

The Planning Board of the Town of Cicero held a meeting on **Monday, April 8, 2013** at **7:00 p.m.** in the Town Hall at 8236 Brewerton Road, Cicero, New York 13039.

Agenda:

- Pledge of Allegiance
- Notes from the Chairman
- Approval of Minutes from the March 25, 2013 Meeting (**approved**)
- Minor Subdivision Preliminary & Final Plan, Public Hearing, Burdick Ferguson, Ferguson Road, 1 Lot (**approved**)
- Site Plan/Sketch Review, General Electric, 7400 Round Pond Road, Proposed Storage Lot, Dependable Paving (**to return**)

Board Members Present:

Bob Smith (Chairman), Joe Ruscitto, Chuck Abbey, Pat Honors and Sharon May (Ad-Hoc Board Member)

Others Present:

Neil Germain (Esquire, Germain & Germain), Mark Parrish (P.E., O'Brien & Gere) and Tonia Mosley (Clerk)

Absent: Mark Marzullo (PB Member) and Steve Procopio (Code Enforcement Officer)

Chairman Smith noted the three emergency exits in the room and informed those present that the Town of Cicero Zoning Board of Appeals meeting was being held in the conference room down the hall. He asked that all cell phones be silenced.

Mrs. May led the Pledge of Allegiance.

**NOTES FROM THE CHAIRMAN**

(SEE ATTACHMENT A: OCDWEP LETTER REGARDING OAK ORCHARD DATED 4.1.13)

Mr. Smith noted the Notice of Temporary Suspension of new sewer connections within the Oak Orchard service area. It does effect our determinations on any project within that Sewer District. Copies of this letter are available from the Zoning Office or the Onondaga County Department of Water and Environmental Protection (OCDWEP).

This involves State Pollutant Discharge Elimination System (SPDES) permits. OCDWEP issued this because Oak Orchard is at capacity. No sewer connection permits will be issued within this Sewer District for a six month period, except those things which already have preliminary approval or are on the books.

Due to a death in the family, Mr. Marzullo can not join us tonight. In his place is our Ad-hoc member Sharon May. Welcome back Sharon.

**APPROVAL OF MINUTES FROM THE MARCH 25, 2013 MEETING**

**Mr. Abbey made a motion** to approve the Planning Board meeting minutes from March 25, 2013. **Mr. Ruscitto seconded the motion.** The Chairman asked for a vote.

*Ayes: 4      Nays: 0      Abstained: 1      **Approved***

**MINOR SUBDIVISION PRELIMINARY AND FINAL PLAN, PUBLIC HEARING**

**BURDICK FERGERSON, FERGERSON ROAD (TAX MAP# 051.4-05-13.2)**

**1 LOT, JONATHAN & MARIANNE BURDICK**

(SEE ATTACHMENT B: OBG REVIEW LETTER DATED 3.25.13)

Representative: Jonathan Burdick

Mr. Germain explained that the public hearing was still opened and/or continued until the Board decides to close it.

Chairman Smith asked if there was anyone here who would like to speak for the project. (There were no comments.) He asked if there was anyone who would like to speak against the project. (There were no comments.) He then asked for a motion to close the public hearing.

**Mrs. May made a motion** to close the public hearing. **Mr. Ruscitto seconded the motion.** The Chairman asked for a vote.

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

***(The public hearing was closed at 7:10 p.m.)***

**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. **Mr. Smith seconded the motion** and asked for a vote.

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

Mr. Burdick noted they had received a letter from the Planning Board's engineer. The letter looked for manholes, water lines and elevations. We don't have topographical lines shown but we do show spot elevations. The elevation varies a foot to a foot and a half across the property. It is pretty flat. I believe that we have accomplished all of the requests made by your engineer.

Mr. Parrish: As was mentioned, they do not have the existing grade shown at the one foot interval requirement per code. The Board should note if you are waving that requirement as part of any approval.

Mr. Smith: We have done things like that in the past, correct?

Mr. Parrish: Yes it is fairly common. There isn't a grading plan provided so we don't know whether they are going to disturb more than an acre—which would require a SPDES permit. As a condition of approval, the Board should consider requiring the applicant to provide a grading plan if requested by the Codes Enforcement Office at the time a building permit is applied for.

There is an easement issue which I will let our attorney address.

Mr. Germain: I received the legal description setting forth the easement area and a proposed easement sometime this morning. I received an amended proposed easement later this afternoon. I will review it, give my comments and ensure that the applicant gives an easement that is satisfactory and that complies with what we need in this situation.

That is incorporated into a resolution. After a conditional approval, until such time as the Chairman signs these maps and they are given to the applicant to file, you still have an opportunity to make sure that all the t's are crossed and the l's are dotted as to the things that the Board requires.

Typically, an applicant gives us the easement and the paperwork that goes with it. I will approve it. Then it goes to the Supervisor to sign. Once the applicants have everything and show that they are ready to record it, they will get the signed map and they can record it. Everything would be in place to do that. Withholding the signature on the map ensures that the Board gets everything that they ask for.

Mr. Smith: Generally subdivisions have to be signed by the Planning Board's Chairman so that the maps can be filed. That is how applicants get their building permits. I have instituted a policy that I will not sign a map unless Mr. Germain has signed off on it that everything is okay. Are there any additional comments from the Board?

Board members responded no.

**Chairman Smith moved** for the adoption of a resolution approving the subdivision known as Burdick Ferguson, Ferguson Road, tax map # 051.4-05-13.2. The approval is contingent on the following:

1. This approval is contingent on the review and approval of and by the Planning Board attorney of the proposed easement agreement to provide sewer service to Lot 1B via a private easement located across Lot 1A.

2. Following approval by the Planning Board attorney, the applicant shall file said easements with the Onondaga County Clerk as a condition of this subdivision approval.
3. Mr. Germain added this Board is waving the requirement of showing contours on the map.
4. Mr. Germain also added the applicant is required to provide a grading plan if requested by the Codes Enforcement Office.

The applicant is hereby notified that the Chairman of the Planning Board will delay signing the final plan until the Chairman verifies that the applicant has submitted an approved easement in recordable form and has executed any and all necessary agreements with the Town and that all securities or undertakings are in place. **Mrs. May seconded the motion.** The Chairman asked for a vote.

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

Mr. Burdick thanked the Board.

**SITE PLAN/SKETCH REVIEW  
GENERAL ELECTRIC, 7400 ROUND POND ROAD, PROPOSED STONE STORAGE LOT  
DEPENDABLE PAVING**

Representative: Gary Prochna, Dependable Paving

Mr. Prochna introduced himself as the representative for General Electric (GE). As you can see on the plan, GE needs more storage space for a number of containers that we presently have in our parking lot. We would like to consolidate that storage. Mr. Smith and your code officer, Mr. Procopio, visited the site with me. We came up with a plan that brings all of our storage to one fenced in area. If you were to come into the Park you would not see what is being stored.

The site plan shows elevations and where water is going.

Mr. Smith asked if some of the pavement would be eliminated.

Mr. Prochna responded we are eliminating 360 feet of pavement. Because GE is expanding it was difficult to do that, but we did achieve it. The Town will have more permeable surface area.

Mr. Smith: You are currently storing equipment in the parking lot. Would this correct that? That isn't the way the site plan was laid out originally years ago. This would bring the site plan into compliance.

Mr. Prochna: Yes it will. GE owns a lot of property, but as you can see on the diagram a large part of it is not usable because of the power lines there. Any expansion into that area is prohibited.

Mr. Smith: National Grid has a large transmission line that goes through there. It is subject to numerous easements that have a huge impact on what can be done on that land. How many employees do you have?

Mr. Prochna: 35 people work at this facility. Depending upon the Board's approval, that number would increase. Currently there are 74 parking spaces. The facility has a number of employees who constantly travel around the Country. When those employees come in for meetings, etc, that parking lot gets pretty full.

Mr. Parrish noted that he would do a thorough review and get some comments out by the end of the week. I know that there are some things that will need to be added.

Mr. Germain did not have any comments at this time.

Mr. Smith: When we looked at the site Steve and I noticed there was a lot of parking that was not being used. Our Board is interested in reducing the amount of pavement in the Town. That is why we suggested if they were going to expand gravel they might be able to reduce the asphalt.

Mr. Prochna: We have 20' x 9.5' x 8' containers that hold GE's products inside. The containers are manipulated by a giant fork lift.

Mr. Smith: This seems to be a good solution to that storage need.

Mr. Prochna: Everything stored in the parking lot now would be picked up, removed from the parking lot and stored in the stoned storage area. The existing storage shed would be removed because they would not need it any longer.

Mr. Smith: That isn't very attractive. The new plan would clean the site up a lot. The applicant should be aware that storage in the parking lot would not be permitted without coming back to this Board. Once the trailers are moved over to the gravel area, we don't want to see more trailers in the parking lot. How soon are you interested in getting this work done?

Mr. Prochna: GE wanted the project done already.

Mr. Smith indicated that the plan could be sent to the County for their review.

**Mrs. May made a motion to adjourn. Mr. Abbey 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 7:30 P.M.

Submitted by Tonia Mosley, Clerk

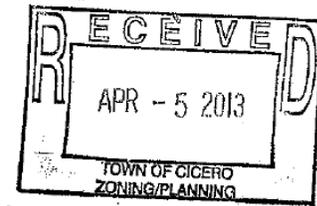
ATTACHMENT A



**Joanne M. Mahoney**, County Executive  
**Tom Rhoads, P.E.**, Commissioner  
650 Hiawatha Blvd. West  
Syracuse, NY 13204-1194  
(315) 435-2260 or (315) 435-6820  
FAX (315) 435-5023  
<http://www.ongov.net/wep/>

April 1, 2013

Mr. Mark Marzulo, Chair  
Town of Cicero Planning Board  
8236 Brewerton Road  
Cicero, New York 13039



RE: Notice of Temporary Suspension of New Sewer Connections Within Oak Orchard Service Area

Dear Mr. Marzulo:

By its recent memorandum to the County Executive, the Onondaga County Department of Water Environment Protection has determined that the Oak Orchard Wastewater Treatment Plant has reached a regulatory threshold regarding the influent mass loading of Biochemical Oxygen Demand. Enclosed please find a Notice of Temporary Suspension of New Sewer Connections with the Oak Orchard service area.

A copy of this notice has been posted on the Department of Water Environment Protection's website. We advise that, as an involved agency, you should please consider this suspension of new capacity in determinations for which you are the lead agency.

We would be pleased to meet with you to further discuss this matter at your convenience. Please contact me directly if you have additional questions.

Sincerely,

ONONDAGA COUNTY DEPARTMENT OF  
WATER ENVIRONMENT PROTECTION

A handwritten signature in black ink, appearing to read "Tom Rhoads".

Tom Rhoads, P.E.  
Commissioner

TR:sn  
Enclosure

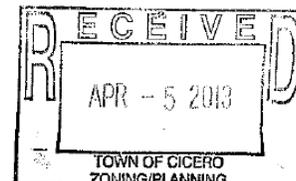
**NOTICE OF TEMPORARY SUSPENSION OF  
NEW SEWER CONNECTIONS WITHIN  
OAK ORCHARD SERVICE AREA**

The Commissioner (Commissioner) of the Onondaga County Department of Water and Environmental Protection (OCDWEP) has, pursuant to Onondaga County Local Law No. 1 of 2011 (Local Law No. 1 of 2011) made certain required findings and conclusions, and accordingly has issued a determination that the Oak Orchard Wastewater Treatment Plant's ("Oak Orchard") actual influent mass loading of Biochemical Oxygen Demand (BOD) has reached the design influent loading (limit) for this parameter. Specifically Oak Orchard has exceeded the applicable BOD loading limits for more than eight (8) months during calendar year 2012. As required under Oak Orchard's State Pollutant Discharge Elimination System (SPDES) permit, this was reported to the New York State Department of Environmental Conservation on March 14, 2012.

As a result of the Commissioner's findings and conclusion, pursuant to Article 11A of the Administrative Code of Onondaga County and Local Law No. 1 of 2011 (Sections 2, 20A) the Commissioner has determined the viability and integrity of this segment of the public sewer infrastructure is jeopardized and as such warrants the following necessary steps:

- (a) Subject to the exceptions described in the following subparagraphs, all new connections within the Oak Orchard service area are temporarily suspended for a six (6) month period commencing April 1, 2013. The following are excepted:
- (i) Subdivisions with prior OCDWEP approval, evidenced by issuance of an Onondaga County Department of Health, Division of Environmental Health (OCDOH) "Approval of Sanitary Sewer Extension" letter, provided that OCDWEP has been notified by the applicant of the start of subdivision construction and that such work has been performed within the time frame stated in such letter.
  - (ii) The subdivision received preliminary approval or a "capacity assurance statement" from OCDWEP within the two year period prior to the date of this Notice, subject to the requirement that all applicable permits and approvals be obtained.
  - (iii) A permit has been issued to an applicant from OCDWEP or the County Executive within the two year period prior to the date of this Notice, subject to the requirement that all other applicable permits and approvals be obtained.
- (b) during the period of suspension, and pursuant to Section 20A(iii), (iv) and 6 NYCRR Part 750-2.9(c)(2), a study of the existing facilities, examining the need for enlargement or construction of new facilities, including focusing on reduction of BOD loads, is to be undertaken. OCDWEP is also required to submit a "Plan of Future Growth" to the NYSDEC, to include, amongst other requirements "approvable engineering reports and/or plans and specifications to provide for growth of discharges in the POTW service area" (6 NYCRR Part 750-2.9(c)(2)(i)(b)).

Although it is OCDWEP's intent to timely commence the required study and plan, the Commissioner may determine to extend the period of suspension as necessary to complete this work and to satisfy any NYSDEC directive requiring continuation of the suspension of further sewer connection approvals to Oak Orchard, pursuant to 6 NYCRR Part 750-2.9(C)(3)(ii).



ATTACHMENT B

March 25, 2013

**Planning Board**

Town of Cicero  
8236 Brewerton Road  
Cicero, New York 13039  
Attention: Robert Smith, Chairman

RE: Fergerson Road Subdivision Plan Review

FILE: 0101/25439.448

Dear Board Members:

We have reviewed the Final Plan dated February 5, 2013 last revised March 13, 2013 prepared by Lehr Land Surveyors in regard to compliance with Town Code requirements relative to subdivision plans and effect on Town utilities and roads. The 7.75-acre site is located at the end of Electric Railway and is bounded on the east by Fergerson Road. It is proposed to create two lots 6.051 and 1.699 acres in area. Lot 1A, the 6.051 acre lot contains an existing residence. Lot 1B is currently vacant. The site is zoned AG-Agricultural. Our comments are as follows:

- 1) The site is located within the Sanctuary Sewer District. Lot 1A is provided sanitary sewer service from an 8-inch Town sanitary sewer located within an easement located on the west side of the lot. The location of the sanitary sewer should be shown on the Plan. It is proposed to provide sewer service to Lot 1B via a private easement located across Lot 1A. A draft of the proposed easement agreement should be provided to the Planning Board Attorney for review and comment. The Applicant should contact the Town to coordinate connection to the Town sanitary sewer by the Town Sewer Contractor.
- 2) Stormwater runoff from the site generally sheet drains to adjacent properties. A grading plan has not been provided but if more than 1-acre of land is disturbed a New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activities would be required. If a Grading Plan is not provided prior to request for a building permit the Codes Enforcement Office should request a grading plan be provided to confirm stormwater runoff patterns are acceptable and if a SPDES Permit is required. The Town Code require existing grades be shown on the Plan at a minimum of a 1-foot interval from an actual survey. As this information is not shown on the Plan the Planning Board will need to waive this requirement at their discretion.
- 3) The site has frontage on Fergerson Road, which is under the jurisdiction of the Onondaga County Department of Transportation (OCDOT) and Electric Railway, which is a Town highway. Access for Lot 1A is from Electric Railway. Approval for the entrance onto Fergerson Road for Lot 1B should be obtained from the OCDOT. An ingress/egress easement is provided on Lot 1A to provide for a turnaround at the end of Electric Railway.
- 4) The site is within the Central Water District. Water service is available from water mains located along Fergerson Road and Electric Railway. The location of the water main along Electric Railway should be shown on the Plan. The Developer should contact OCWA to coordinate provision of water service.

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- 5) The plan shows the location of State and Federal wetlands on Lot 1A as identified on the New York State Freshwater Wetland Map and the National Wetland Inventory Map along with the 100 feet buffer associated with the State wetland. The Applicant is responsible for obtaining and complying with any necessary wetland permits.
  
- 6) The site is not located within a 100-year floodplain as identified on the 1994 FEMA Flood Insurance Rate Maps.

Very truly yours,

O'BRIEN & GERE ENGINEERS, INC.

A handwritten signature in black ink, appearing to read 'M C Parrish', written in a cursive style.

Mark C. Parrish, P.E.  
Managing Engineer