In The Matter

of

CASE NO. 285

The Application of the City of
Syracuse for A Special Permit.

The Zoning Board of Appeals of the Town of Salina, in the County of Onondaga, and State of New York, met in regular session at the Town Hall of the Town of Salina located at 913 Old Liverpool Road, Liverpool, New York on the _____ day of April, 1988, at 8:00 P.M., Eastern Standard Time,

The meeting was called to order by the Chairman and the following were present; namely

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| Fred Sehr | Chairman |
| Peter Carozzi | Member |
| Herman Harding | Member |
| Robert O'Hara | Member |

Absent: Laurence Smith

The following resolution was regularly moved, and seconded, and duly adopted;

WHEREAS, the City of Syracuse filed an application for a special permit pursuant to Article 5, Section 16 of the Zoning Ordinance of the Town of Salina in order that the City of Syracuse might be permitted to establish and maintain a sanitary land fill operation and dump on lands owned by East Plaza, Inc. a 27 acre parcel of land located south of Interstate Route No. 81 and south of the New York Central Railroad and east by lands of Michael M. Cazzi on the north by north line of Farm Lot 27 and on the west by lands of Crouse Hinds Company; and

WHEREAS, a public hearing on this application was duly called and held by the Board of Appeals of the Town of Salina on the _____ day of April, 1988 at 8:00 P.M. at the Town Hall of the Town of Salina, after due notice by publication in the Liverpool-Salina Review; and

WHEREAS, at said hearing the following persons appeared in support of the application: _____

_____

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_____

and the following persons appeared in opposition to the application:

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_____

and

WHEREAS, no substantial objections were made at the public hearing to this proposed use.

NOW, THEREFORE be it

RESOLVED AND ORDERED that a special permit be granted to the City of Syracuse for the operation and maintenance of a sanitary land fill site and dump on premises described as:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Salina, County of Onondaga and State of New York, being a part of Farm Lot No. 27 in said Town, more particularly

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described as being approximately 27 acres, more or less, bounded on the south by lands owned by the New York Central Railroad Company, on the east by lands now or formerly owned by Michael A. Cerni, on the north by the north line of said Farm Lot No. 17, and on the west by lands owned by Crouse Hinds Company, together with access to the same from Seventh North Street over a strip of land 100 feet in width, as the same is described in a deed from Crouse Hinds Company to the Owner, recorded in Onondaga County Clerk's Office December 23, 1965 in Book 2251 of Deeds, at page 42130., and shown on Parcel "A", outlined in red, on the survey map made by Harold L. Tarbell, P.E. & L.S. dated March 22, 1965,

owned by Plaza East, Inc. subject to the approval of the Onondaga County Department of Planning and by the New York State Department of Sanitation and subject to the following conditions:

1. That the City of Syracuse conduct its operations strictly in accordance with the New York Sanitary Code and any other regulations of the State Health Department and any other public agencies having jurisdiction thereof.

2. That the City stock, pile and maintain adequate cover material to cover all exposed facings of refuse dumping to a depth of not less than 6 inches of cover material each day.

3. That all exposed facings of refuse and dump materials be covered daily to a depth of not less than 6 inches by cover material.

4. That all finain fill be covered with at least 2 feet of solid earth to be graded and seeded and maintained in a neighly and made condition.

5. That no burning of any materials whatsoever be permitted, allowed or maintained on the site at any time.

6. That the City of Syracuse provide all equipment necessary to extinguish any fires originating on the site, and the City of Syracuse solely at its own expense extinguish all fires on said site forthwith.

7. That the City of Syracuse provide constant extermination services and controls by use of poisons, traps and so forth for the absolute control and elimination of rats, birds, vermin, flies and mosquitoes on said site.

8. That the City of Syracuse maintain the finish fill surface at a height not exceeding 4 feet above the grade of the nearest public highway before settlement of said fill and not more than 2 feet above said grade after one year settlement.

9. That all uses of said property made by the City under this special permit are subject to all existing easements.

10. That the owner of said premises furnish to the Town of Salina any and all easements for future sewer and drainage lines as may be hereinafter required without any expense whatsoever to the Town of Salina.

11. That no fill be placed less than 150 feet from the edges of the Ley Creek Channel and that a sand bank be built between the fill and the creek bank to act as a filter, such construction and filling of sand to be subject to the approval of the Town Engineers of the Town of Salina.

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12. That no "Cell" type of fill be used on the site; that area "type of operation" be used exclusively.

13. That the City of Syracuse or the owner construct, build and maintain an all weather access road to the site off from Seventh North Street.

14. That the City of Syracuse or the owner erect a fence around the entire perimeter of the subject premises for the purpose among other things of preventing wind carry of loose refuse.

15. That no scavenging be allowed by anyone on said site.

16. That no dumping be permitted on said site or near said site at other than regular operating hours during which the dump is officially open.

17. That the City of Syracuse provide police protection and patrol of the entire area, on a 24 hour basis each day of each week during the term of the permit.

18. That the City of Syracuse clean and maintain a clear channel in Bay Creek as the same passes adjacent to this site in order to eliminate any obstructions to the free flow of water therein.

19. That the City of Syracuse erect and maintain sanitary facilities on the site for the use of all persons officially on said premises.

20. That the City of Syracuse allow the Town of Salina and its residents the privilege of dumping on said site during the term of this permit.

21. That the City of Syracuse provide an adequate and sufficient means by locked gates or otherwise, of fully closing the site from any use except during official hours of open operation.

22. That no dumping be commenced under this special permit until the preliminary constructions and conditions have been complied with to the satisfaction and approval of the Building Inspector of the Town of Salina.

That this special permit is issued subject to revocation of the same by the Board of Appeals after public hearing duly called and held upon complaint that any of the provisions and conditions hereinmentioned have not been complied with, and be it further

That notwithstanding any other provisions of this permit if the Building Inspector in his opinion determines that any violation of the terms of this permit exists or is commenced on the subject premises, the Building Inspector shall serve personally on the Commissioner of Public Works of the City of Syracuse or mail to him by registered mail, a notice in writing setting forth the violation in detail, in the event that the condition is not corrected within seventy two (72) hours of the receipt or services of such notice, this permit and all privileges afforded hereunder shall be suspended upon the Building Inspector posting of a notice at the main entrance to said premises reading substantially "This site closed due to temporary suspension of permit" by order of Building Inspector of the Town of Salina. Such site shall not be

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reopened until the violation has been corrected and the notice removed by the Building Inspector.

RESOLVED AND DECLARED, that the Building Inspector issue to the City of Syracuse a special permit to which is attached a certified copy of this resolution and that the Building Inspector advise and report to the Board of Appeals periodically the state of condition of said operations pursuant to this special permit.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

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| Fred Sehr | voting | yes |
| Peter Carocci | voting | yes |
| Robert O'Hara | voting | yes |
| Norman Harding | voting | yes |

The resolution was thereupon declared duly adopted.

I, the undersigned, Secretary of the Board of Appeals, DO HEREBY CERTIFY, that the preceding resolution was duly adopted by the Board of Appeals of the Town of Salina at a regular meeting of the said board duly called and held on the ____ day of April, 1967; that the said resolution was entered in the minutes of the said meeting; and that I have compared the foregoing copy with the original thereof now on file in my office and that the same is a true and correct transcript of said resolution and of the whole thereof.

I FURTHER CERTIFY that all members of said board had due notice of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Salina, this ____ day of April, 1967.

Dated: Liverpool, New York

Secretary of the Board of Appeals
of the Town of Salina, in Onondaga
County, New York.

( S E A L )

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