

The Planning Board of the Town of Cicero held a meeting on **Monday, August 16, 2010** at **7:00 p.m.** in the Town Hall at 8236 South Main Street, Cicero, New York 13039.

Agenda:

- Approval of the minutes from the 8/4/10 meeting (**approved**)
- Site Plan, HMT INC., 6268 State Route 31, Proposed Expansion (**approved**)
- Major Subdivision Final Plan, Informal Discussion, Zoning Determination, Hancock Airpark, Section A & B, 7<sup>th</sup> Amended, West Taft & Thompson Roads, Hancock Field Development Corp. (**approved**)
- Minor Subdivision Preliminary & Final Plan, Schedule Public Hearing, Lands of Bell, Bear Springs Road, 2 Lots (**9/1/10 Public Hearing**)
- Site Plan, Sea Ray Boats, 9122 Brewerton Road, Proposed Dealership (**approved**)
- Sign with LED, Valero, 6190 South Bay Road (**approved**)

Board Members Present: Mark Marzullo (Chairman), Chuck Abbey, Robert Smith, Richard Cushman and Sharon May

Board Members Present: Christopher Rowe and Scott Harris (Ad-Hoc)

Others Present: Judy Boyke (Town Supervisor), Wayne Dean (Director of Planning & Development), Neal Germain (Esquire, Germain & Germain), Mark Parrish (P.E., O'Brien & Gere), Jessica Zambrano (Town Board Liaison) and Tonia Mosley (Clerk)

The meeting was opened with the Pledge of Allegiance. The Chairman noted the locations of the room's emergency exits and asked that all cell phones be turned off.

**APPROVAL OF THE 8/4/10 PLANNING BOARD MEETING MINUTES**

**Mr. Smith made a motion** to approve the minutes from the August 4, 2010 Planning Board meeting. **Mr. Cushman seconded the motion.** The motion was **approved** with the following vote:

Mr. Abbey:	Yes
Mr. Smith:	Yes
Mr. Cushman:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

**SITE PLAN, HMT INC., (PAUL WELLS)  
6268 STATE ROUTE 31, PROPOSED EXPANSION  
HARMONY ARCHITECTURAL ASSOCIATES**

Representative: David Colegrove, Architect, Harmony Architectural Associates

Mr. Colegrove introduced himself and gave a brief review of the last time the application was before the Planning Board. Changes include a fully developed Stormwater Pollution Prevention Plan with a pond located at the rear of the property which deals with stormwater runoff from the new parking lot and the new warehouse addition. The Board also questioned if all of the proposed parking was needed. After reviewing that with the owner Paul Wells, we outlined how our 39 spaces would be broken down. 24 parking spaces would be used by current employees and 5 spaces for 15 technicians. 2 spaces are allotted for customers. 2 spaces are for accessible parking. We also have 2 paved spaces for future employees. 4 spaces up front would be left unpaved until they are needed in the future. The original proposal had 40 spaces.

Mr. Smith noted the proposed sidewalk out front. That has to be done as a part of the site plan.

Mr. Colegrove agreed.

Some discussion occurred regarding a letter from the DOT.

Mr. Parrish: They will ultimately have to get a permit from the DOT. If the DOT objects to the 30' they would not permit it. It does not substantially change the site plan you are reviewing.

There was a plan submitted today for the stormwater. It does address the comments relative to grading. Lighting is good. The only outstanding items would have been in the August 13th letter---informational items or issues that would be discussed by the Board for example landscaping and architectural. Otherwise, I think that we are set with the plan as long as the Planning Board is also.

**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. Marzullo seconded the motion.** The motion was **approved** with the following vote:

Mr. Abbey:	Yes
Mr. Smith:	Yes
Mr. Cushman:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

The Chairman asked for the revision date of the site plan.

**Mr. Parrish: You could reference the plans in our letter with the exception of Item 4, the proposed site plan prepared by PLS dated August 13, 2010.**

**Mr. Smith made a motion** to approve the plan dated as Mr. Parrish stated above, with the understanding that the sidewalk is not proposed. It would be included in the actual buildout.

**Mrs. May seconded the motion.** The motion was **approved** with the following vote.

Mr. Abbey:	Yes
Mr. Smith:	Yes
Mr. Cushman:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

**MAJOR SUBDIVISION FINAL PLAN, INFORMAL DISCUSSION: ZONING DETERMINATION  
HANCOCK AIRPARK, SECTION A & B, 7<sup>TH</sup> AMENDED  
WEST TAFT ROAD & THOMPSON ROAD  
HANCOCK FIELD DEVELOPMENT CORP., IANUZI & ROMANS**

Representative: Hal Romans, Surveyor, Ianuzi & Romans

Mr. Romans introduced himself. We have revised this plan to go through an administrative

subdivision process. It is a lot line adjustment between two parcels.

The issue is the use. There is an existing tax parcel that sits here. The owner of the lot, the Crane facility, wants to pick up this portion of Hancock Airpark and combine it with his lot for potential future expansion. The question came up whether or not his business was an allowable use in this zone.

If it is an allowable use, we would be able to do an administrative subdivision through Wayne Dean, the Director of Planning & Development.

Mr. Cushman: What is the zoning of the piece that you want to add?

Mr. Romans: This is Commercial Plus. That came from the various uses to allow some flexibility. The whole thing is Commercial Plus. When you look at his use in the code book it is more towards Industrial. The question came up if this Board felt that was an appropriate use in this area.

Mr. Germain: The applicant is here because at this point they have a previous non-conforming use on the parcel that they own. What they want to do is expand it to the other adjoining parcel. That is not permitted because it would be an expansion of a non-conforming use.

They are looking for this Board to construe the General Commercial Plus section to say that this is a conforming use. I provided you with a memo on this. The GC+ section is unique. The Planning Board is authorized to construe this section liberally and broadly so as to allow for code systems between commercial uses and light industrial uses in the GC+ district.

They are asking you to render an opinion that their use is consistent with the GC+ district that they are in. If the Board saw fit to say that use is actually permitted in this zone, as it is within your authority to do so, then it would not be a non-conforming use. It would eliminate the problem of expanding a non-conforming use.

General Commercial Plus is unique because it does not have the catch all that is in all of the other sections. This has a specific authorization for your interpretation.

Mr. Smith: This is not really an equipment storage yard. It is for display purposes and training. They will be displaying new equipment that is for sale. It would seem to fit with Commercial Plus.

Mr. Marzullo: Assuming that we go along with this, it is an administrative subdivision.

Mr. Romans: Yes, it would go from two lots to two lots. We are moving a lot line. If the Crane company does an expansion they will have to come before this Board for site plan approval.

Mr. Smith: If we interpret it that way, doesn't it remove the non-conforming status?

Mr. Germain: Correct. At that point it is a permitted use. Then they would follow the typical administrative subdivision procedure which is done by the Zoning Office. When they actually go and develop the site, which I am sure is coming next; they would need to present a site plan to the Board for your full blown review.

**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.** The motion was **approved** with the following vote:

Mr. Abbey:	Yes
Mr. Smith:	Yes
Mr. Cushman:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

**Mr. Marzullo made a motion** that the application for the Empire Crane Company's use on Lots 17 and 17A in Hancock Airpark as defined by a letter from attorney Terry Kirwan dated August 12, 2010, is of the same general character and intensity as those uses that are allowed in General Commercial Plus. **Mrs. May seconded the motion.** The motion was **approved** with the following vote:

Mr. Abbey:	Yes
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Mr. Smith:	Yes
Mr. Cushman:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

**MINOR SUBDIVISION PRELIMINARY & FINAL PLAN (TAX MAP# 118.-02-1.6)  
LANDS OF BELL, BEAR SPRINGS ROAD, 2 LOTS, IANUZI & ROMANS**

Representative: Hal Romans, Surveyor, Ianuzi & Romans

Mr. Smith: Have there been any subdivisions, administratively, etc., on this property in the last couple of years?

Mr. Romans responded on this tax parcel, no. On the property behind it to the east, yes. This was a separate tax parcel. This parcel was sold to Mike Bell.

Mr. Smith: I am asking because we don't like to keep subdividing and subdividing the same parcel.

Mr. Romans: Basically this is an 8.5 acre parcel that has approximately 347' of road frontage on Bear Springs Road. It's the old Bear Creek multi-lot subdivision that went through a preliminary plan process. This was a separate tax parcel included in that subdivision. Mr. Gleason kept 90% of that and sold off this one building lot.

This would be two individual building lots on private septic systems designed by Plumley Engineering and submitted to the Health Department for approval. It will not be re-subdivided anymore. The two lots would have approximately 173.5' of frontage and be approximately 1,053' deep.

One of the problems with the old Bear Creek subdivision was the fact that there were some drainage concerns towards the main parcel in back towards the east. Mr. Gleason has since retired. He decided to keep the bulk of the property with his land. That subdivision is gone.

The plan would be to have two individual driveways. The property drains south to the north.

Mrs. May: Is there a way to exit the rear of the property into Bear Creek?

Mr. Romans: No. I believe that this parcel was sold off before Mr. Gleason did the Bear Creek preliminary subdivision. He never gave any access or easements.

These lots are zoned R-12. They will be 4.2 acres in size. They are located approximately half way between Goodeve Lane and Mud Mill Road. Goodeve is probably 1,000' to the north. Mud Mill would be approximately 1500' south.

Mr. Abbey: Are there any wetlands involved in this?

Mr. Romans: The wetlands were substantially east on the main parcel of Bear Creek. This parcel is clear of wetlands. There were some drainage concerns towards the east property. This property is bisected by a New York Telephone Company easement.

Mr. Smith asked if the properties were sold.

Mr. Romans responded no. Mr. Bell can't because he does not have the subdivision. But, he does have one or two people that are interested. We would have no problem with adding a note stating there would be no further subdivisions. That is not an issue.

Mr. Smith noted the properties to the east and west are zoned Agricultural. The property to the north is R-10. These two lots would be R-12.

Mr. Marzullo: We need to set a public hearing date. The first meeting in September would be good. **I move for the adoption of a resolution** calling for a public hearing on September 1, 2010 commencing at 7 p.m. local time to consider the application known as Lands of Bell, for subdivision approval. **Mrs. May seconded the motion.** The motion was **approved** with the following vote:

Mr. Abbey:	Yes
Mr. Smith:	Yes
Mr. Cushman:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

**SITE PLAN, SEA RAY BOATS, 9122 BREWERTON ROAD  
PROPOSED SEA RAY BOAT DEALERSHIP, SMITH BOYS, CRAIG DESORMEAU, P.E.**

Representatives: Brad Smith, Smith Boys, Applicant  
Craig Desormeau, P.E.

Mr. Desormeau introduced himself. We are here tonight to answer questions from Mark Parrish's review letter dated July 16<sup>th</sup> and to bring the Board up-to-date on activities with the State and the County.

We have applied for a permit for the new entrance under Phase III. If permitted it would be constructed in late 2011. That permit has not been issued as of this date. The drainage has been reviewed by the DOT. I have an email from Michael Washburn dated 7/30/2010. The State has no problem with the drainage plan that we provided. They said to go ahead as planned.

The Onondaga County Health Department has reviewed the septic system and said that it is adequate. We have provided a letter from Jeff Till dated 8/3/2010.

I just spoke with Mark Parrish. We went through his comments item by item. I believe that all of the issues in his letter have been taken care of.

Mr. Parrish: Our latest comments were dated July 16<sup>th</sup>. I did just review the plans with Craig. The comments have been addressed. Essentially, this is a three phase project. The first phase is basically sprucing up the building. They are going to install the sign out by Route 81. They have four lights that are going to be installed, two along Route 11 and two in the rear of the building. They would also be putting in a building sign on the existing building. That will be 45 sq. ft. The building's frontage is 40 sq. ft. so that is generally within the parameters that the Board allows.

It does not include the proposed 192 sq. ft. sign along Route 81. That is beyond what is typically approved by the Board. But, I think that this is a little bit unique. Realistically, you would not see that from Route 11.

Mr. Smith noted the County's referral from June 16<sup>th</sup>. It speaks to signs that are within 660' of the interstate highway system. Will that sign comply with those regulations?

Mr. Desormeau: Yes it will. We are talking with Steven Roof from the real estate section and deals with signs. They are in their review process of the application to permit that sign.

Mr. Smith: So they are in the review status or have they approved it?

Mr. Desormeau: Review only. We have not gotten approval. It is 6' x 16' and has two faces. It would not be lit internally. There are no lights.

Mr. Parrish explained Town regulations only count one side. So what I indicated as 192 sq. ft. would actually be 96 sq. ft.

Mr. Dean added you would only look at one side when doing your calculations.

Mrs. May: Will there be any landscaping around the base of this sign facing Route 81? I don't want to see weeds that are 8'-10' tall growing along the base of the sign.

Mr. Desormeau: It is a lawn area, nice and green. It is a mowed area. We are quite a ways away from the right-of-way on Route 81 because of the power line right-of-ways. So there is 200' from the Route 81 right-of-way to the sign. Our area is mowed and maintained. The power line right-of-way is not.

Mr. Marzullo: There was some discussion about replacing the existing fence.

Mr. Desormeau: Under Phases I and II the existing fence will stay there. In Phase III when the new curb cut comes in, we would be going through that fence. At that time we would replace it with white vinyl fencing in the same location.

Mr. Marzullo: How far is the fence back from the road? Any boat displays would be behind that, correct?

Mr. Parrish: The fence was around 15' back from the road. The Planning Board typically requires a 20' green area along Routes 11 and 31.

Mr. Smith: Do you have an exact time table as to when the phases would be completed? Certain things that we want are in Phase II. When can we expect that to commence?

Mr. Desormeau: We have give you a range of time by stating mid 2011 and late 2011. Do you want a month to go along with that?

Mr. Smith: Neal, would it be feasible for us to include in the resolution no later than? I would hate to have us approve Phase I and then like other projects, have Phase II never occur.

Mr. Germain: You could put as a part of your approval no later than whatever phase dates you decide between you. You could make the approval conditioned upon them have Phase I completed by a certain date, Phase II by x date and Phase III by x date.

Mr. Marzullo: What would happen if it wasn't?

Mr. Germain: They would lose their approval. Or, they would have to come back to the Board and state why they need an extension of those times.

More discussion occurred.

Mr. Smith: We also discussed the boat displays along Route 11. We do not want more shrink wrapped boats sitting out alone Route 11. You said no all of them, but the boats out front, could be shrunk wrapped clear.

Mr. Brad Smith: There is a clear shrink wrap that we have used before specifically so that you could see the boat during the winter. I am comfortable with doing that for boats along the street front. It is good for me and it is good for you.

Mr. Marzullo: You would not store customer's boats up there. Most of the boats up front would be for sale, correct?

Mr. Brad Smith: Correct. The boats up front would be for sale. By the time we get to the fall of the year we hope that our inventory is as small as possible, down to almost nothing. Over the course of the winter and through the boat show season the inventory will gradually build as the manufacturer makes boats and deliver them to us. By spring we would have the largest amount of inventory and hopefully sell it down to almost nothing by the end of the year. So, at the beginning of winter there probably will not be a lot of boats on the site. But by boat show time in early February, we hope to have a good representative sample for viewing. The numbers should start to dwindle down in May and June due to deliveries.

Mr. Desormeau discussed the building's façade. The building's façade in Phase I basically remains the same. It will be repainted. It will be a tan or light brown. A new sign will be placed on the building. In Phase II the front of the building will stay the same. The new building is Phase III.

Mr. Parrish noted under Phase III, they have a total of 270 sq. ft. of signage with 120' of frontage. That is a little bit more than twice what is allowed by code. Typically the Planning Board has gone up to twice the allowed amount. That does not include the sign out back. You would not see that from Route 11.

You will see that they have two signs. They would leave the small sign on the right of their current building, which was put up as a part of Phases I and II. They are not proposing to take that down. Then they would be adding signage as part of Phase III.

Mr. Smith: Is this signage lit?

Mr. Desormeau: No. There are no plans to do that.

Mr. Smith: So what they are proposing would be 30' over.

More discussion occurred.

Mr. Brad Smith recommended eliminating the word boats. We could have Sea Ray and Smith Boys and eliminate the word boats from both sides. I think the public will know who we are without the word boats.

The Board agreed that would work.

Mr. Cushman made a suggestion on the phasing. We have Phase I as mid 2010 and could move that to December. Phase II you have as spring of 2011. You could bump that to June of 2011. Phase III is mid 2011 and you could bump that to December 2011. That would move everything 6 months forward and give you a little more time between each phase.

More discussion occurred.

Mr. Parrish noted the site's parking. During Phase I there would be 4 parking spaces plus one handicap space and employee parking behind the building. Under Phase III it looks like there are four customer spaces and the handicap space. There is not a ton of customer parking.

Mr. Brad Smith: Historically we seldom have more than four customers at time. It is a miracle if we have three. The product that we sell is not a high volume product.

Mr. Desormeau: The employee spaces are in the back in the gravel area under all three phases.

**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.** The motion was **approved** with the following vote:

Mr. Abbey:	Yes
Mr. Smith:	Yes
Mr. Cushman:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

**Mr. Smith made a motion** to approve the site plan with a revision date of 8/4/10. Mr. Germain added the following contingencies:

1. Phase I as set forth in the applicant's plan will be completed on or before December 2010.
2. Phase II as set forth in the applicant's plan will be completed on or before June 2011.

3. Phase II as set forth in the applicant's plan will be completed on or before December 2011.
4. The applicant has agreed to use clear shrink wrap on boats facing or displayed along Route 11.
5. The applicant has agreed to remove the word boats from the sign under Phase III in order to conform to past approval practices of this Board.

**Mrs. May seconded the motion.** The motion was **approved** with the following vote:

Mr. Abbey:	Yes
Mr. Smith:	Yes
Mr. Cushman:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

**SIGN: VALERO, 6190 SOUTH BAY ROAD**

Representative: Amirk Shergill, Applicant

Mr. Dean explained this is a request to replace a board at the bottom of an existing sign with a LED board. It is the same size. It is just for gas prices. My understanding is that there would be no messaging.

Mr. Shergill: No messages. It would be numbers only, just gas prices.

Mr. Smith noted that he had driven by the site today. You are doing a nice job of cleaning the site up. Where are we with the dumpsters?

Mr. Marzullo: He is going to go through the site plan process and hire a consultant. That is the intent to hire a consultant to put together a site plan for review?

Mr. Shergill: Correct.

Various Board members responded positively to Mr. Shergill's intent.

**Mr. Smith made a motion** to approve the sign request as presented, numbers only and not

changing more than every 15 seconds. We include that with every digital sign. **Mrs. May seconded the motion.** The motion was **approved** with the following vote:

Mr. Abbey:	Yes
Mr. Smith:	Yes
Mr. Cushman:	Yes
Mrs. May:	Yes
Mr. Marzullo:	Yes

**Mr. Smith made a motion** to adjourn. **Mrs. May 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: August 26, 2010

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Tonia Mosley, Clerk