



The Planning Board of the Town of Cicero held a meeting on **Wednesday, October 1, 2014** at **6:30 p.m.** in the Town Hall at 8236 Brewerton Road, Cicero, New York 13039.

Agenda:

- Pledge of Allegiance
- Notes from the Chairman
- Approval of the Minutes from the September 22, 2014 Meeting (**approved**)
- Site Plan, Set Public Hearing, Minor Subdivision Preliminary & Final Plan, Sposato Subdivision, 6957 Lakeshore Road, 2 lots (**Public Hearing Set for October 15, 2014**)
- Site Plan, Carm's Dog House, 6256 & 6262 State Route 31, Proposed Dog Day Care and Grooming (**to return for determination**)

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

Others Present: Neil Germain, Planning Board Attorney, Mark Parrish, Planning Board Engineer, Richard Hooper, Director of Codes Enforcement, Don Snyder, Zoning Board of Appeals

Chairman Smith opened the meeting by noting the locations of the three emergency exits, asked that all cell phones be silenced and noted if anyone had difficulty hearing the proceedings please bring it to the Clerk's attention so the audio system could be adjusted.

Mr. Abbey led the Pledge of Allegiance.

Chairman Smith, Mr. Parrish and Mr. Germain discussed outstanding applications, including Beckley Subdivisions, Contemporary Homes Suites, Lands of Essig Subdivision, Uncle Bob's and Visionworks.

Chairman Smith mentioned that there is going to be a free Central NY Solar Summit held at the Double Tree Hotel on October 14, 2014.

There was discussion by Chairman Smith and Mr. Hooper regarding the dumpsters on the corner of Thompson and South Bay. Mr. Hooper indicated that a violation notice was served 2 weeks ago and since they haven't heard anything they will be issuing an appearance ticket. They also discussed the owner of the apartments on the corner of Lakeshore and South Bay Road asking for an extension.

Mr. Marzullo made a motion to approve the Planning Board Minutes from September 22, 2014. **Mr. Abbey seconded the motion.** The Chairman called a vote.

In favor: 5 Opposed: 0 Abstained: 0 Motion approved unanimously



**MINOR SUBDIVISION PRELIMINARY & FINAL PLAN
SPOSATO SUBDIVISION,
6957 LAKESHORE ROAD, 2 LOTS
IANUZI & ROMANS**

Representative: Hal Romans, Surveyor and Planner, Ianuzi & Romans

Chairman Smith noted that this applicant also needs a variance.

Chairman Smith asked Mr. Germain to craft a resolution for the public hearing.

Mr. Germain: You are going to move for the adoption of a resolution calling for a Public Hearing in the matter of Minor Subdivision Preliminary & Final Plan Application of Sposato Subdivision, 6957 Lakeshore Road, 2 lots. This public hearing shall commence at 6:30 pm at the regular scheduled meeting of the Planning Board on October 15, 2014.

Chairman Smith made a motion as stated by Mr. Germain above. **Mr. Marzullo seconded the motion.** The Chairman called a vote.

In favor: 5 Opposed: 0 Abstained: 0 Motion approved unanimously

**SITE PLAN, CARM'S DOG HOUSE,
6562 & 6262 STATE ROUTE 31,
PROPOSED DOG DAY CARE AND GROOMING
ROBERT ABBOT, CARMEN CESTA & MIKE CESTA**

Representative: Robert Abbott, Carmen Cesta and Mike Cesta

There was discussion between Chairman Smith, Mr. Germain and Mike Cesta regarding the mylars that were needed from Ianuzi & Romans. Mr. Germain indicated that they need a simple subdivision approved because of the lot line that runs down the middle of the project, which has to be done administratively the Board cannot approve it. Mr. Cesta was under that understanding that the work that Mr. Romans did took care of that and that they weren't going to remove the lot line until they were approved by the Board because if they didn't get approved by the Board why would they remove the lot. Also Mr. Germain gave instructions on how to file the easement.

Mr. Abbott: We provided the items that Mr. Parrish requested. We provided an email from Betsy Parmalee from DOT saying that she was ok with the driveway as it existed she just wanted to make sure we had at least 5 foot of dimension from the curbs to the pole. We made the changes on the drawing regarding the blacktop, which were submitted back to her. We added the notations on the drawing the show the boundaries of the easement.

Chairman Smith: This is the storm water easement and we are moving it across the site, correct?



Mr. Parrish: Yes

Mr. Abbott: We provided details of the sewer, they all combine and go in the same direction. We have a statement of use for all three buildings on the plan. We show the elevations and luminaires on the plan. The location of the pylon sign has moved 20 feet back per the Town ordinance and it is on the other side east of the driveway. The dog waste frequency is noted as twice a week. The dog use area with the fenced in area is shown on the plan.

Chairman Smith asked Mr. Abbott to read the statement of use.

Mr. Abbott: The three uses are dog grooming, dog day care and dog boarding. The building to the west is a residence on the upper floor and there is a rental office on the first floor. The other building to the east is a single family house, which is occupied.

Mr. Germain: You may want to consider the statement of use to be more specific. Right now it is very broad and not very restrictive. You might want to put restrictions on it now rather than in a conditional approval.

Mr. Parrish: Only just to note the note on the site plan relative to the frequency of the waste removal it just says periodically and then you have a note on the other plan that says twice a week so those are really in conflict if you think about it. I am just pointing out that it is inconsistent between the two. I was looking for the statement of use and waste removal note to be revised and they put those notes and kind of buried them on the building elevation sheet and floor plan sheet so there is a little bit of inconsistency.

Mr. Abbott indicated he put it on the building plans because they show the location of the dumpsters but he will make those changes.

Mike Cesta mentioned that the frequency depends on the amount of dogs they have as well if they are big dogs or small dogs.

They discussed putting a note that there is a minimum frequency of the waste removal on the plan.

Mr. Parrish had nothing additional.

Chairman Smith asked Mr. Parrish if he had the County referral letter.

Mr. Parrish indicated the County Referral letter recommended disapproval because of the capacity constraints at Oak Orchard.

Mr. Abbey: In all the new buildings in the Town of Cicero in the past few years we have always tried to concentrate on having the buildings looking more in the earth tones, would you consider modifying your coloring from the red walls and red roof.

Mike Cesta: We could probably modify the roof, we do something there, maybe a black roof or tan or something.



Mr. Abbey: You could still have plenty of red to stand out but I think that would be much more attractive.

Mr. Abbott: We will do something to tie the roof color in with the masonry we are doing on the front of the building.

Mr. Parrish asked that they bring in color samples of the new roof color for the Board to approve.

Mr. Marzullo: I wanted to say to the applicants that the meeting where we voted for use and I voted against it, it was a very difficult vote for me. I am impressed with the process that you have taken, the fact that you took the time to talk to the neighbors and the folks that you had come in and talk on your behalf. My vote was simply because I felt that it was the Town's intent not to have boarding that close to residential so that is behind us, and fortunately for you the majority of this Board differed from my opinion. Did you talk about the maximum number of dogs that you expected to board there? Those are the kinds of things that counsel mentioned should be part of the statement of use.

There was discussion between the Board and Carm Cesta and Mike Cesta and it was determined that the total number of dogs will be 25, of which 15 dogs overnight max and 10 dogs for daycare. No more than 25 dogs on the site at one time for boarding purposes.

Mr. Marzullo: There are 38 or 39 stalls?

Carm Cesta: A lot of them are going to be for grooming dogs or for daycare dogs when the girl goes on lunch they have to stay in there for a half hour.

Mike Cesta: For grooming you have to keep them clean after you groom them. It wouldn't be an issue if we have to lose a couple of stalls.

Mr. Marzullo: I am not concerned with the number of stalls just that it is stated on the plan.

Mr. Hooper: The only issue we would have would be how many dogs are outside, barking. That is our only concern with the neighbors.

Carm Cesta: I gave a few of the neighbors my personal cell phone so they could call me if there is something going on with the dog barking.

Mr. Marzullo: Talk to us about the outside use. When that would happen, who is onsite, who is not onsite, etc.

Carm Cesta: With the outside use the dogs are always supervised, when they get let out to play outside there is a girl watching them and if they do get out of control and bark too much the girl will bring them



back in. They are only outside for two hours out of the day because it is too much outside they need to be contained in the building.

Mr. Marzullo: Would you be able to put a time frame on when they would be allowed outside.

Carm Cesta: I wanted to talk with you about that, during the week I open at 6:30am and I close at 6pm so if I couldn't let them out until 7 or 7:30 on the weekdays and then if you need them back in at 5-5:30pm that wouldn't be a problem.

Chairman Smith: Would it accommodate your business if you were doing 7am-5pm during the week?

Carm Cesta: I don't do any daycare on the weekends so my hours are only 8-9am and 5-6pm for the public during the day. They only get let out three times a day so the most you would hear a dog would be from 8-9am, 5-6pm and 7-8pm. When I let out the dogs for boarding I only let them out for like 5-7 minutes to go to the bathroom and come back in.

Carm Cesta wanted to just make a note that the neighbor has two german shepherds that bark all the time so he doesn't want his business to be blamed for that barking.

There was further discussion about the time period when the dogs will be able to be let outside. The Board and the applicant agreed that on the weekends and holidays it will be from 8am -9pm and during the week it will be 7am-9pm. The Board and the applicant also agreed there will be a maximum of 27 dogs allowed on the site at one time. Mr. Germain stated that all of this has to be on the plan on the statement of use. Mr. Abbott indicated he will put it on the site plan and the building plan.

Chairman Smith: So noted on the site plan will be the number of dogs allowed on site, the hours for the outside use by the dogs, the colors will be noted, and the waste removal will be no less than twice a week.

Mr. Marzullo: Has there been any thought about the sound barrier inside for the noise from the dogs.

Mike Cesta: As much insulation as we can get in the building. And we talked about planting pine trees outside the perimeter we will probably start with 4 footers. Anything we can do.

Mr. Hooper asked if the portable grooming truck was going to be onsite or not.

Carm Cesta: I use it all the time, it goes out all the time.

Chairman Smith: We are ok with that as long as you are parking it within the area that is set forth for parking. And no auto sales correct?

Mike Cesta: No.



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The remaining Board members are all set and had nothing further at this time.

Chairman Smith made a motion to adjourn. Mr. Abbey seconded the motion. The motion was approved unanimously.

Next Scheduled Regular Meeting: October 15, 2014 at 6:30 PM.

IN AS MUCH AS THERE WAS NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 7:17 pm.

Submitted by Kristin Ryder
Planning Board Clerk