

**TOWN OF SULLIVAN
PROPOSED LOCAL LAW NO. C OF 2019**

**A LOCAL LAW TO AMEND CHAPTER 275 ("ZONING")
OF THE TOWN OF SULLIVAN TOWN CODE TO CHANGE THE PROCEDURE FOR
AMENDING CERTAIN COMPONENTS OF ESTABLISHED AND EXISTING
PLANNED DEVELOPMENT DISTRICTS**

Be it enacted by the Town Board of the Town of Sullivan as follows:

SECTION 1. LEGISLATIVE PURPOSE AND INTENT.

The purpose of this Local Law is to change the procedure for amending certain components of established and existing Planned Development Districts to create a more efficient amendment process while still ensuring that the health, safety and welfare of the Town of Sullivan is protected.

SECTION 2. AUTHORITY.

This Local Law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

SECTION 3.

Chapter 275 ("Zoning") of the Town of Sullivan Town Code is hereby amended to add a new § 275-12(K) as follows:

"K. Amendment of Established and Existing Planned Development Districts.

- (1) An application for amendment of an established and existing Planned Development District including changes to the approved development plan shall be submitted to the Planning Board for review and consideration. An applicant seeking to amend an established and existing Planned Development District shall submit an amended development plan to the Planning Board which shall contain the information required by §275-12(D)(2) and §275-12(I)(2) and such other information as required by the Planning Board to evaluate the proposed amendments to the Planned Development District. The Planning Board may also require an applicant comply with the requirements of §275-8M and Town Law §274-a as part of the application. In evaluating an application for amendment of an established and existing Planned Development District, the Planning Board shall consider the criteria and standards applicable to the initial establishment and creation of a Planned Development District as established in this §275-12.
- (2) The Planning Board, in its discretion, may schedule a public hearing relative to the amendment of an established and existing Planned Development District.

- (3) In the instance where an application for amendment of an established and existing Planned Development District has been approved, the amended Planned Development District development plan shall be filed with the Town and serve as a permanent record to guide further action.
- (4) The procedure for amending an established and existing Planning Development District as set forth in this § 275-12(K) shall not apply to amendment, modification or changes to the allowed and permitted land uses within the Planned Development District or to the amendment of the boundaries of the Planned Development District. An application to amend, modify or change the allowed and permitted land uses within an established and existing Planned Development District or to amend, modify or change the boundaries of an established and existing Planned Development District shall require legislative approval by the Town of Sullivan Town Board. In such cases, the procedure for the initial establishment and creation of a Planned Development District as set forth in §275-12 shall govern.”

SECTION 4. SEVERABILITY

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 5. EFFECTIVE DATE

This Local Law shall take effect upon filing with the Secretary of State.

**A Local Law A Local Law to Amend
Chapter 275 (“Zoning”) of the Town of
Sullivan Town Code**

*ATTACHMENT TO APPENDIX B
SHORT ENVIRONMENTAL ASSESSMENT FORM*

Part 1, Question 1

To enact a Local Law to Amend Chapter 275 (“Zoning”) of the Town of Sullivan Town Code which Local Law would change the procedure for amending certain components of established and existing Planned Development Districts to create a more efficient amendment process while still ensuring that the health, safety and welfare of the Town of Sullivan is protected.

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information							
Name of Action or Project: Local Law to Amend Chapter 275 ("Zoning") of the Town of Sullivan Town Code							
Project Location (describe, and attach a location map): Town of Sullivan							
Brief Description of Proposed Action: Enactment of a Local Law to Amend Chapter 275 ("Zoning") of the Town of Sullivan Town Code would change the procedure for amending certain components of established and existing Planned Development Districts.							
Name of Applicant or Sponsor: Town of Sullivan Town Board		Telephone: 315-687-9190 E-Mail: jbecker@townofsullivan.org					
Address: 7507 Lakeport Road							
City/PO: Chittenango		State: New York	Zip Code: 13037				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 50%; padding: 2px;">NO</td><td style="width: 50%; padding: 2px;">YES</td></tr><tr><td style="text-align: center; padding: 5px;"><input type="checkbox"/></td><td style="text-align: center; padding: 5px;"><input checked="" type="checkbox"/></td></tr></table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 50%; padding: 2px;">NO</td><td style="width: 50%; padding: 2px;">YES</td></tr><tr><td style="text-align: center; padding: 5px;"><input type="checkbox"/></td><td style="text-align: center; padding: 5px;"><input type="checkbox"/></td></tr></table>	NO	YES	<input type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input type="checkbox"/>						
3.a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres							
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland							

RESET

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Town of Sullivan Town Board</u> Date: _____ Signature: _____ Hon. John Becker, Supervisor		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
TOWN OF SULLIVAN TOWN BOARD	
_____	_____
Name of Lead Agency	Date
JOHN M. BECKER	SUPERVISOR
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

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**TOWN OF SULLIVAN
TOWN BOARD RESOLUTION**

September 4, 2019

TOWN OF SULLIVAN LOCAL LAW C OF 2019

("A Local Law to Amend Chapter 275 ("Zoning")
of the Town of Sullivan Town Code To Change the Procedure for Amending Certain
Components of Established and Existing Planned Development Districts")

_____ introduced proposed Local Law No. C-2019, "A Local Law to Amend Chapter 275 ("Zoning") of the Town of Sullivan Town Code To Change the Procedure for Amending Certain Components of Established and Existing Planned Development Districts", which Local Law would change the procedure for amending certain components of established and existing Planned Development Districts to create a more efficient amendment process while still ensuring that the health, safety and welfare of the Town of Sullivan is protected, and made the following motion which was seconded by _____:

WHEREAS, proposed Local Law C-2019 has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law; and

WHEREAS, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law, requires that as early as possible after submission of a completed application, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of Sullivan, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQRA) with respect to the proposed enactment of said proposed Local Law, with the result that the Town Board shall act as lead agency in this matter; and

WHEREAS, the adoption of said Local Law is an unlisted action for purposes of environmental review under SEQRA; and

WHEREAS, the Town Board has determined that a Short Environmental Assessment Form (EAF) shall be required in connection with this matter; and

WHEREAS, the said EAF has been prepared and has been reviewed by the Town Board;
and

WHEREAS, the Town Board has considered the adoption of said Local Law, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said Local Law against said criteria.

NOW, THEREFORE,

BE IT RESOLVED AND DETERMINED that the Town Board has determined that this action shall have no significant adverse impact on the environment; that, accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration under SEQRA; and it is further

RESOLVED that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. C-2019 at the Town Hall located at 7507 Lakeport Road, Chittenango, New York on October 2, 2019 at 7:00 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard; and be it further

RESOLVED that notice of said public hearing shall be provided at least ten (10) days prior to the date of said public hearing in a newspaper of general circulation within the Town of Sullivan and to any affected municipalities described above.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

John E. Brzuszkiewicz	Councilor	Voted	Yes/No
Thomas J. Kopp Jr.	Councilor	Voted	Yes/No
Kerry Ranger	Councilor	Voted	Yes/No
Jeffrey Martin	Councilor	Voted	Yes/No
John M. Becker	Supervisor	Voted	Yes/No

The foregoing resolution was thereupon declared duly adopted.

DATED: September 4, 2019

CERTIFICATE

STATE OF NEW YORK)
COUNTY OF MADISON)

I, the undersigned Deputy Town Clerk of the Town of Sullivan, Madison County, New York, **DO HEREBY CERTIFY:**

That I have compared the foregoing Resolution with the original thereof on file in the Office of the Town Clerk of the Town of Sullivan, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting and that, pursuant to Section 103 of the Public Officers Law, said meeting was open to the general public.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town on September ____, 2019.

PAMELA BRIONES
Deputy Town Clerk

(SEAL)

GML 239 Referral Notice

To: Madison County Planning Board
Attn: Scott Ingmire, Director
P.O. Box 606
North Court Street
County Office Building
Wampsville, NY 13163
Phone: 366-2376
Fax: 366-2742

From: Municipal Board:
Referring Officer:
Mail Original
resolution to:

Town of Sullivan Town Board
Hon. John M. Becker, Supervisor
Town of Sullivan
7507 Lakeport Road
Chittenango, New York 13037

Copy to:

John R. Langey, Esq.
Costello, Cooney & Fearon, PLLC
500 Plum Street, Suite 300
Syracuse, NY 13204

Re: General Municipal Law § 239 Referral ☒ Informal Review _____ 3-Mile Limit Review _____

1. **Applicant:** Town of Sullivan Town Board 2. **Site Address:** Town-wide

3. **Tax Map Number(s):** N/A 4. **Acres:** _____

5. **Is the site within the county sanitary district?** ☐ Yes ☐ No N/A

6. **Is the site currently serviced by public water?** ☐ Yes ☐ No N/A

7. **On-site waste water treatment is currently provided by:** ☐ Public Sewer or ☐ Septic System N/A

8. **Current Zoning:** _____ 9. **Current Land Use:** _____

10. **Project Description:** Local Law C-2019 - "A Local Law to Amend Chapter 275 ("Zoning") of the Town of Sullivan Town Code To Change the Procedure for Amending Certain Components of Established and Existing Planned Development Districts"

11. MCPB Jurisdiction

- ☒ **Text Adoption or Amendment**

☐ **Site is located within 500' of:** _____
(Specify by Name)

Check
All
That
Apply

{

☐ **a municipal boundary**
☐ **a state or county thruway/highway/roadway**
☐ **an existing or proposed state or county park/recreation area**
☐ **an existing or proposed county-owned stream or drainage channel**
☐ **a state or county-owned parcel on which a public building or institution is situated**
☐ **a farm operation located in an agricultural district** (Incl Ag Data Statement pursuant to AML §305-a)

Referred Action(s)

If referring multiple, related actions, please identify the referring municipal board if different from above.

12. ☒ **Text Adoption or** ☐ **Amendment** **Referring Board:** Town of Sullivan Town Board

☐ Comprehensive Plan ☒ Local Law ☐ Zoning Ordinance ☐ Other _____

13. ☐ **Zone Change** **Referring Board:** _____

Proposed Zone District: _____ Number of Acres: _____
Purpose of the Zone Change: _____

14. ☐ Site Plan ☐ Project Site Review Referring Board:

Proposed Improvements:

Intended Use:

Will the proposed project require a variance? ☐ Yes ☐ No Type: ☐ Area ☐ Use

Specify:

Is a state or county DOT work permit needed? If Yes: ☐ State or ☐ County ☐ No

Specify:

15. ☐ Special Permit Referring Board:

Section of local zoning code that requires a special permit for this use: _____

Will the proposed project require a variance? ☐ Yes ☐ No Type: ☐ Area ☐ Use

16. ☐ Subdivision Referring Board:

Name of Subdivision: _____ ☐ Preliminary ☐ Final

Number of Lots: _____ Type: ☐ Commercial/Industrial ☐ Residential ☐ Single/Multi/Both
(Circle One) (Circle One)

Is this a cluster subdivision pursuant to Section 278 of the New York State Town Law? ☐ Yes ☐ No

Will the proposed subdivision require a variance? ☐ Yes ☐ No Type: ☐ Area ☐ Use

Is a state or county DOT work permit needed? If Yes: ☐ State or ☐ County ☐ No

Specify:

17. ☐ Variance Referring Board:

☐ Area ☐ Use

Section(s) of local zoning code to which the variance is being sought: _____

Describe how the proposed project varies from the above code section: _____

SEQR Determination

Action:

Findings:

Check One { ☐ Type I
☐ Type II
☒ Unlisted Action
☐ Exempt

☐ Positive Declaration - Draft EIS
☐ Conditional Negative Declaration
☒ Negative Declaration
☐ No Finding (Type II Only)

SEQR determination made by (Lead Agency): Town of Sullivan Town Board Date: _____

Attachments

☐ Survey ☐ Subdivision Plat (map) ☒ Environmental Assessment Form ☒ Proposed Text
☐ Site Plan ☐ Local Application Form ☐ Ag Data Statement ☒ Other: **Introductory Resolution**

This referral, as required by GML § 239 l, m & n, includes complete information and supporting materials to assist the Madison County Planning Board (MCPB) in its review. If no formal action is taken by the MCPB within 30 days, the referring board may proceed without the MCPB's recommendation, unless an extension of time is agreed upon or unless the MCPB's recommendation is received 2 days prior to municipal review.

John R. Langey, Attorney for Town of Sullivan
Name and Title of Person Completing this Form

September 4, 2019
Transmittal Date

**NOTICE OF PUBLIC HEARING
TOWN OF SULLIVAN**

NOTICE IS HEREBY GIVEN that there has been presented to the Town Board of the Town of Sullivan, New York, at a regular meeting thereof held on September 4, 2019, proposed Local Law No. C-2019, titled, "A Local Law to Amend Chapter 275 ("Zoning") of the Town of Sullivan Town Code." Said Local Law, if enacted, would change the procedure for amending certain components of established and existing Planned Development Districts to create a more efficient amendment process while still ensuring that the health, safety and welfare of the Town of Sullivan is protected. The full text of said Local Law is on file at the Town Clerk's Office at the Town Hall located at 7507 Lakeport Road, Chittenango, New York for inspection by all interested persons.

NOTICE IS FURTHER GIVEN that on September 4, 2019, the Town Board determined that this proposed Local Law is an unlisted action and will have no significant adverse impact on the environment (SEQR).

NOTICE IS FURTHER GIVEN that the Town Board will hold a public hearing on the proposed Local Law at the said Town Offices on October 2, 2019 at 7:00 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested will be heard.

DATED: September 4, 2019

PAMELA BRIONES, Deputy Town Clerk

AFFIDAVIT OF POSTING

STATE OF NEW YORK)
COUNTY OF MADISON) ss.:

PAMELA BRIONES, being duly sworn, deposes and says that she is the Deputy Town Clerk of the Town of Sullivan, Madison County, New York, and that on the ____ day of September, 2019, she affixed the attached Notice of Public Hearing on the signboard maintained pursuant to Town Law Section 30(6) near the entrance to the Town Clerk's Office in the Sullivan Town Hall located at 7507 Lakeport Road, Chittenango, New York.

PAMELA BRIONES
Deputy Town Clerk

Subscribed and sworn to before
me this ____ day of September 2019.

Notary Public