

TOWN OF SULLIVAN PLANNING BOARD – JUNE 6, 2023-PUBLIC HEARING
WALTER “DUTCH” SCHULTZ – HITCHCOCK ROAD/9374 NORTH ROAD,
BRIDGEPORT SLB 3.-1-2.916 MR -12 zone - 6 LOT SUBDIVISION ON 58.4 ACRES

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

Present; Frank Park, Dave Allen, Sherry Menninger, Paul Jasek

Excused: John Ceresoli

Forrest Seguin appeared before the Board representing Mr. Schultz. He presented new maps that show only 6 lots, all located on Hitchcock Point Road. Mr. Schultz does not plan to subdivide the lots on North Road. There will be no easements. It will all be private agreement with the buyer and seller. The Board would like a note that will be in the deed covenant that will be notated on the map with the specifics of the deed restrictions. The map is dated 4/30/23. The Town will need verbiage that is very clearly stated on each map, stating that the Town is not responsible for any drainage problems.

No one spoke for or against this public hearing for a six-lot subdivision on Hitchcock Point Road.

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

REGULAR MEETING OF THE TOWN OF SULLIVAN PLNING BOARD JUNE 6, 2023

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

Present; Frank Park, Dave Allen, Sherry Menninger, Paul Jasek

Excused: John Ceresoli

Present; Frank Park, Dave Allen, Sherry Menninger, Paul Jasek

Excused: John Ceresoli

A motion was made by Paul Jasek and seconded by Dave Allen to approve the minutes of the May 2, 2023 meeting with the addition of Andy Busa’s (Town Supervisor) title in the minutes. All in favor.

WALTER “DUTCH” SCHULTZ – HITCHCOCK ROAD/9374 NORTH ROAD,
BRIDGEPORT SLB 3.-1-2.916 MR -12 zone - 6 LOT SUBDIVISION ON 58.4 ACRES

There is a question as to whether the road in question is Hitchcock Road or Hitchcock Point Road. That will be confirmed

The Board needs to come up with some language making clear that what is in the covenant is what is needed from the home owner and not the Town.

TOWN OF SULLIVAN PLANNING BOARD RESOLUTION
GRANTING PRELIMINARY PLAT APPROVAL
WAIVING HEARING ON THE FINAL PLAT
AND GRANTING FINAL PLAT APPROVAL

Dated: June 6, 2023

SCHULTZ SUBDIVISION
(REHOBOTH SPRINGS LLC)

WHEREAS, REHOBOTH SPRINGS, LLC (by Walter and Cherie Schultz), as
Owner/Applicant, having duly made an application for preliminary and final plat approval of a

proposed six (6) lot (with residual land) subdivision in the Town of Sullivan known as the “Schultz Subdivision”; and

WHEREAS, the plan consists of an existing 58.435± acres of land (Tax Map #3.-1-2.7) which will be subdivided into six (6) separate building parcels, all located with existing road frontage on Hitchcock Road; and

WHEREAS, the Owner/Applicant originally proposed a thirteen (13) lot subdivision with road frontage for said lots on Hitchcock Road and North Road;

WHEREAS, the Owner/Applicant has subsequently revised its request to a modified six (6) lot subdivision; and

WHEREAS, the Owner/Applicant has proposed a drainage scheme for the property through individual drainage swales to be constructed and maintained by the private owners in the side lines of each lot; and

WHEREAS, the project plans submitted provide general details for the drainage swales and the Owner/Applicant has acknowledged to the Board its understanding and agreement that the Town of Sullivan, including its Highway Department, shall have no obligation or responsibility for the construction and/or maintenance of the drainage swales and system on the project site, including the individual lots; and

WHEREAS, the Owner/Applicant has also acknowledged, represented and stated to the Board that all deeds of conveyance recorded with the Madison County Clerk for each lot (along with the subdivision map) will set forth the obligation and responsibility of each lot owner to be solely responsible for the drainage conveyance system and to construct same per the designs and details set forth on the submitted plans, and further to acknowledge that the Town of Sullivan shall have no responsibility with regard to the drainage swales; and

WHEREAS, the Owner/Applicant has also acknowledged, represented and stated that the swales, upon satisfactory construction, shall be perpetually maintained by each lot owner such that they will not be filled, modified and/or encroached upon by structures and/or any other act that will impair their purpose and that recorded Deed Covenants shall so reflect said restrictions; and

WHEREAS, notice of public hearing was published in the manner required by law and proof of said publishing has been presented to the Planning Board; and

WHEREAS, the Planning Board has duly called and held a public hearing to consider the Preliminary Plat Plan, which hearing was held on June 6, 2023; and

WHEREAS, all persons desiring to be heard in connection with such proposed subdivision have been duly heard and the Planning Board has given full consideration to the statements and views submitted at such hearing; and

WHEREAS, Volume 6 NYCRR Sections 617.3 and 617.6 of the Regulations relating to Article 8 of the Environmental Conservation Law of New York (SEQRA), require that as early as possible and within twenty (20) days after submission 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 Environmental Assessment Form, dated August 8, 2022, and the same has been reviewed and considered by the Board along with the other submissions provided by the Owner/Applicant; and

WHEREAS, it appears to be in the best interest of the Town that said Application for the Preliminary Plan be approved subject to the conditions set forth below; and

WHEREAS, this Board has determined that the Final Plat as submitted is in substantial compliance with the Preliminary Plat and is hereby and herewith approved by this Board and that

pursuant to Section 276 of the Town Law and the Subdivision Regulations of the Town of Sullivan, the requirements for a public hearing on the final plat application is hereby waived.

NOW, THEREFORE, IT IS RESOLVED, that upon motion by S. Menninger and seconded by P. Jasek, the Planning Board of the Town of Sullivan 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 involve more than one agency; and it is further

RESOLVED that this 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. The proposed subdivision, if granted, would not disturb the environment; and
2. There are no unusual or unique land forms and/or environmentally sensitive areas on the site;
3. The plat plan provides for individual drainage swales which will be perpetually maintained by each lot owner and protected by Deed Covenant; and it is further

RESOLVED that the Planning Board of the Town of Sullivan hereby grants Preliminary Plat approval on the subdivision known as the “Schultz Subdivision”; and it is further

RESOLVED that pursuant to Section 276 of the Town Law and the Subdivision Regulations of the Town of Sullivan, the requirement for a public hearing on the Final Plat Plan is hereby waived; and it is further

RESOLVED that the Planning Board of the Town of Sullivan hereby grants Final Plat Plan approval on the subdivision known as the “Schultz Farm Subdivision,” based on a map titled “Subdivision Map - Lands of Schultz, Part of Lots 65 & 66 NW Part of the Late Oneida Res., Town of Sullivan, Madison County, New York,” as prepared by SeGuin Land Surveying, P.L.L.C.,

dated April 30, 2023, as last revised, subject to the payment of fees associated with review of said application and further conditioned upon the following:

1. Addition of notes to the Final Subdivision Map, satisfactory to the Planning Board Chairman (upon the advice of the Town's legal counsel), setting forth that the drainage swales for the individual lots shall be installed/constructed at the time of the issuance of any individual lot Building Permit per the detail as depicted upon the approved map and as noted herein; and
2. Prior to the issuance of a Building Permit, Deed Covenants shall be in place for each lot, subject to the approval of the Planning Board Chairman and the Town's legal counsel indicating that there shall be no encroachments, disturbances, filling or placement of structures within the drainage easement areas and improved swales; and that it is acknowledged that the Town of Sullivan bears no responsibility for any aspect of the drainage system, easements and/or swales;
3. The Deed Covenants shall be recorded with the Madison County Clerk's Office and indicate that the Town of Sullivan possesses no responsibility for any aspect of the drainage system, easements and/or swales;
4. Each individual lot owner shall continuously maintain the drainage swale easement areas for its intended purpose of conveying water from each and keeping it free from any and all encumbrances, structures, filling or any other matter which would impair its ability to properly drain the parcel; and it is further

RESOLVED that the Planning Board hereby authorizes the Chairman of the Planning Board to sign the Final Plat upon only upon certification that all requirements and conditions set forth herein have been satisfactorily met; and it is further

RESOLVED that except as specifically permitted by the Subdivision Regulations of the Town of Sullivan, no site work shall be performed and no building permits or certificates of occupancy shall be issued until all of the foregoing conditions have been satisfied and site plan approval has been granted by the Town of Sullivan Planning Board; and it is further

RESOLVED that this approval is subject to any appropriate agreements being entered into by the applicants and the Town of Sullivan as directed by the Town Attorney and it is noted by the Planning Board that the within approval shall not operate as a precedent for any future approvals; and it is further

RESOLVED that the Zoning Officer is hereby authorized and directed upon payment of any required fees to issue such permits and certificates and to take such other action as may be required to effectuate and enforce this Resolution subject to the above conditions; and it is further

RESOLVED that this Resolution shall be effective as of the date of its filing with the Town Clerk.

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

John Ceresoli	Excused	
Dave Allen	Voted	YES
Sherry Menninger	Voted	YES
Paul Jasek	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 June 6, 2023, a quorum being present.

FRANK PARK, CHAIRMAN
Town of Sullivan Planning Board

AMY BETTINGER WELLS, Town Clerk of the Town of Sullivan hereby certifies that the foregoing Resolution was duly filed in her office on June ____, 2023.

Amy Bettinger Wells, Town Clerk

A motion was made by Paul Jasek and seconded by Dave Allen to adjourn the meeting at 7:16PM

All in favor.