

TOWN OF SULLIVAN PLANNING BOARD – JULY 7, 2020 - PUBLIC HEARING –
JUSTIN HATHAWAY – SMALL ENGINE REPAIR AND SALES – 962 MARSH MILL
ROAD SLB: 16-1-20.15

The hearing was opened by Frank Park. The secretary read the notice as published in the Oneida Dispatch.

Present: Frank Park, Dave Allen, Sherry Menninger, Paul Jasek, John Langey, atty, and Phil Costanzo, codes officer

Mr. Hathaway would like to build a small metal and wood framed 30' x 40' building at 962 Marsh Mill Road.

Helen Tatro, 1163 Marsh Mill Road – states he needs a raised septic system which Mr. Hathaway states he will do – Dean Hubbs will do it.

Karen Sherbeck, 943 Marsh Mill Road - concerned about the noise level – it is very noisy there now and she feels it will get worse. She has a copy of signature from neighbors who agree with her.

Frank Park - this area is in an industrial zone which allows everything that is in a business zone. Justin Hathaway – there is a noise ordinance which he plans to obey. The noise could be caused by another neighbor.

There will be three bays to work on lawn mowers, snow mobiles, etc.

He will need to raise the building because of the floodway and he will bring in fill to do that.

Mr. Hathaway will work alone at this point. He may add an extra person later. He will work from 8AM to 5PM five days a week. He will have a fenced in area for items that he is working on so that they are not visible from the road.

No one else spoke for or against this special use permit application for small engine repair and sales at Marsh Mill Road.

A motion was made by Sherry Menninger and seconded by Paul Jasek to close the hearing. All in favor.

PUBLIC HEARING – CHRIS KIMBERLY – STORAGE BUILDING FOR BUSINESS
1530 FYLER ROAD – AG ZONE W/VARIANCE- SLB – 32-1-57

The hearing was opened by Frank Park. The secretary read the notice as published in the Oneida Dispatch.

Present: Frank Park, Dave Allen, Sherry Menninger, John Ceresoli, Paul Jasek, John Langey, atty, and Phil Costanzo, codes officer

Mr. Kimberly would like to erect a 40' x 80' steel open span barn for tile storage.

Chris Kimberly and Ed Frantz appeared before the Board. There is a special use permit on this property but Mr. Kimberly would like to expand on the existing permit.

Chris Kimberly explained to the audience his plans to expand his business by erecting a 40' x 100' steel property at 1530 Fyler Road.

Raymond J Smith - owns property next to this business – is concerned that water will be running off and going into Oneida Lake.

Turner Smith – 1636 Fyler Road – also concerned about placement of building but since the building is near the road and no more fill is being brought in, he is OK with this action.

Betty Jo Smith -1302 Fyler Road – concerned about fill being brought in – causing flooding to their property.

No one else spoke for or against this special use permit application for a storage building.

A motion was made by Dave Allen and seconded by John Ceresoli to close the hearing. All in favor.

REGULAR MEETING OF SULLIVAN PLANNING BOARD – JULY 7, 2020

The regular meeting of The Town of Sullivan Planning Board began at 7PM

Present: Frank Park, Dave Allen, Sherry Menninger, John Ceresoli, Paul Jasek, Phil Costanzo, John Langey, atty. and Larry Ball

The minutes of the June 2, 2020 meeting were accepted with a motion by Paul Jasek and a second by Dave Allen. All in favor.

JUSTIN HATHAWAY – SMALL ENGINE REPAIR AND SALES – 962 MARSH MILL ROAD SLB: 16-1-20.15

Public water is available. There are no sewers. An approved septic system must be installed.

The hours will be from 8AM to 5PM, Monday through Friday. Lighting will be floodlights looking down on the building. The Board is concerned about the lighting. They would like to see a small sign 3' x 5' off-lighted that would be turned off at night at 8PM and no earlier than 8AM. The pole barn will have 4" foam board insulation, if that adheres to the NYS regulations. There will be no testing of engines beyond the regular working hours of 8AM to 5PM.

The Board would like Mr. Hathaway to return to the Board when he decides he wants to do sales.

**OF SULLIVAN
PLANNING BOARD RESOLUTION**

JUSTIN HATHAWAY (Owner/Applicant) - Application for a Special Use Permit for the Operation of a Small Engine Repair Business at the Owner's Premises Located at 962 Marsh Mill Road, Kirkville (Tax Map No. 16-1-20.15) in the Town of Sullivan in an Industrial District - GRANTED WITH CONDITIONS.

July 7, 2020

P. Jasek moved and J. Ceresoli seconded the following Resolution:

WHEREAS, Justin Hathaway, as Owner/Applicant, of property located at 962 Marsh Mill Road, Kirkville, in the Town of Sullivan, more specifically known as Tax Map No. 16-1-20.15 (the "Property"), made application to the Town of Sullivan Planning Board (the "Board") on or about June 1, 2020 for a Special Use Permit to operate a small engine repair business at the Property in the Town of Sullivan, Madison County, which use would allow for the construction of a 30' x 40' pole barn-style structure with site improvements on the Property in which to operate a small engine repair business in together with a 20' x 28' exterior active order holding/pen area on the Property, all pursuant to the Zoning Law of the Town of Sullivan, as amended (the "Law"); and

WHEREAS, Volume 6 N.Y.C.R.R. Part 617 of the Regulations relating to Article 8 of the Environmental Conservation Law of New York ("SEQRA"), requires that as early as possible and

within (20) days of a complete application, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, the Owner/Applicant has completed and submitted a Short Form Environmental Assessment Form and the same has been reviewed and considered by the Board along with the other submissions provided by the Owner/Applicant; and

WHEREAS, the Applicant's application was considered fully by the Planning Board and upon such consideration the Board hereby finds pursuant to Article V of Chapter 275 of the Town of Sullivan Zoning Law, among other things, with regard to the proposed project the following:

1. The location, size of use and proposed structure, nature and intensity of the operations involved, *i.e.* a small engine repair business, with associated parking improvements, landscaping features and drainage improvements, are all in harmony with the orderly development of the District. The proposed use is set amongst existing structures in a well-traveled business area, which is suitable for the proposed uses. In addition, the proposed structure and planned parking area appear they will be readily able to accommodate the low-traffic business and are further properly oriented on the site.
2. There will be no discouragement of appropriate development and use of adjacent lands or buildings, nor will such lands or buildings have impairment to their value by operation of the mixed-use at the site. Surrounding uses in the area are both commercial and residential in nature. The area is zoned Industrial. There has been no evidence that there will be any negative impacts created by the proposed uses as shown on the submitted drawings. Further, no other uses beyond those described in the application will be allowed.
3. The operation of the proposed business will not be more objectionable to nearby properties than the operations of any other permitted standard uses. The Industrial Zoning District supports such uses and the property will include appropriate drainage features.
4. The project provides for sufficient private parking on-site and circulation for deliveries. There will be no on-street parking allowed. The Owner/Applicant has submitted drawings to show that the proposed parking area and driveway will be sufficient for the proposed uses; and

WHEREAS, the Board has fully considered all of the application materials, drawings and submissions associated with the proposed use.

NOW THEREFORE, BE IT RESOLVED that the Town of Sullivan Planning Board hereby determines that the proposed action is an Unlisted Action, that the action does not involve any federal agency and the proposed action does not involved more than one agency; and

BE IT FURTHER RESOLVED that the Town of Sullivan Planning Board hereby notices all agencies involved, if any, that it shall be lead agency for this project; and

BE IT FURTHER RESOLVED that the Town of Sullivan Planning Board hereby determines that the proposed action will not have a significant adverse effect on the environment, and this resolution shall constitute a Negative Declaration for purposes of Article 8 of the Environmental Conservation Law, Volume 6 of the N.Y.C.R.R. Part 617, for the following reasons:

1. There are no identified unusual or unique landforms or environmentally sensitive areas at the proposed location;
2. No other areas of concern have been identified by the public or the Board; and

BE IT FURTHER RESOLVED that the Town of Sullivan Planning Board hereby allows and grants the Owner/Applicant's request for a Special Use Permit to utilize the premises as a small engine repair business with a 30' x 40' pole barn-style structure, along with associated site improvements, including a 20' x 28' exterior active order holding/pen area on the Property, all in specific accordance with the submitted application, plans and specifications, conditioned however upon the following:

1. All use and operation of the site will be specifically in accordance with the submitted application materials and statements made before the Town of Sullivan Planning Board;
2. Hours of operation will be 8:00 a.m. to 5:00 p.m., Monday through Friday (no operation outside of those hours, including running and/or testing of engines for work orders);
3. There shall be no outdoor storage of any parts, equipment and/or materials other than the depicted "pen area" for active work order drop-off
4. Receipt of septic design approval from the Madison County Health Department prior to the issuance of any certificate of operation/occupancy;
5. All project lighting shall be wall-mounted, downcast (with the exception of signage lighting) and shall in no case spill onto the neighboring properties or the adjacent roadways;
6. All lighting (including signage) shall be extinguished between 8:00 p.m. and 8:00 a.m.;
7. Signage will be one (1) up-lit 3' x 5' (non-internal lit) sign;
8. A 6' wooden opaque fence, as depicted on the plans, shall be constructed;

9. No onsite sales are allowed at this time unless additional Board approvals are granted;
10. No other uses beyond those granted by this approval shall be permitted without an amended request and approval with amended site plan application from the Town of Sullivan Planning Board;
11. No on-street parking shall be allowed; and

BE IT FURTHER RESOLVED that the Owner/Applicant shall comply in all respects with the Zoning Law; and

BE IT FURTHER RESOLVED that the Town's Zoning Officer is hereby authorized and directed upon payment of any required fees to issue such permits (including professional engineering and legal fees) and certificates or to take such other actions as may be required to effectuate and enforce this Resolution, including satisfaction of the above-referenced conditions; and

BE IT FURTHER RESOLVED, that this Resolution shall be effective as of the date of its filing with the Town Clerk and shall be subject to annual inspection for compliance.

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

Paul Jasek	Voted	YES
John Ceresoli	Voted	YES
Sherry Menninger	Voted	YES
Dave Allen	Voted	YES
Frank Park, Chairman	Voted	YES

The Chairman, Mr. Park, then declared the Resolution to be duly adopted.

FRANK PARK, Chairman of the Planning Board of the Town of Sullivan, hereby certifies that the foregoing Resolution was duly adopted at a meeting of the Board duly convened and held on July 7, 2020, a quorum being present.

FRANK PARK, CHAIRMAN
Town of Sullivan Planning Board

ROSEMARY CZERNIAK, Deputy Town Clerk of the Town of Sullivan hereby certifies that the foregoing Resolution was duly filed in her office on July __, 2020.

ROSEMARY CZERNIAK
Deputy Town Clerk

**CHRIS KIMBERLY –SPECIAL USE PERMIT - STORAGE BUILDING FOR BUSINESS -
1530 FYLER ROAD – AG ZONE W/VA RIANCE- SLB – 32-1-57**

Mr. Kimberly would like to erect a 40' x 80' steel open span barn storage building. The Board needs a site plan locating the building on the site showing existing buildings and showing the proposed building with sidelines and grade to finished floor.

A motion was made by Dave Allen and seconded by Sherry Menninger to declare the Town of Sullivan Planning Board as lead agency. Mr. Langey read the SEQR to the Board and there were no mitigating problems with the addition of this building and there was a negative declaration to the SEQR. The site plan needs to be given to the Board. Lighting will be on the doors. Final approval will be finalized when the Town receives an acceptable site plan with the requested setbacks. All in favor.

**ELROY HESELTON – SPECIAL USE PERMIT – 111 MONROE AVENUE – THERAPY
CHICKENS – SLB 10.44-1-36.1**

Mr. Heselton is in an MR-12 zone which allows domestic animals but does not allow the keeping of chickens.

Mr. Heselton presented his letter to the Board from a doctor stating that the chickens are beneficial to the well-being of his son who suffers from sensory problems and anxiety.

At this time, Mr. Heselton has 10 chickens which are housed in pens and moved around the property on the "chicken tractor". Mr. Heselton says the chickens do run around his yard but do not leave the property. There is some fencing around his property. The Board needs to see a site plan of the property and they would like to see more fencing and possibly the reduction in the number of chickens.

A motion was made by Dave Allen and seconded by Sherry Menninger to schedule a public hearing for a special use permit to allow up to 10" therapy chickens" at 111 Monroe Avenue. All in favor. The hearing will be held on August 4, 2020 at 6:45PM.

**MICHELLE ROLLINGER – 'HOME JOY REALTY' - 1985 ROUTE 31, CHITTENANGO
SLB 10.58-1-6**

Mr. Rollinger would like to erect a 6' stockade fence on her property along Route 31. She is in a business zone. The fence is to contain her dog and for her privacy. The Board would like to see a completed site plan with the correct dimensions shown. The Board needs to see a County referral. A motion was made by Sherry Menninger and seconded by Paul Jasek to schedule a public hearing for August 4, 2020 at 6:30 PM to allow the erection of a 6' wooden fence. All in favor.

SUSAN SIMS – BURLINGAME ROAD – RESIDENTIAL SUBDIVISOIN – MR 12

Rick Myers appeared before the Board to propose a two-lot subdivision – lot #1 is .276 acres and two parcels of .047 acres and adding .055 acres will be added to the second lot.

A motion was made by Sherry Menninger and seconded by Paul Jasek to schedule a public hearing for August 4, 2020 at 6:15PM. Lot #1 will be .276 acres and .047 acres and .055 acres will be annexed to the second lot. All in favor. The motion passed.

PETER KILTS – 7312 LAKEPORT ROAD – SLB 41-1-45

Mr. Kilts would like to build a 36' x 48' pole building at 7312 Lakeport Road. The SEQR was completed on August 6, 2019.

A motion was made by Sherry Menninger and seconded by John Ceresoli to grant approval for a 36' x 48' building at 7312 Lakeport Road.

JEFF TAYLOR – LAKEPORT ROAD – SAFARI – BUSINESS ZONE – PDD

Mr. Kerwin, atty, appeared before the Board representing Mr. Taylor's request for a "Safari" on Lakeport Road. Mr. Taylor has applied for a PDD to house his safari. The front area is business and the back zoned agricultural. He will be changing the zone to allow for this activity.

The Board has never received an application. They do have a map with a brief narrative attached. Counselor Langey gave Mr. Taylor a development plan which needs to be completed. Mr. Taylor needs to complete that development plan along with the SEQR. Mr. Taylor stated he has completed the SEQR. The map needs to be upgraded to be included in the PDD. The Board needs a legend explaining each structure and what it contains. The Board needs to see the dimensions of the buildings. The Board is concerned about pull-offs – Jeff states they are all pull-offs. EMT's will need to sign off on these maps.

The delineations of the wetlands need to be researched and Mr. Taylor needs to justify where the wetlands are. The DEC will need to confirm it. The Board needs documentation on that. The Board needs to see landscaping and screenings near the neighbor's properties. The Board needs calculations of the ponds, roads and buildings disturbed on this property completed by an engineer. He may need a SPEDES and SWPPP.

The parking lot needs to be addressed – it is now being used as a staging area for the Safari, how does this get reconciled. Mr. Taylor did a traffic study – and states they only use two lanes. He can move 2 lanes behind the barn – the Board will need to see that on a map with a narrative and a traffic study done by an outsider. The Board is concerned about a complaint from a neighbor regarding dust. Mr. Taylor needs to keep the dust down and needs a mitigation plan for that. How will traffic be controlled coming from the Safari and the zoo? Mr. Taylor needs to address animal waste and the disposal of it. The Board needs to know frequency of hauling out.

The Board needs to see plans for a permanent sign with elevations. The Board needs copies of permits with USDA which he presented to the Board. Need a DEC permit for his animals.

Outdoor lighting – there will be no outdoor lighting – for the safari – per Mr. Taylor.

The fire dept and EMTs need to approve the roads. The roads are 12' in most areas and 24' in pull-off areas.

Mr. Taylor presented a plan for waste disposal which was given to the Board.

A summary of this discussion and the application materials that need to be completed will be sent to Mr. Taylor before the next meeting.

Mr. Taylor will return in August.

A motion was made by Paul Jasek and seconded by John Ceresoli to adjourn the meeting at 9:25PM. All in favor.

Respectfully submitted,

