

The Planning Board of the Town of Cicero held a meeting on **Monday, April 23, 2012** at **7:00 p.m.** in the Town Hall at 8236 Brewerton Road, Cicero, New York 13039.

Agenda:

- Pledge of Allegiance
- Approval of the minutes from the April 9, 2012 meeting (**approved**)
- Updates from the Chairman
- Site Plan, Gary's Auto, 6312 East Taft Road, Proposed Auto Sales (**approved**)
- Site Plan/Sketch Review, Brian Hammond, 6972 Lakeshore Road, Proposed Bait, Tackle & Ice Cream Shop (**to return**)
- Work Session Starting Time (**New starting time of 9:00 a.m.**)

Board Members Present: Bob Smith (Chairman), Pat Honors, Chuck Abbey, Sharon May and Mark Marzullo

Board Members Absent: Joe Ruscitto and Greg Card

Others Present: Neal Germain (Esquire, Germain & Germain), Mark Parrish (P.E., O'Brien & Gere), Steve Procopio (Code Enforcement Officer), Jim Corl (Supervisor), Doug Wickman (Town Engineer), Jessica Zambrano (Town Board Member) and Tonia Mosley (Clerk)

The meeting opened with the Pledge of Allegiance. The Chairman acknowledged Supervisor Corl and Councilperson Zambrano's presence at the meeting.

#### **APPROVAL OF THE PLANNING BOARD MEETING MINUTES FROM APRIL 9, 2012**

**Mrs. May made a motion** to approve the Planning Board meeting minutes from April 9, 2012.

**Mr. Marzullo seconded the motion.** Chairman Smith asked for a vote:

*Ayes: 5      Nays: 0      **Approved***

#### **UPDATES FROM THE CHAIRMAN**

Chairman Smith addressed the following with Board members:

- Dr. Carroll's site within the Brewerton's Form Based Zoning district.
- The upcoming SOCPA symposium and its continuing education crediting.
- The proposed County Development Plan.
- The notice from the Town of Clay regarding Tocco Villaggio.

**SITE PLAN, GARY'S AUTO  
6312 EAST TAFT ROAD, PROPOSED AUTO SALES  
GARY HEITKAMP**

Representative: Edward Ross

Mr. Ross introduced himself explaining that Mr. Heitkamp had a family emergency. I believe that the Board has received the required information that you asked for. To recap, Mr. Heitkamp will have a sign that would be the same 4 x 8 dimensions as the Hiawatha Fasteners' sign and located right below that sign. I am not sure if the sign would be internally lit.

Mr. Honors added the sign replaces the previous Grindhouse sign which was not internally lit. I believe it has a flood light at the top.

Chairman Smith asked about adding additional lighting to the sign.

Mr. Ross did not believe that more lights would be added.

Mr. Marzullo asked if the plan included moving the sign out of the easement.

Mr. Parrish explained that the sign in its current location is not the required 20' from the front property line which it needs to be to meet code. It also needs to be 10' from the side property line. It will need to be moved to meet code requirements.

Mr. Marzullo noted the Board does not have the authority to approve the sign in its' current location. Doing so would require a variance from the Zoning Board of Appeals.

Mrs. May asked about enclosing the dumpster explaining that it would need to be enclosed along three sides.

Mr. Ross: That can be fenced in, it's not a problem. You probably want it so that it hides the dumpster, with a gate.

Mrs. May responded that is correct.

Mr. Smith added with stockade fencing. He asked if Mr. Ross had any other comments for the Board.

Mr. Ross: I wanted to reiterate the fact that this is strictly to get better exposure as opposed to the current Fly Road location. It would be a friendlier environment for customers. We only plan on having a maximum of 10 quality cars on the site. Everything will be on pavement, nothing on the stones or grass. We will not store any junk cars here.

Mr. Smith: Are you aware that there would be no additional signage, no A-frame signs? If you do any grand opening signs you would have to get a temporary sign permit.

Mr. Ross agreed. There will not be any need for that. No streamers or balloons or anything like that. It will be pretty straight forward.

Mr. Parrish reviewed his comments. Basically we recommend that the Board review the access, parking and display areas with the applicant. They are not changing anything relative to their existing paving or gravel area. They are just reconfiguring the striping. They show 12 display areas for vehicles along the lot's frontage. The remaining parking spaces shown are for customers and employees. There are really no impacts to stormwater or sewer water. There are no changes to lighting. That is noted on the plan. You have reviewed signage noting that it will need to be moved in order to comply with code.

Mr. Procopio added the applicant would need to obtain a sign permit to re-locate his sign.

Mr. Ross: So we need to get a permit, to be in compliance with zoning and to enclose the dumpster with a stockade fence.

Mr. Abbey: Will the sales office be included within the existing sales area?

Mr. Ross: Yes. It used to be a different business which is now closed down. Basically we are going to re-occupy that space. It has a full office with facilities for customers, etc.

The Chairman asked if the Board had any other comments. They did not.

**Mrs. May made a motion** regarding SEQR. She read: Be it further resolved that the Planning Board of the Town of Cicero hereby determines that the proposed action will not have a significant effect on the environment and that this resolution shall constitute a negative declaration for the purposes of Article 8 of the Environmental Conservation Law of the State of New York. **Mr. Smith seconded the motion.** Chairman Smith asked for a vote.

*Ayes: 5      Nays: 0      **Approved***

**Mr. Marzullo moved** for the adoption of a resolution approving the site plan application of Gary's Auto dated 3.23.12. The approval is contingent on the applicant moving the sign at least 20 feet from the easement and 10 feet from the neighboring property sideline and the dumpster being enclosed with a 6' stockade fence. **Mrs. May seconded the motion.** The Chairman asked for a vote.

*Ayes: 5      Nays: 0      **Approved***

**SITE PLAN/SKETCH REVIEW, BRIAN HAMMOND  
6972 LAKESHORE ROAD, PROPOSED BAIT, TACKLE & ICE CREAM SHOP  
CHA CONSULTING, INC.**

Representatives: Brian Hammond, Applicant  
Brian Bouchard, CHA

Mr. Bouchard introduced himself noting the site is located at the corner of Cicero Center Road and Lakeshore Road. It is a .69 acre site with an existing 640 sq. ft building. Mr. Hammond plans on operating a bait and tackle shop with an ice cream shop as well. The site is currently zoned Neighborhood Commercial. The sketch plan has approximately 16 parking spaces with one handicap space.

We have submitted the site plan application along with a short environmental form, the existing survey and the proposed sketch plan. There are some existing cobbles on the site that we would like to use as a barrier with a landscape look to it. We would add parking striping for customers. There is also an area for picnic tables for the walk-up ice cream stand.

We have also submitted some photos with the application that show the site from an aerial

view. We are here tonight to get any preliminary comments that the Board might have which will help us move forward. Mr. Hammond would like to open as soon as possible for tourists, boaters and others who would frequent the ice cream store.

Mr. Smith: At the work shop meeting there were some immediate site plan issues, for example a property line that runs down the center of the site.

Mr. Procopio: We have confirmed that there are two remaining parcels here. The property's owner noted that he would take care of that. He indicated that maybe the deeds have been combined but apparently the maps have not been filed to create one parcel. I believe that would be an administrative subdivision handled through the Zoning Office.

Mr. Smith: You have parking spaces that force customers to back out onto either Cicero Center Road or Lakeshore Road. That parking plan seems troublesome.

Mr. Bouchard: We looked at that. I think that there are ways to fit in a center drive isle. Our original idea was to maximize whatever parking we could fit on the front of the parcel without having to expand to the rear. Is the Board's concern more for Lakeshore Road or Cicero Center Road, or both?

Board members responded both.

Mr. Parrish explained that the code indicates that parking spaces can not directly access a public highway. Those are not parking spaces per code requirements. You can not back out onto a public highway.

Chairman Smith: I think that you get a sense that the Planning Board does not think much of this scope. As Mr. Parrish pointed out, you have code issues.

Mr. Honors: How do other spots deal with that, for example Lakeshore Pizza?

Mr. Smith: Most likely that is a pre-existing condition that would not get approval now. We can not require establishments that have that condition to change unless there is a new site plan application, etc.

Mr. Bouchard: I think that an easy solution would be to bring the parking out to the front of the building, with a drive isle behind them. A few smaller spaces could go up in the corner with the drive isle in-between.

Mr. Parrish: Another issue will be that a driveway, without obtaining a variance, can not be within 150' of the street-line intersection. The only access that does meet code for this lot is off Cicero Center Road to the south at 150' from the street-line intersection. Again, this is without obtaining a variance.

Mr. Smith: Do you understand that issue?

Mr. Bouchard: Absolutely.

Mrs. May asked if this would be a seasonal business.

Mr. Hammond responded that the ice cream shop would be seasonal. The Bait & Tackle Shop would be year round.

Mr. Smith clarified noting that the Planning Board is not empowered to approve anything that is outside of the Code. He asked about the proposed outside tables.

Mr. Bouchard: If we end up pursuing the variance, we will go to the ZBA for that. There would be picnic tables outside in the summer for customers to eat at. We do not show a dumpster on the plan but, there is an access area to the basement. I believe that the applicant would have normal trash cans that could be enclosed with stockade fencing near that access area.

Mr. Honors: How many parking spaces does the lot allow now with its' square footage?

Mr. Smith: They do have a large area here. But, the only access that we could approve would have to be back here off of Cicero Center Road. That forces parking to be located here.

Mr. Parrish: What would happen with the gravel area on the corner?

Mr. Bouchard: That would depend on the route that we decide to take. It could be unused space if the ZBA decides to not allow parking up front. There would need to be some kind of barricade to prevent people from entering. It's an open space. It is the front of the store. I believe that the posted speed limits along both roads are fairly low. If the parking area is to the rear of the property, it would just be an open space.

Mr. Parrish: Would it remain graveled or would it become landscaped?

Mr. Smith: To be fair, I don't hold a lot of hope that the ZBA will approve parking spaces where vehicles back out onto a street. I also think that it would be tough for this Board to approve that kind of parking arrangement. It is your choice, but I think that you should put your resources into providing something else. You can certainly apply for the variance, but it would still need to come before this Board.

Mr. Hammond: So you are saying that we can not pull all the way up to the front of the building and not have a drive-thru behind it? It seems like that area is large enough for vehicles to back out without going into the road.

Mr. Honors: I see your point about being a wide open corner. It's an open lot, in front of the building where the building faces the open lot.

More discussion occurred.

Mr. Bouchard: We will talk internally and get a feel for going in front of the ZBA. But for this Board, the most favorable option would be coming off of Cicero Center Road with a driveway that parallels the street, between the street and the building, and customers would be able to park up front---turn around and then leave that same driveway.

Mrs. May and Mr. Smith responded right.

Mr. Smith clarified that is the only option we have at the moment, unless you get a variance. When you come back come in with some specific plans about what you would do in the corner. If it is not going to be parking spaces, what would it look like? What would it be composed of?

Mr. May asked the applicant to bring in signage and landscaping information. We like to see landscaping around the base of your signage.

Mr. Marzullo added your lighting plan.

Mr. Smith: I think you have been before us already. Those are all things that we require. The good news is that the Planning Board determines what is appropriate for signage. If you get your sign package together and present it to the Planning Board and they find it appropriate, you don't have to follow the Code. As you know for a small building, it is very difficult. If we find it to be appropriate, your signage issues will be taken care of.

Mr. Germain: I would like to point out that they would be following the Code with this Board having the authority under the Code to modify and/or make a decision as to what is appropriate. You would be following the Code which allows the Planning Board leeway in that area.

Mr. Abbey: You could also bring your plans into our work session meetings as you move along. Those work sessions are held the Wednesday (morning) before scheduled Planning Board meetings.

More discussion occurred.

#### **WORK SESSION STARTING TIME**

**Mr. Marzullo moved** for the adoption of a resolution approving a change in the time that the Planning Board Work Sessions will begin. The days will remain the same but the starting time of each Planning Board Work Session will move from 7:45 a.m. to 9:00 a.m. This change will be posted on the Town's web site. **Mrs. May seconded the motion.** Chairman Smith asked for a vote:

*Ayes: 5      Nays: 0      **Approved***

**Mr. Smith made a motion** to adjourn. **Mrs. May seconded the motion.** The Chairman asked for a vote:

*Ayes: 5      Nays: 0      **Approved***

IN AS MUCH AS THERE WAS NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS  
ADJOURNED AT 7:45 P.M.

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Tonia Mosley, Clerk