

**TOWN OF SULLIVAN
TOWN BOARD RESOLUTION**

January 27, 2021

TOWN OF SULLIVAN LOCAL LAW NO. C OF 2020
(“A Local Law Creating The Wild Drive Thru Safari Planned Development District”)

The following resolution was offered by Councilor _____, who moved its adoption, seconded by Councilor _____, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, previously at a regular meeting of the Town of Sullivan Town Board (the “Board”) held on June 17, 2020 proposed Local Law No. C of 2020, titled “A Local Law Creating The Wild Drive Thru Safari Planned Development District,” was presented and introduced, which Local Law would approve the underlying zoning and Preliminary Development Plan submitted by Jeffrey S. Taylor II, as owner of the proposed “The Wild Drive Thru Safari”, with a street address of 7591 Lakeport Road, Chittenango, New York, and occupying lands designated and generally known as Town of Sullivan Tax Map No. 33.1-1-5.2 and containing approximately 40.03± acres, and establish “The Wild Drive Through Safari Planned Development District” on said lands, subject to the provisions of Section 275-12 of the Code of the Town of Sullivan; and

WHEREAS, previously on June 17, 2020, the Town of Sullivan Town Board, pursuant to the New York State Environmental Quality Review Act (SEQRA) made the following determination:

1. The action is a Type I action for purposes of SEQRA;
2. The Town Board of the Town of Sullivan shall act as Lead Agency;
3. The following agencies have been designated involved/interested agencies within the meaning of the SEQRA with respect to the proposed enactment of said proposed Local Law, with the result that the Town Board shall act as lead agency in this matter, to wit:
 - a. **U.S. Fish and Wildlife Service**, 1849 C Street, NW, Washington, DC 20240;
 - b. **New York State Department of Environmental Conservation, Region 7**, 615 Erie Boulevard West, Syracuse, New York 13204;

- c. **Madison County Highway Department**, 139 North Court Street, P.O. Box 15, Wampsville, New York 13163;
 - d. **Madison County Health Department**, 138 North Court Street, Building 5, P.O. Box 605, Wampsville, New York 13163;
 - e. **Madison County Planning Department**, 138 North Court Street, Building 4, Room 249, P.O. Box 606, Wampsville, New York 13163;
 - f. **Town of Sullivan Planning Board**, 7507 Lakeport Road, Chittenango, New York 13037; and
4. The action would require the preparation of a Full Environmental Assessment Form (EAF) to provide information with regard to the environmental issues pertinent therein

WHEREAS, on June 24, 2020, the Town of Sullivan Town Board circulated lead agency notices to all involved/interested agencies for consideration of enactment of Local Law No. C of 2020 and no objections or environmental comments were received by the Board and the Board hereby confirms that it shall act as Lead Agency for purposes of SEQR; and

WHEREAS, the Lead Agency has caused the completion of a Full Environmental Assessment Form for the careful review of the environmental impacts of the project; and

WHEREAS, pursuant to the provisions of Section 275-12D(3) of the Code of the Town of Sullivan (Zoning Law), at the June 17, 2020 regular Town Board meeting, the Town Board made a formal referral of the proposed zone change request for a Planned Development District (“PDD”) to the Town of Sullivan Planning Board for its review and recommendation; and

WHEREAS, the Town of Sullivan Planning Board conducted its review of the proposed PDD and held three (3) separate meetings with the PDD applicant/owner, Jeffrey Taylor, II, to review the proposal for a drive-thru safari operation; and

WHEREAS, the Town of Sullivan Planning Board by correspondence to the Town Board dated September 8, 2020, made a recommendation which included numerous comments concerning the proposed PDD and safari operation, a copy of which comments are attached to this resolution; and

WHEREAS, the Town of Sullivan Planning Board recommendation of September 8, 2020 made specific note of numerous demonstrated negative neighborhood impacts which may be mitigated with the inclusion of screening and other project modifications, including modified

lighting, fencing, dust control measures, noise control measures, hours of operation, final map preparation depicting all existing and proposed structures and manure management mitigation; and

WHEREAS, in or around May of 2020, the applicant, prior to applying for or receiving approval of the Planned Development District or review of the proposed drive-thru safari, commenced construction of the improvements for the safari, including the construction of roads, grading and structures, all without necessary building, construction and/or other permits or reviews by the various agencies; and

WHEREAS, the applicant commenced operation of the safari business without the necessary approvals from local and state agencies; and

WHEREAS, said operation has occurred continuously since May of 2020, such that many of the various impacts, both positive and negative, have been demonstrated from its operation and are now known by the Town Board and the Planning Board; and

WHEREAS, a public hearing was held on such proposed local law on the 4th day of November, 2020, by the Town Board of the Town of Sullivan and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Sullivan in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

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

WHEREAS, it is noted that the lands subject to and in the vicinity of the requested PDD are both residential and commercial in nature and certain impacts of noise, dust, traffic and odors have all been considered by the Town Board, along with their mitigations by way of conditions; and

WHEREAS, the Town Board has determined that the inclusion of certain mitigations to the PDD use will act to address the demonstrated negative environmental impacts to the surrounding neighbors if implemented and maintained such that the attached PDD narrative must be adhered to; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. C-2020.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, that the Town Board has determined this action shall have no adverse impact on the environment as proposed and amended with the identified mitigations; that accordingly, an environmental impact statement (EIS) shall not be required; and that the Town Board hereby adopts a Negative Declaration for purposes of Article 8 of the Environmental Conservation Law, Volume 6 of the N.Y.C.R.R. Part 617 et seq. for the following reasons:

1. The proposed use of the premises would be a self-contained drive-thru safari amusement/recreational use on the premises known as Tax Map Parcel 33.1-1-5.2, as more fully depicted upon the drawings/site plan known as “The Wild Animal Drive-Thru Safari”, prepared by SeGuin Land Surveying, PLLC (Forest L. SeGuin, P.L.S.), dated January 20, 2021, as last revised;
2. The commercial use would consist of an amusement/recreational park to display zoo animals at the site, as depicted upon the plans;
3. The use would operate a seasonal safari proposed to be open from April 1st through October 31st;
4. There are no other proposed uses for the site, such as retail sales, food preparation and sales, other recreational uses or picnic areas;
5. All existing and proposed structures are depicted upon the plan and map;
6. A circuitous road has been constructed on this site;
7. Hours of operation of the use would be:
 - a. Monday through Friday - 10:00 a.m. to 5:00 p.m.;
 - b. Saturday - 9:30 a.m. to 6:00 p.m.;
 - c. Sunday - 9:30 a.m. to 5:00 p.m.
8. The site contains approximately 40.03± acres of total land area;
9. The site is generally open land area with multiple structures shown on the plans;
10. The premises are zoned Commercial along Lakeport Road and agricultural to the rear of the premises;

11. A proposed opaque wooden fence and screening will be implemented to address the demonstrated noise, light and odor impacts, as surrounding properties are single-family homes, all as shown on the PDD Plan;
12. The premises contain no wastewater treatment system;
13. The premises have availability to public water;
14. The use would utilize an ingress/egress located off of a County Highway (Lakeport Road);
15. The premises contain four (4) existing pond areas located on the site, a front parking que area for the admission of vehicles into the safari and travel roads used by visitors within the safari area;
16. Structures on the site include barns of various dimensions, an existing house, outbuildings, various animal enclosures, a gate and existing fencing;
17. Proposed structures are as depicted on the proposed Planned Development Plan;
18. Existing signage and proposed signage are also characteristics of the use;
19. Parking on the site includes the use of the former overflow parking area, previously approved by resolution of the Town of Sullivan Planning Board on April 3, 2018, which now will become a parking queuing area for entrance into The Wild Drive-Thru Safari;
20. Visitors to the park will ingress and egress from Lakeport Road and be directed to an appropriate area for stacking of vehicles to enter the drive-thru safari;
21. The applicant proposes to provide sufficient personnel to ensure safe traffic flow from Lakeport Road into the commercial facility;
22. Numerous complaints have been received regarding the physical operation of the safari since it has opened in the Spring of 2020, including documented complaints regarding dust, traffic, parking of vehicles on neighboring properties, etc.;
23. Additional complaints have been received regarding offensive odors from animal waste;
24. There have been no identified concerns with geological features or unique or unusual landforms on the site;
25. There have been no identified significant issues relating to loss of flora or fauna on the site, as the area has been previously disturbed;
26. With the exception of offensive odors from animal waste, there have been no other identified impacts to air or air quality from the use;
27. There have been no identified impacts to agricultural resources;
28. There have been complaints regarding aesthetics of the property from neighbors concerning the commercial operation adjacent to their premises. However, appropriate screening and distancing properly installed and maintained would act to mitigate those impacts;

29. There have been no identified historic or archeological resources associated with this site and therefore no impacts to same;
30. The property has not been identified as a Town open space or recreational area;
31. There are no critical environmental areas located within the Town of Sullivan;
32. There have been no identified negative impacts caused by an increase in the use of any form of energy related to the project;
33. There have been no identified impacts on human health with regard to the use;
34. The Town Board has received correspondence from the New York State Department of Environmental Conservation (Cynthia Hill, Environmental Analyst), dated July 9, 2020, indicating that based on NYSDEC reconnaissance the development as presented would not impact the existing State wetland located on and adjacent to the area. This correspondence further determined that there are no other mapped Stated water bodies;
35. The correspondence from NYSDEC did however state that NYSDEC records indicate the potential presence of a threatened marsh bird, the Upland Sandpiper, living within the vicinity of the project. It is not anticipated that the proposed project would have any impact on this protected species;
36. The NYSDEC correspondence further reiterated prior correspondence from the NYSDEC dated June 25, 2020 (Matt Kazmierski) which noted that the project would require a stormwater permit and preparation of a Stormwater Pollution Prevention Plan (“SWPPP”);
37. The NYSDEC correspondence advised the project sponsor (Jeffrey Taylor II) of these findings, concerns and the need for potential NYSDEC permits;
38. A SWPPP has been prepared and submitted by the applicant. The document was prepared by Corey McWilliams, CPESC (GZA GeoEnvironmental of New York, P.C.), dated September 2020, and depicts the stormwater facilities that must be constructed and maintained;
39. The applicant will be and hereby is required to undertake the use of the premises in strict compliance with the September 2020 SWPPP as revised and amended and to construct and maintain the improvements referenced therein;
40. The applicant will be and is hereby required to enter into a Stormwater Maintenance Agreement to be recorded with the Madison County Clerk;
41. Concerns were raised by neighbors relative to increased traffic from this seasonal attraction based upon the observance of numerous cars during the height of the Coronavirus pandemic. In response, the applicant was requested to obtain a traffic assessment from a certified traffic consultant. Initially the applicant provided a hand-count of visitors to the project;
42. The self-reported data supplied by the applicant indicated a high volume of car visits to the site to be 771 with a low count of 95;
43. Subsequently, the Planning Board directed the applicant to obtain a professional opinion from a licensed traffic consultant. The applicant utilized GTS Consulting

(Gordon T. Stansbury, P.T.O.E.) for the preparation of a report associated with traffic operations for The Wild Drive-Thru;

44. The Traffic Study's conclusions state that "[t]here are no concerns with existing traffic operations on Lakeport in the vicinity of The Wild Safari Drive-Thru. . . . There are ample gaps in traffic and clear sight lines in both directions to provide safe ingress and egress. Capacity analyses indicate that there are low delays on Lakeport Road and on the driveway exiting the site during both peak hours. There were no queuing concerns noted on the site and there is ample overflow space to accommodate any unusually high demand period";
45. The applicant has represented that he is in possession of all necessary Federal and State permits for the possession and display of the exotic animals located on the safari premises;
46. The applicant's plan for animal waste disposal to address health concerns and offensive odors as reported by neighbors is to utilize the waste as fertilizer in nearby pastures, all other waste is proposed to be collected and dumped in the Animal Park's 30' x 18' x 6' concrete holding bin (manure pit). From there the waste will be moved off-site and spread at one of three farms located on New Boston Road as field fertilizer;
47. The proposed SWPPP also addresses potentials for flooding. The land is generally level and it is not anticipated that flooding would occur;
48. While there have been documented complaints regarding noise, odor and light from the project, the Planning Board's recommended Planned Development Plan elements, including opaque fencing to block noise and light, would tend to mitigate such impacts;
49. The proposed Planned Development Plan, which is an integral part of this Local Law approval, contains specific terms for the use of the premises as a drive-thru Safari, which terms will tend to address the identified negative impacts of the Safari operation if the property owner implements and adheres to these terms and measures;
50. The applicant has submitted a safety plan to the North Chittenango Volunteer Fire Company, which plan has been deemed acceptable by the Fire Company for emergency services to the site; and it is further

RESOLVED AND DETERMINED that the Town's legal counsel shall distribute and publish this Negative Declaration pursuant to the requirements of 6. N.Y.C.R.R., Part 617; and it is further

RESOLVED AND DETERMINED, that the Town Board of the Town of Sullivan, Madison County, New York, does hereby enact proposed Local Law No. C-2020 as Local Law No. 2-2021 as follows:

**“TOWN OF SULLIVAN
LOCAL LAW NO. 2-2021**

**A LOCAL LAW CREATING THE WILD DRIVE THRU SAFARI
PLANNED DEVELOPMENT DISTRICT**

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

SECTION 1. LEGISLATIVE FINDINGS, INTENT AND PURPOSE

The Town Board is permitted to establish zoning districts known as Planned Development Districts (“PDD”) in order to protect the health, safety and general welfare of the community, while, at the same time, encouraging the development of unique residential, commercial, or industrial uses or combinations thereof that will benefit the Town as a whole. The Town Board hereby finds and determines that the application and Preliminary Development Plan (“PDP”) submitted by Jeffrey S. Taylor II and Taylor’s Wild Safari, LLC, as owners of the proposed “The Wild Drive Thru Safari”, with a street address of 7591 Lakeport Road, Chittenango, New York, and occupying lands designated and generally known as Town of Sullivan Tax Map Parcel 33.1-1-5.2, and containing approximately 40.03± acres (the “Premises”), has undergone the applicable review process and meets the requirements for a PDD as set forth in Section 275-12 of the Code of the Town of Sullivan.

SECTION 2. AUTHORITY

The Town Board enacts this Local law pursuant to Sections 10 and 22 of the Municipal Home Rule Law and Section 275-12 of the Code of the Town of Sullivan. To the extent that this Local Law is contrary to or inconsistent with any other State or Local Law or regulation, it is the intent of the Town Board that this Local Law supersede all such contrary or inconsistent laws.

SECTION 3. AMENDMENT OF ZONING MAP

The zoning classification of the Premises is hereby amended and reclassified as “The Wild Drive Thru Safari PDD.” This PDD shall be operated in strict and specific accordance with the terms of the application and Preliminary Development Plan of Jeffrey S. Taylor II and Taylor’s Wild Safari, LLC (Attachment “A”), described and designated as “The Wild Animal Park”, a survey and map prepared by SeGuin Land Surveying, PLLC, dated January 20, 2021, as last revised, which is on file with the Office of the Town Clerk, and expressly incorporated herein by reference. The Zoning Map of the Town of Sullivan shall be and hereby is amended to reflect this change in classification.

SECTION 4. SEVERABILITY

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

SECTION 5. EFFECTIVE DATE

This Local Law shall be effective upon filing with the office of the Secretary of State.

ATTACHMENT "A"

PRELIMINARY DEVELOPMENT PLAN
The Wild Drive Thru Safari Planned Development District

- This Preliminary Development Plan, approved on January 20, 2021 by the Town of Sullivan Town Board, governs all aspects of the uses occurring on the below described premises and is in conformance with the granting of a change in zoning to a Planned Development District pursuant to the Town of Sullivan Zoning Code, as amended.

Applicants: Jeffrey S. Taylor II, Owner, and Taylor's Wild Enterprises, LLC, Owner/Operator

Street Address of Proposed PDD: 7591 Lakeport Road
Chittenango, New York 13037
Tax Map No. 33.1-1-5.2

Approved Uses:

- The approved uses of The Wild Drive Thru Safari shall be a self-contained drive thru safari amusement/recreational use on the premises known as Tax Map No. 33.1-1-5.2 and as more fully depicted upon the drawing/site plan known as "The Wild Animal Drive-Thru Safari", prepared by SeGuin Land Surveying, PLLC (Forrest L. SeGuin, P.L.S.), dated January 20, 2021, as last revised.
- The commercial use described above will consist of the amusement/recreational commercial use by the Owner to display zoo animals at the site, as depicted upon the plans.
- The Wild Drive Thru Safari operation shall operate as a seasonal safari, proposed to be open from April 1st through October 31st.
- The Safari contains no other accessory or supportive commercial uses such as retail sales, food preparation and sales, recreational and picnic areas, or other amusement attractions.
- In order to preserve the existing character of the residential aspects of the adjacent neighborhood, the Safari shall not utilize any form of amplified sound or music.
- No other uses or structures are authorized without additional approval.
- An annual inspection by the Town's Codes Enforcement Office or its designee shall occur on the site prior to the opening of the Safari each Season to determine compliance with this approved Preliminary Development Plan.

Hours of Operation of the Commercial Use(s):

- The Safari is open April 1st through October 31st - 7 days per week, as follows:
 - Mondays - Fridays: hours of operation are 10:00 a.m. - 5:00 p.m.
 - Saturdays: hours of operation are 9:30 a.m. - 6:00 p.m.
 - Sundays: hours of operation are 9:30 a.m. - 5:00 p.m.
 - Special evening events (ending no later than 10:00 p.m.) may be undertaken.

Characteristics of Lands included in Proposed PDD:

- The PDD encompasses all of Town of Sullivan Tax Map Parcel No. 33.1-1-5.2.
- The PDD itself contains approximately 40.03 +/- acres in total land area. The land area is fully depicted upon the preliminary development plan entitled “The Wild Animal Drive-Thru Safari”, prepared by SeGuin Land Surveying, PLLC (Forrest L. SeGuin, P.L.S.), dated January 20, 2021, as last revised.
- The PDD consists of an open land area with multiple existing structures, along with proposed structures as recommended for approval by the Town of Sullivan Planning Board and the Town Board and further includes a circuitous gravel drive which has been improved for the Safari use, all as depicted upon said plans submitted by the Applicants.
- The PDD contains no wastewater treatment system. No port-a-potties or bathrooms may be closer than 70’ from any lot line.
- The PDD contains four (4) existing pond areas located on the site, a front parking/que area for the admission of vehicles into the Safari and travel roads used for visitors within the Safari area.
- The Safari utilizes an ingress/egress located off of a County highway (Lakeport Road).

Existing and Proposed Structures:

- The existing and proposed structures, as approved in the PDD are all depicted on the maps/plans submitted by the Applicants (including the preliminary development plan entitled “The Wild Animal Drive-Thru Safari”, prepared by SeGuin Land Surveying, PLLC (Forrest L. SeGuin, P.L.S.), dated January 20, 2021, as last revised), numbered 1-16 and a 30 x 18’ x 6’ manure bin, are included and incorporated in this approved PDD.
- See Surveyor’s Map dated January 20, 2021, prepared by SeGuin Land Surveying, PLLC, for the most accurate depiction of all existing and proposed structures within the PDD.
- The PDD currently contains and/or proposes sixteen (16) individual buildings/animal enclosures, fencing, manure bin, access drive, internal driveway and parking areas.

Signage:

- Signage currently located and in place on the site is hereby approved as part of this proposed PDD.
- Proposed signage consisting of a 4’ x 8’ monument sign to be located along the entrance off of Lakeport Road outside of the highway right-of-way (see photo attached) and a 12’ x 12’ sign to be mounted onto the existing fencing, all as depicted in the attached PDD Map.
- Signage shall not be lighted internally but may be lighted by way of “up lighting”, using shielded, night sky compliant lighting.
- All signage lighting shall be extinguished at 10:00 p.m.
- Any additional new or added signage shall require additional approvals.

Parking:

- The approved PDD includes the former “overflow parking area” previously approved by resolution of the Town of Sullivan Planning Board dated April 3, 2018, which will also become a parking/queuing area for entrance into “The Wild Drive Thru Safari”, all as shown on the approved plans.
- There shall be sufficient parking for the Applicants’ business, such that traffic shall not be allowed to back-up onto Lakeport Road.
- The Applicants shall provide personnel to ensure safe traffic flow from Lakeport Road into the commercial facility.
- There shall be no on-street parking associated with the use for any reason.

Outdoor Lighting

- Approved existing lighting as shown on the Planned Development Plans shall be shielded, down-cast and located in a manner so as not to spill onto neighboring properties or roadways. No additional lighting is permitted without additional approval from the Town of Sullivan Planning Board.
- Lighting shall be used for security purposes and to light parking lots for safe ingress and egress during business hours. Lighting shall be extinguished after the Safari closes for the day, to protect the surrounding residential neighborhood from light impacts.

Landscaping, Fencing & Screening:

The following screening features are hereby incorporated into the proposed plans and PDD approval:

- Existing landscaping features;
- Installation and continued maintenance of a privacy curtain shall occur, be inspected and approved by the Town’s Code Enforcement Office or its designee prior to commencing the 2021 Season. Such privacy curtain/screening shall be located on the north side of the current Diringer property line for approximately 100’ and shall match the existing screen on the northern border. All privacy curtains/screening shall be routinely maintained. The area of such screening is delineated and labeled on the PDD map.
- Additional permanent wood fencing shall be added to the site along with the existing wood fencing currently on the site. Such wood fencing shall be opaque and be 6’ in height, measured from grade, and shall further be erected at 5’ from the bordering property lines. Wood fencing is delineated and labeled on the approved PDD map.
- All fencing, screening and plantings shall be continuously maintained. Such features (plantings, fencing, screening) that demonstrate any disease or that are deteriorating, dead or dying, shall be replaced or repaired within 30 days. Such features shall be kept in an orderly manner at all times.
- The entire drive-thru Safari area is currently surrounded by existing fencing, which shall also remain in good repair in addition to the above-referenced fencing and screening.

- Various other individual animal enclosures are also present and are fully enclosed by walls and/or fencing per Federal and State regulations and permits.
- Numerous landscaping features are found throughout the Safari to enhance the aesthetics and customer experience at the Safari.

Manure Management

- Applicant shall construct and maintain an animal manure waste bin as shown on the submitted plans. Such waste bin shall be setback a minimum of 70' from the nearest property line. The bin shall be of concrete block construction (30' x 18' x 6') and shall be emptied and scraped on a biweekly basis (at a minimum) but may be more as needed, with the waste to be transported from the premises.

Dumpster Location:

- The Safari's solid waste dumpsters shall be located as per the plans and, in no case, shall be closer than 75' to the any property line.

Dust Mitigation:

- Demonstrated dust impacts shall be mitigated, at a minimum, by:
 - Limiting travel speeds within the Safari premises to no more than 5 mph;
 - Watering of roadways and parking areas, as needed;
 - Placement of asphalt tailings/road millings in the northeastern portion of the site's parking and road surfaces, as shown on the submitted plans, and placement of additional stone to interior roadways.

Safety:

- The applicant shall obtain a written letter each year from the jurisdictional First Responders (fire department, police department, ambulance company) demonstrating no concerns with safety of the site.
- Copies of the PDD approval and the PDD Plan shall be supplied to all jurisdictional First Responders (fire department, Madison County Sheriff's Department, ambulance company).
- Copies of all current and up-to-date State and Federal Animal Display approvals shall be filed with the Town of Sullivan.

Stormwater Mitigations:

- The property shall at all times comply with the requirements of the submitted Stormwater Pollution Prevention Plan (G.P.-0-15-002) prepared by Corey McWilliams, CPESC (GZA GeoEnvironmental of New York, P.C.), dated September 2020, as last revised, by incorporating and constructing the stormwater structures referenced therein.
- The Owner shall enter into a Stormwater Management Agreement, to be executed by the Town and recorded in the Madison County Clerk's Office.

Construction Sequencing:

N/A

Feasibility Studies:

N/A”

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

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

The foregoing resolution was thereupon declared duly adopted.

DATED: January 27, 2021

CERTIFICATE

STATE OF NEW YORK)
COUNTY OF MADISON)

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town on January ____, 2021.

JILL DOSS
Deputy Town Clerk

(SEAL)

PLANNING BOARD

TOWN OF SULLIVAN
7507 LAKEPORT ROAD
CHITTENANGO, NY 13037-9597

September 8, 2020

Town of Sullivan Town Board
c/o Jeffrey Martin, Deputy Supervisor
7507 Lakeport Road
Chittenango, New York 13037

Re: "The Wild Drive Thru Safari Planned Development District" - Referral Pursuant to Section 275-12 of the Town of Sullivan Zoning Law

Dear Deputy Supervisor Martin and Members of the Town Board:

As you are aware, at the June 17, 2020 regular Town of Sullivan Town Board meeting, the Town Board made a formal referral of the proposed "The Wild Drive Thru Safari Planned Development District" to the Planning Board for review and recommendation pursuant to Section 275-12D(3) of the Town of Sullivan Zoning Law.

This is to advise that the Town of Sullivan Planning Board has undertaken its review of the proposed Planned Development District application materials (originally consisting of a site plan map and single-page cover letter from owner Jeffrey Taylor II, dated June 10, 2020), to determine whether it is complete and to further clarify and obtain additional information from the applicant regarding all aspects of its application. The further purpose of the Planning Board's review was to determine, in the exercise of its discretion, to recommend that the use or uses be combined within the Planned Development District as proposed in accordance with Section 275-12.

The applicant appeared on three (3) occasions (July 7, 2020, August 4, 2020 and at a special meeting held on September 8, 2020) with its proposed Planned Development Plan, consisting of the above-referenced application letter dated June 10, 2020, a site plan map, prepared by SeGuin Land Surveying, P.L.L.C., originally dated June 8, 2020, and additional materials. Such plan depicted certain existing site conditions on the parcel. Further, the Board had developed on its own a Preliminary Development Plan information sheet (later supplemented by the applicant, which, should the project be approved, would be specifically incorporated into the Planned Development District map plans. The Planning Board also recommended certain modifications and changes to the Plan to better depict the internal access roads and certain building layouts and dimensions. It is recommended that the Town Board work with the applicant to confirm these changes meet its approval. We have also enclosed correspondence initiated by the Planning Board to the applicant for your review regarding our prior communications with Mr. Taylor.

In its review, the Planning Board noted that the project, as proposed, has now been in existence for well over a four (4) month period without approval and is currently located partially within a Business District in the Town of Sullivan, as well as major portions of the use operating in an Agricultural District in the Town where such commercial uses would otherwise be prohibited. Over the past three (3) months, the Planning Board has met with the applicant to obtain

additional information, including stormwater management documentation, dust mitigation, manure storage, first responder access, traffic patterns within the project site, traffic impact data and other information concerning this use as a commercial amusement/attraction.

The Planning Board's approach to the review was to assess the current operational conditions of the "Safari" by gathering as much information from the applicant and supporting materials as possible. The ultimate goal was to address the issues that impact the general public and particularly the pre-existing residences that abut this project.

The road frontage of this area, although zoned for general business for approximately 40 years, has been developed as residential with minimal business interest. The off-road land to the rear of the residences, zoned agricultural, has been historically true to this intent throughout the period. The conflict between statutory zoning and actual development has never been starker.

The Planning Board's Task and Approach to its Review

The task of the Planning Board regarding Mr. Taylor's use in this corridor has effectively been to play "catch-up" to address the impacts of those to date unapproved and/or uninspected uses.

The following information and observations were obtained from the review of the application, the mapping and observance of existing site conditions:

Proposed Uses.

The applicant proposes to continue to utilize the premises, including all 40.03± acres, as part of "The Wild Drive Thru Safari" currently operating as a seasonal drive thru safari (zoo) experience and open to the public from April 1st through October 31st.

The safari operation would feature the allowance of vehicles traveling through the safari park property on a circuitous one-way travel lane, allowing visitors to view the park's animals from within their personal vehicles. Some fencing, ponds and other features are shown on the proposed plan.

I. Characteristics of Lands Included in the Proposed PDD.

The proposed Planned Development District encompasses Town of Sullivan Tax Parcel 33.1-1-5.2 and consists of 40.03± acres of land in total. The parcel is zoned "Business" along Lakeport Road and Agricultural to the rear of the use. The proposed Planned Development District would include lands accessed by County Route 3 (Lakeport Road). The posted speed limit in the area is currently 45 MPH.

The proposed Planned Development District does not include restroom facilities and food service is not being offered. The site does contain three (3) ponds of unknown size and origin.

II. Structures.

The Board has further reviewed and noted the numerous existing structures located on the premises. All of the structures both existing and proposed (per the applicant's representations¹) are specifically depicted on the surveyor's map prepared by SeGuin Land Surveying, P.L.L.C., originally dated June 8, 2020, as last revised.

The applicant has been advised in the past (on his other projects) that any existing and proposed structures would require the issuance of building permits (as appropriate) and a potential amendment of the Preliminary Development Plan for the District, if not included in the approved Planned Development District. However, for those proposed structures appearing on the approved Planned Development District Plan, no additional approvals (other than Building Permits, as necessary) would be required. Each structure, however, must obtain a Building Permit and an inspection/certificate of occupancy, if applicable, pursuant to State and local law.

III. Signage.

The applicant advises that signage for the premises as proposed is limited to the signs currently existing and already installed on the site, as well as a proposed 4' x 8' monument sign to be located along the entrance area on Lakeport Road and a proposed 12' x 12' sign to be mounted onto the existing fencing. No prior review or approval of the existing signage was obtained. The applicant was advised that any additional signage may require amendment to the Plan and all signage shall be subject to the Town of Sullivan Zoning Law and the Planned Development District application, if granted. Further, it was recommended that existing signage be depicted on the plans and included on a schedule to be made a part of the Planned Development District approval. Any lighting for signage should also be described on the plan and, if incorporated into the project, should be designed in a manner as to not impact surrounding properties or road traffic.

IV. Parking/Queuing.

The premises appear to contain a circuitous parking/que or line upon the enlarged and improved gravel parking surface, which to this point, has been used as "overflow" parking from a prior approval for the applicant's zoo property to the north. The overflow lot was used as a "relief valve" for the parking (including bus parking) at the applicant's actual zoo property located at 7621 Lakeport Road. It is unclear how many cars can be "stacked" in the area at a given time. Parking will necessarily relate directly to any traffic impacts. The "traffic lanes" should be clearly defined on the site plan. This area is also the area the applicant has proposed to employ asphalt millings (which should also be called out on the plan). The applicant should be required to address the parking needs of this new facility, as well as the applicant's nearby zoo property which was using portions of the Safari facility for overflow/bus parking. It has also been observed that the premises located across the street (the former Jehovah's Witness Church building) seem to now be used for parking for the zoo/safari businesses. The Planning Board is unaware if this parcel has received any Town approvals for commercial use(s). The applicant should address this and give specific figures addressing total parking spots, their location, and queuing for visitors for the Safari facility, all of which should be laid out upon the final plan to

¹ It should be noted that the Planning Board did not visit the site.

the Town Board's satisfaction. *At no time is parking on the shoulder of Lakeport Road acceptable.

V. Outdoor Lighting.

Outdoor lighting was discussed with the applicant. The proposal for outdoor lighting would only include the continuation of the existing lighting, for security, and assistance with Safari operations. The Planning Board recommends that all lighting which will be on after dusk contain downward shielding so as not to spill onto neighboring properties or adjacent roadways. This lighting should be added to the plans and should be inspected for compliance. It is also recommended that any approved (or additional) lighting be done after a review of photometrics to determine impacts on neighboring properties and roadways.

VI. Landscaping, Fencing & Screening.

It was noted by the Planning Board that there is existing fencing on the site installed by the applicant without permits and/or approvals. The height of the fence was disclosed to be 8-foot tall and constructed of typical fencing material. In addition, each individual animal enclosure is fully enclosed by either walls and/or fencing. The Board notes that jurisdiction over the interior fencing and safety of buildings, with regard solely to animal exhibition, is in the purview of the New York State Department of Environmental Conservation, as well as Federal agencies (including the USDA and Fish and Wildlife Services). It is unknown if the applicant has all Federal and State permits in place for this location. It is our understanding that these agencies have been listed as Involved Agencies for purposes of State Environmental Quality Review ("SEQR"). Current copies of all appropriate permits should be required by the Town and kept on file.

The Board noted numerous landscaping features found throughout the Safari, which are designed to enhance the aesthetics and customer experience at the Safari and should be specifically included and located on the site plan to avoid any misunderstanding of what is being approved/required. The Planning Board recommends that the Town Board consider any desired additional buffering be placed into the project's design to mitigate demonstrated impacts from adjacent residential neighbors. As explained by the applicant, the 8' height is a requirement of the USDA/NYSDEC. The distance between the fencing and surrounding residential properties should be noted on the final plans.

VII. Hours of Operation of the Proposed Commercial Use(s).

The applicant's business is already open. The applicant proposes permanent seasonal operation from April 1 through October 1 with weekday hours of operation occurring between 10:00 a.m. and 5:00 p.m. On weekends, hours of operation are Saturdays: 9:30 a.m. to 6:00 p.m. and Sundays: 9:30 a.m. to 5:00 p.m. It was stated by the applicant that there are no special events or festivals proposed or planned by the applicant at this time and therefore these are not addressed by the Planning Board in this correspondence. However, one conflict that has been observed in that while the applicant has stated throughout this review that there would be no special events (after hours) at the Safari, upon inspection of the applicant's modified plan (handed up to the

Board on the night of the meeting), he has now included a generic statement of “occasional evening events” with no explanation. This should be clarified as it could have additional impacts on site lighting and noise levels during evening hours

VIII. Construction Sequencing.

There is no proposed construction sequencing as the Safari is already (to our knowledge) fully built out at this time with the exception of a few proposed animal shelter structures shown on the site map. Should the applicant desire additional construction (including structures), they have been advised that an amendment to the Planned Development District would be required. It is noted that the New York State Department of Environmental Conservation has issued correspondence indicating no negative impacts to the wetlands located on the site from the project as it presently exists.

IX. Recommendation.

After a careful review and consideration of all of the factors under Section 275-12 of the Town’s Zoning Law, as well as a review of the existing conditions of the Safari, the Planning Board recommends approval of the Planned Development District, subject to the submission of updated written plans prepared by SeGuin Land Surveying, P.L.L.C., along with the attached Proposed Preliminary Development Plan sheet which would all encompass the overall Zoning Amendment as a Planned Development District as well as the additional items outlined in this correspondence. The Planning Board further recommends that the existing hours of operation (upon resolving the “special events” notation) as noted above be adopted as the hours of operation for the project and that a notation be made that any additions to the site require, as applicable, issuance of building permits (from the Code Enforcement Office) and/or amendment to the Planned Development District itself. In addition, the Planning Board recommends the Town Board consider the following issues be addressed from a health, safety and welfare standpoint:

1. The applicant shall provide a final development plan depicting the total amount of disturbance already performed on the property and any proposed disturbance as part of this Planned Development District. The applicant has been advised that a Stormwater Pollution Prevention Plan (SWPPP) must be approved by the Town. It is noted by the Planning Board that there had been little information provided with regard to the amount of disturbance already undertaken by Mr. Taylor within the Park (cut-outs to construct the roadway system located within the Safari area itself and other disturbances, including the ponds). This should be confirmed². The Planning Board recommends that the Town’s Engineer review the SWPPP for compliance with applicable MS-4 Regulations;

² We note that the New York State Department of Environmental Conservation has issued correspondence to the Town Board, dated June 25, 2020, questioning whether Mr. Taylor had submitted and obtained approval of a necessary facility specific Stormwater Pollution Prevention Plan (SWPPP). This should be confirmed. As of September of 2020, Mr. Taylor has stated his intent to submit a SWPPP.

2. The applicant's Preliminary Planned Development District Plan should be amended to reflect that the applicant will provide parking lot staff during operational hours to assure proper flow of cars through the parking and queuing areas.
3. Further, it is the Planning Board's recommendation that copies of the final approved Planned Development District Plan be supplied by the Town or the applicant to all first responders, including Fire, Codes and EMT. In particular, we would have the first responders confirm in writing that the roadways have been laid out in a fashion that will allow for safe emergency response in the event of the need for an ambulance(s) and/or fire vehicle(s) to access the interior of the site at any given time. It is noted that applicant did submit a letter from one of the Town's local fire companies (Chittenango Volunteer Fire Department) but not (at the time of this writing) the Department which would actually respond to this location (North Chittenango Volunteer Fire Company). The first responders should also be provided with plans as they evolve. Consistent with this, the Town should obtain (or the applicant should provide) a written evaluation of the site plan from the proximate first responders (*i.e.* North Chittenango Volunteer Fire Company);
4. Modification of the submitted map to depict existing and proposed lighting for this site and that all lighting be equipped with downward cast, shielded fixtures so as not to spill onto adjacent highways or neighboring properties. As noted above, the Town Board should request photometric diagrams for the Town's review;
5. The Planning Board understands that dust created by the project has been an identified issue by the neighbors. The applicant has submitted his "dust control plan" in writing, which would consist of reducing the travel speed in the Park to 5 MPH and the addition of stone to interior roadways "as needed" and to "water if necessary." The applicant has also offered to place asphalt tailings/millings in the northeastern portion of the site and also along the lanes of ingress/egress as shown on the plans and is amending his plan to depict this area;
6. The applicant has submitted an acceptable traffic study from a qualified and credentialed individual, demonstrating that there are no negative impacts from the existing or anticipated traffic. The Town Board is encouraged to review this report (submitted on September 8, 2020 to the Planning Board) in detail to understand its findings and conclusions;
7. The applicant should obtain a formal letter or e-mail from the Madison County Highway Department indicating that there are no issues with the selected points of ingress and egress along this County road. The Planning Board further suggests that the Town Board be provided with an understanding of how the applicant will maintain traffic safety through the busiest times of the Safari's operations, especially when operating in conjunction with the nearby zoo and the unapproved "Event Center" across the street;

8. The Planning Board suggests that the proposed final Planned Development District (PDD) map include a schedule with basic information included upon same, including total acreage, proposed usage, ownership, tax map identification numbers, operational notes, hours of operation, landscaping detail, etc. for ease of enforcement and a clear understanding of what has been approved;
9. In addition, the Planning Board recommends that the Town Board carefully review the manure management plan submitted to address waste produced by the various animals on the site and to determine potential impacts to surrounding properties, including odors from the waste and temporary waste storage locations. The Planning Board was supplied with a photo of what appears to be a larger manure pile placed at or near a property line. Additionally we have been made aware of complaints from neighboring properties regarding objectionable odors from animal waste placement. A proposed concrete manure bin was referenced by the applicant. The Town Board should consider how this bin can be successfully emptied while keeping odors and vermin to a minimum. It has been suggested that the pit should be fully cleaned once a week at an absolute minimum. A manure setback of a minimum of 60' - 70' should be considered. These setbacks should be clearly placed on the final plan/map submitted with the Planned Development District Local Law;
10. The Planning Board also recommends that the final plan, if approved, contain a statement that the newly created "pedestrian lane" installed by the Madison County Highway Department be utilized in a manner that protects the lane for pedestrians. One Board Member had observed Safari vehicles (4-wheelers, gators, etc.) traveling in this pedestrian lane between the Safari business and the Zoo operation, which created safety concerns and potentially creates conflict between pedestrian traffic on the County road and the Zoo's operational uses. The Board should further discuss this with the applicant.

The Planning Board also suggests that the Town Board reiterate to the applicant that the applicant must adhere to the final approved plan, as depicted on the map and within the narrative description of the project. (The Planning Board has heard reports of additional, unapproved construction occurring at the applicant's main zoo facility and other properties owned by the applicants). Any additional approvals would require further Planning Board review and approval at that time. (As a reminder, the Town Board's approval of the Planned Development District *zone change* does not complete the required approvals to be obtained by the applicant. The Town's Code does and has in the past required the submission of the "Final Development Plan conforming to the conditions and restrictions imposed by the Town Board, if any" to the Planning Board.) Because the applicant has already constructed this project, it is likely that this additional approval by the Planning Board may be ceremonial at that time, subject to additional conditions; and

September 8, 2020

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The Planning Board also recommends that the revised map for consideration and approval be submitted to the Town Board by the applicant well prior to its final vote on the Planned Development District.

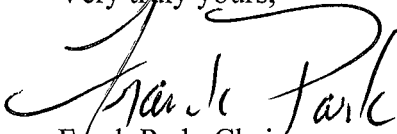
Finally, the Planning Board feels that it is in their purview to make a comment concerning the process of reviewing Planned Development District referrals on behalf of Mr. Taylor.

We have now been involved in two (2) Planned Development District applications on behalf of Mr. Taylor. Both were remedial in that construction was substantially complete and the venues were operational. They required the action of a Planned Development District to bring these entities into compliance with Town law and NYSDEC regulations. It is broadly evident that Mr. Taylor's ventures are successful for him financially and a positive asset to the community as well.

It is reasonably conceivable that Mr. Taylor will wish to expand either current venues or create new ones on nearby real estate that he currently (or may in the future) owns. The issues raised by the current and previous Planned Development District applications only become larger and more complex. Although the Safari traffic study indicated no need for mitigation, Lakeport Road, with narrow shoulders, has a finite capacity. Parking becomes more problematic, especially if pedestrian road crossings are involved. Noise, lighting, and odors could come into play. The east side of Lakeport Road has the potential for surface water issues. None of the aforementioned issues necessarily need to be "showstoppers".

Insightful planning can mitigate adverse effects to the point all interests, including neighbors, can approach the proverbial "have their cake and eat it too" line. This vision becomes exceedingly difficult when viewed from behind. Town officials and Mr. Taylor need to have discussions starting now as to what the future may hold. As plans for expansion may develop, the Town's expectations and parameters for such ventures will be clear at the start. Good planning increases the chances of success for all parties.

Very truly yours,

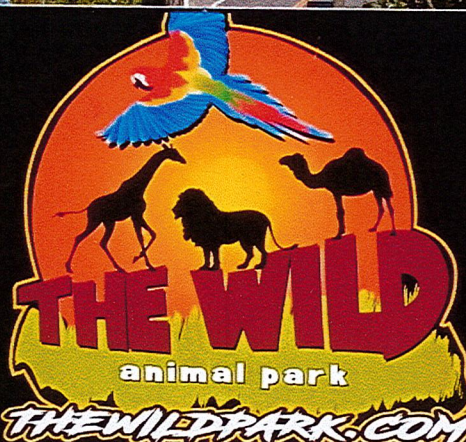


Frank Park, Chairman

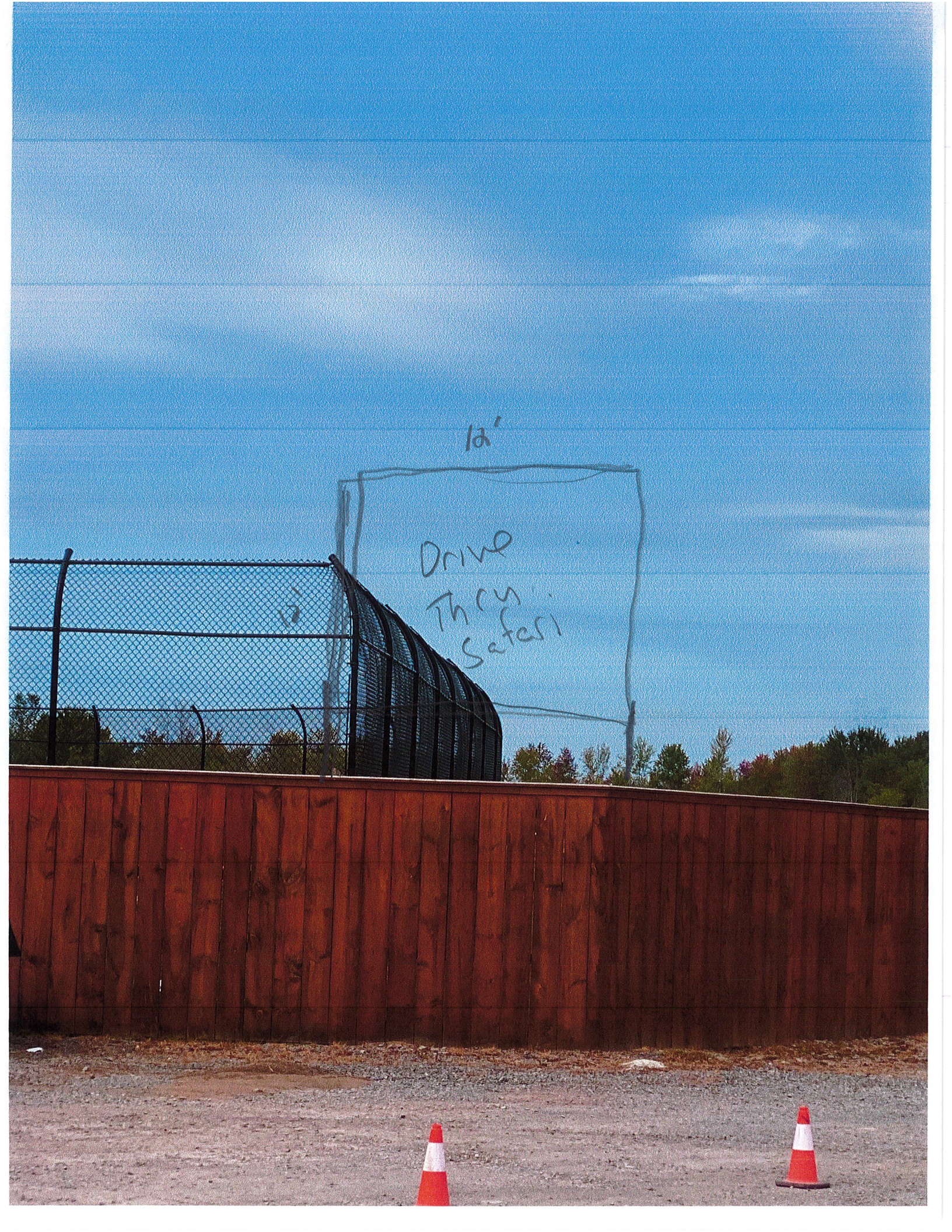
Town of Sullivan Planning Board

JRL/dl

cc: Town of Sullivan Planning Board
Town of Sullivan Codes Enforcement Office
Jeffrey S. Taylor, II



THEWILDPARK.COM
EVENT CENTER

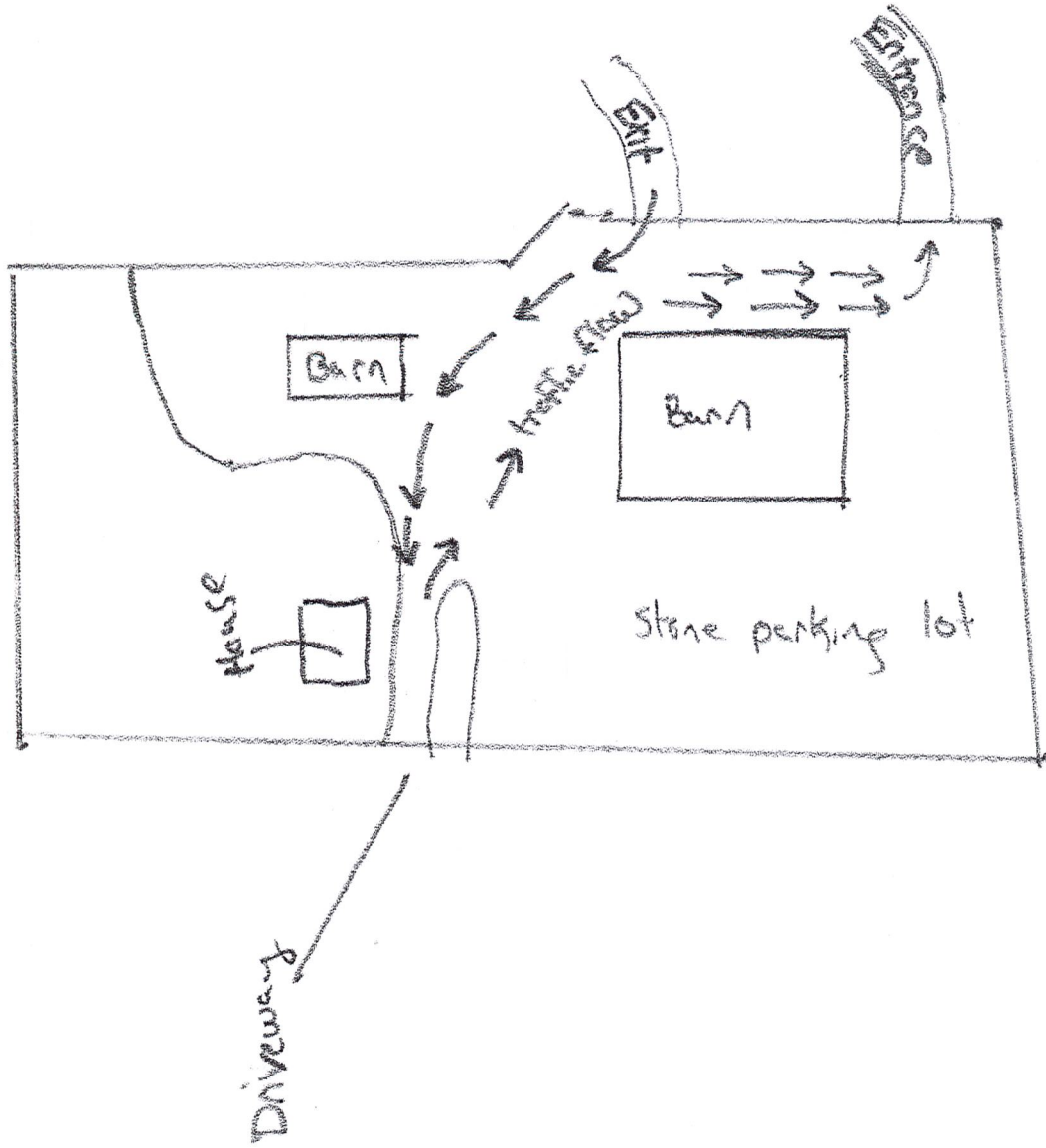


1a

Drive
Thru
Safari

traffic flow

Newton



keys

Plan for Waste Disposal

Trash and recycling

The drive thru safari generates minimal trash or recyclables. We recycle all animal feed cups.

For any trash or recycling we have 3 dumpster on site that are dual purpose for both facilities.

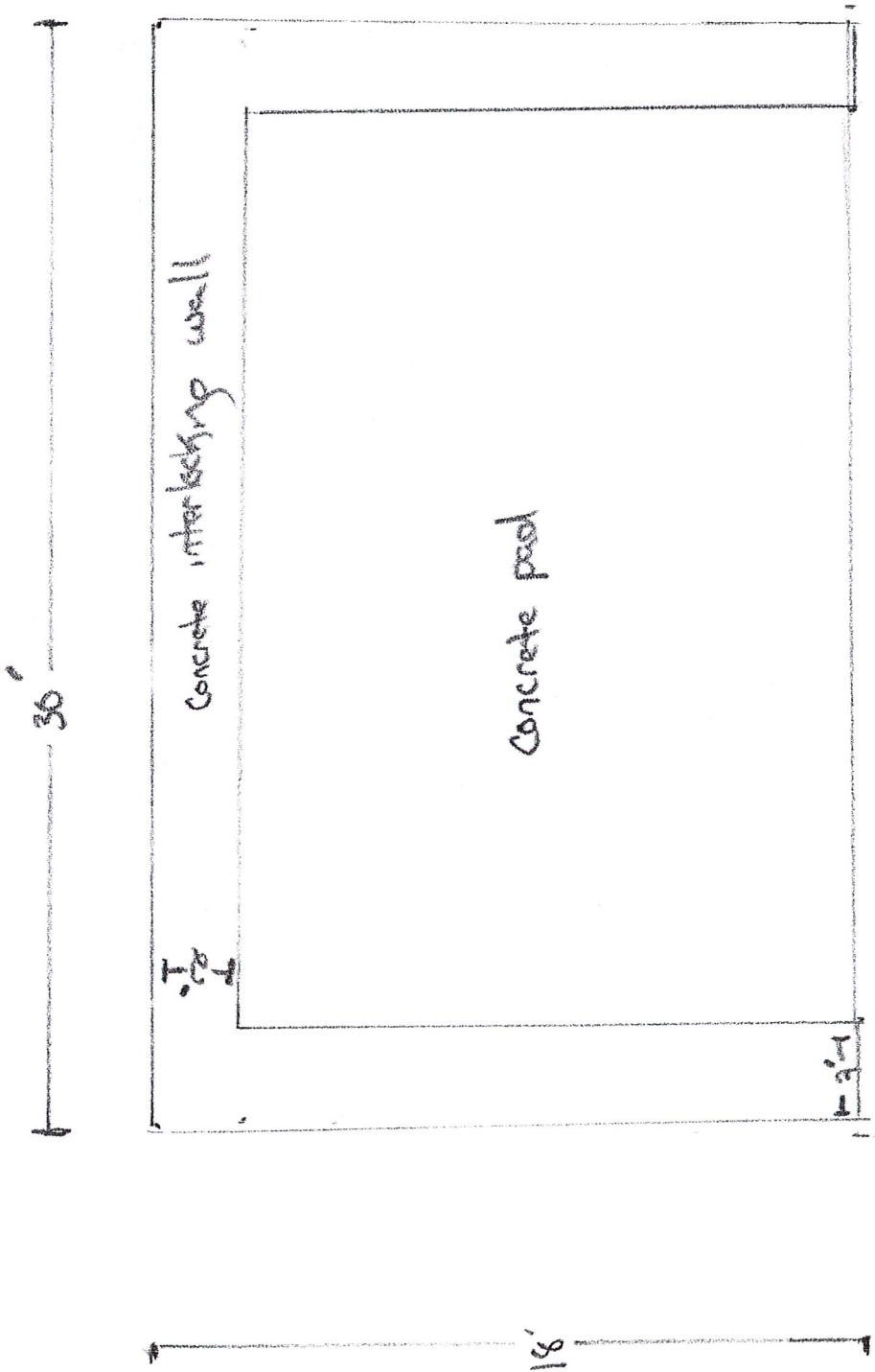
Animal Waste/Manure

Given the open nature of the safari there is limited amount of animal waste generated as most waste is dragged and repurposed as fertilizer in the pastures. All other waste will be collected and dumped with the animal park waste in a temporary 20' X 30' concrete holding bin. The waste is then moved offsite and spread at one of the 3 farms on New Boston road as field fertilizer. The waste rarely has any kind of odor to it and is removed routinely.

animal waste bin

30' x 18' x 6' height

- waste bin is temporary hold and hauled away to nearby farm as needed



32 X 20 20
30 X 30 21
Bldg #



THE WILD ANIMAL PARK

7621 Lakeport Road
Chittenango, NY 13037
315 727-5587
www.thewildpark.com

DUST MITIGATION PLAN

Interior Roads

- The travel is limited to 5 mph; therefore dust has never been an issue.
- We add and will continue to add stone to interior roads as needed.
- Water if necessary.

Parking Lot

- Although dust has been minimal, we will add crushed blacktop to the existing driveway and all the safari vehicle paths.
- Water if necessary