

The Planning Board of the Town of Cicero held a meeting on **Monday, December 23, 2013** 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 December 9, 2013 meeting (**approved**)
- Cut & Fill Permit, Richard Riccelli, Totman Road West (Tax Map #056.-01-05.1), Proposed Wetland Remediation (**approved**)
- Minor Subdivision, Preliminary & Final Plan, Schedule Public Hearing, Beckley Subdivision, 8500 Snowshoe Trail, Lakeshore Road (tax map# 089.-1-5.0), 6136 Lakeshore Road and 6144 Lakeshore Road, 4 Lots (**public hearing scheduled 1-13-14**)
- Informal Discussions: 2014 Onondaga County Planning Federation Symposium
  - 2014 Proposed Planning Board Meeting Schedule
  - Oak Orchard Presentation
  - The Comprehensive Plan
  - Brewerton Over-lay District

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

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

The Chairman opened the meeting by noting the three emergency exits in the room. He asked for cell phones to be silenced.

Mr. Abbey led the Pledge of Allegiance.

**APPROVAL OF THE MINUTES FROM THE DECEMBER 9, 2013 PLANNING BOARD MEETING**

**Mr. Marzullo made a motion** to approve the Planning Board meeting minutes from December 9, 2013.

**Mr. Ruscitto seconded the motion.** Mr. Smith called a vote.

*In favor: 4      Opposed: 0      Abstained: Mr. Abbey      motion approved*

**CUT & FILL PERMIT, RICHARD RICCELLI  
TOTMAN ROAD WEST (TAX MAP # 056.-01-05.1), PROPOSED WETLAND REMEDIATION  
IANUZI & ROMANS**

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

Mr. Smith: This is a remediation at the request of the Army CORPS of Engineers and the DEC. The DEC is managing it. The entire fill that was put in there has to be removed.

Mr. Romans introduced himself adding that the Chairman was correct. You can see the site in the center of the screen. That is a parking lot that is going to be removed. All of the material comes out. It was confirmed that there is approximately 26,000 cubic yards coming out of this site, which will take it back to its original grade. It will be restored per the mitigation plan filed with the DEC.

That material is going over to the Riccelli Ready Mix site on Northern Boulevard that you approved. The Ready Mix site needs an import of 30,000 cubic yards. It needs more than what this will provide.

The SWPPP was submitted to the Town and Mark Parrish for his review. According to an email, I believe he completed that review December 10<sup>th</sup>. I provided the numbers the Board was looking for as far as what was coming off and where it was going.

The DEC is monitoring the site. Riccelli asked the engineering company Spectra to come up with the plan.

Mr. Smith: I understand the applicant has agreed after they have completed removing the material and putting it over at the Ready Mix site, that there will be as-builts to ensure the Board that grades are exactly where we approved. The DEC will also want as-builts to show that the site has indeed returned. As I understand they have to have plants growing there by May 1<sup>st</sup>.

Mr. Romans: Yes they are under a deadline. There are as-builts that have to be done for the DEC. Those will be provided to the Town. Mr. Riccelli understands if there is some kind of supplemental work on the as-builts that the Town needs, he will provide that.

Mr. Smith: A lot of the material coming out of this site will primarily be used for building the roads and concrete.

Mr. Romans: Yes. What is in there is primarily the gravel material and things like that. It probably has a depth of 3.5'-4' across the 5.4 acres.

Mr. Smith: There was actually landscaping material before they filled this, so the fill is pretty much in tact.

Mr. Romans: Yes, they had the fabric put down before they filled in the parking lot. Basically it is take everything out down to the fabric, remove the fabric and then re-store and re-vegetate.

Mr. Smith: This will involve about 2,000 or more truck loads. Those trucks will haul it out on County roads---which are designed to handle that traffic

Mr. Romans: Correct. It is all approved. They have a SWPPP that they have to follow. They have to make sure that they are not bringing debris out onto the roadway and that the roadway is kept clean. Spectra will have their inspectors and the DEC will have them too.

Mr. Parrish: They will have to keep a watch on this. They are required by the SPDES permit to do inspections during construction. If there are any issues with sediment or erosion control, they would need to be addressed.

That is the only concern I have. They are opening up a pretty good area but I have pointed it out to their engineer. They have responded that they feel they have adequate sediment and erosion controls in place. With the inspections they should take whatever additional measures that they might need to address those issues as they arise.

We have signed off on this.

Mr. Smith: The DEC will be shining a spot light on this whole process very closely. They are not going to let the applicant damage any more wetlands. I would assume that the applicant is going to be under a very close watch.

Mr. Romans: Yes. Ellen Hahn (NYSDEC) received a copy of the SWPPP. She did a review and got some comments to Spectra. They responded. Kevin Bliss from their office sent me an email saying that he will over see it from the local DEC office along with the Army CORPS of Engineers.

Mr. Smith: Ken Lynch raised this project in his discussions with Town officials in the last couple of weeks. So, this is very much on the DEC's radar.

Mr. Romans: It is no secret Riccelli is under a consent order to complete it.

Mr. Marzullo: The Town does not have an obligation to do any siltation/erosion inspections? Normally we do, right?

Mr. Parrish: That is usually handled through the Codes Office. Typically they do that when they do their site inspections. Our office does not get involved in that process.

Mr. Marzullo: I did not know if the Army CORPS stepping in alleviated that obligation or not

Mr. Procopio: Typically when there is a SWPPP in place in the Town, certainly in a construction site where we are out and in subdivisions when we are there doing the required inspections on buildings-- we notice those types of things. We certainly can do that. We would certainly be interested.

Mr. Marzullo: What about securities?

Mr. Procopio: There is a permit process where it would be covered.

Mr. Smith: Any comments from your end Mr. Germain?

Mr. Germain: No, I think that it is pretty straight forward. At this point you are down to the last inches here. Basically they have complied with or attempted to comply with what is required. They have gone through the permitting. What is left is the Board's choice to not approve it or to approve it and issue the authorization for the permitting through the Code Office. You would need to do SEQR and then a motion.

**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 called a vote.

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

Mr. Smith: I would like to make sure that the motion discusses the as-builts for both locations. They are required for where they are taking it out of the ground, but we also want one for where it is being deposited. I would like to ensure where they place it conforms to the approved site plan. I would like that very clear in the resolution.

Mr. Romans: That was the understanding.

Mr. Parrish: They did add that to the SWPPP per our recommendation.

Mr. Germain: You would **move** for the adoption of a resolution approving the cut & fill permit application of Richard Riccelli, Totman Road West, tax map # 056.-01-05.1 proposed wetland remediation and authorizing the Code Enforcement Officer to issue a permit. Said approval is





Mr. Germain: The same here.

Mr. Honors: I prefer 6:30 over 6:00.

Other Board members agreed.

**Mr. Smith made a motion** to change the January 13, 2014 Planning Board meeting time from 7:00 p.m. to 6:30 p.m. **Mr. Ruscitto seconded the motion.** Mr. Smith called a vote.

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

#### **INFORMAL DISCUSSION: OAK ORCHARD PRESENTATION**

Mr. Smith: On the January 27<sup>th</sup> meeting I have invited Commissioner Rhoads, P.E. (OCWEP) and Nick Cappozza who is in charge of sewers for lack of a better term, to spend an hour starting at the beginning of our meeting going over the impact of Oak Orchard's plant and where we are with Brewerton. It is pretty involved. In the last two weeks I have spent a lot of time working with WEP trying to get some development projects through the moratorium. They have been very co-operative. Everyone on the Planning Board should be aware that it will have a major impact on planning. They are willing to come out and do it, so we will open up our regular meeting. They will do a presentation and then take questions and answers from the Board so that we have a better understanding of waste water, what is happening with it, and what the current situation is. They will also offer some suggestions on moving forward so that we can manage this resource better.

#### **INFORMAL DISCUSSION: COMPREHENSIVE PLAN**

Mr. Smith: The Town Board wants us to dust off the Comprehensive Plan that was done 6-7 years ago. At that time the Board accepted the plan but did not adopt the plan. That gives the Town some difficulties when applying for infrastructure monies and grants. The State and the Federal government does not want to give us any money because we can't decide what we want our Town to look like. The question do you have a comprehensive plan seems to be the first question that they ask.

The Town Board wants us to dust it off and see what change, if any, has to be made. They want us to review it. My plan is after the first of the year to start putting a period of time in each of our public meetings, hold some public hearings for discussions. The Town Clerk will send everyone a copy of the plan in digital form.

The enabling legislation for Planning Boards is very clear. At the request of the Town Board we are

supposed to advise them. They want us to take the lead on this and make our recommendation by June. They intend to adopt a comprehensive plan for the Town to fix the zoning issues and get things cleaned up.

In talking with Developers in this Town, as many of you know, if you come in and apply to build something or to develop a parcel of land, it is not infrequent that the zoning is wrong. That adds \$1750 under the present fee schedule to the cost of developing something within this community. Currently, we have an existing business who wants to expand, where the Town re-zoned the property as Regional Commercial. Literally, there is no way to build anything on that property. The bulk regulations do not fit. The Town Board will work with them on it but they are looking at paying \$1750 to change the zoning so that they can do something. Those things have to be fixed. The comprehensive plan seems to be the best vehicle to do that.

#### **INFORMAL DISCUSSION: THE OVER LAY DISTRICT IN BREWERTON**

Mr. Smith: The Town Board would like us to consider how effective the over lay district in Brewerton has been. They would like to know whether it has been effective to the point where it has helped the community with its development or whether the over lay district has had the opposite effect and stifled any development. It is difficult. Everyone who has come in and looked at it has walked away because of the costs.

**Mr. Abbey made a motion** to adjourn. **Mr. Marzullo seconded the motion.** The motion passed 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, Planning Board Clerk