



The Planning Board of the Town of Cicero held a meeting on **Monday, July 11, 2016** at **6:30 p.m.** in the Town Hall at 8236 Brewerton Road, Cicero, New York 13039.

Agenda:

- ❖ Pledge of Allegiance
- ❖ Approval of Minutes from the June 28, 2016 Meeting (**Adjourned**)
- ❖ Zone Change Recommendation, Public Hearing, District Zone Changes for Comprehensive Plan Update (**Continued/adjourned to next meeting**)
- ❖ Site Plan, Cantech Automotive, 6267 E. Taft Road, Proposed storage building, Bardoun Land Surveying (**To Return**)
- ❖ Site Plan, Sketch Review, Blackburn Lawn & Landscape, 6351 NYS Route 31, Proposed landscape business, Ianuzi & Romans (**To Return**)
- ❖ Site Plan, Sketch Review, Robert Popyk, 5472 Miller Road, Proposed performing arts school, Ianuzi & Romans (**To Return**)
- ❖ Site Plan, Sketch Review, J&J Equipment, LLC, 5775 Sneller Road (Lot 4 Lonergan Way), Proposed 10,500 sf commercial building, L.J.R. Engineering, P.C. (**To Return**)
- ❖ Site Plan, Visions Federal Credit Union, 5788 East Circle Drive, Proposed building, Delta Engineers, Architects & Land Surveyors (**To Return**)
- ❖ Site Plan, Project Overview, CEA Holdings, Inc., 9155 Brewerton Road, Proposed agricultural, Keith Sernick (**To Return**)

Board Members Present: Bob Smith (Chairman), Mark Marzullo, Greg Card and Chuck Abbey.

Others Present: Robert Germain, Planning Board Attorney, Mark Parrish, Planning Board Engineer, Richard Hooper, Codes Enforcement and Vern Conway, Town Councilor.

Chairman Smith opened the meeting by noting the locations of the two 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. Marzyllo led the Pledge of Allegiance.

Chairman Smith asked everyone to remain standing for a moment of silence to honor the Dallas police officers.

**ZONE CHANGE RECOMMENDATION
PUBLIC HEARING
DISTRICT ZONE CHANGES FOR COMPREHENSIVE PLAN UPDATE**



Chairman Smith: The Town Board is cleaning up the zoning to make it consistent. This is the corridor from Route 11 from the Cicero/North Syracuse line all the way north to the Oswego County line. It is pretty much the entire length of Route 11. All properties are adjacent to Route 11. The other commercial corridors are Route 31 from the Town of Clay line to South Bay Road, Taft Road from the Town of Clay/Town of Salina east to Northern Boulevard and then a few parcels past that. The public hearing is already open and continuing from the last meeting. For those who would like to speak, please come up to the podium. This public hearing is to receive comments on the proposed zone changes. This Board does not make the zone changes, the Town Board makes the zone changes.

Chairman Smith reopened the public hearing at 6:37pm.

Tim Murphy, 5806 Noel Road:

Mr. Murphy: I believe that SQOR needs to be addressed. If you change the agricultural lands to commercial, their taxes will be raised. It should be at the discretion of the owner. How are you going to widen Route 11?

Chairman Smith: Route 11 is a state road and we do not have any say. The State will configure the crosswalks and the road widening. We asked SMTC to consider doing a corridor study in their next budget and they seemed positive regarding that request. SMTC will cover the cost.

Mr. Murphy: I think we need a traffic study. You might want to ask for that as the Planning Board, in my opinion. Who is paying for the sewers? A lot of infrastructure. What about building a 60 foot apartment building right next to a residential development? I don't think the zoning is strong enough. I feel discriminated against down here.

Chairman Smith: That is why the Town Board is looking at this zoning. You would not have a Walmart in your backyard if the zoning had not been a mess. After commercial zoning, the Town Board will be looking at the residential zoning.

Mr. Murphy: We need to address the quality of life. It is not safe to walk around here. We can't get across the lanes without the crosswalks.

Chairman Smith: The State is going to put sidewalks in. The money has been appropriated. Spring of 2018 we will be under construction.

Mr. Murphy: The Planning Board meetings are no longer taped. Why not?

Chairman Smith: Let's stick to the zone change.

Mr. Murphy: Who is going to pay for the sewers?

Chairman Smith: Zoning has no effect on the installation of the sewers. That is not dependent on the zone change.



Mr. Murphy: Thank you for letting me speak and I appreciate the time. Have a nice evening.

Judy Boyke, 6303 Muskrat Bay Road, Brewerton:

Mr. Boyke: I would like to make a few comments. Route 11 is already mostly commercial. The impact will be on the residents. Route 31 is also higher commercial therefore, more impact on the residents. Taft Road, again, is commercial. On Route 11, we all know they are already affected. I cannot go to the Oswego County line because it is an overlay district.

Chairman Smith: Overlay district supersedes zoning classification.

Mr. Boyke: On Route 11, two to three months ago, a study was done by the County looking at the infrastructure itself. Sewer, water. I asked for that report but it has never been made available.

Chairman Smith: I don't believe the study was ever done. Jim DeStefano from SMTC is going to put it in the next round of funding. They will also hold public hearings.

Ms. Boyke: Ok, thank you.

Diana Oaks, 6325 State Route 31:

Ms. Oaks: I own the four pieces of property that are zoned residential on Route 31. My neighbors were offered a lot of money for their properties recently. But because it wasn't zoned commercial, the buyer could not buy it. I don't know if this is a good thing or a bad thing. I am disappointed that I just got a little card in the mail. I see all that red on the map, that is a lot of my property that is green.

Chairman Smith: Red is the commercial zone. Green is agricultural. Onondaga County went through the entire zoning with the help of the Codes Office and took the undertaking. We thank the County and Mr. Hooper's office for taking this on. It was a lot of work.

Ms. Oaks: I feel intimidated. I do not want my property to turn commercial. How do I find out how much my taxes will go up?

Chairman Smith: The Town Board has said that the assessments are not changing. What we found is that we receive phone calls from developers who are looking to purchase property. The process of rezoning is much different than site plans. When you come in front of us, if the whole parcel is not zoned appropriately, we have to tell people that they have to go get a zone change first. That costs approximately \$7,000-\$10,000 in fees for rezoning. Over the years, one parcel would be rezoned to what use was needed at that time. Walmart is an example of spot zoning. A change in zoning adds a lot of time for our construction period. There is one parcel in your area that has three different zones on one parcel of land. If you do not want your parcel rezoned, please contact the Town.



Ms. Oaks: My brother in law has a business just down the road from me. About 70 years. It looks like his parcel has always been agricultural. He has owned his business for many years.

Chairman Smith: When you transfer ownership, new zoning laws come into effect. I believe that parcel is going to be zoned from non conforming to conforming.

Chairman Smith: Just to let everyone know, this public hearing will remain open for our next Planning Board sessions as well. The Town Board has a special meeting on July 18th at 7pm.

Cheryl Saint Anand – 210 Laurel Landing Boulevard, King Land, Georgia here representing a resident of Cicero:

Ms. Anand: There are two things that have occurred recently and there is either an intended consequence or unintended consequence. First thing that happened is a use change to the commercial zone. That allows for high density residential in a commercial zone. The ability to build to 60 feet high is allowable in a commercial zone. In residential, it is only 30 feet high. The use change has occurred. I am not sure why it did not become part of a comprehensive plan. Now you are going to have residences that are going to be in commercial zones who could have a 60 foot tall apartment building right beside them. It does not give adequate buffering to a residence from a building of that size. I don't know if that was intended or unintended. You would think that would have been caught and buffers would have been established. What will the buffers be? The question is in this process does the town plan to change buffering when they make these changes to the commercial zones.

Chairman Smith: Buffering is accomplished by the Planning Board. We would decide how far it would be set back.

Ms. Anand: Would a resident have any control over the buffering?

Chairman Smith: Your point has been made. The buffering is done by the Planning Board. There are no apartment buildings being considered right now. In a single family residence, it has a huge impact on the value of the residence when you put a commercial building in the back yard. We want to increase density. When the time comes and at the applicant request, the Planning Board will consider that application. We have established buffers. We instituted buffers. We moved the buildings back. If an application comes in, yes the Planning Board will review it. Commercial zones do have difference setbacks, not 15 feet like residential. We also require screening, berms, buffers. There are no applications right now that I am aware of.

Ms. Anand: If there has been no interest in putting apartments in the commercial zones, then why change it?

Chairman Smith: Because there is an interest per the Town. Very few people want to put an apartment building, say out in the middle of Island Road. We do want to increase the density. It is good planning to increase density in the areas where we have populations. Make no mistake that it was intentional that we would drive higher density residents to commercial areas. Helps with traffic. Higher density housing makes sense.



Ms. Anand: Counterpoint to that, you might not have as many people driving, you are increasing the number of vehicles on the road in that area. In and out of those apartment complexes.

Chairman Smith: That decision is not part of the zoning process.

Ms. Anand: What legal recourse would a resident have should the buffer be so small that the apartment buildings are looking down into their windows.

Chairman Smith: Article 78 with the Town. File with the State Supreme Court. That is part of state law.

Ms. Anand: The combination of the two is a concern. Any individual property that is currently residential who chooses not to become commercial has the option to opt out. You said contact the Town Board. Is this a legal process? A form to submit?

Chairman Smith: If you call the Codes Office on the specific property, ask them to remove the property from the list. The Town Board will take that into consideration. We are looking to help people.

Faye Gregory, 5671 Fairview Avenue:

Ms. Gregory: About the buffers, this is very important for anyone that has commercial property. Their buffers are not adequate. On Fairview, straight across from Sun Auto, you can see the parking lots, the cars. We requested an 8 foot buffer but they gave us a 6 foot buffer. The 6 foot is on their side, our side is 4. We see the back of Wegmans. We see the back of Sally's Beauty. We see Marshalls. We see bright lights. Be very careful on your thinking and how you want this to be approached with the Town. Yes, we are spot zoned. Is this going to benefit the residents or the Town?

Chairman Smith: Your situation was created by poor zoning. There is no solution. It was created by spot zoning and not planning ahead. Your situation is terrible, the traffic is terrible. Planning ahead benefits the community. It is not going to fix your situation. Your neighborhood was orphaned and isolated by spot zoning. Yes, there is a benefit to the community. What happened to your neighborhood should not have happened. We cannot let that happen again. Zoning has a true impact on the community.

Ms. Gregory: When she brought up the buffer, that is my concern. If they requested an 8 foot buffer, would you give it to them? Because you wouldn't let us have it.

Chairman Smith: We will try to get a higher buffer. Right now we do not have an application.

Ms. Gregory: Article 78. Can you explain that a little more?



Chairman Smith: If someone is unhappy with the decision of the Planning Board or any action by Town government, you have a period of time to go to the Supreme Court and plead your case. You can file your Article 78 and have the judge look into your case.

Mr. Germain: This would be an appellate review of a determination. Administrative Board as opposed to a Legislative Board. A citizen has the right to bring an action against the Town in Supreme Court. You make your case and the judge will make a determination on whether the Town overstepped their bounds.

Ms. Gregory: Is there going to be set zones or set rules of what will be allowed or what will not be allowed?

Chairman Smith: The commercial districts are already set out at what is allowed. This is on the Town Board website. You can read online what is permitted in those districts.

Ms. Gregory: You will protect the residents?

Chairman Smith: We try, unless our hands are tied. Planning board has a lot of latitude with a new build. I cannot promise what the future holds. I do not know what is going to come in.

Ms. Gregory: You can't just say apartments are coming in.

Chairman Smith: No, we do not know. We have no way to know who is going to come in and ask for an application.

Ms. Gregory: We have enough car lots. Thank you.

Rich Barling, Dry Bridge Road, Central Square on behalf of his parents:

Mr. Barling: I understand the changing of zoning. When Walmart came in the Planning Board and Town told me that the other parcel that Walmart has was not going to be a Lowes. Then I asked about Walmart and Target is going to go in across the street. Everything I said at that meeting happened. Now you are looking to change zoning. Somebody has ideas. These groups told me that this stuff wasn't going to happen and it did. I am checking on the integrity of the Town of Cicero. You tell them it won't happen, then it does. You let it happen. I am frustrated because you won't say that there are apartments going up behind my parents' house. There are ideas. People fishing. Walmart – build it over near 481. 31 and 11 corridor can't handle the traffic and you keep on building more. Does that make sense to you? Where do you live?

Chairman Smith: What happened with Walmart was poor planning and poor zoning. We cannot go back and fix that. The traffic is there. It was not good planning. It was not a good idea. The current Town Board was not here then. This is the reality of what we have in our community. I cannot imagine living in those neighborhoods. We are trying to not let that happen again. This is a commercial corridor. There are no applications for apartments. People should have advance warning. We shouldn't have more Walmarts and more Targets coming in. It was already zoned commercial. Target could go in there. There are property rights. They changed the agricultural



piece to commercial for the Walmart. This Town Board is saying this is what we have and we are going to zone it to what it is. We are not trying sneak through a parcel here or a parcel there. We are trying to look it the whole thing, at once, and make a decision. If your parents do not want their parcel rezoned, they can call and tell the Town Board. Most people do not want to buy a residence on Route 11.

Mr. Barling: One other question. This goes back to Walmart. Who has the authority? When Walmart built their building, they mitigated the wetlands. They were supposed to put money into repairing the wetlands over Northern Boulevard and Route 481. Does anyone have the authority to go to Walmart and see why they have not done anything?

Chairman Smith: If it is part of the site plan, absolutely the Town of Cicero can enforce their site plan. We recently had that with speed bumps behind Walmart. The Town made them remove the speed bumps. Speak with the codes office.

Mr. Barling: I will call in. When they got ready to do that project, when I brought up the question of hazardous runoff, I was told that was Clay's problem.

Chairman Smith: We are not letting that happen. We live in a swamp. Storm water is an issue. We have an applicant right now taking out existing parking spaces. We make the applicant justify the amount of requested asphalt.

Mr. Barling: Can that ever be changed to make the buffer better for my parents?

Chairman Smith: Only if Walmart asks for site plan changes.

Mr. Barling: Will people be notified?

Chairman Smith: We publish everything.

Chairman Smith adjourned the public hearing at 7:32pm to the next Planning Board meeting.

**SITE PLAN
CANTECH AUTOMOTIVE
6267 E. TAFT ROAD
PROPOSED STORAGE BUILDING
BARDOUN LAND SURVEYING**

Dave Bardoun, Representative Bardoun Land Surveying
Rocco Cannata, Applicant



Mr. Bardoun: There are several changes but we got then in to the Board very late. We have gone through the list of questions and comments and have addressed the concerns. One of the biggest concerns is the south elevation. The plan for that building now is a red roof, dark brown lower and light brown upper. We are trying to stay away from windows for security reasons. I brought the updated print for the site plan which addresses the utilities and lighting. Is there a way we can get on the agenda for next month for a public hearing?

Chairman Smith: You do not need a public hearing.

Mr. Bardoun: I appreciate that. If you have any other comments, I would like to go through them. The power lines are coming in on the east side. We do have the print. Utilities, grading note, no grading proposed. Minor grading where man doors and garage doors are. Statement of use was added to the plan and is specific.

Chairman Smith: Strictly for use of the existing business. We ask for the clarification because we do not allow storage unrelated to the business.

Mr. Marzullo: Question on the elevation. Was it emailed? Are you putting any artificial windows on the building?

Mr. Bardoun: We are trying to avoid that. I have updated the print to show that there are 4 rows that we didn't show. We are trying to get a color pattern and have it consistent with the other building. Trying to keep it simple.

Mr. Marzullo: The Chairman said we wanted windows.

Mr. Bardoun: Wwe have gone back and forth on this several times with ideas.

Chairman Smith: You are proposing to make a color change. Can we move the strip up higher to break up higher than the cars. What about a sign? Something to break up the huge expanse of metal?

Mr. Cannata: I don't want customers in that building. I am trying to avoid confusion.

Mr. Bardoun: We have come up with a color pattern. We did update the setback. It backs up to a swamp. We are still on hold with DEC. You are going to get documents for the variance. It was granted by the County. No daily water use. No proposed water or sewer. Only utility is coming in from east side. Separate service for this building.

Mr. Abbey: Heated and air conditioned?

Mr. Bardoun: Yes.

Chairman Smith: We will see you at the next meeting.



**SITE PLAN, SKETCH REVIEW
BLACKBURN LAWN & LANDSCAPE
6351 NYS ROUTE 31
PROPOSED LANDSCAPE BUSINESS
IANUZI & ROMANS**

Tim Coyer, Representative, Ianuzi & Romans

Mr. Coyer: This parcel is 4 and ½ acres. Right now, it is zoned agricultural with possible commercial zoning forward. Looking to move existing lawn and landscape business to this site. The existing house will be utilized by the owner or owner's employee. They are not looking to do make many physical changes. Just a small business trying to grow. They would like to improve the site as they general more income.

Chairman Smith: Please note on the plan that the existing house is to be occupied by the business owner or employee. We do not want that to be rental property. That is why the note is there. We want to keep it commercial with the residence to be used in some form, either by the owner or an employee, not a residential rental. We are waiting for the County response.

Mr. Marzullo: What is the parcel directly to the left?

Ms. Oaks: It is a rental house. I own that.

Mr. Marzullo: I was wondering about buffering.

Mr. Coyer: There will be some kind of landscaping to show off what they are capable of doing.

Mr. Card: 15 employees with 15 parking spots. Is that enough? What about trailers?

Mr. Coyer: That should be enough. 15 is a little more than what they have currently.

Mr. Card: Because it might not have been zone properly, do they have a curb cut approved?

Mr. Coyer: Yes, they have 2. We are proposing a back in area to keep it safer. It is already existing.

Mr. Marzullo: Any retail?

Mr. Coyer: No I don't believe so.



**SITE PLAN, SKETCH REVIEW
ROBERT POPYK
5472 MILLER ROAD
PROPOSED PERFORMING ARTS SCHOOL
IANUZI & ROMANS**

Tim Coyer, Representative, Ianuzi & Romans

Chairman Smith: This is the former Catholic Church in Brewerton.

Mr. Coyer: Yes, this is at the corner of Miller Road and Route 11. They are looking to use the church building for a dance studio. Anticipating about 20 people max at one time. There is sufficient parking. I don't have the actual layout of the existing parking but I will add that to the plan. Hopefully, they don't have to change anything.

Chairman Smith: This was already an existing dance studio? Located on route 11 at corner of Crabtree?

Mr. Coyer: Yes.

Chairman Smith: They are only considering using the church building?

Mr. Coyer: Correct. And I have a note stating such.

Chairman Smith: This is currently zoned agricultural. Schools are allowed in agricultural. This property is under consideration by Town Board to be made commercial also.

**SITE PLAN, SKETCH REVIEW
J&J EQUIPMENT, LLC
5775 SNELLER ROAD (LOT 4 LONERGAN WAY)
PROPOSED 10,500 SF COMMERCIAL BUILDING
L.J.R. ENGINEERING, P.C.**

Elise Taetsch, Representative L.J.R Engineering
George Lonergan, Applicant

Chairman Smith: This property is located on Route 11.

Mr. Taetsch: This site plan is for a proposed 10,500 square foot building. 8.4 acres. Zoned commercial plus. It is under contract to purchase. He wants to move his business here.

Chairman Smith: Number of employees?

Ms. Taetsch: 6



Chairman Smith: Hours of operation?

Mr. Lonergan: Monday through Friday, 7:30am – 4pm.

Chairman Smith: Lighting plan? Cut sheets submitted?

Mr. Lonergan: Yes.

Ms. Taetsch: We have proposed landscaping on the site plan.

Mr. Lonergan: We are going to save the rain off the roof of the building.

Chairman Smith: Thank you George. We need to do more of that.

Chairman Smith: Are you looking for signage out on 81? You do have that opportunity. Very visible from 81. If you want to do signage, this is the appropriate time to ask for it. We can approve appropriate signage. Put it on your site plan

**SITE PLAN
VISIONS FEDERAL CREDIT UNION
5788 EAST CIRCLE DRIVE
PROPOSED BUILDING
DELTA ENGINEERS, ARCHITECTS & LAND SURVEYORS**

Dan Felinski, Representative Delta Engineers

Mr. Felinski: What has changed includes elimination of numerous parking spaces along northern edge of property.

Chairman Smith: How many?

Mr. Felinski: 20 spaces. We also provided some notes to justify parking spaces. Peak operation, employees, visitors, etc. We stated the hours of operation. Noted what the anticipated water use is going to be.

Chairman Smith: Did you find out what the previous use of water was?

Mr. Felinski: We approximated at 200. We were unable to get the previous records. We also changed the monument sign from the NW corner to the NE corner and in addition provided solid curb backing for the parking spaces that are west of the drive aisle closest to the building.

Chairman Smith: Cicero does have some storm water issues. We just eliminated 20 paved parking spaces. Nice job on landscaping.



Mr. Abbey: On the entrance in the south, are the curbs remaining as they were?

Mr. Felinski: That width is staying the same.

Mr. Abbey: Those curbs are an issue

Mr. Felinski: That would be an easy change to make.

Chairman Smith: Can you widen those?

Mr. Felinski: Yes, we can. We would just make the landscape portion a little narrower.

Chairman Smith: This does not need County approval. It has already been addressed by the County.

**SITE PLAN, PROJECT OVERVIEW
CEA HOLDINGS, INC.
9155 BREWERTON ROAD
PROPOSED AGRICULTURAL
KEITH SERNICK**

Keith Sernick, Representative

Chairman Smith: This is at the corner of Mud Mill and Route 11. It is zoned appropriately. We do not have drawings. This is a large project. They know they have to come in with additional drawings. They just wanted to get the application filed.

Mr. Sernick: This project was initially going to be on the 94 acres. My client is in the process of gaining control of the two other property to total almost 300 acres. 20 acres for an indoor lettuce facility. Approximately 260 employees. We are breaking ground in early fall. Our goal is to build 20 acre pods and to employ in excess of 1200 people in the future. This will be a hydroponics system. It is a Dutch technology where you pump in extra CO₂, natural light of 90% and substitute 10%. We reuse rain and snow water. The initial build is a little over \$75 million dollars. Heuber Bruer is our partner on this project. We get 98% of our leafy greens from California. This will enable everyone in the area – Wegmans, Price Chopper, Walmart – this will allow us to get them to the local markets. They will be able to get fresh lettuce within a day of being picked. The vegetables that are grown indoors are free of insects, ecoli, ect. And we use almost all the water that we capture. We will use about 95% less water than what you would use in the field.

Chairman Smith: This has been an interesting process. The fecal matter in California is from the birds being concentrated in one area. We are getting close. These are durable jobs. Sustainable jobs. There are 100,000 million people within 5 hours drive of Cicero. Location is going to keep the jobs here.



Mr. Sernick: One of the biggest problems with the indoor facilities in the south is the heat and humidity. We are working with OCC, SUNY Morrisville, SU on programs to train people to work. We are on a beginning of an indoor food revolution. Indoor growing of vegetables. This is a labor intensive business. We have the support of the county. Both the executive and the legislature. . The State has invested heavily in having this project work. We were originally slated to go to White Plains, New York. We are fortunate to have found a great location in your Town that we believe is a better location than the previous one.

Chairman Smith: This is a large project. This puts the Town of Cicero with a sustainable industry.

Mr. Sernick: Wegmans is going to want this lettuce. Then in their spring mix. This will bring in a processor. James Breuer is here. He came up and presented the application. Strong community history. I am thrilled at the opportunity for this Town.

Chairman Smith: We are looking forward to working with you.

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

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

Next Scheduled Regular Meeting: Monday, July 25, 2016 at 6:30 PM

IN AS MUCH AS THERE WAS NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 8:28 pm.

Submitted by Lisa L. Stewart
Planning Board Clerk