

TOWN OF SULLIVAN PLANNING BOARD - PUBLIC HEARING – OCTOBER 2, 2018  
JIM BROWN – SPECIAL USE PERMIT APPLICATION – LANDSCAPE BUSINESS –  
ROUTE 31 – FORMER – LAVERNE GRANT FARM SLB 11.-1-12.1.

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

Janet Kohlbrenner 2413 Black Point Road – asked that the project Mr. Brown is proposing be explained to her. She would like the land that he owns next to her kept mowed. Mr. Brown will do that.

No one else spoke for or against this special use permit application

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

REGULAR MEETING - TOWN OF SULLIVAN PLANNING BOARD –October 2, 2018

The regular meeting of the Town of Sullivan Planning Board began at 7:00PM

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

The minutes of the September 4, 2018 meeting were accepted with a motion by Dave Allen and seconded by Sherry Menninger. All in favor.

JIM BROWN – SPECIAL USE PERMIT APPLICATION – LANDSCAPE BUSINESS – 2377  
ROUTE 31 – FORMER – LAVERNE GRANT FARM SLB 11.-1-12.1

Mr. Brown presented his plans to the Board showing his site plan. The old building on the property will be designated as a work place and is for personal use.

The Business zone goes 300' from Route 31. Mr. Browns lot extends 80+ feet beyond that. The Board has the ability to allow the extra 80' in a business zone.

**TOWN OF SULLIVAN  
PLANNING BOARD RESOLUTION**

**ESTATE OF LAVERN M. GRANT (Owner) and JAMES  
BROWN/LANDSCAPES UNLIMITED CNY (Applicant) - Application for an  
Amended Special Use Permit for the Operation of a Mixed-Use Facility  
(MultiFamily Housing and Commercial Landscaping Business) at the Owner's  
Premises Located at 2377 Route 31, Canastota, in the Town of Sullivan in a  
Business District - GRANTED WITH CONDITIONS.**

**October 2, 2018**

S. Menninger moved and P. Jasek seconded the following Resolution:

**WHEREAS, Estate of Lavern M. Grant, as Owner (the "Owner"), and James  
Brown/Landscapes Unlimited CNY, as Applicant (the "Applicant"), of property located at 2377  
Route 31, Canastota, in the Town of Sullivan (the "Property"), made application to the Town of**

Sullivan Planning Board (the “Board”) on or about August 18, 2018 for an amendment to a Special Use Permit previously issued for the Property on January 3, 2017 to construct and operate a mixed use facility at the premises located at 2377 Route 31, Canastota, in the Town of Sullivan, Madison County, and more particularly known as Tax Map No. 11.-1-12.1, which amendment to the mixed use would allow for the continued operation of a multi-family dwelling consisting of two (2) apartments, an existing home rental and multiple structures to support a commercial landscaping facility, including a new proposed approximately 80’ x 52’ pole barn structure with office space and two (2) bathrooms, all pursuant to the Zoning Law of the Town of Sullivan, as amended (the “Law”); and

**WHEREAS**, the Town of Sullivan Planning Board held a public hearing on the application at the Board’s regular meeting held on October 2, 2018 and after due notice by publication in the official newspaper of the Town and due notice to the Owner, Applicant, neighboring landowners and Board Members, in accordance with the law and the Zoning 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 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 Applicant; and

**WHEREAS**, the application was referred to the Madison County Planning Department (“MCPD”) for review and comment pursuant to General Municipal Law 239-m and said Board having issued its report dated September 7, 2018 indicating that the matter was being returned for local determination as it will not have any county-wide impacts; 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 structure, nature and intensity of the operations involved, *i.e.* a mixed-use facility for multi-family dwellings and a commercial landscaping business with associated parking improvements, landscaping features and storage area, is in harmony with the orderly development of the District. The proposed use is set amongst existing structures and with business and residential uses, which are suitable for said uses.

In addition, the new proposed structure to accommodate the commercial landscaping business is well suited for the site and properly oriented on the Property. Further, the premises have been used for service businesses in the past with no reported issues.

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 amended mixed-use at the site. Surrounding uses in the area are both residential and commercial in nature and the premises have been used consistent with mixed-uses in the past. There has been no evidence that there will be any negative impacts created by the existing and proposed structures' location or their height. In addition, Applicant has indicated that there will be no retail sales conducted on the premises, therefore, reducing any potential traffic impacts.
3. The operation of the mixed-use facility will not be more objectionable to nearby properties, than the operations of any other permitted standard uses. The Zoning District supports mixed use and the project has been previously used for business purposes.
4. The project provides for sufficient private parking on-site. The Applicant has demonstrated that sufficient parking exists for its proposed use; 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 land forms 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 Applicant's request for an amended Special Use Permit to utilize the premises as a mixed-use facility consisting of a multi-family dwelling consisting of two (2) apartments, an existing home rental and multiple structures to support a commercial landscaping facility, including a new proposed approximately 80' x 52' pole barn structure with office space and two (2) bathrooms, along with

associated parking improvements, landscaping features and storage area at the Property, all in specific accordance with the submitted application, plans and specifications, conditioned however upon the following:

1. All construction, use and operation of the site will be specifically in accordance with the following Plans (copies attached):
  - a. Site Plan titled “Former Grants Farm” with Proposed Planting Schedule/Landscaping Plan, prepared by RYCO Group, Inc., dated August 16, 2018, Revision #2, as last revised;
  - b. Structure depictions attached to the Site Plan, including existing and proposed building elevations, sign elevation and detail;
2. Prior to occupancy of structures for the amended Special Use Permit, the Applicant will provide sufficient proof to the Town of Sullivan Codes Office regarding the suitability of each building/structure as required by the Town of Sullivan Codes Office;
3. Placement and construction of the proposed signage outside of any public highway right-of-way (5’ x 8’ unlit monument sign per the attached drawings);
4. Installation of all landscaping as depicted upon the landscaping plans, utilizing the planting legend contained on same;
5. Storage of all landscaping materials shall occur as designated upon the Site Plan, including the proposed bulk storage bins shown on the RYCO Group, Inc. drawing;
6. Hours of operation for the facility shall be 6:00 a.m. to 7:00 p.m., seven (7) days per week;
7. There shall be no direct retail sales occurring from the premises;
8. The Applicant is directed to obtain permission for sewer hook-up as directed by the Town of Sullivan Codes Office and the Town’s Attorney, which shall include entering into a Sewer Construction and Maintenance Agreement with the Town of Sullivan, the East Sullivan Sewer District and/or the South Sullivan Sewer District as required;
9. The Applicant will demonstrate to the Town of Sullivan Codes Office that the Madison County Department of Transportation has issued appropriate commercial driveway permits, as necessary;
10. The Applicant will provide certification from a New York State Licensed Architect as to the mixed-use compliance with New York State Fire Prevention and Building Code; and

**BE IT FURTHER RESOLVED** that pursuant to Local Law No. 4 of 2018, the Planning Board hereby determines to exercise its discretion to allow the proposed use to occur on the site, as depicted, by providing an additional 83 linear feet of business use on the parcel; and

**BE IT FURTHER RESOLVED** that the 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:

<b>Paul Jasek</b>	<b>Voted</b>	<b>YES</b>
<b>John Ceresoli</b>	<b>Voted</b>	<b>YES</b>
<b>Sherry Menninger</b>	<b>Voted</b>	<b>YES</b>
<b>Dave Allen</b>	<b>Voted</b>	<b>YES</b>
<b>Frank Park, Chairman</b>	<b>Voted</b>	<b>YES</b>

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 October 2, 2018, a quorum being present.

**FRANK PARK, CHAIRMAN**  
**Town of Sullivan Planning Board**

**AMY B. WELLS**, Town Clerk of the Town of Sullivan hereby certifies that the foregoing Resolution was duly filed in her office on October \_\_\_, 2018.

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**AMY B. WELLS, TOWN CLERK**

**RICK KINNEY – 6802 CREEK ROAD – CHITTENANGO, NY – SUBDIVISION AND SPECIAL USE PERMIT- SLB 42.17-2-10**

Mr. Kinney would like to build a garage on Creek Road for personal use and also erect a building to use as a store to rent tables, chairs, limos, and bounce houses. He wants to purchase

property on Creek Road from Chuck and Bonita Rogers. This property is across from his home on Creek Road. The Board would need a statement from the Rogers agreeing to this purchase. There is an access driveway onto Route 5. The Board would prefer that Mr. Kinney access off Creek Road. The Board needs a sketch plan of the building. Mr. Kinney will need sewers. Mr. Kinney needs to return with a site plan, and SEQR.

He will need a subdivision and special use permit. Mr. Kinney will return to the November 6, 2018 meeting.

DANIEL AND MICHELLE BEALE 735 MOORE ROAD, KIRKVILLE – SPECIAL USE PERMIT “Creature Comforts” - DOG KENNEL SLB 8-2-74.11

Town Counselor Terry Ranger has asked to speak to the Board before talking about the Beal application. Counselor Ranger read to the Board the definition of a kennel, boarding, commercial kennel, purebred dogs and what the restrictions are for a kennel. Refer to the text of the Town Kennel Law found in the Beal file for details.

The Beals presented a revised site plan in an attempt to address concerns expressed by the Board and written comments of residents at and since the September Board meeting. The site plan included widening of the driveway for the front 300+ feet and moving the driveway west off the property line 10' for the remaining 400-500 ft. The driveway indicates guardrails along the eastern 300' of the driveway. Other revised features include the inclusion of 20 dog runs adjacent to the kennel and arrows showing surface water flow when present through the property.

The previous site plan depicted as an earthen berm for sound reduction. This is being reconsidered due to feasibility questions. The berm would affect the fill coverage calculations. The Beals were instructed to have a third-party engineer provide the final calculations as to fill coverage and thus the need for a SWPP when there is a final site plan.

The Board proceeded to further address the consensus of issues that were discussed at the September meeting in order to determine what items need more attention, further clarifications, etc.

Sound - with or without a berm additional or alternating mitigation regarding the impact of barking dogs upon neighbors needs to have some quantitative analysis done by a professional to be presented to the Board. There was discussion of building construction, vegetation, fencing, hours of exposure, number of dogs, etc. surrounding the issue.

Drainage - The Beals will provide to the Board a quantitative analysis done by a professional indicating that any impact on drainage due to the proposed site plan features will be mitigated on site. These mitigations will be clearly shown on the site map (swales, vegetation areas, conduits, etc.)

Type of Kennel: This kennel will be for overnight boarding of dogs. This facility will not do daily, hourly care of dogs.

Number of Dogs -After some discussion, it was agreed upon that the kennel would have a maximum of twenty dogs at a time.

Hours of Operation - 8:00AM to 11:00AM

4:00PM to 7:00PM

Dog exercise

11:00AM to 4:00PM

Signage: It was agreed that a ranch-style, over the driveway structure would be placed 300' – 400' north of Moore Road. There was further discussion about a small, roadside sign indicating the location of the kennel. This had no clear resolution. The Board indicated that something needs to be there to prevent intrusion on the neighbors by people searching for the location.

Lighting: The proposal is for small, solar powered, directional lighting along the west side of the driveway. This proposal and building lighting should be shown on the site plan.

Traffic: The amount of traffic should be mitigated by *active* dog owners boarding dogs for multiple days.

Waste Removal – As previously indicated, dog waste will be removed from the site by a commercial hauler (letter from hauler in file). There was discussion about how and where the waste would be managed at the kennel. The Board would like to see the containers held in a closed, latchable enclosure.

Driveway: After much discussion, the Board requested that the proposed 20' driveway be moved westward 10' from the adjacent property line starting at the existing culvert pipe north of the area of the household leachfield. This action would result in creating a driveway connecting Moore Road and the proposed kennel, with the noted starting point a minimum of 10' from the eastern property line.

The Board gave the Beals a list of items that need to be completed before approval. (See list in file). They will return to the November 6<sup>th</sup> meeting with a completed site plan addressing all the issues on the list.

The Board has 62 days from the public hearing on August 7<sup>th</sup>, 2018 meeting to make a decision. The Beals have agreed that the Board will be allowed extra time to make this final decision.

A motion was made by Sherry Menninger and seconded by John Ceresoli and the Beals agreed that the Board will be allowed an extra 30 days to make a final decision. All in favor.

A motion was made by Paul Jasek and seconded by Dave Allen to adjourn the meeting at 8:45PM. All in favor.

Respectfully submitted,

RE-ORGANIZATIONAL MEETING OF THE TOWN OF SULLIVAN PLANNING BOARD  
OCTOBER 2, 2018

Phil Costanzo chaired the re-organizational meeting for the Town of Sullivan Planning Board.  
It was unanimously accepted that:

Frank Park- was nominated and elected Chairman

Sherry Menninger - was nominated and elected Vice-Chairman

Dave Allen – was nominated and elected Secretary

A motion was made by Paul Jasek and seconded by John Ceresoli to adjourn the meeting at 8:50PM. All in favor.

Respectfully submitted,