

REGULAR MEETING OF THE TOWN OF SULLIVAN PLANNING BOARD – JANUARY 7, 2020

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

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

A motion was made by Paul Jasek and seconded by Dave Allen to accept the minutes of the December 3, 2019 meeting.

All in favor.

JOHN BECKER – CANASERAGA ROAD (CONNELL FARM) – TWO LOT SUBDIVISION
SLB 42-2-5.131

Mr. Becker appeared before the Board for subdivision of two lots on Canaseraga Road. Lot #1 is 10 acres and lot #2 is approximately 12 acres. The ZBA approved the area variance for frontage as is needed for this subdivision. He has two 60' rights-of-way for these lots.

A motion was made by Dave Allen and seconded by Sherry Menninger to approve the two- lot subdivision on Canaseraga Road. All in favor.

CURT SAGER – SPECIAL USE PERMIT – CAR/RV SALES -7376 WHEELER ROAD – SLB
33-1-33.1

Mr. Sager appeared before the Board with maps showing the ditching that prevents water from leaving his property. Colin Kraft was the surveyor for this project. He plans to sell RV's and used cars by appointment only. He will have approximately 7 RV's for sale at any one time.

TOWN OF SULLIVAN

PLANNING BOARD RESOLUTION

CURT A. SAGER, D/B/A REGAS AUTOS LLC, (Owner/Applicant) - Application for a Special Use Permit for the Operation of a Limited Used Car/Recreational Vehicle Sales Operation at the Owner's Premises Located at 7376-Wheeler Road, Chittenango, in the Town of Sullivan in a Business District - GRANTED WITH CONDITIONS.

January 7, 2020

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

WHEREAS, Curt A. Sager, d/b/a Regas Autos LLC, as Owner/Applicant, of property located at 7376 Wheeler Road, Chittenango, in the Town of Sullivan, more specifically known as Tax Map No. 33.-1-33.1 (the "Property"), made application to the Town of Sullivan Planning Board (the "Board") on or about October 1, 2019 for a Special Use Permit to operate a limited used car/recreational vehicle sales operation, with associated parking, at the Property, all pursuant to the Zoning Law of the Town of Sullivan, as amended (the "Law"); and

WHEREAS, the Town of Sullivan Planning Board held a public hearing on the application at the Board's regular meeting held on December 3, 2019 and after due notice by publication in the official newspaper of the Town and due notice to the Owner, Applicant, neighboring landowners and Board Members, in accordance with the law and the Zoning Law; and

WHEREAS, Volume 6 N.Y.C.R.R. Part 617 of the Regulations relating to Article 8 of the Environmental Conservation Law of New York ("SEQRA"), requires that as early as possible and within (20) days of a complete application, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

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

WHEREAS, the application was referred to the Madison County Planning Department ("MCPD") for review and comment pursuant to General Municipal Law 239-m and said Board having issued its report indicating that the matter was being returned for local determination; and

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

1. The location, size of use and structure, nature and intensity of the operations involved, *i.e.* a limited used car/recreational vehicle sales operation, with associated parking improvements, are all in harmony with the orderly development of this Business District. In addition, the proposed structure and parking area appear readily able to accommodate the low-traffic business, as proposed, and are further properly oriented on the site.
2. There will be no discouragement of appropriate development and use of adjacent lands or buildings, nor will such lands or buildings have impairment to their value by operation of the use at the site. Surrounding uses in the area are both commercial and residential in nature. The area is zoned Business. There has been no evidence that there will be any negative impacts created by the proposed uses as shown on the submitted drawings, as the operation will be by appointment only and with limited hours. Further, no other uses beyond those described in the application will be allowed.

3. The operation of the limited used car/recreational vehicle sales operation will not be more objectionable to nearby properties than the operations of any other permitted standard uses.
4. The project provides for sufficient private parking on-site. There will be no on-street parking allowed. The Applicant has submitted drawings to show that the existing parking lot will be sufficient for the proposed uses; and

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

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

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

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

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

BE IT FURTHER RESOLVED that the Town of Sullivan Planning Board hereby allows and grants the Applicant's request for a Special Use Permit to utilize the premises as a limited used car/recreational vehicle sales operation, along with associated parking improvements at the Property, all in specific accordance with the submitted application, plans and specifications and representations made by the Applicant, conditioned, however, upon the following:

1. All use and operation of the site will be specifically in accordance with the submitted application materials, plans, drawings and representations made before the Town of Sullivan Planning Board;
2. The site shall be limited to only the sale of cars and up to seven (7) recreational vehicles at any given time;
3. There shall be no additional lighting added to the site;

4. The site shall not be used as a repair or service business, other than for work to be performed on the cars being prepared for sale prior to such sale;
5. The business operation and customers on site shall be "by appointment only";
6. Hours of operation shall be limited to 8:00 a.m. to 7:00 p.m.;
7. Applicant shall be allowed one (1) identification sign attached to the building, which shall not be greater than 30" x 30". Applicant may display any additional signage required by the State of New York associated with the sale of motor vehicles;
8. Applicant must possess and maintain a valid New York State Dealer's License at all times; and

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

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

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

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

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

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

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

FRANK PARK, CHAIRMAN

Town of Sullivan Planning Board

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

ROSEMARY CZERNIAK

Deputy Town Clerk

OMNI NOVITAS SOLAR PROJECT -7677 BLACK CREEK ROAD -COMMERCIAL
SOLAR PANELS - AG ZONE – SLB 24-1-2.81

Joe Mendelson appeared before the Board regarding the solar panels on Black Creek/Fyler Road. Mr. Langey, atty gave an overview of this special use permit application. The Town Board was aware of this application and Mr. Mendelson is concerned about the current town law. A moratorium for local law was put in place and now Omni Novatis has asked for a variance to be released from the moratorium. The Town is to review the existing solar law. Under the present solar law these solar farms are allowed in certain zones. The Planning Board can give their recommendation to the Town Board as to whether Omni Navitas can go ahead with their solar project under the existing law.

The Town Board is going to consider the impact on the Town and whether solar farms should be allowed in different zones due to the size of the project, the effect on agricultural land use. Mr. Langey will draft a letter for the Town Board stating that the Planning Board feels Navitas should be able to go ahead with their project under the current law and not wait until a final decision is made by the Town Board. A vote of 4 yeas and one nay was made to approve this proposal.

FORREST SEGUIN – DENNIS HUBBS – MARSH MILL ROAD – 3 LOT SUBDIVISOIN

Mr. Seguin appeared before the Board representing Dennis Hubbs for a three-lot subdivision on Marsh Mill Road. Lot #1 is 161.0 acres, lot #2 is 12.37 acres and lot #3 is 9.069 acres. The entire property is in the 100-year flood plan. The Board is concerned that the wetlands are delineated on the map for future reference and that a notice be placed on the maps regarding the wetlands.

A motion was made by Sherry Menninger and seconded by Paul Jasek to schedule a public hearing on February 4, 2020 at 6:45PM. All in favor.

The Town of Sullivan Planning Board was designated as lead agency to the SEQR form. Mr. Langey presented the SEQR to the Board and a negative declaration as made by Sherry Menninger and seconded by John Ceresoli. All in favor.

JEFF TAYLOR - THE WILD – PDD MAP

Mr. Taylor returned with a map and the number of buildings he will have on this property. This is a PDD. No lighting will go into the neighbors' view. He will have poles for lighting with different animal pictures on them to help people locate their car. The Board would like to have a ledger on the map showing the different buildings and what is in each building so that in case

of a fire or other emergency, rescuers would know what was in the building. Most of the buildings are for animal housing. The Board suggested that Mr. Taylor put a 6" number on each building.

Mr. Taylor will have downcast shielded lighting.

A man in the audience says the lighting is not downcast – it is in his vision. The Board would like to see the lights in use to see if they would bother the neighbors. The map dated December, 2019 is the map that the Board will consider the most current map. The Board will not approve the lighting at this time.

Mr. Langey will write up a proposal and will bring it to the February 4, 2020 meeting.

A motion was made by Dave Allen and seconded by Paul Jasek waive the public hearing and re-affirm the SEQR to approve the map presented by Mr. Taylor. A formal resolution will be presented at the next meeting on February 4, 2020 by Mr. Langey. All in favor.

A motion was made by Sherry Menninger and seconded by Dave Allen to send a letter to Peter Kilts regarding his special use permit application to add a building on his property on Lakeport Road. Mr. Kilts did not appear for approval of his special use permit. Mr. Park will write a letter to come to the meeting or his application will be withdrawn without prejudice. All in favor.

A motion was made by Paul Jasek and seconded by John Ceresoli to adjourn the meeting at 8:35PM. All in favor.

Respectfully submitted,