



The Planning Board of the Town of Cicero held a meeting on **Monday, March 9, 2015** at **6:30 p.m.** in the Town Hall at 8236 Brewerton Road, Cicero, New York 13039.

**Agenda:**

- Pledge of Allegiance
- Approval of the Minutes from the February 23, 2015 Meeting (**approved**)
- Site Plan, Cicero Dumpster Service, 6188 South Bay Road, Proposed Storage of Construction Dumpsters (**delayed for two weeks**)
- Site Plan, Cicero Fire Station, 8377 Brewerton Road, Proposed New Fire Station, (could not be heard due to no lead agency being agreed upon)
- Informal Discussion, Proposed Fee Schedule

**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, and 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 Notes:

Three Planning Board members attended the Federation training and it was excellent, especially a couple items on SEQR and one on the consensus report. The Chairman reviewed the training requirements for Members, Town Law 267.271: All Planning Board members and Zoning Board of Appeals members shall complete 4 hours of suitable training per year. The authority to determine suitable training is hereby delegated from the Town Board to the respective Planning and Zoning Board Chairs who shall note annually and board minutes the selected training. I am noting in the minutes that I find that if any of the members can file a certificate Neil will present, showing that they have reviewed the online PowerPoint presentations that were presented, 4 hours worth of them. If they would note which ones they watched in the certificate, I find that to be suitable. Chairman Smith asked Mr. Germain if that is acceptable. Mr. Germain indicated that was acceptable.

**Mr. Marzullo made a motion** to approve the Planning Board Minutes from February 23, 2015. **Mr. Abbey seconded the motion.** The Chairman called a vote.

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

Chairman Smith noted that there were changes in the agenda.



Chairman Smith noted the change to the agenda is regarding the site plan for the Cicero Dumpster Service, 6188 South Bay Road, the applicant as requested again to be removed from the agenda. Chairman Smith received a letter that he was copied on from the County DOT to Mr. Shergill, the applicant.

The letter seems to say that the County has no intention of granting access off South Bay Road at the present moment.

Mr. Germain: That is correct. The DOT is saying they are not going to change their position from the last time that this came up, there wasn't going to be additional access off South Bay Road and they also requested that in the future if they want the access or the County DOT to consider it they are also going to have to show them some form of approval by National Grid, which is what you asked for in the last approval. It was mentioned at the sketch plan on this and it is part of the County resolution and now it shows up from the County DOT. This has been a consistent thread through every agency. A copy of the letter has been provided to the clerk and it has been filed in the file.

Mr. Honors asked Mr. Hooper if the applicant is in violation now using a stone entrance that is not approved onto South Bay Road currently.

Chairman Smith indicated that the applicant has been in front of the Court. He was served and brought into Court by the Codes Office and the Judge has adjourned it and told the applicant to go and apply for a site plan. That is where it stands, he has come back in and applied. With that in mind, I am going to put this down on the next agenda. I am going to ask Heidi to notify the applicant that they need to come in and we need to have a discussion about this and determine what is going to happen with it. The Codes Office is sitting here with a place that doesn't have site plan, the Courts awaiting action by the Planning Board and this is the second time we have delayed this at the applicant's request.

Mr. Germain added that will provide a letter to Heidi so she can include it on the notice to the applicant indicating that no further adjournments are going to be granted without a motion from the entire Planning Board.

**SITE PLAN, CICERO FIRE STATION,  
8377 BREWERTON ROAD,  
PROPOSED NEW FIRE STATION,  
NAPIERALA CONSULTING**

Representative: Neal Zinsmeyer



Chairman Smith noted that the applicant had planned on presenting tonight but the Fire Department had asked for lead agency designation and as the accepted custom for the Planning Board Mr. Germain sent a letter advising them that we act as lead agency. Mark and himself have meet with the Fire Department. However since then the Commissioner of the Department of Environmental Conservation responded and he is looking for the Fire Department to justify being the lead agency for SEQR. Mr. Germain has responded to the letter from the DEC again reiterating that the Planning Board intends to be lead agency but they are holding off until March 13, 2015 looking for further information. He intended to have this on the agenda tonight because he understood the Fire Department wants to move forward as construction season is here. The Fire Department was going to provide a letter agreeing that the Planning Board was going to be lead agency but we have not received it yet. Chairman Smith asked Mr. Germain if the Planning Board can hear this tonight.

Mr. Germain: You cannot. This matter came before the Board in its normal course of events but the Fire District took the highly unusual step of requesting to be lead agency. Typically on every application that has been brought before you, the Planning Board has been lead agency but for some reason the Fire District again took the highly unusual step of trying to be lead agency. They filed a request with the DEC and we sent our request to be lead agency. At this point the Robert Ewing of the DEC sent a letter saying they are going to gather information to make a determination. I spoke to Mr. Ewing this morning and they took the position that lead agency is usually never disputed but they either make a determination on their own or they would allow us to, if the agencies agreed, to come to our own conclusions. He said if that was the case, then all the Fire District would have to do, if they wanted to keep their schedule is to have their attorney issue a letter authorizing the Planning Board to act as lead agency and we would forward that letter on to the DEC and that would be the end of it. He also said we had to stay our proceedings, or he suggested strongly that our proceedings be stayed until a lead agency is determined. I spoke to Mr. Zinsmeyer this morning and I think he agreed that the best course of action for the Fire District would be to remove or change their highly unusual request to become lead agency and simply allow the Planning Board to act as lead agency. We requested the letter this morning to be sent to us from their attorney so we could get it to the DEC and hear this matter tonight because I know you are anxious to hear this matter but unfortunately the Fire District has not provided the letter or the authorization. Until they authorize you to act as lead agency, one of two things is going to happen, they are going to authorize you to act as lead agency or they are going to wait for a decision by the DEC to determine lead agency status. It is up to the Fire Department whether they want to wait or they want to just issue the letter authorizing you to act as lead agency. I also note that I did provide the clerk with copies of the letter from the NYS DEC dated February 26, 2015 and my letter responding to it.

Mr. Zinsmeyer: I spoke to Neil earlier and we would be glad to come back in two weeks if you don't want to hear anything tonight

Chairman Smith: It isn't that we don't want to, I understand the construction schedule and I would like to see them get started but the position of the DEC and the Commissioner.

Mr. Zinsmeyer: I understand, I apologize we were supposed to have it but it just didn't come up.



Mr. Germain indicated that it wasn't Mr. Zinsmeyer's fault, Mr. Zinsmeyer requested the letter from the attorney representing the Fire District and it wasn't provided.

Chairman Smith indicated that he will put this back on the next agenda and it has been sent down to the County to try to help expedite it.

### **PROPOSED FEE SCHEDULE**

Chairman Smith wanted to discuss the fee schedule.

Chairman Smith: I know what would interest us is that they are looking to put a fee in of \$50 for a cut and fill permit. I have recommended there should be some discretion that if we have a major cut and fill permit, such on the scope that it is over an acre, which would require a SWPPP anyway, or if it is just a large thing that has a great deal of concern to the Codes Office, that in some manner somebody can make a determination and we could use the site plan fee schedule as a backup.

I also have made a recommendation in talking on some sewer projects and I have asked the Town Board and I think on Wednesday night they will consider a moratorium on applications from along Route 11 from 31 to the southern boundary of the Brewerton overlay district on either side east and west of Route 11. Given that the race track is coming in and there is a lot of things, we have 4 different zoning types I am aware of in that stretch. Onondaga County and DOT has asked us to please do something, it is simply a request for the Town Board, none of us can do anything with zoning. I am going to ask them to hold a public hearing and talk to the people about it. I do know that Onondaga County has agreed, if we did a six month moratorium they would give us planning assistance and mapping and they would send a planner up to help the Town Board with determinations of what should be through there. In that one stretch of road we have four different zoning types, we have industrial, agricultural, general commercial, and general commercial plus. I have discussed it with Mark and the Town engineer and everyone recommends the same thing. When one of these major developments comes into town we want to give the Town a good opportunity to get its house in order so we maximize property owners and the Town's value in this big development.

The last thing is SEQR, we are going to be doing things a little bit different on SEQR.

Mr. Germain: Yes, we will be going through it a little bit differently we are going to go through it like a roll call of findings.

Chairman Smith: Yes, because the Chair is supposed to be signing this short form and I would feel more comfortable if we read the questions they are asking and if I put down and advise the Board how I intend to answer them in case there is any question before we do SEQR. Neil and Mark could you take a look next time how we do SEQR and make sure we are in compliance. I think we are, I think we have a good process but I would like to hear it, if you guys have an opportunity to talk about it.



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

**Next Scheduled Regular Meeting: Monday, March 23, 2015 at 6:30 PM**

IN AS MUCH AS THERE WAS NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 6:49pm.

Submitted by Kristin Ryder  
Planning Board Clerk