

**TOWN BOARD  
TOWN OF SULLIVAN  
REGULAR MEETING  
AUGUST 2, 2017  
7:00 P.M.**

A regular meeting of the Town Board of the Town of Sullivan was convened at the Town Office Building by Supervisor John M. Becker at 7:00 P.M.

Those in attendance for the meeting were: Supervisor John M. Becker; Councilors: Jeff Martin; Kerry Ranger, Thomas Kopp and John Brzuszkiewicz; Highway Superintendent Andy Busa; Attorney for the Town, Richard Andino and Town Clerk, Charlotte A. Ferstler.

Also in attendance were: Animal Control Officer, Kim Muehlenbein and Members of the Public.

Pledge to the flag was led by Supervisor Becker.

**PUBLIC HEARING  
LOCAL LAW C- FOR THE YEAR 2017  
NEW CHAPTER 88  
VEHICLES AND TRAFFIC**

(“A Local Law to Create a New Chapter 88 to the Code of the  
Town of Sullivan Titled Vehicles and Traffic”)

The Supervisor opened the public hearing on Proposed Local Law C-2017. Attorney for the Town, Richard Andino, explained to the Board and the Public that the Proposed Law referred to Salt Springs Road when it was intended to be Sleepy Hollow Road. Attorney Andino advised the Board to make a motion to revise the proposed Local Law (to reference Sleepy Hollow Road rather than Salt Springs Road), re-introduce Local Law C- 2017 and set a new Public Hearing for the September 6, 2017 Town Board meeting. After closing the public hearing the Board adopted the following resolution:

**TOWN OF SULLIVAN  
TOWN BOARD RESOLUTION**

**August 2, 2017**

**TOWN OF SULLIVAN LOCAL LAW C OF 2017**  
(“A Local Law To Create A New Chapter 88 of the Code of the  
Town of Sullivan, Titled ‘Vehicles and Traffic’”)

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

**WHEREAS**, proposed Local Law No. C-2017, "A Local Law to Create a New Chapter 88 of the Code of the Town of Sullivan, Titled 'Vehicles and Traffic'", which local law will amend the Code of the Town of Sullivan to establish vehicle and traffic regulations that protect and preserve the health, safety and welfare of residents, travelers and visitors of the Town of Sullivan, was introduced at a regular meeting of the Town Board of the Town of Sullivan on July 5, 2017; and

**WHEREAS**, proposed Local Law C-2017 has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law; and

**WHEREAS**, the enactment of proposed Local Law C-2017 was previously determined to be an Unlisted action and the Board determined said local law will have no significant effect on the environment thus concluding the SEQRA review process; and

**WHEREAS**, the Town Board of the Town of Sullivan scheduled a public hearing on proposed Local Law C-2017 for the 2<sup>nd</sup> day of August 2017; and

**WHEREAS**, the Town Board duly held said public hearing and following said public hearing the Town Board amended proposed Local Law C-2017 to revise Section 3 of said Local Law by deleting the reference to "Salt Springs Road" and replacing it with a new reference to "Sleepy Hollow Road."

**NOW, THEREFORE**, it is

**RESOLVED AND DETERMINED** that the Town Board has determined this action shall have no adverse impact on the environment; that accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution re-affirms the negative declaration adopted by the Board at its July 5, 2017 meeting for proposed Local Law C-2017 under SEQRA; and it is further

**RESOLVED AND DETERMINED** that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. C-2017, as amended, at the Town Hall located at 7507 Lakeport Road, Chittenango on September 6, 2017 at 7:00 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard.

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

<b>John E. Brzuszkiewicz</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Thomas J. Kopp Jr.</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Kerry Ranger</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Jeffrey Martin</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>John M. Becker</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>

The foregoing resolution was thereupon declared duly adopted.

**DATED: August 2, 2017**

The Town Board then adopted the following resolution introducing proposed Local Law D-2017.

**TOWN OF SULLIVAN  
TOWN BOARD RESOLUTION**

**August 2, 2017**

**TOWN OF SULLIVAN PROPOSED LOCAL LAW D-2017**

(A Local Law Creating the Hawthorne Property Services and Carney Residence  
Planned Development District)

Councilor Martin introduced proposed Local Law No. D-2017, "A Local Law Creating the Hawthorne Property Services and Carney Residence Planned Development District," which Local Law would approve the application and Preliminary Development Plan submitted by Susan Brown of WGB Family Partnership, owner of lands with a street address of 645 State Route 31, Bridgeport, New York, and occupying lands designated and generally known as portions of Town of Sullivan Tax Map Parcels 8.-1-9 and 8.7-1-6.111, comprising approximately 19.832 acres, and would establish the "Hawthorne Property Services and Carney Residence

Planned Development District” on said lands, subject to the provisions Section 275-12 of the Code of the Town of Sullivan, and made the following motion, which was seconded by Councilor Ranger:

**WHEREAS**, pursuant to Section 275-12 of the Code of the Town of Sullivan, the Town Board is required to determine whether the instant application for the proposed PDD has been completed to the Board’s satisfaction and, if so completed, refer said application to the Planning Board for its review and recommendation; and

**WHEREAS**, at the July 5, 2017 regular Town Board meeting, the Town Board made a formal referral of the proposed PDD to the Planning Board for its review and recommendation; and

**WHEREAS**, the Planning Board conducted its review of the proposed PDD and by correspondence to the Town Board dated July 27, 2017, recommended approval of the proposed PDD; and

**WHEREAS**, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law, requires that as early as possible an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

**WHEREAS**, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of Sullivan, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQRA) with respect to the proposed enactment of said Local Law, with the result that the Town Board shall act as lead agency in this matter; and

**WHEREAS**, the adoption of said Local Law is an Unlisted Action for purposes of environmental review under SEQRA; and

**NOW, THEREFORE**, it is

**RESOLVED**, that enactment of proposed Local Law D-2017 is an Unlisted action, the Town Board shall act as lead agency in this matter for purposes of SEQRA review and this action shall require the submission and review of a Short Environmental Assessment Form; and it is further

**RESOLVED**, that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law D-2017 at the Sullivan Town Hall, 7507 Lakeport Road, Chittenango, New York., on September 6, 2017 at 7:00 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard.

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

<b>John E. Brzuszkiewicz</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Thomas J. Kopp Jr.</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Kerry Ranger</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Jeffrey Martin</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>John M. Becker</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>

The foregoing resolution was thereupon declared duly adopted.

**DATED: August 2, 2017**

#### **DYKE ROAD RESIDENTS FLOODING AND CULVERT PIPE ISSUES**

Donald Mosack, acting as the spokesman for Town residents living on Dyke Road (the Button, Brady, Thayer and Mosack Families), spoke to the Board concerning the flooding and culvert issues which have been occurring on Dyke Road. Mr. Mosack submitted photos to the Board showing the amount of water that is coming down from the hills near Dyke Road, along with rocks and other debris. Mr. Mosack also stated that he does not believe

the existing culvert is adequate to handle the flow and it often gets plugged by debris. Mr. Mosack showed the Board photos demonstrating that the existing culvert cannot handle the water flow during storms.

Following further discussion, Highway Superintendent Busa informed the residents that he has been speaking with the Soil and Water Department in Morrisville and has met with them at the site several times.

He stated that he and Soil and Water are working on a solution for this problem. However, there are several hurdles that they must go thru prior to any work being done. First they need to have a survey completed, get approval from all the property owners in that area, determine where the water is going to when the project is completed and determine the total cost of doing the work. He also advised that it has to be determined that there are issues with the culvert and impacts to Town roads. The Board discussed the issue of who owns the cemetery near Dyke Road. Supervisor Becker spoke regarding the type of culvert that should be used for this replacement including the option of a single rather than double culvert.

Highway Superintendent Busa stated that he had spoken to Steve at Soil and Water on Monday, July 31, 2017 and told him to move forward with a design for a new system and he will keep the residents informed. The residents were very happy with his answer and expressed satisfaction that a solution to the issues was being looked into.

#### **OTHER MATTERS BROUGHT BEFORE THE BOARD**

1. Jeff Knapp, owner of Yellow Rose Trailer Park, appeared before the Board to ask for their help with a problem he is having with the Department of Environmental Conservation. He stated that he has been losing large portions of his lakefront land due to erosion. This year they lost twenty feet of frontage. He has applied to the DEC for a permit to build a retaining wall on the lake front. Mr. Knapp feels that if they are permitted to build a vertical rise wall, it will stop the erosion but the DEC wants him to build a "3'/1" wall which Mr. Knapp feels is not acceptable. A neighbor has a vertical wall that works well. Supervisor Becker told Mr. Knapp that he will reach out to the DEC and speak to them on Mr. Knapp's behalf. However, he is not guaranteeing any favorable results.
2. Jeff Knapp, also spoke to the Board about a dog issue in the Park and with a neighbor. The neighbor is now harassing the Park tenants and calls the Dog Control Officer with complaints about the Knapps' dog all the time. Animal control Officer, Kim Muehlenbein, stated that she has never found a problem with the Knapps' dog.
3. Ernie Houghtaling, 873 Marsh Mill Road, questioned the Board regarding a building and zoning enforcement issue. Supervisor Becker and Councilor

Ranger stated that he will speak with the Codes Department.

4. Terry Haynie, resident of 1311 Black Creek Road, appeared before the Board to report an on-going issue with a neighbor who has a camper on his rear lot. People in that area have reported that he is renting the camper and part of the main house for the summer. Mr. Haynie is concerned with the sewage from the camper as it never moves from this site for dumping. Supervisor Becker stated that he will contact the Health Department and ask that they investigate the matter.
5. Another neighbor from Black Point Road reported that the same person has illegally converted this one family residence to a two family residence. Again, Supervisor Becker stated that he will bring this issue to the Codes Department. This neighbor submitted a petition to the Town Board asking for the removal of the trailer at 1307 Black Point Road.
6. Nancy Shaver asked if anything has been done on cleaning up and removing the structure on property in Bridgeport that is owned by Pat Honors. Supervisor Becker stated that the owner was given until July of 2017 to demolish the structure and remove the debris from this property. Supervisor Becker stated that he will also ask the Codes Department regarding the status of this matter .

#### **EXECUTIVE SESSION**

A motion was duly made by Councilor Ranger, seconded by Councilor Martin and unanimously passed by the Board to go into executive session to seek legal advice and invited Attorney Richard Andino into the session at 8:07 P.M.

A motion was duly made by Councilor Ranger seconded by Councilor Martin and unanimously passed by the Board to close the executive session at 8:50 P.M.

#### **ADJOURNMENT**

A motion was duly made by Councilor Brzuszkiewicz, seconded by Councilor Kopp and unanimously passed by the Board to adjourn the meeting at 8:51 P.M.

**Respectfully Submitted,**  
**Charlotte A. Ferstler, Town Clerk**