects of the character of his property, there are other considerations as it is his lot was never graded for drainage that well. He has standing water in the spring up to 8 inches deep on the one side and the cost for him to fix it will be large and that's the border that's adjacent the southwest corner of his property that's adjacent to the subject property. With all the wild stuff that's on the their property that's between them it soaks up a lot of the water as it is, when that's all wiped out there will be a lot more water on his property. Another of his concerns is the poor water pressure. Many of the neighbors already complain that they can not run a sprinkler and a dishwasher or washing machine at the same time and adding another home in the area, that already has poor water pressure, isn't going to make it any better. Many of the surrounding neighbors have signed a petition to oppose the rezoning and they are presenting it tonight. He apologized for not getting the petition to the board ahead of time but he didn't receive his postcard regarding this until Saturday, June 30<sup>th</sup> and most of his neighbors were on vacation. There are about 56 names on the petition; there are 51 houses in the neighborhood. Not all the houses were represented, not everybody was home, but they did the best they could. He asked that the board to deny the request because it doesn't benefit his family or his neighbors; it only will benefit the developer. He also asked that his statement be received by the board and entered into the permanent record, along with the petition.

Supervisor Corl replied sure and took the petitions from him. He advised Mr. Panec that they would make copies and distribute them amongst the town board members and give them to the Town Clerk so she could enter them into the record.

Supervisor Corl solicited any more comments.

Anthony D'Elia, an attorney from Bousquet Holstein, hired by Adam Panek and some of the families in the neighborhood to oppose the application stated it was odd because it is Spot Zoning, even though they are going to change the zone and bring this particular small lot in consistent character with the some of the bordering properties, it's still Spot Zoning and the analysis that they have to undertake under court law is will the benefit to the community at large be outweighed or is this solely just a benefit to one person. The courts said no one has a vested interest in having zoning. The Town can change the zoning any time it decides in a town wide procedure. Presumably one would do that only to benefit the community, not to benefit just one person. So the courts have exported that analysis and said that when you are going to do a zone change you still have to make sure that the zone change benefits the community at large and make sure that it doesn't benefit merely one property owner. Their position is that it only benefits one property owner, there's no benefit to the community at large in having an additional property there. They know that some people have built in reliance on this property being zoned Agricultural. It's going to affect the zoning adversely. They are on septic now so they're not a drain on public services. They are only adding one house to the tax rolls so they're not really bringing in any significant amount of money to compensate to the detriment. The attorney further said that this was an odd argument to make. You will have to determine what the benefit will be to the community at large and does that benefit carry a burden to solely benefit one property owner. This is clearly the case here. Changing this would be spot zoning and be subject to an Article 78 hearing if the neighbors in this area were so inclined.

Tom Beaulieu stated that he was not going to speak in opposition. Having served on the Planning Board for several years and also as the Planning Board Chair, he agreed with the attorney's and also Ms. Boyke's comments that this would be considered Spot Zoning, for that particular location.

Tom Beaulieu also stated that they would also have to look at the other parcels on Ladd Road and changing them from Agricultural to Residential 12 (R-12). Another important issue that the Town seems to overlook is that they have spent \$200,000.00 for a Comprehensive Land Use Plan which we never seem to consult. He thought that there were a lot of locations that gave us some indication on which way to go with zoning changes, particularly up Route 11 when we made a lot of changes from the Industrial to Commercials. He felt that in the future the Town should be looking at this plan for guidance.

A resident stated that she lived north of the location. When she purchased the property, she had thought long and hard before choosing this location. They were told that it was Agricultural and a part of Miralago and her decision was based on that information. She has a double lot and when she goes out in the morning to have her coffee, she does not see anything but wilderness. She agreed with what Adam had said that a lot of the neighbors celebrated when the last house was built in Miralago; they were finally finished with the construction and were happy with the way it was and would like to keep it just the way it is now. She stated that she was not in favor of this Zone Change.

Supervisor Corl stated that he would close the public hearing and that Mr. Barnaba would be available to respond to any comments.

Mr. Barnaba was thankful for the opportunity to address the board and wanted to address some of the comments that were inaccurate or not fully understood. The existing home was connected to public water; it is not on a well. They would be adding one more home and possibly adding this existing home to the sewer system.

Mr. Barnaba also stated that the owners of this existing home were enthused when they found out what they were proposing for this site as their home was on the market for

quite some time. The roads are already being plowed so there will not be any additional burden for these services. We are talking about a property that will not burden any town services significantly.

Supervisor Corl stated that the Planning Board has provided a positive recommendation for the zone change along with the Onondaga County Planning Agency. They did provide a referral this afternoon. The issue of Spot Zoning was addressed and they do have a petition that he believes would be proof to the board to reserve on this decision until some of these issues are looked at.

Public Hearing was closed at 7:14 p.m.

Supervisor Corl solicited any comments or discussion from the Town Board.

#### Board Comments

Councilor Burtis stated that he lives in the Saddlecreek development which is around the corner from Miralago. He was living there well before Mr. Bragman put his development in his backyard. He would just like to caution residents to not make assumptions about any piece of property. He was not happy that Mr. Bragman put his development in his backyard, but to assume that we are not going to have change in this town is an incorrect assumption. That piece of land down through Ladd Road is going to be developed sometime. There is a large parcel that was already sold. That piece of road that is butted next to his friend's house is all set for the next stage of Miralago. A large field is right there and so to assume that this was not going to happen is an incorrect assumption.

Councilor Jennings stated that he is going to reserve himself on this because it is going to be deferred to another meeting. Many times, while he has been on the board, residents have come before the board with their thoughts and desires and the majority of the people are against something, and a few are in favor, and he has seen the board turn it around the other way. He thinks they need to listen to the residents as they are the people who put them in and they are the people who have the concerns. He felt that this needed to be deferred to the next meeting.

Councilor Conway agreed with Lynn and stated that this should also be deferred until the next meeting.

Councilor Zambrano also agreed with deferring this until the next meeting. She felt that sometimes home buyers are misled by real estate agents or developers. Unless the property is deeded to be forever wild, she doesn't think that one can ever count on it to remain forever wild or to remain a wilderness.

Robert Germain stated that the board was deciding appropriate land use. The board had to take into consideration all the positives and negatives.

Supervisor Corl stated that this would be deferred until a future meeting. He was not saying the next meeting, just a meeting in the future, because it may take the board more time to delve into all these issues.

#### DECISION ON AMENDMENT TO CHAPTER 66 – OF THE TOWN OF CICERO ZONING CODE – BRUSH, GRASS, RUBBISH AND WEEDS

Supervisor Corl stated that this amendment to the code is to make it easier for our Zoning Officers to enforce the code when it comes to individuals who have unkept properties, particularly those that have grass over the 10 inch requirement. In the past it was a lengthy process for the Codes Office to enforce. This would make it easier for the Codes Officer to make a posting on the door and also to continue to send a certified letter to the resident of this code violation.

Councilor Jennings felt that the Zoning Office should continue the certified mailing to the resident, sent the same day as the posting on the door.

The Zoning Office will continue this policy and the code will allow the 5 day period to take place and once that has expired, we can move forward in these situations.

Councilor Burtis felt that the Zoning Office should try to communicate with the property owner once a violation has occurred to make sure that they are aware of the violation, before doing anything else.

Councilor Conway stated that this process would get the fees added to the property owner's tax bills more quickly.

Councilor Zambrano commented that once a place is neglected it has taken a very long time to get it rectified and then they start getting the complaints from the neighbors. So when they met with the Codes office this was one of their main ideas, to get better Codes enforcement so they could have a process by which these unsightly properties are taken care of.

**SEQRA** - Councilor Zambrano moved for the adoption of a resolution that the proposed amendment of Chapter 66 of the Cicero Town Code Section 66-Brush, Rubbish and Weeds as proposed at the Public Hearing held June 27, 2012, is an unlisted action involving no other permit granting agency outside the Town. The proposed local law will not have a significant effect on the environment and therefore does not require the preparation on an EIS (environmental impact statement)

Motion was seconded by Councilor Conway.

Ayes - 5 and Noes - 0. *Motion carried.*

**DECISION** – Councilor Zambrano moved for the adoption of resolution approving the following amendment of Chapter 66 of the Cicero Town Code Section 66-Brush, Grass, Rubbish and Weeds as proposed at the Public Hearing held June 27<sup>th</sup>, 2012:

**TOWN OF CICERO LOCAL LAW NUMBER 12  
AMENDMENT AND SUPPLEMENT TO CHAPTER 66 OF THE CICERO CODE  
BRUSH, GRASS RUBBISH AND WEEDS**

**§ 66-3.1-PURPOSE.**

The purpose of this Amendment is to change the notice requirements to owners as well as the mandatory response times related to necessary maintenance of properties and the penalties for offenses. The Town of Cicero has encountered a growing number of complaints related to property maintenance at vacant, foreclosed or improperly maintained properties. In many of these cases, personal service upon an owner is impossible or impractical. Furthermore, the Town recognizes the need to be in a position to act quickly to remedy situations in the interest of public health and welfare, and to recoup costs if possible. Sections not specifically Amended herein shall remain in full force and effect.

**§ 66-A-NOTICE TO COMPLY SUPPLEMENTAL REGULATIONS.**

A. Section 66-5A is hereby Amended to delete the provisions calling for the Town to attempt to personally serve notice to remedy brush, grass, rubbish and weed violations upon landowners as well as to delete the requirements of notice service by certified mail. The remaining provisions of this section shall remain in full force and effect.

B. Section 66-5A is hereby Amended to allow the Town to serve notice to remedy a deficient property condition by posting the notice on the front or main doorway of a property for a period of five (5) days. If the landowner does not remedy the deficient condition within the five (5) day period after posting, the Town may take any necessary remedial action at the cost of landowner pursuant to applicable Section of this Code. The remaining provisions of this section shall remain in full force and effect.

C. Section 66-6 is also hereby Amended to allow the Town to remedy the defect upon notice according to the new provisions of this Amendment only, and to delete the provisions contained in Section 66-6 B in their entirety. The remaining portions of this section shall remain in full force and effect.

**§66-9. LIABILITY FOR DANGEROUS CONDITIONS.**

The owner of lands in the Town of Cicero shall be liable for any injury or damage by reason of omission, failure or negligence to maintain or repair such property. In the event the Town is forced to take remedial measures pursuant to this Code Section, the owner is liable for any dangerous conditions Town employees, contactors or agents may encounter when forced to enter the premises to take remedial action.

**§66-10. SEVERABILITY.**

If any paragraph, section, sentence or portion of a sentence of this chapter shall be found and determined to be invalid, unlawful and/or unconstitutional, such determination shall not invalidate or void any other paragraph, section, sentence or portion thereof, and such other parts thereof shall remain in full force and effect unless and until legally revoked, modified and/or amended.

Motion was seconded by Councilor Conway.

Ayes - 5 and Noes - 0. *Motion carried.*

DECISION TO CREATE A LIGHTING DISTRICT FOR THE PASTURES SECTION 6 TO INCLUDE HOYT FARM, AND PORTIONS OF ELECTRIC RAILWAY AND ANGLERS CLUB (SEE ATTACHMENT A FOR TAX MAP NUMBERS)

Supervisor Corl stated at the last Town Board meeting they had a public hearing to consider the lighting district, at that time they heard from those in favor and against the lighting district in that neighborhood and the board wanted further time to consider the comments that were made.

Since that time he has further talked to residents in that area and also the Planning Board Chairman. One of the things he is looking at is the characteristics of the entire neighborhood and the majority of the Pastures is lighted, there is a lighting district and they are looking for consistency in that whole neighborhood. In the future, they will be implementing right from the beginning when a neighborhood comes into the town at that time a lighting district will be created. That's going to be the policy of the Planning Board.

He knows there were folks that were against it, but the majority of the people that spoke at the meeting were in favor of it. A petition was circulated and about fifty-five (55) percent of the individuals that live in the lighting district signed it. Therefore, he thinks it meets the criteria and the characteristics of the neighborhood and he's in favor of passing it this evening.

Supervisor Corl solicited comments from the Board.

Councilor Zambrano thought about it and had concerns for the people that were not in favor of the lighting district. She doesn't think it's a reasonable expectation not to establish lighting in a neighborhood. Cicero is a Suburban Town and more and more of Cicero is no longer rural, we are a neighborhood community and she thinks it's reasonable to have a lighting district and is in favor of passing this resolution.

Councilor Burtis believes it's frustrating to put in lighting after the fact. But, he thinks at this point it makes sense to put it in. He feels awkward and bad for the residents that are against it. He's in favor of moving ahead.

Councilor Zambrano thinks most people feel safer with street lights. She knows there are arguments against that, but she thinks safety is an issue.

Councilor Jennings agreed with what had been said so far. He did ask about the one light change that they wanted on the cul-de-sac, which David Hess from National Grid stated the lights could possibly be moved. If it's still possible, he would like to see that action go forth. Its satisfying part of the residents, but won't satisfy all, he's sure. He's in favor of the lighting district itself but thinks they need to see what they can do about moving the lights on the cul-de-sac.

Councilor Conway stated there were two or three people over there that did not want lights in their front yard. David Hess said they could probably move one or two of them but they can't make everybody happy.

Supervisor Corl stated he spoke with David Hess who said that there's one light on that particular road that he could move.

**SEQRA** – Supervisor Corl moved the adoption of a resolution that the establishment of a Lighting District for The Pastures, Section 6 (as amended) to include the portions of Hoyt Farm, Electric Railway and Angler's Club as amended by National Grid is an unlisted action involving no other permit granting agency outside of the Town. The proposed project will not require the preparation on an EIS (Environmental Impact Statement).

Motion was seconded by Councilor Jennings

Ayes - 5 and Noes - 0. *Motion carried.*

**DECISION** – Supervisor Corl moved the adoption of a resolution approving the establishment of a Lighting District for the Pastures, Section 6 (as amended) to include the Hoyt Farm, and portions of Electric Railway and Angler's Club, with the resolution and the attachment of the Tax Map ID numbers listed below.

**TOWN OF CICERO LIGHTING DISTRICT  
PASTURES SECTION 6-HOYT FARM ROAD AND SECTIONS OF ELECTRIC RAILWAY AND  
ANGLERS CLUB**

**MOVE**, the adoption of a resolution approving the establishment of a Lighting District for the Pastures Section 6 including Hoyt Farm Road and Sections of Electric Railway and Anglers Club with the specific tax map numbers attached on “Exhibit A” attached.

**WHEREAS**, a map, plan and report relating to the establishment of a proposed Town of Cicero lighting district, prepared by National Grid has been filed with the Town Clerk, in accordance with the Town Law; and,

**WHEREAS**, a resolution calling a public hearing to consider the matter was duly adopted by the Town Board on June 13<sup>th</sup>, 2012 acknowledging the due filing of the map, plan, report and improvements proposed, the properties included within the district referenced by tax map number, proposed method of financing, and the fact that the map, plan and report are on file with the Town Clerk’s Office and open for public inspection, and stating all other matters required by law to be stated, and specifying June 27<sup>th</sup>, 2012 at 6:30 p.m. at the Town Hall at 8236 Brewerton Road, Cicero, New York as the date, time and location of the public hearing to consider the application, and,

**WHEREAS**, the notice was published and posted as required by law, and,

**WHEREAS**, a hearing on the matter was duly held by the Town of Cicero Board on the date, time and place specified above, and all persons interested in the matter were heard;

**NOW, THEREFORE, IT IS RESOLVED AND DETERMINED** that:

1. The notice of hearing was published and posted as required by law, and is otherwise sufficient;
2. All property and property owners within the proposed district are benefitted thereby;
3. All property and property owners benefitted are included within the limits of the district;
4. It is in the public interest to establish the district;
5. The establishment of the proposed district;
6. The establishment of the proposed district as set forth in the map, with modification that said lights on Hoyt Farm will be located between lots 50/49 and 44/45, plan and report be approved; that the performance or supplying of electrical street lighting service by National Grid be contacted by the Town of Cicero Town Board acting for and on behalf of the Lighting District for illumination of streets or highways in the district pursuant to the provisions of Section 198(6) of the Town Law of the State of New York at a total annual charge presently estimated to be \$6,441.00 (\$118.00 per parcel), per annum, which expense shall be levied and collected from the several lots and parcels of land within the Lighting District, and the Lighting District shall be designated and known as the Pastures Section 6 Lighting District in the Town of Cicero situate wholly outside of any incorporated village or city, and consisting of the parcels listed on “Exhibit A” attached hereto and referenced by street name and tax map number.

Attachment A

Street Name		SWIS	Year	Parcel Id					
8208	Hoyt Farm	312289	2012	051.4-01-39.0					
8214	Hoyt Farm	312289	2012	051.4-01-40.0					
8220	Hoyt Farm	312289	2012	051.4-01-41.0					
8226	Hoyt Farm	312289	2012	051.4-01-42.0					
8232	Hoyt Farm	312289	2012	051.4-01-43.0					
8236	Hoyt Farm	312289	2012	051.4-01-44.0					
8240	Hoyt Farm	312289	2012	051.4-01-45.0					
8229	Hoyt Farm	312289	2012	051.4-01-46.0					
8221	Hoyt Farm	312289	2012	051.4-01-47.0					
8217	Hoyt Farm	312289	2012	051.4-01-48.0					
8213	Hoyt Farm	312289	2012	051.4-01-49.0					
8207	Hoyt Farm	312289	2012	051.4-01-50.0					
8384	Anglers Club	312289	2012	051.4-04-64.0					
8396	Anglers Club	312289	2012	051.4-04-65.0					
8400	Anglers Club	312289	2012	051.4-04-66.0					
8404	Anglers Club	312289	2012	051.4-04-67.0					
8408	Anglers Club	312289	2012	051.4-04-68.0					
8412	Anglers Club	312289	2012	051.4-04-69.0					
8416	Anglers Club	312289	2012	051.4-04-70.0					
8420	Anglers Club	312289	2012	051.4-04-71.0					
8424	Anglers Club	312289	2012	051.4-04-72.0					
8428	Anglers Club	312289	2012	051.4-04-73.0					
8432	Anglers Club	312289	2012	051.4-04-74.0					
8438	Anglers Club	312289	2012	051.4-04-75.0					
8437	Anglers Club	312289	2012	051.4-11-02.0					
8433	Anglers Club	312289	2012	051.4-11-03.1					
8429	Anglers Club	312289	2012	051.4-11-04.0					
8425	Anglers Club	312289	2012	051.4-11-05.0					
8421	Anglers Club	312289	2012	051.4-11-06.0					
8417	Anglers Club	312289	2012	051.4-11-07.0					
8413	Anglers Club	312289	2012	051.4-11-08.0					
8409	Anglers Club	312289	2012	051.4-11-09.0					
8405	Anglers Club	312289	2012	051.4-11-10.0					
8401	Anglers Club	312289	2012	051.4-11-11.0					
8397	Anglers Club	312289	2012	051.4-11-12.0					
8393	Anglers Club	312289	2012	051.4-11-13.0					
8389	Anglers Club	312289	2012	051.4-11-14.0					
8385	Anglers Club	312289	2012	051.4-11-15.0					
8381	Anglers Club	312289	2012	051.4-11-16.0					
6497	Electric Rai	312289	2012	051.4-01-36.0					
6501	Electric Rai	312289	2012	051.4-01-37.0					
6505	Electric Rai	312289	2012	051.4-01-38.0					
6523	Electric Rai	312289	2012	051.4-01-51.0					
6527	Electric Rai	312289	2012	051.4-01-52.0					
6531	Electric Rai	312289	2012	051.4-01-53.0					
6535	Electric Rai	312289	2012	051.4-01-54.0					
6520	Electric Rai	312289	2012	051.4-04-76.0					
6516	Electric Rai	312289	2012	051.4-04-77.0					
6512	Electric Rai	312289	2012	051.4-04-78.0					
6508	Electric Rai	312289	2012	051.4-04-79.0					
6504	Electric Rai	312289	2012	051.4-04-80.0					
6500	Electric Rai	312289	2012	051.4-04-81.0					
6496	Electric Rai	312289	2012	051.4-04-82.0					
6548	Electric Rai	312289	2012	051.4-05-13.2					
6534	Electric Rai	312289	2012	051.4-11-01.1					

Motion was seconded by Councilor Zambrano.

Ayes - 5 and Noes - 0. *Motion carried.*

APPROVAL FOR YOUTH BUREAU, PARKS & RECREATION MEMBERSHIP TO  
NYSRPS/CNYRPS

Councilor Jennings moved the adoption of a resolution to approve a purchase approval for membership to the New York State Recreation and Park Society and the Central New York Recreation and Park Society (the annual membership is \$125 x 2 = \$250.00) for the Youth Bureau, Parks & Recreation Department, Julie Raddell, Recreation Supervisor and Jody L. Rogers, Director. Budget Code: B7020.46. Motion was seconded by Councilor Vern Conway.

Ayes - 5 and Noes - 0. *Motion carried.*

Councilor Jennings requested a budget modification for NYSRPS, budget code B7020.46, in the amount of \$250.00 from B7020.44. Motion was seconded by Councilor Zambrano.

Ayes - 5 and Noes - 0. *Motion carried.*

AUTHORIZE C. MATTES INC. TO UNDERTAKE A DRAINAGE MAINTENANCE  
PROJECT FOR PORTIONS OF THE HENRYK WOODS DRAINAGE SYSTEM

Councilor Conway moved the adoption of a resolution to authorize C. Mattes Inc. to undertake a drainage maintenance project for a portion of the Henryk Woods drainage systems in the amount of \$7,500.00, not to exceed \$9,000.00 for the entire project. Motion was seconded by Councilor Jennings.

Ayes - 5 and Noes - 0. *Motion carried.*

AUTHORIZE SOUTH BAY FIRE DEPARTMENT AT 8817 CICERO CENTER ROAD TO  
CONNECT TO THE TOWN OF CICERO'S SANITARY SEWER SYSTEM  
(TAX MAP NO. 080.-02-07.1)

Supervisor Corl moved the adoption of a resolution to authorize South Bay Fire Department at 8817 Cicero Center Road to connect to the Town of Cicero's Sanitary Sewer System (Tax Map No. 080.-02-07.1). Motion was seconded by Councilor Zambrano.

Ayes - 5 and Noes - 0. *Motion carried.*

AUTHORIZE LANCO COMPANIES INC. TO INSTALL A SEWER LATERAL TO SERVE  
5787 ALBERT DRIVE (TAX MAP NO. 110.-01-08.5)

Councilor Zambrano moved the adoption of a resolution to authorize LanCo Companies Inc. to install a sewer lateral to serve 5787 Albert Drive (Tax Map No. 110.-01-08.5), at no cost to the town. Motion was seconded by Councilor Jennings.

Ayes - 5 and Noes - 0. *Motion carried.*

APPROVAL FOR JUSTICE DEPARTMENT COURT ATTENDANT STAFF  
APPOINTMENTS

Supervisor Corl moved the adoption of a resolution to approve Daren LaDue, 8534 Dory Course, Cicero, NY and Hank Schrenko, 5377 Amalfi Drive, Clay, NY effective immediately, as Court Attendants at a rate of \$12.00 per hour (not to exceed 500 hours each). Motion was seconded by Councilor Jennings.

Councilor Jennings stated that Daren LaDue was a full time employee of the town and wondered how he would fulfill this obligation of working night time hours and some day time hours. He wondered if Mr. Schrenko would be filling in for Daren during the day.

Chief Snell stated that Daren does have compensation time accrued and that he will use when it is required for him to work as a court attendant.

Supervisor Corl stated that Daren would be handling Judge DeMarche's court night and that Mr. Schrenko would handle Judge Walczyk's court night.

Ayes - 5 and Noes - 0. *Motion carried.*

## CONTINUED DISCUSSION ON THE BULL STREET SPEED LIMIT

Lynn Jennings asked the Supervisor to put back on the agenda the discussion on the Bull Street Speed Limit issue in Bridgeport. He stated that he took a ride on Bull Street from the Rod and Gun Club to the first 30 mph speed zone change, it was one mile. In that one mile, there are approximately 8 or 9 houses. From the 30 mph zone to Gateway Park, which was his main concern for safety, it was ½ mile, which gives us plenty of time for people to reach a 30 mph zone and slow down. The rest of it looked like it was done correctly. He was satisfied with the original proposal on the speed reduction.

SET DATE FOR BUDGET WORKSHOP  
Deferred to the July 25, 2012 Town Board Meeting

## PUBLIC INPUT

Ray Schader made a comment regarding the Ladd Road property, stating he lives on abandoned agricultural. He stated that if he owned the property it would be his right to sell it to whomever he wanted and let them develop it into whatever they want.

Deborah V. Gardner stated that she is a Cicero resident and at the last board meeting the Highway Superintendent said that he received 2 reports per week from the former engineering firm concerning infrastructure. She requested those reports for 2 years and she received only 6 reports.

Deborah V. Gardner read, to the board, a statement that pertained to a resolution for the Supervisor to sign and complete the Section 211 Waiver. The waiver had not been filled out. By having the Supervisor fill out and sign this waiver without anyone reading it is putting an unfair burden on the Supervisor. She felt that reading any document before signing them means that you take your responsibilities to the residents and each other seriously.

Dan Barnaba stated that his company has a long history of building homes in Cicero, New York. His business is to build houses and provide families the opportunity to live in nice communities. He would like to purchase land that would have a small impact and burden on the surrounding area and neighbors.

Robert Smith, the current Chairman of the Planning Board stated that's exactly what is happening tonight with this parcel that he has and also what happened with the Chase Bank parcel, it adds a burden to anyone that wants to join our community or develop. It would also put a burden on the person who owns the property, like the one who has the agricultural. He said the zoning laws of this town are terrible and they have little patches of property. The Town of Cicero Comprehensive Land Use Plan and then there would be no need to have Public Hearings for every zone change.

Tom Beaulieu stated that he agreed with Mr. Smith and that the town should use the Comprehensive Land Use Plan more often. He also stated that many intersections in the Town of Cicero are lacking lighting as a quality of life issue. He also asked about the Rose Court drainage issue and what the intentions of the Board were regarding this drainage issue.

Supervisor Corl stated that Mr. Mattes has received guidance from our engineers regarding what needs to be done to finalize this drainage matter.

Judy Boyke asked if anyone knew the developer of Avi's project. Councilor Conway stated that he is doing this himself. She also wanted to know who the engineer was that would oversee his project.

Supervisor Corl stated that she could check with Codes tomorrow. He knew that they had a pre-construction meeting this morning with all the interested parties and that they could give you the name of the engineer.

Judy Boyke commented that it would be in everyone's best interest to rezone all of Ladd Road to Residential 12. She felt the board should look into the several

businesses on Route 11 that are running their business in that area which are zoned incorrectly and are operating as zoned Commercial One Storage.

Robert Germain commented on the appropriateness of comments that were on the agenda for a public hearing. He stated that if this was evidence that's presented now if this is part of public comment then okay, but the public hearing in this matter has been closed. The board shouldn't take any more evidence, so to speak, on that matter. The proper time to hear issues on an agenda item is during the public hearing. So, this should not be considered evidence in any way.

Judy Boyke replied she was shut down on speaking to that. It's not evidence; she was just bringing information to the town so that they are aware that other businesses are operating under a different zone. She inquired if a permit is required to have a compost area on property.

#### ADJOURNMENT

Motion was made by Councilor Zambrano to adjourn the Town Board Meeting. Motion was seconded by Supervisor Corl.

Ayes- 5 and Noes- 0. *Motion carried.*

There being no further business before the board, the meeting was adjourned at 8:17 p.m.

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Tracy M. Cosilmon  
Town Clerk