

The Planning Board of the Town of Cicero held a meeting on Monday, November 16, 2009 at 7:00 pm in the Town Hall at 8236 South Main Street, Cicero New York 13039.

Board members present: Patrick Leone (Chairman), Richard Cushman, Robert Smith, Christopher Rowe, Sharon May, Jason Mott and William Purdy

Others present: Wayne Dean (Director of Planning & Development), Heather Cole (Esquire, Wladis Law Firm), Mark Parrish (P.E., O'Brien & Gere) and Tonia Mosley (Clerk)

Absent: Scott Harris (Ad Hoc Board Member)

Agenda:

- Approval of the 11/4/09 PB minutes (approved)
- Informal discussion, Stellakis Used Car Sales, 8665 Brewerton Road, Proposed dealership, Chris Stellakis
- Informal discussion, Spinning Wheel Golf Center, Thompson Road, Jason Horne
- Informal discussion, County meeting regarding Benderson/Taft Road
- Informal discussion, Resolution to the County regarding sidewalks along Thompson
- Informal discussion, fencing at Wal-Mart

The meeting was opened with the Pledge of Allegiance.

The Chairman noted the locations of the three fire exits and that there were no formal public hearings tonight. He acknowledged the importance of public input encouraging audience members to speak about agenda items by first being addressed by the Chair and then using the microphone in the front of the room.

APPROVAL OF THE PLANNING BOARD MINUTES FROM 11/4/09

Mr. Leone noted a correction at the bottom of page 13. The last statement was made by Mr. Dean not Mr. Leone. Mrs. May made a motion to approve the November 4<sup>th</sup> 2009 Planning Board minutes with the correction noted above. Mr. Smith seconded the motion. The motion was approved with the following vote:

Mr. Cushman:	Yes
Mr. Smith:	Yes
Mr. Rowe:	Abstained

Mrs. May: Yes  
Mr. Mott: Yes  
Mr. Purdy: Yes  
Mr. Leone: Yes

INFORMAL DISCUSSION: STELLAKIS USED CAR SALES, 8665 BREWERTON ROAD  
PROPOSED USED CAR DEALERSHIP, CHRIS STELLAKIS

Representative: Chris Stellakis

Mr. Stellakis introduced himself, noting that he currently has a used car dealership in Bridgeport. 8665 Brewerton Road is the former Cicero Hoist & Dock.

Mr. Leone noted this would be a change of use in a General Commercial zone. You are proposing to use the existing structure and existing parking space for a used car dealership.

Mr. Stellakis: I will change the sign, but there would not be a change in the sign's dimension or location. I would like to put a little shed roof over it. The sign would be lit internally.

Mr. Leone: Is it paved where you want to park cars?

Mr. Stellakis indicated his intention was to back cars off onto the grass on either side of the driveway so that people can drive in and out. He showed the Board which areas were paved and which areas were graveled.

Mr. Smith asked if the applicant intended to put cars along Route 11.

Mr. Stellakis responded yes. Within a year or two, I would put a parking lot in the front to display cars, depending upon how it works out.

Mrs. May: You have shown approximately 30 cars. On the left you have an additional display of 20 cars. You would have 50 cars for sale on your lot?

Mr. Stellakis: Yes in the future. I would prefer to have them all up near the road, but at this

junction I don't have the \$40,000 to spend to do that.

Mrs. May: Are you going to do any oil changes, transmission fluid changes, etc?

Mr. Stellakis: I will not be doing any service there for the public. I might change oil or something on one of my own cars, but I do not intend to use that repair facility.

Mrs. May: How about retail sales for wiper blades, tires etc?

Mr. Stellakis: No, not at this time. I am just selling cars. I have a full-fledge repair shop with all of the equipment in Bridgeport. I intend to do all of my servicing there.

Mr. Leone: I have seen Chris' operation in Bridgeport. It is pretty clean. But, he has everything there on tarvia. Parking on the grass does not work out. It will make a muddy mess and look like a muddy mess. Display areas have to at least be graveled. I assume that we could look at this as a phased project, but 40-50 cars on grass are too much.

Normally, the sign setback is 20-25 feet. Does your sign fall within that range?

Mr. Parrish noted we can't tell from this drawing. The sign setback would be 20' from the property line which is not necessarily the edge-of-road or the shoulder.

Mr. Leone: You probably need to get a professional involved to some degree, to get your site plan drawn up and submitted to scale. The area needs to be clearly defined with the number of parking spaces, size of the parking spaces, etc---all in accordance with Town Code.

Mr. Stellakis: As far the parking goes, I only show 8-10 cars displayed out front, near the road, on the grass. There are about 15 along the blacktopped edge that would have been on the grass. I don't need space for 40-50 cars to start. I don't have 50 cars on my current lot. I intend to start out with about 20. I just don't want to be restricted to 20.

Mr. Leone: The site plan needs more information. The Board needs information about for example, your existing lighting and your proposed lighting.

Mrs. May: How many employees will you have? Where would they park?

Mr. Stellakis: Probably just one, primarily myself initially. I have other employees at my Bridgeport location.

Mr. Leone: You need to design your lot like you want it to be a year from now, two years from now. If you have to phase that in, that is not necessarily an issue to this Board.

More discussion occurred.

Mr. Stellakis: My hours of operation would be 9 to 6. If you want a complete site plan that shows how I want to develop it in the future, that's fine. But, I want to start selling vehicles there soon. I don't want to light it, etc---I want to work with what is there and concentrate my finances on that.

Mr. Leone: Then you need to show us a drawing that works with the parking lot that is currently there, without parking on the grass. You need to show the area up in front that you want to use as part of your site plan with today's conditions.

More discussion occurred regarding possible phasing and the advantages of hiring professionals to do the site plan work.

INFORMAL DISCUSSION: SPINNING WHEEL GOLF CENTER  
7380 THOMPSON ROAD, JASON HORNE

Representative: Jason Horne

Mr. Horne introduced himself. I am here on behalf of my business, Spinning Wheel Family Entertainment Center which we reopened earlier this year. I am currently leasing the property but have a signed purchase offer with the owner to purchase the property—if I decide to.

We reopened the miniature golf course, the batting cages and the driving range. We put an indoor play center (bouncers, a bounce house, etc) into the old Village Crafter's building. I am looking to add a go cart track.

Mr. Leone: Did you get a variance?

Mr. Horne: We did not. The ZBA determined that the use was consistent with the site plan. They allowed me to reopen the business as such, with no variances.

Mr. Leone: I'm confused. It was closed over a year.

Mr. Dean: The business portion up front along Thompson Road is zoned General Commercial. The back is zoned Agricultural. Outdoor entertainment can go in an Agricultural zone.

Ms. Cole agreed.

Mr. Leone: What is the regulation on a split parcel?

Mr. Parrish: The interpretation is to be made by the ZBA.

Mr. Smith: Where are you looking to put the track?

Mr. Horne: If you see where the miniature golf area is, there is the piece of property at the end on the side facing Riccelli Trucking. The track would be pavement or concrete. There would not be a dust problem. I do have noise studies which I will bring to the Board as we get further into this. I believe that 10 gas powered carts at full throttle at 100' are under 63 sound decibels. That is quieter than most lawn tractors.

Mr. Leone: Is there an issue with noise level relative to the property line? It changes between night and day. It is measured at the property line.

Mr. Smith asked for the hours of operation.

Mr. Horne: During the summer during the week we are open until nine, on weekends until eleven.

Mr. Smith asked Mr. Horne to bring in a detailed lighting plan next time.

More discussion occurred regarding the proposed location of the track. Mr. Dean noted two residential properties nearby and the commercial property around the site.

Mrs. May: Will you continue to sell novelties, ice cream, etc?

Mr. Horne: We do that in the summer, yes. We prefer this location for the track. My customers will not have to walk 300' further to get there.

Mr. Leone: You have 40 acres and you want to put this behind a house?

Mr. Horne: Riccelli Trucking makes more noise than I ever will. I am here to get the Board's input on what you want me to do.

Mr. Leone: Once we find the ZBA's determination we can help you out. I have a feeling that they indicated outdoor recreation is an approved use on this property. So, let's take it to the next step. What is the best location on this property to do what you want to do? Can you come towards the restaurant?

Mr. Smith: Would it be reasonable to ask the two residential properties for comments?

Mr. Horne: Those properties are rental houses. There is no one living there right now. The Hazelmeyers have put the properties up for sale.

Mr. Leone: You have a couple of issues. You have the noise issue. That might be able to be taken care of with some kind of sound barrier fencing. You have a lighting issue. I am not sure about fumes.

Mr. Horne: Yes we will create more lighting, but we are pretty lit up already with everything that is there now. I believe that lighting was already approved. The parcel has been subdivided.

Mr. Leone and Mr. Smith asked about the original site plan. Mr. Dean asked about moving the track to the back of the site.

Mr. Horne: There are no similar tracks in the area. I work with the cart manufactures.

They supply track designs. Then we will go through our engineers to make it conform to Town Code. Depending upon where we put it, our track would be 500'-700' long. The carts average between 18-19 mph. That is what our insurance company has governed for. The size of the track determines how many carts can be on the track at one time. They say one cart for every 40' of track. Normally, we try not to have more than 10 cars at one time on the track.

Mr. Leone: Noise, fumes and lighting. Distance will help you immensely. Try to work further along that same property area, getting it back as far as you are comfortable with along the Riccelli property line. You many need to look at other noise reductions.

Mr. Horne: I already own 30 carts that I would start to use right away. We will be switching all of our cars over to electric—no noise. But, I would not have that done before the next two years. That is one way I would be reducing the noise level.

Mr. Leone: If those residences are General Commercial they are non conforming uses. If they are vacant for more than one year, they need to come back in.

Mr. Horne: We would put up a noise barrier either way. I don't want to upset any of the neighbors.

Mr. Leone: Is this fenced so that people can't walk on the track?

Mr. Horne: I have to go through a New York State health and safety board. They come out and inspect the track for safety. I would have to have a fence that is at least 4' high around the whole track.

Mr. Leone: We would need to see a design for your track and lighting plan. Ensure us of the noise reduction/barrier plan. The site plan should show all existing buildings, ingress and egress, green space, parking, signage, etc.

Mr. Dean and Mr. Parrish noted portions of the Zoning Board of Appeals' determination.

More discussion occurred.

INFORMAL DISCUSSION: COUNTY MEETING REGARDING BENDERSON/TAFT ROAD ISSUE

Mr. Leone: We are still trying to get a meeting set up with Jim Stelter for the Taft Road issue. Kreisler is a Town Road. I am not sure how the County denied them use of that driveway.

Mr. Parrish: It was incorporated into the County's design drawings. The Town looked at them and there were comments/questions given. The Town has essentially approved the plan.

Mr. Leone: So the Town closed it?

Mr. Parrish: Whether they realize it or not...? That was the way the plans show. I think the Town Board approved the agreement. There was an agreement that had to be approved.

Mr. Smith: Is there a formal agreement closing it?

Ms. Cole: I don't recall it, but I am guessing that there probably is.

Mr. Leone: My understanding is that the Town closed this guy's driveways. The County gave him an outlet and only the Town can give him his driveway back. Had we known that we could have taken the driveway on Benderson's property and done a split easement with one driveway to service both properties.

INFORMAL DISCUSSION: RESOLUTION TO THE COUNTY REGARDING SIDEWALKS  
ALONG THOMPSON ROAD

Mr. Cushman reminded the Board that they made a resolution to the County regarding the Thompson Road project and sidewalks. He noted the more I thought about it, it did not make sense that the County would ask the town to incorporate sidewalks into site plans and not supply sidewalks themselves. There had to be a good reason. So, I did some checking with several people within the County and there is a good reason—there is a law. New York State mandates and County ordinances prevent the County of Onondaga from owning or taking ownership of sidewalks. They said during the informal meetings that were conducted no one asked about sidewalks and no one brought up the fact that sidewalks were wanted or missing.

Mr. Leone: I was in there demanding sidewalks in a formal meeting. They told me they couldn't because there was an issue with liability insurance. If the Town wanted them, the County would put them in, but the Town would have to accept the liability.

Mr. Cushman: This came from the County's legal department. They said there was one situation where sidewalks were put in during a County Road Project which was done in Dewitt. The Town of Dewitt had to do four things: they had to pay for the engineering fees to have the plans changed to incorporate the sidewalks, they had to pay for the sidewalks, they had to take ownership of the sidewalks and they had to pass an ordinance saying that any owner of commercial or residential property that had sidewalks in front has the responsibility for the maintenance of those sidewalks.

The Board agreed that was the sidewalk maintenance resolution they tried to drive to the Town Board.

Mr. Cushman continued. It appears to me that the only way we can get sidewalks along Thompson Road is if the Town decides to take one and decides to pass some kind of maintenance ordinance.

More discussion occurred.

#### INFORMAL DISCUSSION: FENCING AT WAL-MART

Jessica Zambrano: A meeting or two ago you had asked what the setback was for the fence on the south side of Wal-Mart. What was the answer?

Mr. Leone: I have not received that answer yet. It was pretty tight back there. It might only be a foot. We wanted to address the fence on the north side. We talked about the maintenance issue, setting the precedent on that property. We were going to try to enforce that precedent on the north side. We were looking for at least a foot. I don't remember how it was resolved.

Mr. Dean stated he would look up the fence information.

Mr. Cushman: That fencing would not be on the original site plan. Would this be a

modification?

Mr. Leone: The Zoning office can make the decision. But, the owners have a right to put up a fence. Very clearly the fence can be put up to the property line. It should be off set so that maintenance can be done. I would not say it was a site plan modification. We will get the rest of the fence when SEAYCO comes back in. It would be something that Wayne will be able to enforce via the general code.

More discussion occurred regarding the maintenance, location and sides of fences.

Mrs. May made a motion to adjourn. Mr. Cushman seconded the motion. The motion was approved unanimously.

IN AS MUCH AS THERE WAS NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS  
ADJOURNED AT 8:05 P.M.

Dated: November 27, 2009

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Tonia Mosley, Clerk

