

The Planning Board of the Town of Cicero held a meeting on **Wednesday, May 29, 2013 at 7:00 p.m.** in the Cicero Town Hall at 8236 Brewerton Road, Cicero, New York 13039.

Agenda:

- Pledge of Allegiance
- Approval of the Planning Board minutes from May 13, 2013 (**approved**)
- Site Plan/Sketch Review, Volpe Salon, 8050 Brewerton Road, Proposed Beauty Salon (**to return**)
- Zone Change Recommendation, L&P Operations LLC, 5775 Sneller Road, Industrial & Agricultural to General Commercial Plus (**Recommended approval to the Town Board**)
- Sketch Review, Sports & More, 9461 Brewerton Road, Proposed Exercise/Sporting Goods Facility (**to return**)

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

Others Present: Neil Germain (Esquire, Germain & Germain), Mark Parrish (P.E., O'Brien & Gere), Steve Procopio (Code Enforcement Officer), Jessica Zambrano (Town Board Member) and Tonia Mosley (Planning Board Clerk)

Chairman Smith opened the meeting by noting the three emergency exits in the room. He noted it was the intention of the Board that all present could hear the proceedings. He asked that all cell phones be silenced.

Mr. Honors led the Pledge of Allegiance.

APPROVAL OF THE MAY 13, 2013 PLANNING BOARD MINUTES

Mr. Smith noted one change on page one. Body docks should be changed to bio-ducts. **Mr. Abbey made a motion** to approve the minutes. **Mr. Honors seconded the motion.** Chairman Smith asked for a vote.

*Ayes: 4 Nays: 0 Abstained: Mr. Marzullo **Approved***

**SITE PLAN/SKETCH REVIEW, VOLPE SALON
8050 BREWERTON ROAD, PROPOSED BEAUTY SALON
IANUZI & ROMANS**

Representatives: Hal Romans, Surveyor and Planner, Ianuzi & Romans
Annette Merulla, Applicant

Mr. Romans introduced himself and the owner of Volpe Salon, Annette Merulla. He noted the site is located at the intersection of Lincoln Avenue and Brewerton Road.

Mr. Procopio added the site is zoned General Commercial.

Mr. Romans explained that the parcel consists of a frame house with newer siding and a sign out front. The idea is to remove the existing driveway and re-locate it in the back. The distance from that point of the driveway to the street line is about 152 feet and meets the Town's 150' requirement. We would put in a two-way entrance.

All parking meets Town requirements. We propose one handicap parking space.

The proposed entrance to the salon is opposite the handicap spot. There is an existing window there which would be taken out and replaced with a doorway.

We are not adding on to the building. Currently, it is an existing non-conforming site. The General Commercial building line sits back here. If the applicant was going to build onto the building they would need to get a variance. So, the building's footprint will not change at all.

The entrance will be 22' wide. So will the driveway. We have a total of about 16 parking spaces.

The house has two stories. The upper floor would only be used for storage.

We retained the asphalt in front of the garage but will remove it from here to here. Deliveries would occur here. There is an existing culvert for drainage and a drainage ditch that runs along the road here. We show a new culvert herein this area. The entire parcel is only 0.54 acre, well

below the threshold of one acre of disturbance. The property drains from the northeast to the southwest. This would continue with a new culvert for the new driveway and re-grading the new parking area to make sure that it enters that same drainage pattern.

The proposed sign would meet the Town's requirements. The current sign sits within the easement. The new sign would be 25' off of the right-of-way.

I tried to make sure that there was adequate off-street parking. The first floor is about 1700 square feet. They currently have 3 full time and 3 part time employees. The salon has four chairs.

Mr. Parrish asked for clarification on parking noting the way this is set up there is no significant greenspace. So, there is no real space for snow storage, or a buffer area. I was wondering if you needed all of those parking spaces.

Mr. Marzullo: I think those are reasonable questions because I was going to ask about snow storage as well. What is the zoning to the east? Is there a buffer between the two?

Mr. Romans responded residential. White's Auto is next door going north. There is no fencing in between. If you go onto Google, it shows a tractor trailer in between the two properties.

I went with 16 parking spaces for a couple of reasons. I wanted to make sure that we had adequate off street parking. I know one of the concerns of residential neighbors is not having people park on the street. In the winter it is possible to have some of the parking spaces for snow storage, but they may have to truck some snow off site. Parking is difficult with these older residential houses.

Mr. Smith: Is a beauty salon allowable under General Commercial zoning?

Mr. Germain: Yes.

Mr. Romans: I did look at the County's referral. They asked about sewer connect-ability. The site is already connected to sewer and I assume that it has sufficient connect-ability. We tried to balance the County's remarks about stormwater runoff and quality with the parking issue.

Again, we don't want to have neighbors complaining about clients parking in the street.

Mr. Smith: You have White's Auto to the north and the Niagara Car Wash to the south. AutoZone is going across the street. So everything around it, with the exception of the house that sits behind the site, is a commercial use.

Mr. Romans: The Town recognized that Brewerton Road is really a commercial corridor. The road has been zoned commercial for a certain distance back and so this meets that.

The County's last comment was about checking with OCWA for water service. There is existing water service. Obviously, my client will need to see Steve Procopio about the building itself to ensure that it is up to code for a commercial use.

Mr. Smith: Do we have a sidewalk placed across the front?

Mr. Romans: I don't show a sidewalk, but there could be. We would show it in the right-of-way or on the premises?

Mr. Smith: NYSDOT wants it in their right-of-way.

Mr. Romans agreed.

Mr. Abbey asked if there were any plans to change the building's façade giving it more of a commercial look.

Mr. Romans: I don't think so. The siding is in good shape. Salons have a tendency to work fine out of a residentially looking building. Changes would really be for the inside and making sure that the building functions well as a beauty salon.

Mr. Smith: Can we get pictures of how it looks? I took a good look at it and it does not look bad, but I would like to see it as we are approving it now. During site plan we consider how the building looks now to prevent it from, for example, being painted orange in the future. The Town would be able to see that's not really what we approved. What will your sign look like?

Mr. Romans: I have instructed my client to work with what I have shown here, about 50 square feet. She is looking at an internally lit sign and will get that put together for you.

I show a shielded wall pack in the corner of the building which gives good light coverage for the bulk of the parking area. With the normal street lighting in the area, I think that will be sufficient. I did put some landscaping around the sign.

I agree with Mark, we are tight to the road boundary and the property line. Unfortunately, to get the site to work with two rows of parking; this is the only way I could get it to fit. I realized that if I put bushes on either side, they would not last.

Mr. Marzullo: I think that something needs to be done for the residential property on the eastside as a barrier, whether it is landscaping or fencing.

More discussion occurred.

Mr. Romans: We would probably do a fence along that portion, some type of natural stockade fencing. I can also look at a porous pavement. Typically for that we would make the parking stalls.

Mr. Smith: Will there be an entrance from Brewerton Road?

Mr. Romans: That will be shut off. There would be a change in the elevation there.

More discussion occurred regarding a public hearing for the neighbors. Mr. Romans explained that his client would try and contact her neighbors for their input and copy that to the Town.

**ZONE CHANGE RECOMMENDTION
L&P OPERATIONS, LLC, 5775 SNELLER ROAD
INDUSTRIAL AND AGRICULTURAL TO GENERAL COMMERCIAL PLUS
KIRWAN LAW FIRM, P.C.**

Representative: Terry Kirwan, Esquire, Kirwan Law Firm, P.C.

Mr. Smith explained that the Town Board has received a request to change the zoning on the

parcel. They have asked for a recommendation from the Planning Board. The applicant is being represented by the Kirwan Law Firm.

Mr. Kirwan introduced himself. As the Chairman indicated we seek a recommendation to the Town Board for their meeting, which I believe is scheduled for June 26th, for the zone change from primarily Industrial and somewhat Agricultural to General Commercial Plus.

Mr. Smith: Currently, over by Pardee, there are some log cabins. The DEC or USDA headquarters is located under JMG One Properties LLC nearby. Isn't it unusual to have a property zoned as Industrial and Agricultural?

Mr. Procopio explained that the small portion at the tip of the corner is Agricultural. I believe years ago the remainder of that used to be Industrial but reverted back to AG.

Mr. Parrish explained it is basically an offset of Route 81 that cuts across property lines that it does not necessarily follow.

Mr. Germain noted this type of zone change would give the Planning Board more flexibility in the future should the applicant come in for a proposed use.

Mr. Ruscitto: Does your client have any particular use in mind?

Mr. Kirwan responded no. A lot of that depends upon what would be allowed in the GC+ zone. If the zone change is approved, that would open up the door to a lot more things. I imagine it would be commercial or light industrial. Maybe a medical park; my clients don't know at this point.

Mr. Abbey agreed this would give the applicant more flexibility and the Planning Board more flexibility to work with them in the future.

Mr. Ruscitto made a motion regarding SEQR. He 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. **Chairman Smith seconded the motion** and asked for a vote.

*Ayes: 5 Nays: 0 Abstained: 0 **Approved unanimously.***

Mr. Smith moved for the adoption of a resolution recommending the application of L&P Operations, LLC to the Town Board for the proposed zone change for property located at 5775 Sneller Road, tax map number 120.-02-01.3, from Industrial & Agricultural to General Commercial Plus. **Mr. Marzullo seconded the motion.** The Chairman asked for a vote.

*Ayes: 5 Nays: 0 Abstained: 0 **Approved unanimously.***

**SKETCH REVIEW, SPORTS & MORE
PROPOSED EXERCISE/SPORTING GOODS FACILITY
9461 BREWERTON ROAD
IANUZI & ROMANS**

Representatives: Hal Romans, Surveyor and Planner, Ianuzi & Romans
Michael Stagnitta, Applicant

Mr. Romans introduced the project. The site is currently vacant property located on the west side of Route 11. The entire site is 7.23 acres. We will be disturbing less than an acre.

We met with the NYSDOT to show where the driveway would be. They told us that location was ideal for this property. We show the proposed building as being 54' x 92', about 4,968 square feet, with 33 parking spaces. The entrance would be set up for possible future developments. It is 24' wide here and reduces to the Town's minimum. We show the proposed dumpster location with an enclosure that matches the building.

The site is zoned General Commercial. We call it Sports & More because it would have different uses. It would be an exercise instruction/exercise facility. It would also be a sporting goods retail facility with a possible deli. For now, it would be a sports related use.

The site has an existing sanitary sewer along the west side of Route 11. We show the proposed landscaping and lighting. Two pole lights would light the entire parking lot. Lighting does not spill over onto adjacent properties.

There is a house that sits here, fairly close to the property line. But, the bulk of our

development is located on the south end, here. We show the proposed sign at the edge of the sanitary sewer easement. There is landscaping around the sign and along this face of the building. I also show a sidewalk going around these two sides of the building.

Matt Napierala did the storm water design for us. You can see the basin. Off site water is intercepted from the west side and drains out through the two cross culverts.

Mr. Parrish: I do have some concerns with this and will do a detailed review.

Mr. Romans: The hours of operation would typically be 8 to 11, Monday through Friday and 9 to 11 on weekends. Some people like to exercise late at night. The applicant is coming up with signage, but we would have the one monument/pole sign and probably some signage on the face of the building.

The NYSDOT was fine with our driveway's location and being built to their standards. The cooler is gone, that was part of the old site plan. I think that the 33 proposed parking spaces are adequate for the size of the building and potentially for two users.

Mr. Smith: In the past we have tried to dress up the front of these metal buildings, with for example, masonry. Please come in with some of those details.

Mr. Romans: This is one metal building option, but my client is also looking at a stick building option. I understand what you are saying. We can definitely look at that.

Mr. Marzullo agreed, stating we would like to see the elevations. You could also look at the feasibility for cross easements.

Mr. Romans: If this residential area is ever developed, we do have our stub which kind of points in that direction.

Mr. Germain: From the Town's prospective we would rather have that agreement in place now.

Mr. Romans: How are they being filed now, just against this property?

Mr. German: You would just have to have it in place---the legal right to use that easement so that in the future we could connect it to the adjoining property.

Let's just say the adjacent property comes in here two years from now. That would be a separate discussion where the Board would say we want you to hook up to this access. You would see it on your site plan and have its legal description.

Mr. Ruscitto: Does your neighbor know what is going on?

Mr. Romans: My client has spoken with them.

Mr. Stagnitta: That would be an older gentleman who is not in very good health. We will try to stay away from his property as much as possible. He does have things that are on my property, but I don't want to deal with that. I can talk to him again, but again, he is not doing very well.

More discussion occurred.

Mr. Smith made a motion to adjourn. Mr. Honors 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 8:00 P.M.

Submitted by,
Tonia Mosley, PB Clerk