

**TOWN BOARD
TOWN OF SULLIVAN
REGULAR MEETING
AT CHITTENANGO HIGH SCHOOL
OCTOBER 2, 2019
7:00 P.M.**

A regular meeting of the Town Board of the Town of Sullivan was convened at the Chittenango High School by Supervisor Becker at 7 P.M. on October 2, 2019.

Those in attendance for this meeting were: Supervisor John M. Becker; Councilors Jeff Martin, Kerry Ranger, and John Brzuszkiewicz; Attorney for the Town John R. Langey; Secretary to the Supervisor Emily Burns; Trans Pro CEO Mark Aesch.

Those excused for this meeting were: Councilor Tom Kopp.

Also, in attendance: Highway Superintendent Andy Busa; Comptroller Beth Ellis; Assistant Comptroller Michael Harvey; and Members of the Public.

Meeting opened at 7:00 P.M.

Pledge to the flag was led by Supervisor Becker.

APPROVAL OF SEPTEMBER 4, 2019 AND SEPTEMBER 9, 2019 MEETING MINUTES

A motion was duly made by Councilor Brzuszkiewicz, seconded by Councilor Martin and unanimously approved by the Board to approve the minutes from the September 4, 2019 and September 9, 2019 Board Meetings.

PUBLIC HEARING ON LOCAL LAW B-2019 (SPECIAL EVENTS LAW)

Supervisor Becker explained that the Town has received requests in the past from residents who would like to hold a one-day event however there is no law currently in place to regulate one day events. The purpose of this law is to create the opportunity for those who would like to hold one-day events.

A motion was duly made by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously approved by the Board to open the Public Hearing for Proposed Local Law B of 2019 to enact a Special Events Law at 7:01 P.M.

Arthur Lelio, resident of Waterbury Road, asked the Board to reconsider the section of the proposed law that would waive notification to neighbors surrounding the location of the event. Arthur also asked if there would be a prominent display of the permit on premises leading up to the event. Attorney for the Town, John Langey explained that if the Town Board elected to amend

the proposed law at this meeting then they would have to then hold another Public Hearing and delay this process. He also stated that the Town Board could pass the law at this meeting and then amend the law after it is passed so the process does not get delayed.

Councilor John Brzuszkiewicz explained he recently attended an event and spoke with the hosts and they had previously expressed their concern with notification by contacting each neighbor individually versus signage and social media.

A motion was duly made by Councilor Ranger, seconded by Councilor Martin and unanimously approved by the Board to close the Public Hearing for Proposed Local Law B of 2019 to enact a Special Events Law at 7:06 P.M. Thereafter, the following action occurred:

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

WHEREAS, proposed Local Law B-2019 has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law and Town Law; and

WHEREAS, pursuant to the provisions of Municipal Home Rule Law, a proposed local law titled Local Law No. B-2019, "A Local Law to Enact a Special Events Law in the Town of Sullivan", was presented and introduced at a regular meeting of the Town Board of the Town of Sullivan on September 4, 2019; and

WHEREAS, a public hearing was held on such proposed local law on this 2nd day of October, 2019 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 enactment of Proposed Local Law No. B-2019 has previously been determined to be an Unlisted Action and will have no significant effect on the environment thus concluding the SEQR review process; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. B-2019.

NOW, THEREFORE, it is

RESOLVED, that the Town Board of the Town of Sullivan, Madison County, New York, does hereby enact proposed Local Law No. B-2019 as Local Law No. 1-2019 as follows:

**"TOWN OF SULLIVAN
LOCAL LAW NO. 1 OF 2019**

**A LOCAL LAW TO ENACT A SPECIAL EVENTS LAW
IN THE TOWN OF SULLIVAN**

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

SECTION 1. LEGISLATIVE FINDINGS AND PURPOSE.

The purpose and intent of this Local Law is to establish lawful and appropriate procedures and requirements for conducting limited special events in the Town of Sullivan in order to preserve the health, safety and welfare of the Town, its residents and visitors alike, and to provide penalties for violations of the provisions herein.

The Town Board finds and determines that limited special events held at various times throughout the year and at various venues and locations within the Town of Sullivan enrich and enhance the quality of life of the general public and provide a positive contribution to the cultural, historic, artistic and economic character of the Town. The Town Board also finds that without proper oversight, certain types of special events can be detrimental and negatively impact the peace, quiet, safety and well-being enjoyed by surrounding properties, Town residents and visitors and the general public. Such events, as contemplated herein, will provide and allow for the gathering of a large number of individuals in a concentrated time period and area and will entail the increase of traffic to a site in numbers that may have deleterious impacts if not properly managed. Such gatherings may also lead to the potential for impacts to existing septic and sewage disposal systems presenting consideration to the health of the individuals participating in such events and those surrounding property owners and water courses and resources. These impacts could include noise and light impacts, as well as solid waste handling. The Town Board further finds and determines that a system of organization and review of certain specified special events is a necessary and appropriate method of preserving and protecting the public's health, safety and general welfare, protecting property, maintaining compliance with applicable laws, regulations and codes and maintaining quality of life for all residents and visitors of the Town.

SECTION 2. AUTHORITY.

This Local Law is enacted pursuant to §10 of the Municipal Home Rule Law to promote the public health, safety and general welfare of Town residents through the regulation of special events throughout the Town.

SECTION 3. DEFINITIONS.

As used in this Local Law, the following terms shall have the meaning set forth herein:

Applicant: A person applying for a special event permit pursuant to this Local Law.

Code Enforcement Officer: The Code Enforcement Officer of the Town of Sullivan, Madison County, New York.

Parking Capacity: For the purposes of this Local Law, parking capacity shall be the number of cars, limousines or buses permitted on the site according to a site plan approved by the Town of Sullivan Planning Board.

Person: An individual, association, firm, syndicate, company, trust, corporation, department, bureau or agency or any other entity recognized by law as the subject of rights and duties.

Special Event: Any social occasion, performance, gathering, exhibition or activity, including, but not limited to: carnivals, circuses, festivals, fairs, bazaars, outdoor shows and concerts, art and cultural events, parades, celebrations, wedding receptions, ceremonies, demonstrations, marches, and exhibitions which meet all of the following (1-5):

1. occurring on public or private property;
2. having more than 100 persons in attendance at one time for such specific event, which event is intended to be a singular event held for a common purpose;
3. conducted indoors or outdoors;
4. that is not currently a permitted use as of right on the property in the applicable zoning district or which requires a parking area to accommodate all vehicles transporting attendees to the event that is larger than the existing parking capacity of the site; and
5. which also involves one or more of the following characteristics which, when combined with other factors, could have an adverse impact to health, safety and/or welfare:
 - a. The closing of a public street;
 - b. The use, blocking or restriction of Town property, roads or rights-of-way;
 - c. The use or creation of amplified sound from any source associated with said special event;
 - d. The sale of merchandise that is not ordinarily sold in the normal course of the applicant's business;
 - e. The sale or service of food to the public with the exception of the following:
 - i. On land used in agricultural production or a farm operation as defined by AML §301(11), the sale or service of food products composed primarily of ingredients produced at the farm operation; or
 - ii. On land used in agricultural production or a farm operation as defined by AML §301(11) that maintains a winery or farm winery license issued by the New York State Liquor Authority, the sale or service of food items which customarily complement farm product tastings and that are

ordinarily consumed while standing or walking and without the need for utensils;

- f. The substantial increase or disruption of the normal flow of traffic on any street or highway;
- g. The placement of portable toilets specific to the special event to address matters of public health;
- h. The placement of temporary no-parking or directional signs or banners;
- i. The use of any Town services that would not be necessary in the absence of such an event.
- j. The use of water that would potentially involve the over taxing of the site's sanitary septic system and which would exceed the County Health Department's approved capacity for the site's sanitary septic system.

This definition shall also apply to all uses of property approved pursuant to a site plan, special use permit or variance by the Town Board, Planning Board or Zoning Board of Appeals which meet the above criteria.

Special Event Permit: A permit for a special event issued pursuant to this Local Law.

Town: The Town of Sullivan, Madison County, New York.

Town Board: The Town Board of the Town of Sullivan, Madison County, New York.

SECTION 4. SPECIAL EVENT PERMIT REQUIRED.

- A. To preserve public peace, good order and the health, safety and welfare of the residents of the Town of Sullivan, special events shall be prohibited in the Town unless a special event permit is first obtained from the Code Enforcement Officer in accordance with the provisions of this Local Law.
- B. The provisions of this Local Law shall not apply to:
 - 1. Events or activities such as weddings, family gatherings, holidays, parties, religious celebrations and functions, graduation parties and other similar events, occurring within, or upon the grounds of, a private residence, where the property owner receives no remuneration for hosting the event and guests/attendees are not charged a fee or asked to contribute a donation for admission.
 - 2. Any event held on property owned by a not-for-profit organization for its own fundraising that is contained on site and has adequate parking, ingress, egress, traffic control and sanitary facilities to host such an event.
- C. The events and activities not covered by the provisions of this Local Law shall otherwise comply with all other applicable laws, ordinances and regulations of the Town.

SECTION 5. SPECIAL EVENT PERMIT FEE.

At the time of the filing of the permit application(s) the applicant shall pay the Town a reasonable non-refundable permit fee as established from time to time by Town Board resolution. Such fee may be waived when the event facilities have been previously inspected or do not require any physical inspection as per the New York State Building Code.

SECTION 6. APPLICATION REQUIREMENTS.

The following information and materials are to be submitted with an application for a special event permit. The Code Enforcement Officer may accept a single application for a recurring event or a series of similar events that are of like size and scope.

- A. A completed special event application form which includes the following information:
1. The name, age, residence, mailing address and telephone number(s) of the applicant and a statement of the applicant's legal status, such as individual, partnership, corporation etc. If the applicant is a partnership, state the names and addresses of all partners, and if a corporation, the name and addresses of all corporate officers, together with a list of the names and addresses of all persons directly in charge of the special event.
 2. The name, age, mailing address and telephone number(s) of the person(s) who will be organizing the event and who can be contacted prior to and during the event by Town officials.
 3. The address and location of the property where the special event is proposed including all lands to be used directly, indirectly and incidental to the proposed special event or any part thereof. Also attached to the application statements disclosing the nature of the interest of the applicant relating to such property.
 4. The proposed dates and hours of the special event, including setup and shutdown times.
 5. The expected maximum number of persons intended to use the property at one time and collectively, including organizers, employees, vendors, exhibitors and spectators/participants.
 6. Expected number of automobiles and other vehicles intended to use the property at one time and collectively.
 7. The name, address and telephone number of the person(s) who will be engaged in the preparation and/or sale of food, alcohol, or beer and a copy of the State Liquor Authority license and County Department of Health Services permit number for the activity.
 8. The name, address and cellular telephone number of any security company which will work on the premises, and a description of the duties to be performed.

9. Certification that the property where the event is to take place is not subject to any covenant or restriction limiting its use, or if the use is restricted by easement or otherwise, a copy of a survey or diagram depicting the easement area and any reserved area where development rights are intact.
- B. The applicant shall provide a general description of the proposed event including:
 1. The purpose of the event and description of the nature of the activities to be carried on and the admission fee to be charged, if any.
 2. The names of groups, organizations, charities or individuals who shall benefit from the proceeds of the event, if any.
- C. A parking/event plan showing:
 1. The size of the property and its location in relation to abutting streets or highways.
 2. The size and location of any existing building(s) or structure(s) that will be in operation during the course of the event and any proposed building, structure or signs to be erected temporarily for the event.
 3. The location of the stage or tents, if any.
 4. The designated areas of use for spectators, exhibitors, vendors, employees and organizers.
 5. The location of all exits.
 6. The location of all fire extinguishers and other fire safety equipment.
 7. The location of all temporary utilities to be installed for the event, if any.
 8. The layout of any parking area for automobiles and other vehicles and the means of ingress and egress for such parking areas.
 9. A traffic control plan for vehicles entering and leaving the site for the proposed event.
 10. A plan for the use of live outdoor music, loudspeakers and other sounds which will be used, if any, including, the expected dB level of any music, loudspeakers and/or other sounds and the type and location of speakers and other audio equipment. A description of other amplified sound expected to occur from the property with a good faith estimate of the anticipated dB levels of the sound as measured from adjoining property lines.
 11. A description of emergency access and facilities related to the event.
 12. Provisions to dispose of any garbage, trash, rubbish or other refuse.
 13. The location and a description of any additional lighting to be utilized in conjunction with the event.
 14. The location of sanitary facilities on site.
- D. A description of any signage to be displayed adjacent to a Town, county or state road, including size, location and dates of display.
- E. A list of the addresses of properties within 500 feet of all physical boundaries of the proposed event location with the names of owners and their mailing addresses.

- F. The Code Enforcement Officer may require, in his/her discretion the applicant to send and provide certification that written notice was sent to every property owner abutting or adjacent to the property where the event is to be held, as shown on the current Town of Sullivan assessment roll, and directly opposite (by extension of the lot lines through a street or right-of-way) of the property that is the subject of the application. Said notice shall include the date, time and location of the proposed special event.
- G. Notwithstanding the foregoing, the Code Enforcement Officer, upon request by an applicant in writing, may waive in whole or in part any of the foregoing application requirements upon a finding that said requirements are not necessary for proper consideration of a permit application in accordance with the standards set forth in this Section 6 above, or for the protection of health, safety and welfare of the Town, its residents and visitors alike. The Code Enforcement Officer's determination of any waiver request shall be in writing to the applicant and shall specify the reason for the grant or denial. If a waiver is granted, the Code Enforcement Officer may attach appropriate conditions to protect the public interest.

SECTION 7. EXPEDITED PROCESS.

When prior special events have been approved for a location under this law, the Code Enforcement Officer may institute an expedited process for review and consideration of a special event. In such instances, the submission requests will be reduced to only the information relating to the change to such event from the previously approved event and may be determined within five (5) days of a complete application. In addition, special consideration shall be given to events associated with a farm operation as defined under AML §301(11).

SECTION 8. APPLICATION REVIEW PROCEDURE AND STANDARDS FOR APPROVAL, DENIAL AND REVOCATION.

- A. All applications for a special event permit must be submitted at least 62 days prior to a proposed event to the Town of Sullivan Planning, Building and Codes Enforcement Department. However, provided good cause is shown by the applicant, the Planning, Building and Codes Enforcement Department may, in the Code Enforcement Officer's discretion, accept applications for a special event permit upon shorter notice. Any applications that are incomplete may not be accepted or processed.
- B. When the Code Enforcement Officer determines said application is complete, the Code Enforcement Officer shall distribute said application and documentation to any Town, County or State agencies that may have jurisdiction over the event for their review and comment on any of the criteria set forth in Subsection E below. Such referrals may include the Madison County Planning Board, the Town Planning Board, the Town Zoning Board of Appeals, the Town Board and the Town Attorney.

- C. Upon receipt of comments, the Code Enforcement Officer shall determine whether to require revisions to the proposed event application.
- D. If no revisions are required, or upon the submission of a revised application, the Code Enforcement Officer may deny or approve the application with conditions within 30 days of receipt of the complete application.
- E. In determining whether to grant, grant with conditions, or deny a special event permit, the Code Enforcement Officer shall consider the following:
 - 1. The size and capacity of the site to accommodate the proposed event.
 - 2. The facilities available.
 - 3. The availability of highways and other means of transportation to and from the site.
 - 4. The impact of the event on the safe and orderly movement of traffic within and contiguous to the event.
 - 5. The impact of the event on fire and ambulance service to the areas contiguous to the event and to the Town in general.
 - 6. The impact of the event on the movement of firefighting equipment or ambulance service to the Town or to areas contiguous to the event.
 - 7. The impacts on adjacent property owners and the surrounding neighborhood and neighborhood character.
 - 8. Whether the owner, applicant or event sponsor has violated a previously issued special event permit.
 - 9. Verification that there are no outstanding violations on the property at which the event will be held or any outstanding or unsatisfied conditions of a Town agency approval, including, but not limited to, those of the Planning Board or the Zoning Board of Appeals.
 - 10. Verification that the grant of the permit will not violate any existing covenants or easements on the property.
 - 11. Whether a permit has been granted for a prior event that was the same or substantially similar in size and scope to the event applied for and/or resulted in the impacts defined in Subsection E(4), (5), (6), and (7) above.
 - 12. Whether the frequency of prior or proposed special events on the site constitutes a change or intensification of the permitted use of the property necessitating a use variance or further site plan review.
 - 13. If an applicant is requesting a special event permit for the same or substantially similar charitable event that was held the previous year, a verification must be submitted from those charities listed on the previous year's application.
 - 14. Any other matters that relate to the health, safety and welfare of the general public.
- F. Notwithstanding the above criteria contained in Section 8(E) above, the Code Enforcement Officer may deny a special event permit or revoke, suspend or modify a special event permit based on any of the factors below.

1. It is determined that there are inadequate Town resources available to protect the health, safety, property and general welfare of the citizens of the Town or the safety of participants and/or attendees of a special event.
 2. The special event will disturb the public peace and good order of the Town or neighborhood or adversely affect the use and enjoyment of adjoining properties or that the conduct of such event will not be consistent with or will jeopardize the health, safety, property or general welfare of neighboring residents and/or the Town at large.
 3. The special event has been subject to a violation or has had any adverse impacts on the surrounding property in the Town within the last three years.
 4. The special event does not provide for sufficient services or facilities (including but not limited to parking and first aid or emergency medical services) that are reasonably necessary to ensure that such event will be conducted with due regard for the health, safety, property and general welfare of the citizens of the Town or the safety of participants and/or attendees of a special event.
 5. The special event may create a high probability of disorderly conduct likely to endanger public safety or to result in significant property damage.
 6. There are materially false statements or omitted relevant information in the application.
 7. The applicant has failed to conduct a previously permitted special event in accordance with the law or the terms of a permit, or both.
 8. The applicant has not obtained the approval of any other Town or public agency within whose jurisdiction the event or portion thereof will occur.
 9. Exterior lighting at the special event uses or will use search lights, strobe lights, laser lights or revolving lights.
- G. Privilege. The granting of a special event permit is a privilege and not a right and may be denied, revoked, suspended or modified in the event that the applicant fails to comply with any applicable provision of this Local Law or for any other reason not prohibited by law.
- H. A special event permit is not transferable and shall expire at the close of the event(s) for which it is issued.
- I. The special event permit issued hereunder shall be displayed on the premises during the special event and shall be available for inspection by the Code Enforcement Officer, or other law enforcement officer of the Town upon request.
- J. The Code Enforcement Officer may attach such conditions, which in his/her discretion, are necessary to protect the health, safety, property and general welfare of the residents of the Town or the safety of participants and/or attendees of a special event.
- K. Closing of special events due to public safety hazard. The issuance of a special event permit notwithstanding, the Code Enforcement Officer, a law enforcement or other appropriate official may close any special event or any portion of a special

event that is subsequently determined to be an imminent hazard to the health, safety, property or general welfare of the citizens of the Town or the safety of participants and/or attendees of a special event.

- L. In addition to the penalties for offenses set forth in this Local Law, the applicant's special event permit may be revoked, suspended or modified by the Code Enforcement Officer at any time during the life of such permit for any violation by the applicant of any provision of this Local Law or any violation of the Town Code or any other applicable county, state or federal law.
- M. If a special event permit is revoked, no refund of any part of the application fee shall be made.

SECTION 9. APPEAL FROM DENIAL, REVOCATION, SUSPENSION OR MODIFICATION OF SPECIAL EVENT PERMIT.

An applicant who is denied a special event permit or whose permit was revoked, suspended or modified by the Code Enforcement Officer may apply to the Town Board for reconsideration of the application by filing an appeal with the Town Clerk within 10 days of the date of the denial. A complete copy of the application submitted to the Planning, Building and Codes Enforcement Department shall accompany the request for reconsideration. The Town Board may, following a public hearing, affirm or reverse the determination of the Code Enforcement Officer subject to any conditions deemed appropriate under the circumstances.

SECTION 10. PROHIBITED CONDUCT.

- A. It shall be a violation of this Local Law for any person to conduct or to allow to be conducted a special event without a special event permit issued pursuant to the provision of this Local Law, or after such special event permit has been denied, revoked or suspended.
- B. It shall be a violation of this Local Law to conduct or to allow to be conducted a special event contrary to the terms and conditions set forth in the special event permit issued for such special event.

SECTION 11. ENFORCEMENT.

The provisions of this Local Law shall be administered and enforced by the Town of Sullivan Building, Planning and Codes Enforcement Office and/or the Town Attorney.

SECTION 12. PENALTIES FOR OFFENSES AND VIOLATIONS.

- A. Any person who shall violate any provisions of this Local Law shall be guilty of a violation punishable by a fine not exceeding \$500; and upon conviction of a subsequent offense, punishable by a fine not exceeding \$2,500. If the violation is of a continuing nature, each one-hour period of violation of any provision of this Local Law shall constitute an additional, separate and distinct offense.
- B. In addition to any other remedy provided by law, the Town may maintain an action or proceeding in a Court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this Local Law.

SECTION 13. SEVERABILITY.

If any part or provision of this Local Law or the application thereto to any person or circumstance shall be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances.

SECTION 14. EFFECTIVE DATE.

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

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
Thomas J. Kopp Jr.	Councilor	Excused	-----
Kerry Ranger	Councilor	Voted	Yes
Jeffrey Martin	Councilor	Voted	Yes
John M. Becker	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: October 2, 2019

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 October 2, 2019.

PAMELA BRIONES
Deputy Town Clerk

(SEAL)

PUBLIC HEARING ON LOCAL LAW C-2019 (PDD AMENDMENTS)

A motion was duly made by Councilor Martin, seconded by Councilor Ranger and unanimously approved by the Board to open the Public Hearing for Proposed Local Law C of 2019 to change the procedure for amending certain components of Planned Development Districts at 7:07 P.M.

Supervisor Becker addressed the public asking if anyone is present to speak for or against Proposed Local Law C of 2019 to change the procedure for amending certain requirements concerning Planned Development Districts. No one spoke in favor or in opposition of this Proposed Law.

A motion was duly made by Councilor Brzuszkiewicz, seconded by Councilor Martin and unanimously approved by the Board to close the Public Hearing for Proposed Local Law C of 2019 to change the procedure for amending certain components of Planned Development Districts at 7:08 P.M. Thereafter, the following action occurred:

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

WHEREAS, proposed Local Law C-2019 has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law and Town Law; and

WHEREAS, pursuant to the provisions of Municipal Home Rule Law, a proposed local law titled Local Law No. C-2019, "A Local Law to Amend Chapter 275 ("Zoning") of the Town of Sullivan Town Code", was presented and introduced at a regular meeting of the Town Board of the Town of Sullivan on September 4, 2019; and

WHEREAS, a public hearing was held on such proposed local law on this 2nd day of October, 2019 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 enactment of Proposed Local Law No. C-2019 has previously been determined to be an Unlisted Action and will have no significant effect on the environment thus concluding the SEQR review process; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. C-2019.

NOW, THEREFORE, it is

RESOLVED, that the Town Board of the Town of Sullivan, Madison County, New York, does hereby enact proposed Local Law No. C-2019 as Local Law No. 2-2019 as follows:

**“TOWN OF SULLIVAN
LOCAL LAW NO. 2 OF 2019**

**A LOCAL LAW TO AMEND CHAPTER 275 (“ZONING”) OF THE
TOWN OF SULLIVAN TOWN CODE TO CHANGE THE PROCEDURE
FOR AMENDING CERTAIN COMPONENTS OF ESTABLISHED AND
EXISTING PLANNED DEVELOPMENT DISTRICTS**

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

SECTION 1. LEGISLATIVE PURPOSE AND INTENT.

The purpose of this Local Law is to change the procedure for amending certain components of established and existing Planned Development Districts to create a more efficient amendment process while still ensuring that the health, safety and welfare of the Town of Sullivan is protected.

SECTION 2. AUTHORITY.

This Local Law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

SECTION 3.

Chapter 275 (“Zoning”) of the Town of Sullivan Town Code is hereby amended to add a new §275-12(K) as follows:

- “K. Amendment of Established and Existing Planned Development Districts.
- (1) An application for amendment of an established and existing Planned Development District including changes to the approved development plan shall be submitted to the Planning Board for review and consideration. An applicant seeking to amend an established and existing Planned Development District shall submit an amended development plan to the Planning Board which shall contain the information required by §275-12(D)(2) and §275-12(I)(2) and such other information as required by the Planning Board to evaluate the proposed amendments to the Planned

Development District. The Planning Board may also require an applicant comply with the requirements of §275-8(M) and Town Law §274-a as part of the application. In evaluating an application for amendment of an established and existing Planned Development District, the Planning Board shall consider the criteria and standards applicable to the initial establishment and creation of a Planned Development District as established in this §275-12.

- (2) The Planning Board, in its discretion, may schedule a public hearing relative to the amendment of an established and existing Planned Development District.
- (3) In the instance where an application for amendment of an established and existing Planned Development District has been approved, the amended Planned Development District development plan shall be filed with the Town and serve as a permanent record to guide further action.
- (4) The procedure for amending an established and existing Planning Development District as set forth in this § 275-12(K) shall not apply to amendment, modification or changes to the allowed and permitted land uses within the Planned Development District or to the amendment of the boundaries of the Planned Development District. An application to amend, modify or change the allowed and permitted land uses within an established and existing Planned Development District or to amend, modify or change the boundaries of an established and existing Planned Development District shall require legislative approval by the Town of Sullivan Town Board. In such cases, the procedure for the initial establishment and creation of a Planned Development District as set forth in §275-12 shall govern."

SECTION 4. **SEVERABILITY**

If any clause, sentence, paragraph, section, article 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 operations to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 5. **EFFECTIVE DATE**

This Local Law shall take effect upon filing with the Secretary of State."

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
Thomas J. Kopp Jr.	Councilor	Excused	-----
Kerry Ranger	Councilor	Voted	Yes
Jeffrey Martin	Councilor	Voted	Yes
John M. Becker	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: October 2, 2019

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 October 2, 2019.

**PAMELA BRIONES
Deputy Town Clerk**

(SEAL)

PUBLIC HEARING ON LOCAL LAW D-2019 (OVERRIDING TAX LEVY LIMIT)

Supervisor Becker explains that this law is put in place every year and the Board typically will rescind it before they formally adopt the budget.

A motion was duly made by Councilor Brzuszkiewicz, seconded by Councilor Martin and unanimously approved by the Board to open the Public Hearing for Proposed Local Law D of 2019

to override the Tax Levy Limit Established in General Municipal Law (§3-c in the Town of Sullivan) at 7:10 P.M.

Supervisor Becker addressed the public asking if anyone is present to speak for or against Proposed Local Law D of 2019 to override the Tax Levy Limit Established in General Municipal Law (§3-c in the Town of Sullivan). No one spoke in favor or in opposition of this Proposed Law.

A motion was duly made by Councilor Martin, seconded by Councilor Ranger and unanimously approved by the Board to close the Public Hearing for Proposed Local Law D of 2019 to override the Tax Levy Limit Established in General Municipal Law (§3-c in the Town of Sullivan) at 7:11 P.M. Thereafter, the following action occurred:

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

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. D-2019, "A Local Law Overriding the Tax Levy Limit Established in General Municipal Law §3-c in the Town of Sullivan," was presented and introduced at a regular meeting of the Town Board of the Town of Sullivan held on September 4, 2019; and

WHEREAS, a public hearing was held on such proposed local law on this 2nd day of October, 2019, 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 enactment of Proposed Local Law No. D-2019 has previously been determined to be an unlisted action and will have no significant effect on the environment thus concluding the SEQR review process; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. D-2019.

NOW, THEREFORE, it is

RESOLVED that the Town Board of the Town of Sullivan, Madison County, New York, does hereby enact proposed Local Law No. D-2019 as Local Law No. 3-2019 as follows:

**“TOWN OF SULLIVAN
LOCAL LAW NO. 3 OF 2019**

**A LOCAL LAW OVERRIDING THE TAX LEVY LIMIT ESTABLISHED
IN GENERAL MUNICIPAL LAW §3-C IN THE TOWN OF SULLIVAN**

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

Section 1. LEGISLATIVE INTENT

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Sullivan, County of Madison pursuant to General Municipal Law §3-c, and to allow the Town of Sullivan to adopt a Town budget for (a) Town purposes; (b) fire protection districts; and (c) any other special or improvement district governed by the Town Board for the fiscal year 2020, that requires a real property tax levy in excess of the “tax levy limit” as defined by the General Municipal Law §3-c.

Section 2. AUTHORITY

This local law is adopted pursuant to Subdivision 5 of the General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the Town Board.

Section 3. TAX LEVY LIMIT OVERRIDE

The Town Board of the Town of Sullivan, County of Madison, is hereby authorized to adopt a budget for the fiscal year 2020 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

Section 4. SEVERABILITY

If any clause, sentence, paragraph, section, article 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 operations to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 5. EFFECTIVE DATE

This Local Law shall take effect upon filing with the Secretary of State.”

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
Thomas J. Kopp Jr.	Councilor	Excused	-----
Kerry Ranger	Councilor	Voted	Yes
Jeffrey Martin	Councilor	Voted	Yes
John M. Becker	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: October 2, 2019

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 October 2, 2019.

**PAMELA BRIONES
Deputy Town Clerk**

(SEAL)

**INTRODUCTION OF LOCAL LAW E-2019: A LOCAL LAW IMPOSING A TWELVE (12) MONTH
MORATORIUM ON COMMERCIAL FREE-STANDING SOLAR PHOTOVOLTAIC (PV)
SYSTEMS WITHIN THE TOWN OF SULLIVAN**

Attorney John Langey explains that this would temporarily put a 12-month moratorium in place to put a hold on commercial sized solar farms. This comes due to the unusually high number of larger solar farm applications to the Town of Sullivan as well as many other local towns. With a moratorium in place this will allow the Town to take time to fully understand the regulations and how large solar farms of this nature could affect the Town and its residents.

Supervisor Becker then explains this a widely spread concern among Towns about the large solar farms occupying lands within each Town. He further explained the circumstances concerning the current proposed Solar Farm in Fenner, NY and the problems they are currently facing. This moratorium would be a step to help the Town of Sullivan better understand how to regulate and

site such uses. This moratorium will affect Commercial Solar Farms, not Residential Solar Panels. Thereafter, the following action occurred:

Councilor Martin introduced proposed Local Law No. E-2019, titled "A Local Law Imposing a Twelve (12) Month Moratorium on Commercial Free-Standing Solar Photovoltaic (PV) Systems Within the Town of Sullivan," and made the following motion, which was seconded by Councilor Brzuszkiewicz:

WHEREAS, proposed Local Law E-2019 has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law; and

WHEREAS, the Town of Sullivan has recently seen an increase and proliferation in applications for commercial sized solar farm uses within the Town; and

WHEREAS, such proliferation has caused the Town to determine to reassess the state of its existing laws and regulations concerning such uses; and

WHEREAS, this moratorium will enable the Town of Sullivan to undertake a review to comprehensively re-address the issues involved with commercial free-standing solar photovoltaic (PV) systems within the Town of Sullivan; and

WHEREAS, the Town recognizes the potential benefits and desirability of renewable forms of energy, including commercial free-standing solar photovoltaic (PV) systems, but has determined that time and research are necessary to determine how to properly regulate such systems; and

WHEREAS, the Town Board has deemed this moratorium urgent and immediately necessary in order to preserve the status quo while this issue is examined by the Town; 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; and

WHEREAS, the adoption of said Local Law is a Type II action for purposes of environmental review under SEQRA thus concluding the environmental review process.

NOW, THEREFORE, it is

RESOLVED, that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. E-2019 at the Town Hall located at 7507 Lakeport Road, Chittenango, New York on November 6, 2019 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; and it is further

RESOLVED AND DETERMINED that pending action of this Local Law, the Town of Sullivan will neither accept nor process any application pertaining to commercial free-standing solar photovoltaic (PV) systems.

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
Thomas J. Kopp Jr.	Councilor	Excused	-----
Kerry Ranger	Councilor	Voted	Yes
Jeffrey Martin	Councilor	Voted	Yes
John M. Becker	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: October 2, 2019

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 October 2, 2019.

**PAMELA BRIONES
Deputy Town Clerk**

(SEAL)

MEMORANDUM OF AGREEMENT FOR MS4

Supervisor Becker explained the Town has been a part of the MS4 Stormwater Coalition and this agreement is a standard agreement that needs to be signed to remain in the Coalition.

A motion was duly made by Councilor Martin, seconded by Councilor Ranger and unanimously approved by the Board to authorize the Supervisor to execute the Memorandum of Agreement for the MS4 Stormwater Coalition.

OTHER MATTERS DISCUSSED

1. Supervisor Becker explained the Town Board has been working on the 2020 Budget and gave an update on how that has been coming together.
2. Supervisor Becker gave an update on the status of Host Community Funds and a few concerns developing at the County level.

TRANSPRO PRESENTS STRATEGIC PLAN

Supervisor Becker gave an introduction for Mark Aesch, CEO of TransPro. Mark Aesch then presented the Town of Sullivan Strategic Plan. Following the presentation, Supervisor Becker addressed the public asking if there were any questions.

SCHEDULING A BUDGET WORKSHOP

Supervisor Becker expressed the need for another budget workshop to continue to work on the Town of Sullivan's 2020 Budget.

A motion was duly made by Councilor Ranger, seconded by Councilor Martin and unanimously approved by the Board to schedule a budget workshop on Wednesday October 9, 2019 at 3:30 P.M. at the Town Offices.

ADJOURNMENT

A motion was duly made by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously approved by the Board to adjourn the Town Board Meeting at 8:02 P.M.

Respectfully Submitted,
Emily Burns, Secretary to the Supervisor