

TOWN OF SULLIVAN PLANNING BOARD – JUNE 7, 2022 – PUBLIC HEARING –
ROBERT SHEPARD – 2 LOT SUBDIVISION – 863 MARSH MILL ROAD – AG ZONE
SLB 15-1-47.13

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

Present, Frank Park, Sherry Menninger, John Ceresoli, Paul Jasek, John Langey, atty, and Phil Costanzo, codes office.

Excused: Dave Allen

Mr. Shepard would like to subdivide said area into 2 lots: lot #1 is 160 acres and lot #1A is one acre.

Jodi Gumina, 870 Marsh mill Road – approves of this subdivision.

The SEQR was completed at the May 3, 2022 meeting.

No one else spoke for or against this two-lot subdivision on Marsh Mill Road.

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

PUBLIC HEARING – JODI GUMINA – SECOND- HAND SHOP – 7515 LAKEPORT ROAD
BUSINESS ZONE – SLB 33.1-1-22.1

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

Present, Frank Park, Sherry Menninger, John Ceresoli, Paul Jasek, John Langey, atty, and Phil Costanzo, codes office.

Excused: Dave Allen

Ms. Gumina would like a special use permit to allow a second-hand shop at 7507 Lakeport Road, Chittenango.

Ms. Gumina runs an animal rescue and would like the special use permit to raise money for animal rescue by setting up at shop to sell used items in her home.

Dan Beal - feels this is a good use – will go to a charitable cause and feels people will be happy to support this cause

No one else spoke for or against this special use application for a second-hand shop in her home.

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

PUBLIC HEARING – DENISE ROEHM – 2 LOT SUBDIVISION – 1136 WALNUT GROVE,
BRIDGEPORT – MR -12 ZONE – SLB 9.24-1-22.21

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

Present, Frank Park, Sherry Menninger, John Ceresoli, Paul Jasek, John Langey, atty, and Phil Costanzo, codes office.

Excused; Dave Allen

Ms. Roehm proposed to subdivide land located at 1136 Walnut Grove, Bridgeport into two one-half acre parcels – lot #1 has 75’ of road frontage and lot #2 has over 100’ of road frontage.

The SEQR was completed on May 3, 2022.

No one spoke for or against this.2 lot subdivision

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

PUBLIC HEARING – DOLLAR GENERAL – ROUTE 5 WEST – SPECIAL USE PERMIT –
RETAIL STORE – BUSINESS ZONE – SLB 3-2-32.3

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

Present, Frank Park, Sherry Menninger, John Ceresoli, Paul Jasek, John Langey, atty, and Phil Costanzo, codes office.

Excused: Dave Allen

Griffiths Engineering is looking to erect a “Dollar General” at 1458 Route 5 West, Chittenango. Dan Griffiths appeared before the Board to discuss the special use permit for the erection of a “Dollar General” at 1458 Route 5 West.

Mr. Griffiths made a presentation to the Board giving an overview of the site plan for a 6,000+ sq. ft. building. There will be 56 parking spaces. All utilities are present, septic, water and natural gas. The DOT approved the access to the property as shown on the map. Stormwater drainage has been addressed. A SWPPP was completed and approved by Barton & Logoudice. Jay Reynolds, Salt Springs Road - Is there going to be a turn only lane going into the property westbound? DOT says the lane will be put in and the driveway will line up with the main entrance to Topps.

A traffic study was done by an independent company.

No one else spoke for or against this

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

REGULAR MEETING OF THE TOWN OF SULLIVAN PLANNING BOARD – JUNE 7,
2022

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

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

Excused: Dave Allen

A motion was made by Paul Jasek and seconded by John Ceresoli to accept the minutes of the May 3, 2022 meeting with a change from northeast corner to “northwest corner in the “Dollar General’ All in favor.

ROBERT SHEPARD – 2 LOT SUBDIVISION – 863 MARSH MILL ROAD – AG ZONE
SLB 15-1-47.13

The Board found no problems with this 2-lot subdivision on Marsh Mill Road.

A motion was made by Sherry Menninger and seconded by Paul Jasek to approve this two-lot subdivision at 863 Marsh Mill Road. All in favor.

JODI GUMINA – SECOND-HAND SHOP – 7515 LAKEPORT ROAD
BUSINESS ZONE – SLB 33.1-1-22.1

Madison Co. returned this application for local determination. There will be no flags as previously shown on the map. There are five parking places, south of the house (2handicapped). Ms. Gumina will only use the front of the house for retail sales. She will have signs affixed to the house. She would like to place a sandwich board on her property on Lakeport Road in front of her door. Hours of operation will be Wednesday and Thursday, 12 N to 5PM. Friday 11AM to 6PM. Saturday and Sunday 10AM-4PM. She will be closed Monday and Tuesday.

There will be two signs (2’ x 8’) attached to the second-floor windows - parking spaces will be reserved for this shop only and not for her husband’s business.

A motion was made by Paul Jasek and seconded by Sherry Menninger to declare the Town of Sullivan Planning Board lead agency to the SEQR and a motion was made to allow a second-hand shop at 7515 Lakeport Road with the following conditions:

1. Hours of operation are; Wednesday and Thursday 12Noon to 5PM
Friday 11AM to 6PM
Saturday and Sunday 10AM to 4PM
Closed Sunday and Monday
2. Two signs (2' x 8') attached on the North and East of the house.
3. Retail space to be used will be allocated on the first floor as designated on the site plan.
4. The parking spaces on the south side of the house (as noted on the site map) are reserved for the second hand-shop. A sign should be erected to note their use.
5. A sandwich board may be placed on the property designating when the shop is open and will be removed when the shop is closed.

All in favor.

DENISE ROEHM – 3 LOT SUBDIVISION – 1136 WALNUT GROVE, BRIDGEPORT – MR -12 ZONE – SLB 9.24-1-22.21

The original tax map was wrong and Mr. Seguin revised the map to show the correct plot of the map. Ms. Roehm would like to separate a 5.1-acre lot into 3 lots Lot #1 is 0.5 acres with 75' road frontage and lot #2 is 0.5 acres with 100' of road frontage. This leaves a 5-acre parcel. The Board found no problem with this subdivision.

A motion was made by John Ceresoli and seconded by Sherry Menninger to accept this three- lot subdivision at 1136 Walnut Grove, Bridgeport.

DOLLAR GENERAL – ROUTE 5 WEST – SPECIAL USE PERMIT – RETAIL STORE – BUSINESS ZONE – SLB 3-2-32.3

John Ceresoli would like to see a change in the color of the exterior of the building. Mr. Griffiths feels it may not be possible to change the color.

The landscaping plan as shown seems inadequate for the size of the building. The Board would like to see more trees or shrubs added across the front of the building.

The Board found no additional problems with this project.

John will write the resolution;

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

DATED: June 7, 2022

CHITTENANGO DG, LLC SUBDIVISION

WHEREAS, the 1458 Route 5 West LLC, as Owner, and Chittenango DG, LLC, Applicants, having duly made an application for preliminary and final plat approval of a proposed minor 2-lot subdivision in the Town of Sullivan to be known as the “Chittenango DG, LLC Subdivision”; and

WHEREAS, the plan consists of Tax Map No. 48.00-1-28.11 (consisting of 165.44± acres) being subdivided into two (2) lots wherein the 2.081± acre lot will be sold to Chittenango DG, LLC as part of their Special Use Permit/Site Plan Application simultaneously before the Town of Sullivan Planning Board to operate a retail store on the site and the residual 163.359± acres will be retained by Owner 1458 Route 5 West LLC, all as set forth in the submitted maps and plans, titled “Subdivision Plat for Chittenango DG, LLC,” prepared by Williams & Edsall Land Surveyors, PC, dated August 24, 2021, as last revised; 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 May 3, 2022; 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, 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 Recommendation Report received January 10, 2022 indicating that the matter

was being returned for local determination as it will not have any negative impacts to Madison County; and

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

WHEREAS, pursuant to 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), a previous determination of environmental non-significance was made on April 5, 2022; 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 application is hereby waived.

NOW, THEREFORE, upon motion of John Ceresoli, seconded by Paul Jasek, it is

RESOLVED, that the Planning Board of the Town of Sullivan hereby grants Preliminary Plat approval on the subdivision known as the “Chittenango DG, LLC 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 “Chittenango DG, LLC Subdivision”, based on a

map titled “Subdivision Plat for Chittenango DG, LLC,” prepared by Williams & Edsall Land Surveyors, PC, dated August 24, 2021, as last revised, subject to the payment of fees associated with review of said application and further subject to the Applicant complying with all other Town of Sullivan Zoning and Subdivision Regulations; and it is further

RESOLVED, that such approval is also conditioned upon the payment to the Town of Sullivan of any outstanding professional fees; and it is further

RESOLVED, that the Planning Board hereby authorizes the Chair of the Planning Board to sign the Final Plat 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 a Special Use Permit and site plan approval have 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.

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 | Excused | ----- |
| 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 ____, 2022, 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 the Office of the Town Clerk on June ____, 2022.

AMY B. WELLS, Town Clerk

**TOWN OF SULLIVAN
PLANNING BOARD RESOLUTION**

1458 ROUTE 5 WEST, LLC (as Owner) and CHITTENANGO DG, LLC (as Applicant) - Special Use Permit and Site Plan Approval to Construct and Operate a Retail Store and Associated Site Improvements at 1458 NYS Route 5 West, Town of Sullivan, County of Madison, State of New York (Tax Map Nos. 48.00-1-28.11) - GRANTED WITH CONDITIONS.

June 7, 2022

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

WHEREAS, Chittenango DG, LLC, as Applicant, with authorization from the 1458 Route 5 West, LLC, as Owner, has applied for the granting of a request for a proposed special use permit/site plan for an approximately 10,640 sq. ft. retail store with associated parking, utilities, landscaping and stormwater management system, all located on NYS Route 5 West (more particularly known as Tax Map No. 48.00-1-28.11) (hereinafter the “Property”), at the Owner’s

premises located in a Business “B” Zoning District and all pursuant to Chapter 275 of the Town of Sullivan Zoning Law, as amended (the “Law”); and

WHEREAS, the Planning Board of the Town of Sullivan, at its regularly scheduled meeting of June 7, 2022, reviewed the application and documents submitted by the Applicant for the granting of a request for a proposed special use permit/site plan for the approximately 10,640 sq. ft. retail store with associated parking, utilities, landscaping and stormwater management system, located at the Property and the Planning Board further reviewed the Short Environmental Assessment Form submitted by the Applicant, dated August 26, 2021; 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 Recommendation Report received January 10, 2022 indicating that the matter was being returned for local determination as it will not have any negative impacts to Madison County; and

WHEREAS, after due notice by publication in the official newspaper of the Town and due notice to the Owner, Applicant, neighboring landowners and Board Members, the Town of Sullivan Planning Board held a public hearing on the application at the Board’s regular meeting held on June 7, 2022 in accordance with the law and the Zoning Law and heard all comments and concerns regarding the proposed project; and

WHEREAS, the Applicant’s application was considered fully by the Planning Board and upon such consideration, the Board hereby makes the following findings with regard to the application:

1. The proposed action will comply with all provisions and requirements of §275-9 and §275 Attachment 2 (Zoning Schedule) of the Town of Sullivan Zoning Law and all of the other local laws and regulations of the Town of Sullivan and will be consistent with the purposes of the land use district in which it is located; to wit, a Business District, for this proposed approximately 10,640 sq. ft., single-story retail store based upon the following findings and reasons:
 - The site demonstrates a total project area of 2.081± acres with a disturbance of the site occurring on over 1 acre of the premises, thus necessitating the preparation of a Stormwater Pollution Prevention Plan;

- There is sufficient land area to accommodate all needed parking and safe ingress and egress, as well as the building on the subject parcel, as well as surrounding parcels;
 - The site has previously received an area variance for required parking on December 9, 2021;
 - The proposed retail store use demonstrates a project which will be in harmony with the orderly development of the Business District as the proposed site is similar in scale and scope to the previously approved commercial facilities in the adjacent area and will ensure appropriate ingress and egress;
 - New York State Department of Transportation access approval has been or will be filed with the Town prior to the undertaking of any construction;
 - The size of the structure on the 2.081± acre site has been determined by the Planning Board not to overwhelm the site and the architectural design has been modified to be more complimentary and consistent to the overall look of the subject corridor;
 - The purpose of the Business District is accomplished by way of the proposal insofar as it is a commercial use complimentary to the other uses which are currently in and are being attracted for the site and will further operate as an opportunity for retail sales for this portion of the NYS Route 5 Corridor;
2. The proposed project location, size of use and structure will be in harmony with the orderly development of this area and will be consistent with the Comprehensive Plan and with the purposes of Articles IV and V of the Town of Sullivan Zoning Law because the project, as proposed, meets all parking requirements, setbacks and lot coverage requirements. Further, the building has been designed as a one-story retail store with a more attractive façade;
- There are other examples of single-story commercial businesses located and operating in this portion of the NYS Route 5 Corridor, including the nearby fueling station, retail facilities, a health care facility and commercial plaza directly to the east and south of the subject site;
 - The site itself at 2.081± acres is sufficient to accommodate the approximately 10,640± sq. ft. footprint of the proposed retail store;
 - The proposed structure will also include the positioning of the utility portion of the structure to the rear side of the building, essentially screening it from NYS Route 5;
 - The Applicant is not proposing a large perimeter fence which would otherwise look out of context with the neighborhood;
 - The Applicant is proposing to add positive aesthetic improvements, while providing some screening and buffering to the site. This visual buffer to the site is decorative in nature, as well as practical;

- The Applicant has further incorporated into the plans additional plantings for the site;
- As a condition to approval, the Applicant will be required to continuously maintain and restore any trees and plantings which have died or become diseased on the site;
- The Applicant has submitted, and the Town's consulting engineers have reviewed with approval, the photometric schematics of the site, which demonstrates that there will be no light spillage onto neighboring properties or highways;
- The proposed retail store use will operate 7:00 a.m. to 10:00 p.m., seven (7) days per week;
- The Board determines that the hours of operations are appropriate for the location and the lighting plan will further act to mitigate any concerns regarding lighting and noise;
- As noted above, the project with its area variance meets the requirements under the Code for parking and consists of appropriate internal access, which has been favorably reviewed by the Town's consulting engineers and New York State Department of Transportation;
- The Board has determined that the project as proposed will not impair the value of adjacent lands or buildings as no such evidence was demonstrated;
- The Applicant has submitted a traffic study prepared by GTS Consulting, dated January 4, 2022, which has concluded that:

“The proposed Dollar General development is a minor traffic generator with less than 20 trips entering/existing in the morning and less than 40 trips entering/existing during the evening peak hour. This will result in a minor increase in traffic in the area of 1 vehicle entering or exiting the site every 1-2 minutes during the peak hours of operation. The minimal increase in traffic during the peak hours will generally not be noticeable to existing motorists or residents in the area. There are ample available sight distances from the proposed development access on Route 5 and no concerns with safety for access. There are also no gap or capacity concerns with moderate overall traffic volumes in the area.”

3. The proposed project will not be more objectionable to nearby properties than would the operation of any other permitted use and since it will not result in the release of harmful substances or any other nuisances, nor cause excessive noise, dust, odor, solid waste or glare because the project includes the necessary measures needed to minimize the possibility of the release of harmful substances and incorporates mitigations to noise and glare. Specifically, the project utilizes appropriate light shielding technology to avoid spillage of lights onto neighboring properties and highways, will not be associated with any odors or dust as roadways

will be paved and maintained, all solid waste will be transported from the site on a weekly basis and will be stored in secured and enclosed dumpsters;

4. Adequate public parking is provided as approved by the Town of Sullivan Zoning Board of Appeals (on December 9, 2021) per the Zoning Code and the project will be accessible to fire, police and other emergency vehicles. The site plan provides for adequate access to the building for fire, police and other emergency vehicles as demonstrated through the submitted site drawings, which have been reviewed by the Town's consulting engineers. Further, the Applicant has modified the project plans in response to the Town's consulting engineers' technical reviews dated April 27, 2022 and June 1, 2022;
 - The project will require a stormwater management plan which will act to address stormwater management issues;
 - The project will have an approved septic design as authorized by the Madison County Health Department prior to any construction;
 - The project will require a NYSDOT Work Permit for utility work within the NYSDOT right-of-way, which final Permit must be obtained prior to undertaking any construction; 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 Planning Board of the Town of Sullivan hereby determines that the proposed action is an Unlisted Action, does not involve any federal agency, does not involve more than one agency and will be reviewed on an uncoordinated basis; and it is further

RESOLVED that the Planning Board shall be the lead agency for this project; and it is further

RESOLVED that the Planning Board after careful review of the application and Environmental Assessment Form hereby determines that the proposed action will not have a significant adverse effect on the environment, and this Resolution (along with the Short EAF) shall constitute a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law, Volume 6 of the NYCRR Section 617.3 for the following reasons:

1. The proposed Special Use Permit would entail the construction and operation of an approximately 10,640 sq. ft retail store with associated parking, utilities, landscaping and stormwater management system at 1458 Route 5 West in the Town of Sullivan;

2. The proposed use will occur in an existing Business District where past uses have been consistent with the underlying zoning of the premises;
3. The premises do not display any unusual or unique landforms or any environmentally sensitive areas upon the subject site;
4. The proposed ingress and egress will allow for safe and convenient access to the site per the report of GTS Consulting, dated January 4, 2022;
5. The proposed use will be in-keeping with the general character of the neighborhood, portions of which are zoned Commercial and which presently host various commercial and residential enterprises;
6. The required SWPPP will be prepared and reviewed for approval by the Town's Consulting Engineer;
7. There have been no identified impacts on air quality from the proposed use;
8. There has been no demonstration of any historic or archeological resources in the area, nor has the area been identified as part of any proposed open space or recreational areas;
9. There will be no impact on public health; and it is further

RESOLVED that the Town of Sullivan Planning Board hereby allows and grants the Applicant's request for a Special Use Permit and site plan for the operation on the site of an approximately 10,640 sq. ft., single-story retail store with associated parking, utilities, landscaping and stormwater management system, all at the Owner's premises, all in specific accordance (and specifically conditioned upon compliance) with the site plan documents, as follows:

1. Application for a Special Use Permit, dated August 26, 2021, prepared by Chittenango DG, LLC;
2. Preliminary Site Plan, prepared by Griffiths Engineering, LLC, dated September 7, 2021, as last revised;
3. Stormwater Pollution Prevention Plan (SWPPP), prepared by Griffiths Engineering, LLC, dated January 28, 2022, as last revised February 25, 2022;
4. Trip Generation Review, prepared by GTS Consulting, dated January 4, 2022, as last revised;

as well as the following plans prepared by Griffiths Engineering, LLC, to wit:

1. C-0: Cover Sheet: Final Land Development Plan for Dollar General Store No. 23829 – Chittenango, NY, dated June 6, 2022, as last revised;
2. C-1: Existing Conditions & Demolition Plan, dated June 6, 2022, as last revised;
3. C-2: Site Layout and Utility Plan, dated June 6, 2022, as last revised;
4. C-3: Proposed Grading and Drainage Plan, dated June 6, 2022, as last revised;

5. C-3A: Driveway Culvert and Stormwater Plan, dated June 6, 2022, as last revised;
6. C-4: Erosion and Sediment Control Plan, dated June 6, 2022, as last revised;
7. C-5: Site Landscape Plan, dated June 6, 2022, as last revised;
8. C-6: Site Lighting and Photometric Plan, dated June 6, 2022, as last revised;
9. C-7: Work Zone Traffic Control Plan #1, dated June 6, 2022, as last revised;
10. C-8: Work Zone Traffic Control Plan #2, dated June 6, 2022, as last revised;
11. C-9: Work Zone Traffic Control Plan #3, dated June 6, 2022, as last revised;
12. D-1: Detail Sheet, dated June 6, 2022, as last revised;
13. D-2: Detail Sheet, dated June 6, 2022, as last revised;
14. D-3: Detail Sheet, dated June 6, 2022, as last revised;
15. D-4: Detail Sheet, dated June 6, 2022, as last revised;
16. D-5: Detail Sheet, dated June 6, 2022, as last revised;
17. D-6: SC-740 Stormtech Infiltration System Details, dated June 6, 2022, as last revised;
18. D-7: Downstream Defendant Details, dated June 6, 2022, as last revised;

as well as the following plans prepared by Chadha & Associates, to wit:

1. Sheet No. A1: Floor/Fixture Plan, dated November 4, 2021, as last revised June 7, 2022;
2. Sheet No. A2: Front Side - West, dated November 4, 2021, as last revised June 7, 2022;
3. Sheet No. A3: Delivery Side – South, dated November 4, 2021, as last revised April 22, 2022;
4. Sheet No. A4: Rear Side - East, dated November 4, 2021, as last revised April 22, 2022;
5. Sheet No. A5: NYS Route 5 - North, dated November 4, 2021, as last revised June 7, 2022;
6. Sheet No. A6: Perspective View, dated November 4, 2021, as last revised June 7, 2022;
7. Sheet No. A7: Perspective Zoom View, dated June 8, 2022, as last revised;

conditioned, however, upon the following:

1. All construction and operation will be in strict compliance with the submitted plans and drawings;
2. Hours of operation shall be as proposed by the Applicant, to wit: 7:00 a.m. to 10:00 p.m., seven (7) days per week;

3. Exterior lights shall be extinguished within 45 minutes of the store closing except for safety lighting. Further, lighting shall be downcast and not spill onto adjoining properties or highways;
4. No outside storage shall be permitted, other than that depicted upon the plans and display items associated with the use. All items shall be stored in a neat and orderly manner;
5. Preparation and entering into appropriate development construction agreements;
6. All work shall be finalized, completed and approved, including landscaping, by December 20, 2022;
7. All plantings and landscaping as depicted upon the site plan drawings shall be continuously maintained and should any species of tree or planting become diseased or die, such tree or planting shall be promptly replaced with a similar size and type of tree or planting;
8. Final approval of a SWPPP by the Town's consulting engineers, as necessary;
9. Compliance with all stormwater management conditions per the April 27, 2022 and June 1, 2022 correspondence of Barton & Loguidice, D.P.C.;
10. Execution and recording of a Stormwater Control Facility Maintenance Agreement;
11. Issuance of an appropriate NOI Permit; and
12. Issuance of appropriate septic approval from the Madison County Health Department;
13. Finalization of the subdivision and the filing of the subdivision map with the Madison County Clerk (per the concurrent approval of the Town of Sullivan Planning Board dated June 7, 2022); 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 (including reasonable and necessary professional fees incurred by the Town in association with the application) to issue such permits and certificates or to take such other actions as may be required to effectuate and enforce this Resolution; 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 | Excused | ----- |
| 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 ____, 2022, 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 the Office of the Town Clerk on June ____, 2022.

AMY B. WELLS, Town Clerk

**TOWN OF SULLIVAN
PLANNING BOARD RESOLUTION**

1458 ROUTE 5 WEST, LLC (as Owner) and CHITTENANGO DG, LLC (as Applicant) - Special Use Permit and Site Plan Approval to Construct and Operate a Retail Store and Associated Site Improvements at 1458 NYS Route 5 West, Town of Sullivan, County of Madison, State of New York (Tax Map Nos. 48.00-1-28.11) - GRANTED WITH CONDITIONS.

June 7, 2022

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

WHEREAS, Chittenango DG, LLC, as Applicant, with authorization from the 1458 Route 5 West, LLC, as Owner, has applied for the granting of a request for a proposed special use permit/site plan for an approximately 10,640 sq. ft. retail store with associated parking, utilities, landscaping and stormwater management system, all located on NYS Route 5 West (more particularly known as Tax Map No. 48.00-1-28.11) (hereinafter the “Property”), at the Owner’s

premises located in a Business “B” Zoning District and all pursuant to Chapter 275 of the Town of Sullivan Zoning Law, as amended (the “Law”); and

WHEREAS, the Planning Board of the Town of Sullivan, at its regularly scheduled meeting of June 7, 2022, reviewed the application and documents submitted by the Applicant for the granting of a request for a proposed special use permit/site plan for the approximately 10,640 sq. ft. retail store with associated parking, utilities, landscaping and stormwater management system, located at the Property and the Planning Board further reviewed the Short Environmental Assessment Form submitted by the Applicant, dated August 26, 2021; 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 Recommendation Report received January 10, 2022 indicating that the matter was being returned for local determination as it will not have any negative impacts to Madison County; and

WHEREAS, after due notice by publication in the official newspaper of the Town and due notice to the Owner, Applicant, neighboring landowners and Board Members, the Town of Sullivan Planning Board held a public hearing on the application at the Board’s regular meeting held on June 7, 2022 in accordance with the law and the Zoning Law and heard all comments and concerns regarding the proposed project; and

WHEREAS, the Applicant’s application was considered fully by the Planning Board and upon such consideration, the Board hereby makes the following findings with regard to the application:

5. The proposed action will comply with all provisions and requirements of §275-9 and §275 Attachment 2 (Zoning Schedule) of the Town of Sullivan Zoning Law and all of the other local laws and regulations of the Town of Sullivan and will be consistent with the purposes of the land use district in which it is located; to wit, a Business District, for this proposed approximately 10,640 sq. ft., single-story retail store based upon the following findings and reasons:
 - The site demonstrates a total project area of 2.081± acres with a disturbance of the site occurring on over 1 acre of the premises, thus necessitating the preparation of a Stormwater Pollution Prevention Plan;

- There is sufficient land area to accommodate all needed parking and safe ingress and egress, as well as the building on the subject parcel, as well as surrounding parcels;
 - The site has previously received an area variance for required parking on December 9, 2021;
 - The proposed retail store use demonstrates a project which will be in harmony with the orderly development of the Business District as the proposed site is similar in scale and scope to the previously approved commercial facilities in the adjacent area and will ensure appropriate ingress and egress;
 - New York State Department of Transportation access approval has been or will be filed with the Town prior to the undertaking of any construction;
 - The size of the structure on the 2.081± acre site has been determined by the Planning Board not to overwhelm the site and the architectural design has been modified to be more complimentary and consistent to the overall look of the subject corridor;
 - The purpose of the Business District is accomplished by way of the proposal insofar as it is a commercial use complimentary to the other uses which are currently in and are being attracted for the site and will further operate as an opportunity for retail sales for this portion of the NYS Route 5 Corridor;
6. The proposed project location, size of use and structure will be in harmony with the orderly development of this area and will be consistent with the Comprehensive Plan and with the purposes of Articles IV and V of the Town of Sullivan Zoning Law because the project, as proposed, meets all parking requirements, setbacks and lot coverage requirements. Further, the building has been designed as a one-story retail store with a more attractive façade;
- There are other examples of single-story commercial businesses located and operating in this portion of the NYS Route 5 Corridor, including the nearby fueling station, retail facilities, a health care facility and commercial plaza directly to the east and south of the subject site;
 - The site itself at 2.081± acres is sufficient to accommodate the approximately 10,640± sq. ft. footprint of the proposed retail store;
 - The proposed structure will also include the positioning of the utility portion of the structure to the rear side of the building, essentially screening it from NYS Route 5;
 - The Applicant is not proposing a large perimeter fence which would otherwise look out of context with the neighborhood;
 - The Applicant is proposing to add positive aesthetic improvements, while providing some screening and buffering to the site. This visual buffer to the site is decorative in nature, as well as practical;

- The Applicant has further incorporated into the plans additional plantings for the site;
- As a condition to approval, the Applicant will be required to continuously maintain and restore any trees and plantings which have died or become diseased on the site;
- The Applicant has submitted, and the Town's consulting engineers have reviewed with approval, the photometric schematics of the site, which demonstrates that there will be no light spillage onto neighboring properties or highways;
- The proposed retail store use will operate 7:00 a.m. to 10:00 p.m., seven (7) days per week;
- The Board determines that the hours of operations are appropriate for the location and the lighting plan will further act to mitigate any concerns regarding lighting and noise;
- As noted above, the project with its area variance meets the requirements under the Code for parking and consists of appropriate internal access, which has been favorably reviewed by the Town's consulting engineers and New York State Department of Transportation;
- The Board has determined that the project as proposed will not impair the value of adjacent lands or buildings as no such evidence was demonstrated;
- The Applicant has submitted a traffic study prepared by GTS Consulting, dated January 4, 2022, which has concluded that:

“The proposed Dollar General development is a minor traffic generator with less than 20 trips entering/existing in the morning and less than 40 trips entering/existing during the evening peak hour. This will result in a minor increase in traffic in the area of 1 vehicle entering or exiting the site every 1-2 minutes during the peak hours of operation. The minimal increase in traffic during the peak hours will generally not be noticeable to existing motorists or residents in the area. There are ample available sight distances from the proposed development access on Route 5 and no concerns with safety for access. There are also no gap or capacity concerns with moderate overall traffic volumes in the area.”

7. The proposed project will not be more objectionable to nearby properties than would the operation of any other permitted use and since it will not result in the release of harmful substances or any other nuisances, nor cause excessive noise, dust, odor, solid waste or glare because the project includes the necessary measures needed to minimize the possibility of the release of harmful substances and incorporates mitigations to noise and glare. Specifically, the project utilizes appropriate light shielding technology to avoid spillage of lights onto neighboring properties and highways, will not be associated with any odors or dust as roadways

will be paved and maintained, all solid waste will be transported from the site on a weekly basis and will be stored in secured and enclosed dumpsters;

8. Adequate public parking is provided as approved by the Town of Sullivan Zoning Board of Appeals (on December 9, 2021) per the Zoning Code and the project will be accessible to fire, police and other emergency vehicles. The site plan provides for adequate access to the building for fire, police and other emergency vehicles as demonstrated through the submitted site drawings, which have been reviewed by the Town's consulting engineers. Further, the Applicant has modified the project plans in response to the Town's consulting engineers' technical reviews dated April 27, 2022 and June 1, 2022;
 - The project will require a stormwater management plan which will act to address stormwater management issues;
 - The project will have an approved septic design as authorized by the Madison County Health Department prior to any construction;
 - The project will require a NYSDOT Work Permit for utility work within the NYSDOT right-of-way, which final Permit must be obtained prior to undertaking any construction; 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 Planning Board of the Town of Sullivan hereby determines that the proposed action is an Unlisted Action, does not involve any federal agency, does not involve more than one agency and will be reviewed on an uncoordinated basis; and it is further

RESOLVED that the Planning Board shall be the lead agency for this project; and it is further

RESOLVED that the Planning Board after careful review of the application and Environmental Assessment Form hereby determines that the proposed action will not have a significant adverse effect on the environment, and this Resolution (along with the Short EAF) shall constitute a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law, Volume 6 of the NYCRR Section 617.3 for the following reasons:

10. The proposed Special Use Permit would entail the construction and operation of an approximately 10,640 sq. ft retail store with associated parking, utilities, landscaping and stormwater management system at 1458 Route 5 West in the Town of Sullivan;

11. The proposed use will occur in an existing Business District where past uses have been consistent with the underlying zoning of the premises;
12. The premises do not display any unusual or unique landforms or any environmentally sensitive areas upon the subject site;
13. The proposed ingress and egress will allow for safe and convenient access to the site per the report of GTS Consulting, dated January 4, 2022;
14. The proposed use will be in-keeping with the general character of the neighborhood, portions of which are zoned Commercial and which presently host various commercial and residential enterprises;
15. The required SWPPP will be prepared and reviewed for approval by the Town's Consulting Engineer;
16. There have been no identified impacts on air quality from the proposed use;
17. There has been no demonstration of any historic or archeological resources in the area, nor has the area been identified as part of any proposed open space or recreational areas;
18. There will be no impact on public health; and it is further

RESOLVED that the Town of Sullivan Planning Board hereby allows and grants the Applicant's request for a Special Use Permit and site plan for the operation on the site of an approximately 10,640 sq. ft., single-story retail store with associated parking, utilities, landscaping and stormwater management system, all at the Owner's premises, all in specific accordance (and specifically conditioned upon compliance) with the site plan documents, as follows:

5. Application for a Special Use Permit, dated August 26, 2021, prepared by Chittenango DG, LLC;
6. Preliminary Site Plan, prepared by Griffiths Engineering, LLC, dated September 7, 2021, as last revised;
7. Stormwater Pollution Prevention Plan (SWPPP), prepared by Griffiths Engineering, LLC, dated January 28, 2022, as last revised February 25, 2022;
8. Trip Generation Review, prepared by GTS Consulting, dated January 4, 2022, as last revised;

as well as the following plans prepared by Griffiths Engineering, LLC, to wit:

19. C-0: Cover Sheet: Final Land Development Plan for Dollar General Store No. 23829 – Chittenango, NY, dated June 6, 2022, as last revised;
20. C-1: Existing Conditions & Demolition Plan, dated June 6, 2022, as last revised;
21. C-2: Site Layout and Utility Plan, dated June 6, 2022, as last revised;
22. C-3: Proposed Grading and Drainage Plan, dated June 6, 2022, as last revised;

23. C-3A: Driveway Culvert and Stormwater Plan, dated June 6, 2022, as last revised;
24. C-4: Erosion and Sediment Control Plan, dated June 6, 2022, as last revised;
25. C-5: Site Landscape Plan, dated June 6, 2022, as last revised;
26. C-6: Site Lighting and Photometric Plan, dated June 6, 2022, as last revised;
27. C-7: Work Zone Traffic Control Plan #1, dated June 6, 2022, as last revised;
28. C-8: Work Zone Traffic Control Plan #2, dated June 6, 2022, as last revised;
29. C-9: Work Zone Traffic Control Plan #3, dated June 6, 2022, as last revised;
30. D-1: Detail Sheet, dated June 6, 2022, as last revised;
31. D-2: Detail Sheet, dated June 6, 2022, as last revised;
32. D-3: Detail Sheet, dated June 6, 2022, as last revised;
33. D-4: Detail Sheet, dated June 6, 2022, as last revised;
34. D-5: Detail Sheet, dated June 6, 2022, as last revised;
35. D-6: SC-740 Stormtech Infiltration System Details, dated June 6, 2022, as last revised;
36. D-7: Downstream Defendant Details, dated June 6, 2022, as last revised;

as well as the following plans prepared by Chadha & Associates, to wit:

8. Sheet No. A1: Floor/Fixture Plan, dated November 4, 2021, as last revised June 7, 2022;
9. Sheet No. A2: Front Side - West, dated November 4, 2021, as last revised June 7, 2022;
10. Sheet No. A3: Delivery Side – South, dated November 4, 2021, as last revised April 22, 2022;
11. Sheet No. A4: Rear Side - East, dated November 4, 2021, as last revised April 22, 2022;
12. Sheet No. A5: NYS Route 5 - North, dated November 4, 2021, as last revised June 7, 2022;
13. Sheet No. A6: Perspective View, dated November 4, 2021, as last revised June 7, 2022;
14. Sheet No. A7: Perspective Zoom View, dated June 8, 2022, as last revised;

conditioned, however, upon the following:

14. All construction and operation will be in strict compliance with the submitted plans and drawings;
15. Hours of operation shall be as proposed by the Applicant, to wit: 7:00 a.m. to 10:00 p.m., seven (7) days per week;

16. Exterior lights shall be extinguished within 45 minutes of the store closing except for safety lighting. Further, lighting shall be downcast and not spill onto adjoining properties or highways;
17. No outside storage shall be permitted, other than that depicted upon the plans and display items associated with the use. All items shall be stored in a neat and orderly manner;
18. Preparation and entering into appropriate development construction agreements;
19. All work shall be finalized, completed and approved, including landscaping, by December 20, 2022;
20. All plantings and landscaping as depicted upon the site plan drawings shall be continuously maintained and should any species of tree or planting become diseased or die, such tree or planting shall be promptly replaced with a similar size and type of tree or planting;
21. Final approval of a SWPPP by the Town's consulting engineers, as necessary;
22. Compliance with all stormwater management conditions per the April 27, 2022 and June 1, 2022 correspondence of Barton & Loguidice, D.P.C.;
23. Execution and recording of a Stormwater Control Facility Maintenance Agreement;
24. Issuance of an appropriate NOI Permit; and
25. Issuance of appropriate septic approval from the Madison County Health Department;
26. Finalization of the subdivision and the filing of the subdivision map with the Madison County Clerk (per the concurrent approval of the Town of Sullivan Planning Board dated June 7, 2022); 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 (including reasonable and necessary professional fees incurred by the Town in association with the application) to issue such permits and certificates or to take such other actions as may be required to effectuate and enforce this Resolution; 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 | Excused | ----- |
| 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 ____, 2022, 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 the Office of the Town Clerk on June ____, 2022.

AMY B. WELLS, Town Clerk

LESLIE/TERI GILLETTE – 2 LOT SUBDIVISION – LUCAS ROAD, BRIDGEPORT – MR 12 ZONE – SLB 9.6-1-1 Mr. Gillette would like to a two- lot subdivision on Lucas Road across from Rogue’s Roost. The map is dated 5/4/22. To get water from the first lot to the second lot would cost \$5,000. The question is whether Mr. Gillette has to be part of the water district. Lot #1 is 5.5 acres and is on public water and Lot #2 is not in the water district and is 7.4 acres.. Mr. Gillette wants to know if he can use a well rather than connecting to the water district The Board is concerned as to where the water line ends.

The Town of Sullivan Planning Board was declared lead agency to the SEQR. A motion was made by John Ceresoli and seconded by Sherry Menninger to declare a negative motion and to schedule a public hearing for July 5, 2022 at 6:45PM for a two- lot subdivision. Lot #1 is 5.5 acres and Lot #2 is 7.4 acres.

DOUGLAS MOHOROTER– 9030 BLACK POINT ROAD – 2 LOT SUBDIVSION – MR-12 ZONE – SLB 11-1-12.3

Mr. Mohoroter appeared before the Board for a three-lot subdivision. He is combining property to his original lot totaling 6.2 acres to his home parcel (annexing in) (5.2 acres added to one acre) lot 1A, Lot #1 will be 14.9 and the remaining lot #2 is 1.475 acres.

A motion was made by Sherry Menninger and seconded by Paul Jasek to declare the Town of Sullivan Planning lead agency to make a negative declaration to the short form SEQR and to schedule a public hearing for July 5, 2022 at 6:30PM. All in favor.

JEFFREY MOORE (COTA VENTURA) – SMITH RIDGE ROAD – SUBDIVISION – AG ZONE – SLB 10.-1-21.1

Mr. Moore appeared before the Board to consider a seven-lot subdivision on Smith Ridge Road.

Lot #1 is 42 acres, lot #2 10.3 acres. Lot #3- 57 acres lot #4 -10.3 acres, lot #5 10.9 acres, lot #6 is 5.8 acres and lot #7 is 4.9 acres.

There is water present. The lots perc. Lot #2 was sold last year. Perc tests will need to be done. A motion was made by Sherry Menninger and seconded by Paul Jasek to declare the Town of Sullivan Planning Board lead agency and make a negative declaration to the short form SEQR and to schedule a public hearing for July 5, 2022 at 6:15PM. All in favor.

CHITTENANGO SOLAR LLC SOLAR FARM – SPECIAL USE PERMIT – COMMERCIAL SOLAR – LAKEPORT ROAD

Lisa Shepps and Travis Mitchell appeared before the Board to introduce NEXAMP. Ms. Shepps explained the purpose of NEXAMP. – clean energy, lowers energy costs and reduces dependence on foreign power with solar panels.

3.1 mw solar project – These panels run north/, south – it is a tracker system – 16 acre fenced acreage, no long- term impact – minimal traffic – 6 x er year.

The property is 270 - acres in an AG zone and AG district. 500ft front 400f side and 300 ft rear It sits well off Lakeport Road. NEXAMP will need a variance as the project is not 1000’ from the wet area. They will go the ZBA and then return to the Planning Board.

Barton & Logoudice will need to review this project. They will return.

A motion was made by Sherry Menninger and seconded by John Ceresoli to adjourn the meeting At 8:45PM. All in favor

Respectfully submitted,