

STATE OF NEW YORK
ONONDAGA COUNTY
TOWN OF CICERO

SS:

The Cicero Town Board held their regular meeting on **Wednesday, May 11, 2016** at **6:30 p.m.** at the Cicero Town Hall, 8236 Brewerton Road, Cicero, NY 13039.

PRESENT:

Mark Venesky	Supervisor
Mike Becallo	Councilor
C. Vernon Conway	Councilor
Dick Cushman	Councilor
Jonathan Karp	Councilor

OTHERS PRESENT:

Christopher Woznica	Highway Superintendent
Joseph Snell	Police Chief
Richard Hooper	Director of Codes Enforcement
Robert Germain	Germain & Germain, Town Attorney
Stephen Snell	O'Brien & Gere, Town Engineer
Tracy M. Cosilmon	Town Clerk
Bob Smith	Planning Board Chair

Supervisor Venesky opened the 9th regular meeting of the Town Board at 6:30 p.m. by noting the locations of the three emergency exits, asked that all electronic devices be silenced and noted if anyone had difficulty hearing to bring it to the Board's attention.

Councilor Conway led the Pledge of Allegiance, and then requested a moment of silence for our troop's in harm's way.

Approval of Town Board Meeting Minutes

Councilor Conway made a motion to approve the Town Board minutes from the Regular Town Board Meeting held on April 27, 2016. Motion was seconded by Councilor Karp.

Supervisor Venesky solicited any Board discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions – 0. *Motion carried.unanimously.*

Approval of Abstract Numbers 18&19

Councilor Cushman made a motion to approve Abstract #18 (dated May 4, 2016) and Abstract #19 (dated May 11, 2016) as presented. Motion was seconded by Councilor Karp.

Supervisor Venesky solicited any Board discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions – 0. *Motion carried.unanimously.*

Budget Modifications/Amendments

Supervisor Venesky stated that there were no budget modifications or amendments.

**Public Hearing to consider District Zoning Changes
for Comprehensive Plan Update**

Supervisor Venesky stated the public hearing is to consider District Zoning Changes for our Comprehensive Plan Updates.

Supervisor Venesky: I have proof of publication and posting.

Ad Content Proof

PLEASE TAKE NOTICE that the Town of Cicero Town Board will hold a Public Hearing for May 11, 2016, commencing at 6:30 p.m., local time, to consider district zoning changes, for our Comprehensive Plan Update. By the order of the Cicero Town Board

DATED: May 5, 2016

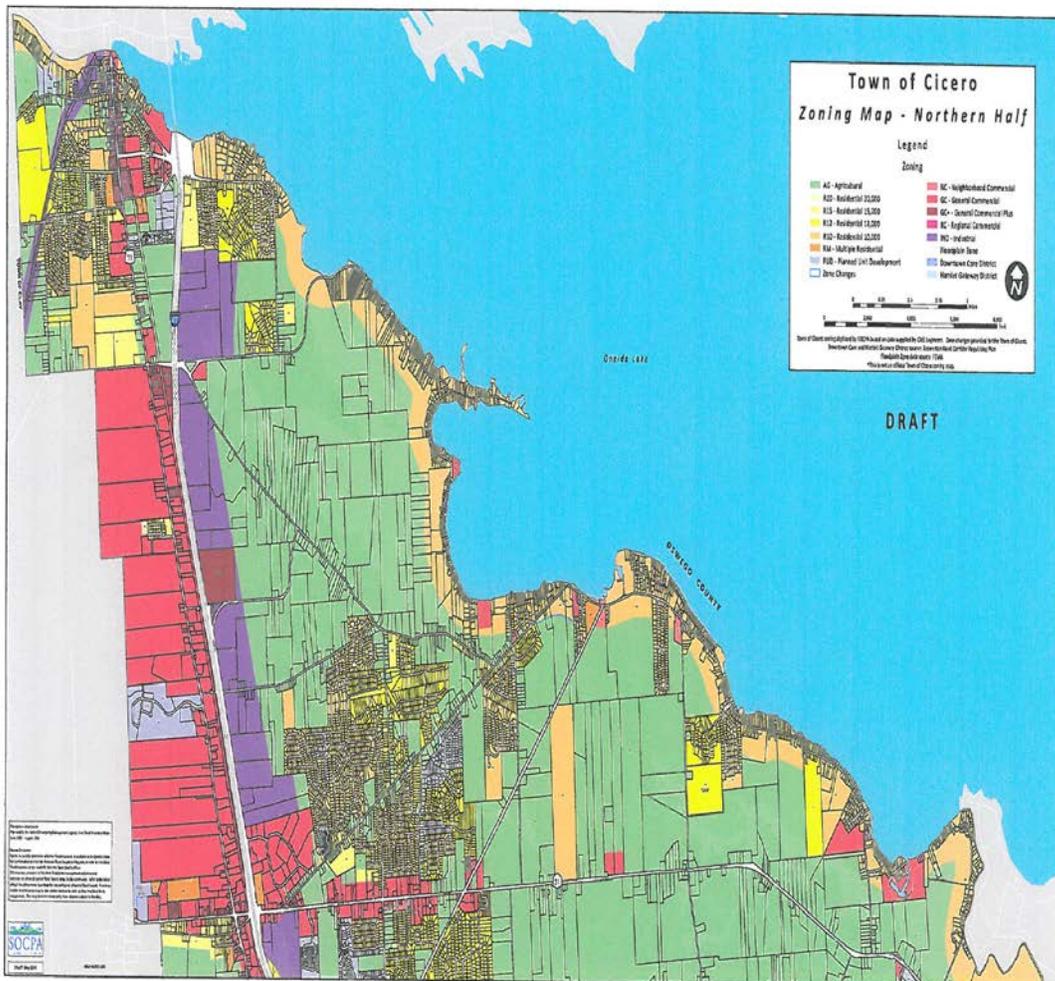
**TOWN BOARD OF THE TOWN OF CICERO
COUNTY OF ONONDAGA, NEW YORK
BY: TOWN CLERK**

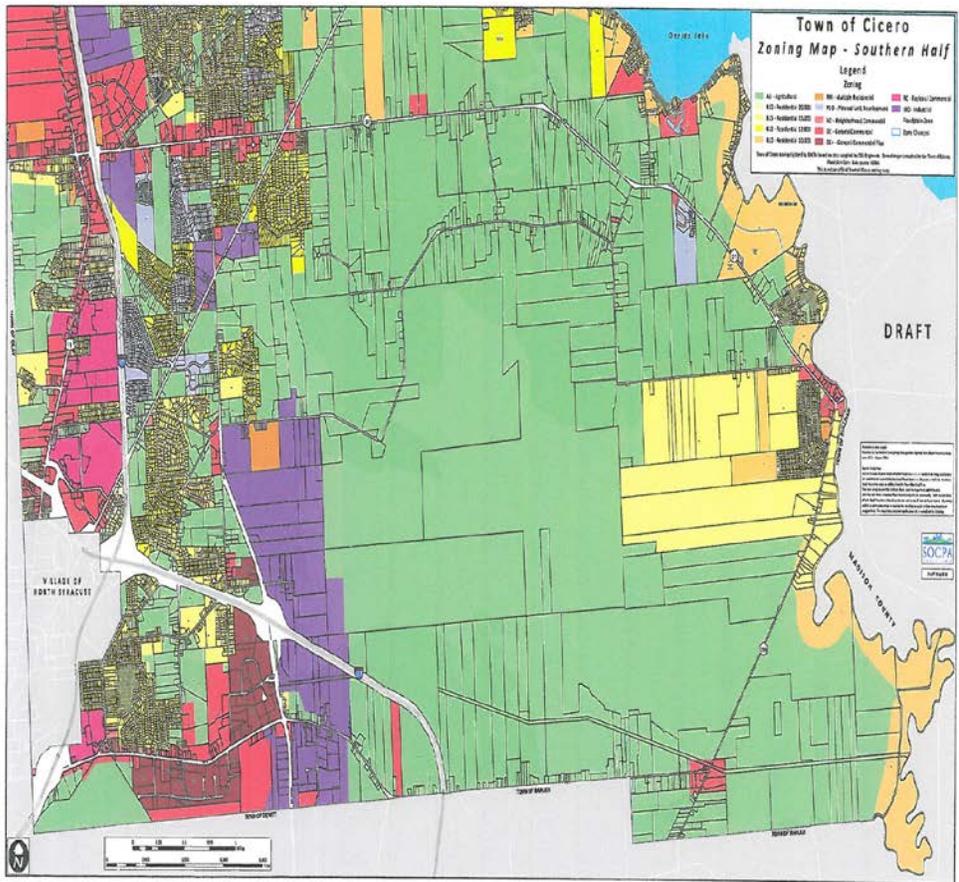
Supervisor Venesky: Before we start the public discussion, I am going to ask our Planning Board Chairman, Bob Smith to speak, as well as Richard Hooper from our Planning Department. I just want to let everybody know, based on the number of people here tonight, we are going to hold public discussion tonight with no more than 5 minutes per person. No vote is going to be taken. We are then going to suspend the public hearing until the May 25th meeting, where all of the affected properties will be postcarded. All of those people will be notified via mail and we will pick up the public hearing at the next meeting.

Richard Hooper: So we are going to leave it open?

Supervisor Venesky: We are going to suspend it. We are going to leave it open.

Richard Hooper referred to the Town of Cicero Zoning Maps as shown below:





Richard Hooper: These maps were last updated March 10, 2008 by Ianuzzi and Romans. Since then there's been many zone changes that have been adopted by the Town Board. So our office, with Mark's direction and with the confidence of planning, have been backing up the files. We researched for eight years. A lot of research was handled with Heidi LaLone, Dave Balcer and Steve Procopio. We worked in conjunction with the Onondaga County Planning Federation to make all the changes for us; they did the maps at no charge. We believe that these latest zone changes on this map are 100 percent accurate.

Bob Smith gave the following PowerPoint Presentation:



Zoning Program.pptx

Click on icon to view Power Point Presentation

Bob Smith: You asked me to try to put together some of the reasons that we have asked for a long time; several Planning Boards to consider the zone changes and why we would want to do them. It's my understanding that the Board's primary interest is the commercial corridors, which I guess would be like 11 [Route 11], 31 [Route 31] and Taft Road, which is all the Board's decision and there should be a lot of input but there are some real reasons to rezone the Town.

▶ The purposes of this chapter, the regulations and the zoning districts as outlined on the Zoning Map are to provide for the **orderly growth** in accordance with a comprehensive plan **to protect and conserve the value of property**; to prevent the overcrowding of land; to avoid undue concentration of population; to lessen congestion in the streets; to secure safety from fire, flood or other dangers; to provide adequate light and air; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and to promote the health, safety and general welfare of the public. They have been made with **reasonable consideration**, among other things, as to the character of each district and its peculiar suitability for uses, and with a view to encouraging the most appropriate use of land and also particular uses.

PURPOSE; DISTRICT CLASSIFICATION

The purpose of a district is to assimilate a bunch of parcels that have similar zones. This is straight from the Town Code, where you can see where it says, § 210-2. **Purpose; district classification. The purposes of this chapter, the regulations and the zoning districts as outlined on the Zoning Map are to provide for the orderly growth in accordance with a comprehensive plan (which we do have accepted, but it's never been adopted, but there is one shelf) to protect and conserve the value of property; to prevent the overcrowding of land; to avoid undue concentration of population; to less congestion in the streets; to secure safety from fire, flood or other dangers, to provide adequate light and air; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and to promote the health, safety and general welfare to the public. They have been made with reasonable consideration, among other things, as to the character of each district and its peculiar suitability for uses, and with a view to encouraging the most appropriate use of land and also particular uses.** Which means everything isn't going to ever be perfect. We are trying to come up with something reasonable because what we have is pretty messed up.

▶ Most of the current zoning districts were created decades ago when Cicero was a very different community—much more rural in nature.

▶ Over the decades the town has dramatically changed to more of a commuting community. Most of that change was largely unplanned.

▶ A few years ago a referendum was held in the town to change the town's "designation" to suburban town. A direct affirmation by the residents that Cicero had left behind our rural character.

COMMUNITY CHANGES

A great deal of the Town originally was rural. Over the years, many decades, many boards, many of supervisors, we have done what they could to facilitate people getting the use out of their property, and in reality we probably ended up with quite a bit of spot zoning which has made for some very difficult situations in the town as we move forward. Over the years we've changed. The zoning districts have stayed the same. We have tried to handle it board after board; everybody, no one is to blame it's just the way that business was done. We've tried to handle it on a per parcel by per parcel basis. That hasn't worked.



I found this picture of Stone Arabia School (as pictured on the left), that's what we had. Pictured on the right is what we have now {Cicero-North Syracuse High School}. On an average day we estimate, when we are doing traffic, there's probably between 2500 and 3000 people at the high school. That's a dramatic difference and the change hasn't been that long. Stone Arabia School is great; it's still on Route 31.

Agricultural AG District

Definition Town Code 210-4

"Land containing at least **two acres** which is used for raising livestock or agricultural products, including farm structures and the storage of agricultural equipment; riding and boarding stable, kennels and veterinaries; and, as an accessory use, the sale of agricultural products on the property."

Permitted uses Town Code 210-10 A

- ❖ Agricultural use.
- ❖ One-family dwelling.
- ❖ Private garages, not exceeding 700 square feet in area, when used as an accessory use to the principal residential use of the property. [Amended 7-24-2013 by L.L. No. 7-2013]

One of our biggest problems is Agricultural [referring to a map]. All of this area is zoned Agricultural and it's just sitting there.

Site plan uses. The following uses are permitted subject to site plan approval as set forth in this Code:

- (1) Tourist home/bed-and-breakfast.
- (2) Veterinary hospital or veterinary clinic. [Amended 1-24-2005 by L.L. No. 3-2005]
- (3) Parking lot for special events.
- (4) Agriculture-related sales or service businesses, provided that total business area, including display area, does not exceed 5,000 square feet.
- (5) Quarry.
- (6) Aircraft landing field.
- (7) Religious institution.
- (8) School.
- (9) Outdoor recreation.
- (10) Stable.
- (11) Cemetery.
- (12) Short-term parking which supports an allowed use on or off site, but not including storage.
- (13) Enclosed storage.
- (14) Public utility structure.
- (15) Home occupation.
- (16) Accessory use.
- (17) Other uses which, in the opinion of the Planning Board, are similar in character to those listed above.

They put these exceptions if they come in for site plan. As you can read, most of those are not commercial endeavors; the churches, schools, public utilities, home occupation and other uses, which in the opinion of the Planning Board are similar to character to those listed above.

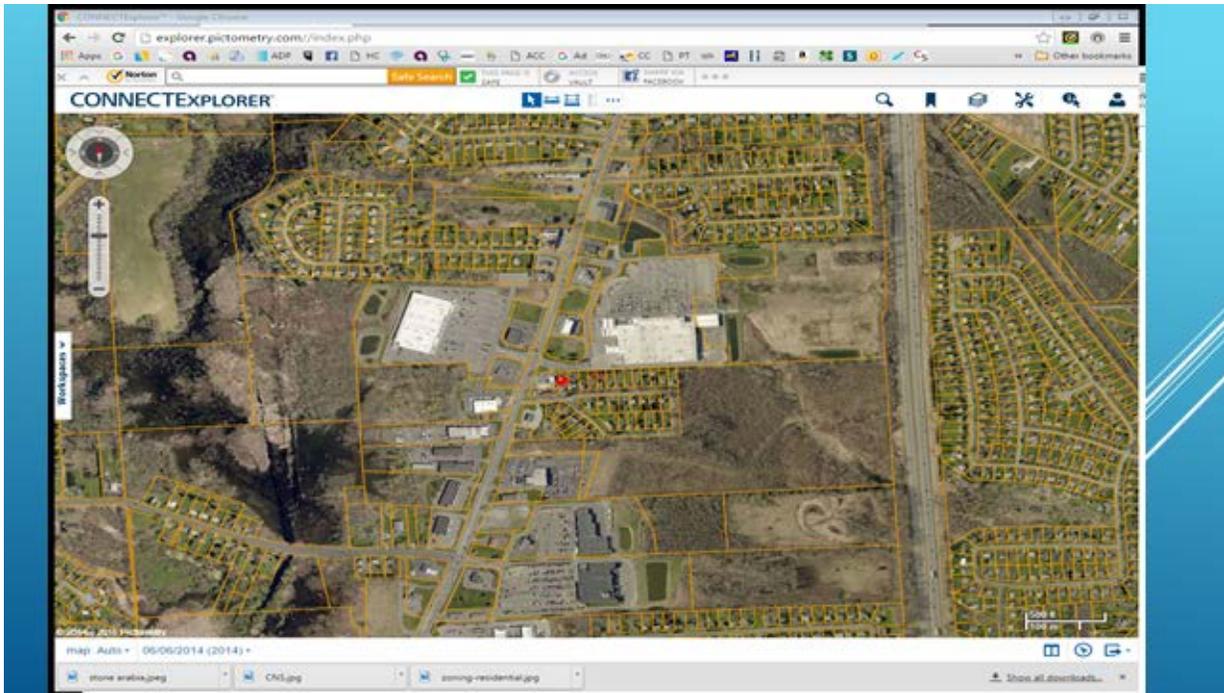
Classic definition of spot zoning "the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and to the detriment of other owners."

Spot Zoning has contributed to the nightmarish zoning map before us today. It should be noted that Onondaga County Planning has been of great service to our town in preparing and updating the current zoning map...saving the Town thousands of dollars.

Spot zoning has hurt property values in the town, resulted in terrible land use situations (Lincoln Avenue) and significantly impacted economic development.

SPOT ZONING





When you look around your town and you start to see little parcels totally isolated that is spot zoning. I'm sure there was good reason to do it. There was some economic development; something that had to happen; but it's not the way it should be done. Spot zoning has contributed to the nightmarish zoning maps before us today. It should be noted that Onondaga County Planning has been a great service. I know everybody pays County taxes and they should know that it was a big endeavor. When Richard [Hooper] comes up here and says it was a lot of work; this has been going on to get an accurate map. We haven't had an accurate map, so every time somebody asks us what the zoning is on a parcel it is very time consuming for staff to try to go through all the minutes to determine exactly what it was. Onondaga County, at no expense to us, had their mapping department create this map, code it with the colors and I believe they are going to help us with putting in some of the proposed zoning; whatever the board determines and what their input is so that we can have a good visual indication.

Spot zoning has hurt property values in the town, resulted in terrible land use situations (Lincoln Avenue), and significantly impacted economic development. Lincoln Ave is the poster child for what spot zoning accomplishes. Lincoln Avenue is this little neighborhood right here [he pointed to the area on the map and also pointed out Walmart which is right next to it] this whole parcel was Agricultural. That's what it was and that was an Agricultural District. A developer came in a lot of years ago and asked the Town Board to change part of the parcel to Commercial and that was accomplished. This parcel [pointing to the map] then later on was switched; they came in and asked because they had a potential development in there and they again asked to switch it from Agricultural to Commercial. It happens, and now the folks on Lincoln Ave. are surrounded by Sun Auto; thankfully they haven't expanded. Walmart on this side [pointing to the map] and this is their only access in and out, which makes it almost impossible. The result, property values in this neighborhood are falling and they are going to continue to fall. It's an 'orphan neighborhood' and that's the spot zoning aspect of it. I don't know how to explain spot zoning. We have one of the worst examples of what it will do. I don't know what the solution is here; it's pretty well done. But, it's an example that we should learn from as we're going through further zoning. We shouldn't allow this to happen. There are some commercial areas that the Board is talking about. If they do them we should make sure that we have some sort of a zoning so that we can protect the neighborhood with some sort of like, maybe, a Multi-family Residential or Neighborhood Commercial, or something, so that we don't have more neighborhoods ending up in this situation. And if we do it right, and we do it well, we will be able to accomplish that. These other neighborhoods [pointing the map again] are fortunately protected by Wetlands and one of them is developed all the way to Route 81. These pictures by the way come from Pictometry which the County also provides us at no charge.

- ▶ Developers generally will avoid any parcel that requires rezoning. The cost to file an application with the Town is \$1,750. That is the beginning in addition the developer will incur attorney costs, surveying costs, and engineering. A rezoning application will often cost a developer in excess of \$10,000-BEFORE the site plan process even begins. On top of that the rezoning process is very discretionary and political. With the ready availability of properly zoned commercial land in other nearby communities (Clay) most developers choose other locations. This has cost the Town of Cicero millions in lost tax base.
- ▶ As I drive on the commercial corridors in town I frequently see for sale signs on parcels advertising "commercial" property. I am aware that the parcel is zoned agricultural and sadly I know that the chances of sale (at a fair price) are slim and none. Example Route 31.

▶ ECONOMIC IMPACT OF
SUBSTANDARD ZONING

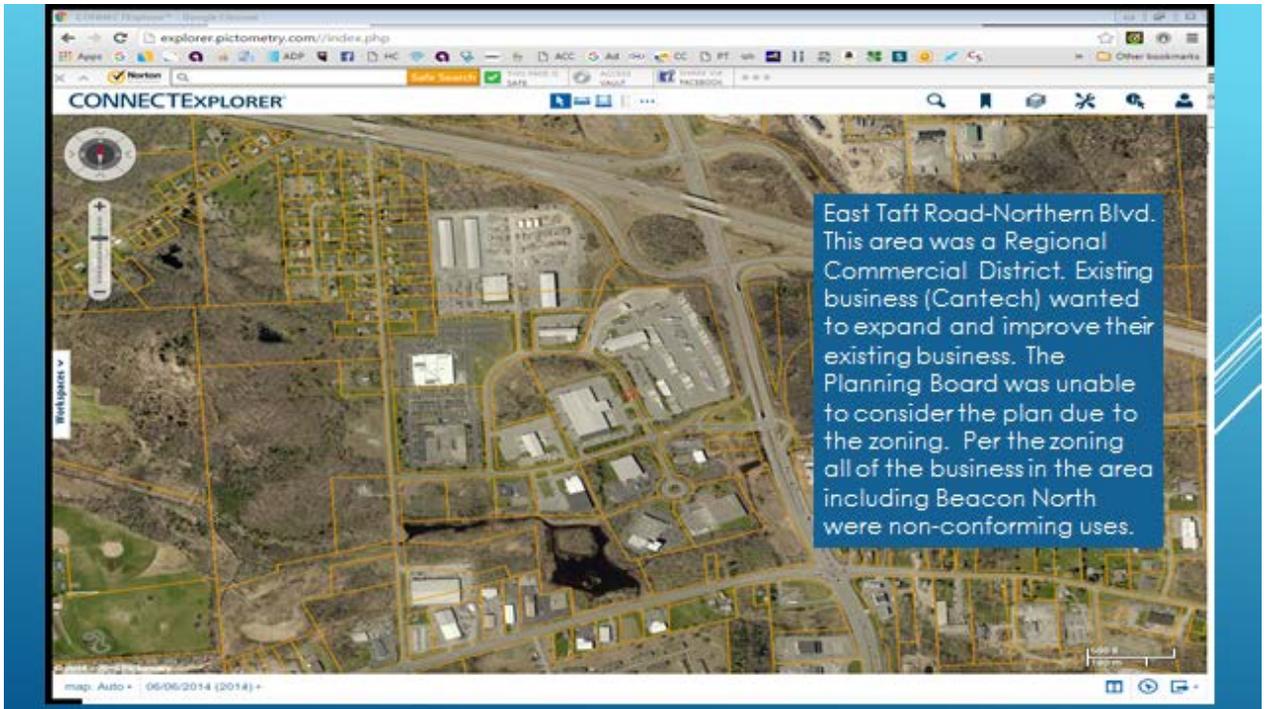
It isn't unheard of for a Developer to have spent in excess \$10,000 by the time they finish a full rezone depending on the size of the property and the numbers of properties impacted; the process is not objective like a Planning Board meeting. The process is very discretionary, and it's also political. Politics is reality, and it gets done at a Town Board meeting, which is also not usually something that town boards in any community are excited to have to do.

With readily available and properly zoned property in other communities next door to us, they come in here they find a piece of land. They come and meet with Richard [Hooper] and myself. They ask us about the property and what will be involved. The first thing we have to say is its zoned Agricultural. You're going to have to get a zone change where the Planning Board can't even consider it. They are looking at a potential of up to \$10,000 to get a zone change and the probability of getting it is very mixed. If you come into a planning board meeting and you know a certain criteria that you have to meet, and if you can meet it you are going to get your approval. In this case, it's very subjective to whatever the mood is. Any way they move, people that have come and talked to us they go to another community that has one; which is Clay who has benefited from our lack of zoning and DeWitt has to some degree. As I drive up and down the commercial corridors that I've been told we are considering I continue to see 'for sale' signs for properties. They have a big 'for sale' sign up and it says 'commercial' and it's on a commercial corridor; it's the only thing it can be used for. I know the property is zoned Agricultural, and I feel sorry for the property owners because they are going to take a hit in their property value and in the price when they try to sell it – that's just what's going to happen.



This is another map of a property that came to our attention. This is a perfect example. It's on Route 31, and there's a big commercial sign up front that they are selling it. One parcel, and by the way the Planning Board does not approve parcels with multiple zoning. If you are going to come in and you want a site plan on a parcel the whole parcel has to be zoned for the appropriate use. This parcel right here [on Rt. 31; across from Faith Lutheran. It looks like it was a farm for a long time, and it sits there], the front third is Commercial, the middle is Residential, and the rest is Agricultural; three different zone classifications; one property; one parcel.

[referring to another portion of a map] This one right here, all of these houses along here (south side of Lakeshore Rd.) are zoned Agricultural. They are on Residential lots. Agricultural is supposed to be a minimum of one acre for a Residential and a minimum of two acres for anything other uses. Those lots are about 80 feet wide and most of them are about 125-150 feet deep. They are all basically Non-Conforming Use; all of those. And it gets even weirder, because if you come out here [pointing to a map] the land right behind them is all zoned Residential. The little lots out front are zoned Agricultural. The land immediately behind them that is totally undeveloped, and is a large parcel, is all zoned for Residential. Those are only examples of some of the stuff that's been sitting out there. We met with a guy this week who has a business. It's been going for a while, and he's been leasing two separate spaces (not in our town), and he came in and he had found a piece of land because he wants to be in Cicero. He thought he finally found a piece of land so he came in and he asked us about it. The first thing we had to tell him is, your less than one acre parcel on the commercial road is zoned Agricultural. First thing you are going to have to do is get a zone change, we can't even consider it. Well we just added, say he was paying \$100,000 for the lot, we just added probably \$5,000 to the cost for him to even get started. That's not good economic development. Five percent premium just to get the zoning where it should be, it doesn't make sense. Again, this has happened over decades; 5+ boards preparing to try to take it on.



East Taft Road. This is another example of a zoning nightmare. Existing business Cantech came in and talked to us. They wanted to improve and enlarge their building. It looks beautiful; they put a lot of money into it. The first thing they had to come in and do, [referring to the map] this entire area is 481, Northern Boulevard, Taft Rd., this is Beacon North, Syracuse Research, UPS, FedEx, Keebler, Syracuse Research, and this one right here which just opened up again is Fulton Heating. This entire parcel was zoned Regional Commercial; the opposite effect. None of these parcels could meet the requirements when they come in and want to expand, if they want to add jobs. This guy came in and we said you can improve your business, but not without a zone change. He was very unhappy. Then we discovered that all of these jobs, all of these businesses were zoned Regional Commercial; they are also non-conforming uses. How they expanded I don't even want to know. But, if they came in and wanted to expand more we couldn't approve the Site Plan. We couldn't reopen the factory (Fulton Heating) because it wasn't properly zoned. The Board at the time took the bull by the horn, and I believe they rezoned thirty-some properties, encompassing sixty acres, and made it all General Commercial Plus so that development could continue and people could expand their businesses, and we were not spot zoning. We were looking at an entire district. We created a district, not an individual parcel. Anyway, that is working very well.

210-11 Residential Districts

Site plan uses. In all residential use districts one of the following uses is permitted subject to site plan approval as set forth in this Code:

- (1) Home occupation.
- (2) Golf course.
- (3) Public utility substation.
- (4) Clinic.
- (5) School.
- (6) Religious institution.
- (7) Community center.
- (8) R-M District only: multiple-family residences.

An accessory use of a service character conducted within a dwelling by the residents thereof, which is clearly secondary to the dwelling use for living purposes and does not change the character thereof or have any exterior signs, extra parking or any other exterior evidence of such use, and which conforms strictly to the following additional conditions:

- A. The occupation or professional shall be carried on wholly within the principal or accessory building.
- B. One Employee shall be permitted.
- C. There shall be no exterior storage of materials used in the home occupation.
- D. No offensive noise, vibration, smoke, dust, odor, heat, light or glare shall be produced.

"Home occupation" includes but shall not be limited to, dressmaking, home cooking, teaching, musical instruction, television, radio or electrical appliance repair, and the practice by an artist, insurance agent, musician, realtor, photographer, barber and beautician.

Looking at our zoning, the Board should look at this. In your Residential districts, which this is all your neighborhoods [referring to the map], all of these, even Lincoln Ave., and Lincoln Avenue is on the poster board for this one. Your code says that Site Plan uses for Residential includes home occupations, and then golf courses, public utility, etc., stuff that makes sense. Here's the problem, Home Occupation by our code requires that you go to the Planning Board and they set forth these conditions (as shown on the right). Unfortunately, it's sort of backwards because for the Planning Board we get a site plan in or a home occupation request. If they meet these rather limited conditions we don't have a choice but to approve them. We can't deny them just because we want to or because we don't think it's going to be fair. We can't deny it even when we know that the person making the application isn't going to work in the house, and they're not going to follow the code; they are going to do what they want to do. It's almost impossible for the Codes Office. How do you determine how many employees are working in a building? Whether they have three or whether they have one, I don't know how these guys could possibly go out and determine that, or make sure that the homeowner that is supposedly home doing a home occupation is actually living in it; we had a situation come in. This is a Use Permit and planning boards are not set up to do these variances, that's a ZBA (Zoning Board of Appeals). The ZBA can look at this, criteria matters. They don't have to follow it, they are subject to an Article 78 on it because it's a legal proceeding. The ZBA determines that we don't have a tattoo parlor in the middle of Lincoln Avenue; they can deny the Use Permit. Mr. Natali from the ZBA is very much on this. People should be required if they want to put a home occupation in a residential district they should go to the ZBA and get a Use Permit. If they get a Use Variance then they can send them to the Planning Board; they can look at traffic and stuff like that.



Bob Smith read the PowerPoint slide in its entirety.

Bob Smith said, if we want our community to have economic development and add to our tax base, and we want to do it intelligently while we maintain the quality of our community then we need to get it done. When you go to the Feds, or the State, and you ask for money for sewers or to improve the roadway, and they look at it and its zoned Agricultural it's hard to convince Chuck Schumer that they ought to put a bunch of money into Route 11 with our zoning mess, whether we want to do it or not. I strongly recommend that the Town Board continues toward adoption of a Comprehensive Plan that accurately reflects on the reality of Cicero and practicality of future development. If you read our Code, and I know a lot of people don't, it's not really exciting. A lot of the Planning Board's directions and a lot of directions to the Town Board reference that they have to be in compliance with the adopted Comprehensive Plan. And when you meet with County Planners, and you go to IDA (Industrial Development Authority), and you go to the Department of Transportation the first thing they ask you is, what's your Comprehensive Plan, what's it showing, because they want a plan on what we want our community to look like. And that's really what this zoning is about. It's about us deciding what we want it to look like going forward; where do we want the commercial development; how much do we want. Those are decisions that we are making because what we have been doing for the last two decades is just waiting for it to happen to us, and then we come in and we complain. Those folks on Lincoln Avenue are just...I talk to Faye all the time; I don't know a good solution. We are trying to come up with some ways to try to help them, but we should not have let that happen to us and that's what has happened over time. That's why we should resolve this – that's why.

Supervisor Venesky: Bob thank you. That was an excellent presentation. What we are trying to do is illustrate to people what we are up against. We have properties that are Agricultural, Commercial, Residential, and Commercial Plus. You can literally on some properties walk out the front door of your house and be in a Commercial Zone. You can walk out the back door and be in a Residential Zone, and if you go to your back yard you are in an Agricultural Zone. One of the things that I have learned and we really worked hard to get our arms around this whole process, and whatever we do we are going to do it soberly, and we are going to do it correctly, and we are going to add some structure to the Town of Cicero moving forward. One of the things I've learned as well, that we have learned together as a team, is that if the homeowner wants sell this property there is an impediment there because the new owner goes to finance the property and the bank is going to say, you have two or three different zones on this property. So we have a big mess that none of us here have created. As Bob correctly said, this happened over the years and we are going to do our best to fix it.

Supervisor Venesky: I am going to open the public hearing. Anyone who wishes to speak, I am going to hold you to five minutes. Talk to us as to what you see as challenges for us and things that we should be looking for.

Supervisor Venesky opened the public hearing at 7:04 p.m.

Speaking for –

Don Snyder: Mark, I think that the concern that we as taxpayers is we are not sure what the Board is thinking about. I think that some of the things that Mr. Smith talked about tonight really do hit home and we know that there needs to be some adjustments. But for example, if you currently have a residence in an Agricultural property and we want to convert that to a Commercial Plus property the concern that I would have is if that somehow raises the value of that property. Now it may raise the assessed value of that person's property. He doesn't want the ...now, I have no problem when we build this thing in that we say, for example, we are going to take Route 11 from Cicero to Brewerton and we are going to make 200 feet back from the center line on each row, on each side, we are going to make it all Commercial, Commercial Plus, whatever. That's fine. Except, I'd want to have there also to be a caveat added, and it says that if Don Snyder has a piece of property that is a resident right now, it will be taxed as a Residential property until it is in fact turned into Commercial and if I sell to another individual that wants it to be residential we will still have that property be Residential taxed. But I know that would could happen obviously is my property could be Agricultural right now, you change it to Commercial, the value might go up, my assessment might go up, my taxes would go up and I've got nothing. So I think as you look at that we need to look down the road for two things; One, for the commercial development, but also for the people that are there currently as residents and what that will mean for them.

Supervisor Venesky: Good point. We are not here to hurt anybody.

Judy Boyke: I'm all for getting the zoning correct. But right now Route 11 from Route 31 to Brewerton, as you can see where the red is [on the map], red is all Commercial Zone right now. But as you look along there you will see there are several residential problems. All of that has caused a major problem. Because I am in real estate I know this. Several people have gone to sell their property and they cannot sell it unless it's cash because the new person coming in to buy it cannot get insurance because of the fire situation for replacement of value. That is a major concern. And that all got changed and those people never even knew about it. Noticing on the other side [of the map] too, the Industrial part of that, you never spoke about that, but all Industrial along the far side of Route 81, also in Brewerton (which you can see the purple down through there), that's Industrial land and there's actually Commercial properties in there. The Spot Zoning, obviously is areas where you can see Aero Marina, which is Vern's property on the point of Beach Road and Long Point Road, you can see Borio's, you can see several properties that have been there forever as a Commercial property, so they actually have been in the system, they are not Spot Zoned. My concern is that no one has said, no one has an opportunity to see what areas, what roads are you going to change? No one has spoken of that, so we can't even do any research.

Supervisor Venesky: One of the areas I'll tell you, quite frankly, is part of Route 31 from the Clay line to South Bay Road, and then I'm looking at Route 11 from Route 31 up to Brewerton. But I think while we do this, we are going to take our time. Obviously, we are not going to rush into anything, but I think both Bob and Dick brought up some very valid points. When you take a look at all the different colors on those properties [on the map], if we are going to do it, and obviously it will be done, and we are all in this together, right? And certainly, the affected owners will be notified of what we are looking to do and they will have an opportunity to speak. My thought would be, if we are going to do this once and for all, maybe, and maybe never once in for all, but we will try to do it as comprehensively as we can to help those homeowners and try to straighten it out.

Tom Beaulieu: I had a little bit of experience in this myself over the years. We talk about changes to our Comprehensive Plan updating; that's the wording. We've never accepted the Comprehensive Plan. I'm sure you are aware of it. We accepted it, but we never adopted it. That goes back about 12 to 13 years when it was drawn up. It cost us \$200,000 to have it drawn up professionally. Any changes that should be made, and there are many obviously, as someone else has already pointed out they should be tax exempt or exempt or any costs that would be added on to that property. We had so many situations in the past where, not this board, but several boards did a lot of Spot Zonings. Hey, I'm sorry you can't do this and they go ahead and do it anyway. You take off of Northern Boulevard, the properties that were Agricultural with houses on them and changed them into a Commercial property. If someone was going to use it for Commercial development it would be taxed at a higher rate than Residential and yet, they went ahead and did this thing anyways. Nothing ever happened there? The fact remains when we do things like that we've got a bigger problem than what you are trying to resolve now. This current map that you have, is that the one that Nick Ianuzzi did many years ago?

Supervisor Venesky told Tom that the map was a brand new one.

Tom Beaulieu said he thought that the last time the map was done was maybe 15 years ago.

Richard Hooper told Tom the last time the map was done was 2008.

Tom Beaulieu: So I would certainly say that we are moving in the right direction. Whoever has to undertake this, I guess the Coliseum was an easier project.

Richard Sposato: I wanted to reiterate a little bit about when Mr. Beaulieu spoke earlier about having a property zoned more like a future zoning that's kind of okay today for future development where we as homeowners if we can get our homes Residential that prove for Commercial Zoning in the future that still affects, not in today's value, but it kind of clears the way if you want to maybe clear the path for future development now while we are still here, and not obviously when the property is sold or developed into a change of use that the value would change or the tax would change. We have land right here on Lakeshore Road, but then you have commercial spots all up and down Lakeshore; pizza shops, bars, restaurants, especially if you are on a corner it kind of lends itself to something more than something in the middle, but maybe we can get a whole block, four houses (there's already one corner zoned Commercial), then on another corner, lets maybe clear the road that this whole block could be Commercial. Even though there's residences and Residential right now that future development can already clear the way.

Supervisor Venesky asked if anyone else would like to speak for the update. There was none. He then asked if anyone would like to speak against it.

Speaking against –

Tim Murphy: A couple of quick points. Are crosswalks, sidewalks and lighting, if you are going to make all those Commercial Districts up Route 11 than you might want to consider those as very viable options. When you change the zoning for the lighting districts in town, you basically put the cost to the Residentials to share the commercial lighting. I don't think that's fair. Number one, a legal zone change (and a lot of these came from Cicero Commons in June 2001). When Mr. Smith talked about Lincoln Ave. they went right around and they changed it; Walmart wouldn't even fit in there because the zoning was 100,000 square feet General Commercial, they changed it to Regional. They've never notified those neighbors, so Lincoln got burned right there and they are burning them again with the apartments. Will the draft of the changes be on the website?

Supervisor Venesky: We have not proposed any changes yet, so what we are looking at is we are making everyone aware of where we are. But yes, if we come up with changes that we will debate together as a community, they will be posted.

Tim Murphy: So we will be able to look at it before they have to be posted?

Supervisor Venesky: Absolutely.

Tim Murphy: What about people that have Residential in the Commercial, like Ms. Boyke was talking about. Would they be able to come in for a reassessment of their value?

Supervisor Venesky: I can't answer that, but it's certainly something we'd want to look at.

Tim Murphy: I have a little written presentation with multiple signatures:

This topic is specifically relevant to the recent Zoning change made by the Cicero Town Board to "add" high density apartment complexes to commercial zones in Cicero, vice properly changing the zone to a residential zone that allows for multiple family housing (RM). This is a follow-on comment as-to the seemingly information-restrictive process used to make these types of decisions; and to the lack of transparency of the Town Board's intentions.

The Cicero Town Board could become much more transparent to allow the residents of Cicero an opportunity to review and evaluate the impacts of proposed zoning changes. There is a great deal of technology available that is not currently being used.

The newly updated web page is a start and could be used to post zoning change proposals prior to the Town Meeting. The agenda is posted 2 days before the meeting at 2 pm. If briefs of the proposals were posted along with the agenda, residents would have time to review and comment. Currently, the topic is listed on the agenda, the proposal is presented at the meeting, public comment is presented by resident attendees, and decisions are made at the same meeting. This process does not allow residents adequate time to determine the impacts of proposals. If this process was not intentionally set up to restrict public awareness of zone changes, it can be corrected by providing residents zone change specifics prior to the meeting where the decision to approve is made.

The Town Board Meeting is currently recorded on a cassette tape and a transcript of the meeting is interpreted and typed. The meeting minutes are not available immediately and are not always verbatim. If a resident wants to acquire an unedited audio copy of the meeting on a CD, it costs approximately \$30. Total transparency could be achieved if the meeting was video recorded and posted on the newly updated web page. Partial transparency could be achieved if the meeting was digitally recorded and posted to the web page. Digital audio can also be converted to text in a manner of minutes, and the text could be posted to the web page. All of these options could be achieved in a few days, rather than waiting for two days before the next meeting to post for public review. Technology has long since surpassed cassette tape recordings and manual interpretation/transcription. It is no longer cost-prohibitive to acquire the necessary hardware and software to make the Town Board proposed actions transparent to Cicero Residents.

1 of 1

Timothy P. Murphy
5806 Noel Rd
Cicero N.Y. 13041

Michael Royle
5810 Noel rd Cicero NY, Cicero, NY 13029

John Francis
5805 Noel

Alvin Scurita
5820 Noel Rd
Cicero NY 13039

Bob Ochut
5809 Noel Dr
Cicero, NY 13029

Joseph C. Mancini
5853 Rees Dr
Cicero NY
5/10/2016 5:05 PM

Betty Barling
5800 Noel Rd
Cicero NY 13039

Doree Deer
5809 Noel Rd
Cicero NY

Sharon M. Edwards
5813 Noel Rd
Cicero, NY 13039

Effram
5866 E/ Noel Ave
Cicero NY

Supervisor Venesky solicited any further comments.

Resolution to adjourn public hearing until May 25, 2016:

Supervisor Venesky: We are not going to close the public hearing at this time. We will continue the public hearing and allow additional public input, along with any Board discussion at the next Town Board meeting scheduled for May 25th. Therefore, I make a motion to adjourn the public hearing until May 25, 2016.

Motion was seconded by Councilor Becallo.

Ayes – 5, Noes – 0, and Abstentions – 0. Motion carried unanimously.

Set Public Hearing Date to consider Amendments of the Town of Cicero Town Code, Chapter 66: Brush, Grass, Rubbish and Weeds

Councilor Becallo moved for the adoption of a resolution calling a public hearing on **June 8th, 2016**, commencing at 6:30 p.m., local time, to consider amendments of the Town of Cicero Town Code, **Chapter 66: Brush, Grass, Rubbish and Weeds** to add and expand the definition of **Rubbish** to the definition contained in Section 66-2, and to add the defined termed **Rubbish** to the language of Section 66-3(A) **Duty of Owner** (after the words “and the lot line.”). The purpose of the proposed amendments is to clarify and expand language in the Code regarding the affirmative duty of landowners in the Town of Cicero to keep their property free from excessive Rubbish and Solid Waste. Motion was seconded by Councilor Karp.

Supervisor Venesky solicited any Board discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions – 0. *Motion carried unanimously.*

Intermunicipal Agreement

Councilor Karp moved for the adoption of a resolution to enter into a Intermunicipal Agreement with the Village of North Syracuse to provide Code Enforcement Services on a temporary basis and for the Supervisor to execute the agreement. Motion was seconded by Councilor Cushman.

Supervisor Venesky: I got a call from the Mayor. The Village of North Syracuse had a full time Code Enforcement Officer who resigned to take another position. Currently they have no one, so they asked us if we could help.

Supervisor Venesky said on this agreement we are going to cover our costs. We are going to do this on a temporary basis for three months. Our costs will be covered, so there will be nothing out-of-pocket to the taxpayers of Cicero.

Supervisor Venesky solicited any further Board discussion.

Councilor Becallo asked Richard Hooper if he was okay with that.

Richard Hooper said yes. That they are busy but they are willing to help our neighbors.

Ayes – 5, Noes – 0, and Abstentions – 0. *Motion carried unanimously.*

Trolley’s End-Restore

Councilor Becallo moved for the adoption of a resolution to approve an estimated amount of \$3,085.00 to D.E. Tarolli, Inc. to perform restoration improvements as a result of a sanitary sewer repair completed at 8154 Trolley’s End in the Fall of 2015. Motion was seconded by Councilor Cushman.

Supervisor Venesky solicited any Board discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions – 0. *Motion carried unanimously.*

Bank Courier Service

Councilor Cushman moved for the adoption of a resolution to approve \$5,568.00 to Loomis Armored US, LLC, for courier bank service and to authorize the Supervisor to execute the agreement at a monthly rate of \$464.00. Motion was seconded by Councilor Karp.

Supervisor Venesky solicited any Board discussion.

Councilor Becallo: As long as they are available to do multiple pickups during tax season.

Supervisor Venesky: We are very focused on safety; our team members here at the Town of Cicero. Unfortunately, the world has changed.

Supervisor Venesky solicited any further Board discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions – 0. *Motion carried.unanimously.*

Personnel-Parks and Recreation Department

Councilor Karp moved for the adoption of a resolution to approve the hiring of Taylor Belanger as a Recreation Attendant for Day Camp, at a pay rate of \$10.00/hour effective June 21, 2016, and Greg Collins as a Lifeguard at a pay rate of \$10.00/hour effective May 22, 2016. Motion was seconded by Councilor Conway.

Supervisor Venesky solicited any Board discussion.

Councilor Cushman asked where the lifeguards would be.

Supervisor Venesky: William's Beach this summer will be open. The taxpayers were very vocal that they wanted William's Beach open this year, and we actually put that money back in the budget to do that. Jody was telling me that we have only had four people apply for the lifeguard positions so we will not be able to be open the full season based on the availability of our lifeguards.

Supervisor Venesky solicited any further Board discussion. There was none.

Ayes – 5, Noes – 0, and Abstentions – 0. *Motion carried.unanimously.*

Executive Session

Supervisor Venesky moved for the adoption of a resolution for the Town Board to enter into executive session to discuss issues relative to pending litigation.

Supervisor Venesky invited the Town Attorney into executive session, and said the Board would be reconvening.

Motion was seconded by Councilor Karp.

Ayes – 5, Noes – 0, and Abstentions – 0. *Motion carried.unanimously.*

Supervisor Venesky stated executive session began at 7:24 p.m. and adjourned at 7:44 p.m. Supervisor Venesky had made the motion to reconvene into Regular Session. Councilor Becallo seconded the motion.

Ayes – 5, Noes – 0, and Abstentions – 0. *Motion carried.unanimously.*

Resolution (Settlement of the New York State Supreme Court Tax Certiorari – UPS Overnight Freight v. Town of Cicero): Councilor Cushman moved for the adoption of a resolution authorizing and approving the settlement of the New York State Supreme Court Tax Certiorari action (Index No.2011-4477, 2012-3667, 2013-3790, 2014-EF2845, 2015-EF2966) entitled **UPS Overnight Freight v. Town of Cicero** Tax Map No. 058.-02-14.0 on property located at 6446 Terminal Road, discontinuing the action for tax years 2011, 2012 and 2013 and reducing the Assessment from **\$760,000** to **\$665,448** for the **Tax Years 2014 and 2015** with the commensurate refund of tax overpayment for the 2014 and 2015 calendar year tax paid in an amount not to exceed \$750.00 from the Town of Cicero and a full waiver of statutory interest by the Petitioner for 2014 and 2015 and setting the future assessment for the property at \$602,072 with RPTL 727 applied in accordance with the terms and conditions as stated in the proposed Order and Stipulation of Settlement attached and authorizing the Supervisor and Town Attorney to execute any and all documents necessary to complete this matter. Motion was seconded by Councilor Karp.

Ayes – 5, Noes – 0, and Abstentions – 0. *Motion carried.unanimously.*

Drainage – Award Contract for the 2016 Maintenance of Drainage Facilities

The agenda item was deferred until the next Regular Town Board meeting to be held on May 25, 2016.

Clerk's Office

Councilor Becallo moved for the adoption of a resolution to approve \$500.00 to the American Legion Post 787 to help defer the costs of the Memorial Day Parade and Ceremony to be held on Monday, May 30, 2016 at 9:00 a.m. Motion was seconded by Councilor Cushman. Supervisor Venesky solicited any Board discussion.

Ayes – 5, Noes – 0, and Abstentions – 0. *Motion carried.unanimously.*

Public Input

Don Snyder asked if “revised” could be put on the agenda when it is revised. He said that he wasn't sure that the new website is an improvement. When he tried to get the minutes and the agenda for this meeting there were like five or six more steps than the old method where he just clicked on the items and they were there. He asked the board members to use the website also in order to make sure that it is user-friendly.

Judy Boyke said if there is going to be an archive on the website than all of the public notices need to be put in it under some type of heading so that one is able to find it. She said that the total heading of Expenditures was lost on the website also.

Supervisor Venesky recommended that Judy reach out to David Kirk regarding the website or he could have David Kirk reach out to her. He explained that there had been a lot of discussions with the department heads regarding what there should be, what there shouldn't be, and how the website should look. He said that the website was not 100 percent yet, so if there were things that needed to be done or improvements that needed to be made than he was willing to listen.

Judy Boyke said someone had asked how people get chosen to be on the Town's website calendar, which the American Legion and the fire departments are on.

Supervisor Venesky said I want to support all of the nonprofits, and all of the fire departments, our police department and all of those entities that touch the Town of Cicero in a positive way. We drew the line and we made a decision to limit what is on that calendar beyond Town business to our fire departments, to our American Legion, etc. He said the Town calendar is not an open book or an open billboard for anybody who walks

in. We pay for our fire departments, we pay taxes for our police department, so we just wanted to support them.

Judy Boyke said that's probably not going to fly very well with these other non for profit organizations that also support the Town of Cicero.

Supervisor Venesky said the organizations that are on there are supported with our tax money.

Tom Beaulieu said he had trouble navigating the website to get the agenda. He said it seems to be well designed, but it hasn't been user-friendly at this point. In regards to the beach being open, he thought \$30,000 was budgeted previous to last year for the operation of the beach area. He asked when the decision was made to open it again.

Supervisor Venesky said it was made and approved under the last Supervisor.

Tom Beaulieu said that was 2016.

Tom Beaulieu said it was his understanding that we've only got a potential to have four lifeguards.

Supervisor Venesky said he thinks that Peter Bardou interviewed six or seven applicants, and they have selected four out of that group.

Tom Beaulieu asked what the hours of operation for the beach were going to be.

Supervisor Venesky didn't have that information with him but told Tom that it should be posted on the website, if it's not already.

Tom Beaulieu said I hope we do not go through the same thing that we have gone through the last several years. If the County is going to come over and close the beach at some point then we are wasting a lot of money.

Supervisor Venesky said that was a concern that some of us on the board had a couple of years ago. The County comes in, they looked at it, and they closed it. That was beyond our control. Even though we did that, and I spoke to residents face-to-face and many of them said to me, 'Well, we want the beach open' and I said 'Well, there's a tax consequence. It costs money to do that' and they said 'We want the beach open.' I didn't have anyone tell me that they supported having that beach closed.

Tom Beaulieu said if some of the people actually show up at a meeting and look at what the budget costs and look at the bang for the buck that we get for that, because we've got a counterpart right up the road that I've been an advocate for closing it for some time because that's not a money maker. Some of the programs that we have will generate some income.

Supervisor Venesky told Tom Beaulieu that it takes a lot of money to run a town.

Tom Beaulieu said that these are not essential services.

Supervisor Venesky explained again that it was the taxpayers who told us what they wanted.

Memorial Day Parade

Councilor Cushman reminded everyone that the Memorial Day Parade. The parade starts at the Cicero Cemetery and finishes at the Cicero American Legion Post 787. Anyone interested in participating in the parade can contact Dave Plato at 676-3753 or 289-2884.

Adjournment

Supervisor Venesky made a motion to adjourn the Town Board meeting.

Motion was seconded by Councilor Cushman.

Ayes – 5, Noes – 0, and Abstentions – 0. *Motion carried.unanimously.*

There being no further business before the Board the meeting was adjourned at 8:00 p.m.