

TOWN OF SULLIVAN PLANNING BOARD PUBLIC HEARINGS –JANUARY 2, 2024 –
NATASHA RICHARDSON, 1985/1987 ROUTE 31, CHITTENANGO – SPECIAL USE
PERMIT TO ALLOW A TAKEOUT COFFEE SHOP - BUSINESS ZONE -SLB#10.58-1-6.2

The hearing was opened by Paul Jasek. The Secretary read the notice as published in the Oneida Dispatch.

Present: Paul Jasek, Dave Allen, John Ceresoli, Sherry Menninger, John Langey, Atty and Larry Ball, Building and Codes Administrator.

No one spoke for or against this special use permit application to allow a coffee shop.

A motion was made by Dave Allen and seconded by Sherry Menninger to close the hearing. All voted in favor.

LAND OF TUTTLE – 1254 SALT SPRINGS RD., CHITTENANGO – 3 LOT SUBDIVISION -
AG ZONE – SLB# 48.-1-22.11

The hearing was opened by Paul Jasek. The Secretary read the notice as published in the Oneida Dispatch.

Present: Paul Jasek, Dave Allen, John Ceresoli, Sherry Menninger, John Langey, Atty and Larry Ball, Building and Codes Administrator.

No one spoke for or against this 3-lot subdivision.

A motion was made by Dave Allen and seconded by John Ceresoli to close the hearing. All voted in favor.

REGULAR MEETING OF THE TOWN OF SULLIVAN PLANNING BOARD – JANUARY 2,
2024

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

Present: Paul Jasek, Dave Allen, John Ceresoli, Sherry Menninger, John Langey, Atty and Larry Ball, Building and Codes Administrator.

A motion was made by Dave Allen and seconded by John Ceresoli to approve the minutes of the December 5, 2023 meeting. All were in favor. Paul Jasek went over the agenda for tonight's meeting.

NATASHA RICHARDSON, 1985/1987 ROUTE 31, CHITTENANGO – SPECIAL USE
PERMIT TO ALLOW A TAKEOUT COFFEE SHOP – BUSINESS ZONE – SBL#10.58-1-6.2

Atty. John Langey went over the potential conditions for this special use permit; all lighting will be shielded and downcast; parking per plans submitted; the café with retail coffee will be take out for no (Natasha will return for phases of seating area inside and outside); the sign will be code compliant; the hours will be Monday – Friday 6AM – 4PM, Saturday and Sunday 8AM – 4PM; the shed has already been removed; necessary additional approvals (Health Dept. etc.) have been completed and waste will be picked up once a week. The fence has been discussed with Larry Ball, 6' fence, extending 10' away from building and then picket fence to telephone pole, fence will be setback 1' from the building line.

Madison County Planning returned for local determination and SEQR was completed at the December 5, 2023 meeting.

A motion was made to approve this special use permit with conditions by Sherry Menninger and seconded by John Ceresoli. All voted in favor. Atty. Langey will prepare a full resolution capturing the Board's determinations and approval with conditions.

**TOWN OF SULLIVAN
PLANNING BOARD RESOLUTION**

**NATASHA RICHARDSON (Owner/Applicant) - Application for a Special
Use Permit to Operate a Coffee Shop/Café with Related Coffee Retail Sales**

and Outdoor Seating at Owner's Premises Located at 1985-1987 Route 31, Chittenango (Tax Map No. 10.58-1-6.2) in the Town of Sullivan in the Business District - GRANTED WITH CONDITIONS.

January 2, 2024

S. Menninger moved and J. Ceresoli seconded the following Resolution:

WHEREAS, Natasha Richardson, as Owner/Applicant of property located at 1985-1987 Route 31, Chittenango (more commonly known as Tax Map No. 10.58-1-6.2) in the Town of Sullivan (the "Property"), appealed to the Town of Sullivan Planning Board (the "Board") on or about November 13, 2023 for a Special Use Permit to operate a coffee shop/café with incidental coffee retail sales and outdoor seating at the Owner/Applicant's premises in the Business District pursuant to Article V, §275-9(C) of the Town of Sullivan Zoning Law, as amended (the "Law"); and

WHEREAS, the Town of Sullivan Planning Board conducted a public hearing on the application at the Board's regular meeting held on January 2, 2023 and after due notice by publication in the Oneida Daily Dispatch 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 Owner/Applicant has completed and submitted a Short Environmental Assessment Form, the same was reviewed and considered by the Board along with the other submissions provided by the Owner/Applicant on December 5, 2023 and the Board determined it will assume lead agency status for the purposes of the requirements of the State Environmental

Quality Review Act (the “SEQRA”); and

WHEREAS, previously on December 5, 2023, the Board determined to issue a Negative Declaration for the purposes of SEQRA for the proposed Special Use Permit, such that no further environmental determinations are required for the action; 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, GML Log # 169-2023, received on December 21, 2023, indicating that this matter was being returned for local determination as it will not have any inter-municipal or county-wide impacts; and

WHEREAS, the Owner/Applicant’s application was considered fully by the Planning Board and upon such consideration the Board hereby finds among other things that the proposed use:

1. The proposed project will comply with all provisions and requirements of Article V of the Town of Sullivan Zoning Law and all of the other local laws and regulations of the Town of Sullivan and will be consistent with the purposes of the land use district in which it is located; to wit, a Business District, for this proposed coffee shop/café and incidental coffee retail sales and outdoor seating;
2. The proposed project location, size of use and structure will be in harmony with the orderly development of the Business District and will be consistent with the Comprehensive Plan and with the purposes of Article V of the Town of Sullivan Zoning Law because the project, as proposed, meets all parking requirements, setbacks and lot coverage requirements. Further, the proposed business use as a coffee shop/café is entirely consistent with the land use district and surrounding properties, which have been identified as both active residential and commercial in nature. It is also acknowledged that the proposed use is an allowed use subject to this Special Use Permit and is therefore consistent with the character of the neighborhood if properly sited and operated;

3. The proposed project will not be more objectionable to nearby properties than would the operation of any permitted other use and since it will not result in the release of harmful substances or any other nuisances, nor cause excessive noise, dust, odor, solid waste or glare because the project includes the necessary measures needed to minimize the possibility of the release of harmful substances. Once operational, the proposed use will generate noise at levels equal to or less than other permitted uses, which have occurred on and near the site itself;
4. The project will not cause undue traffic congestion, unduly impair pedestrian safety or overload existing roads, considering the current width, surfacing and condition because the site is located along NYS Route 31. In addition, the project will have sufficient sight distance and utilize an existing commercial road cut;
5. Adequate public and private parking is provided and the project will be accessible to fire, police and other emergency vehicles because the site has access from NYS Route 31 and provides parking in order to meet the current Zoning Code minimum requirements;
6. The location, nature and height of the existing building will not discourage the appropriate development and use of adjacent land and buildings or impair their value. The project will be suitable to such conditions on operation, design and layout of structures and provision of fencing will ensure compatibility with surrounding uses and to protect the scenic resources of the Town because the site has been designed to provide the Owner/Applicant with a site that balances the compatibility with the surrounding uses and the functionality of the business operations; 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 allows and grants the Owner/Applicant's request for a Special Use Permit for the operation of a coffee shop/café with incidental coffee related sales and outdoor seating at the Owner/Applicant's premises, all in specific accordance (and specifically conditioned upon

compliance) with the submitted plans and drawings and conditioned, however, upon the following:

1. All site improvements and operations will be in strict compliance with the submitted plans and drawings;
2. Hours of operation shall be:
 - a. Monday through Friday 6:00 a.m. to 4:00 p.m.
 - b. Saturday and Sunday 8:00 a.m. to 4:00 p.m.;
3. All lighting shall be shielded and downcast so as not to intrude on surrounding properties or public highways;
4. All parking shall be as set forth in the submitted plans;
5. Applicant shall obtain any necessary third-party approvals, including from the Madison County Health Department, for the requested use;
6. All signage shall be compliant with the Town of Sullivan Code;
7. All fencing shall be in compliance with the proposal, to wit a 6' high picket fence to be set 1' from the side yard lien and shall not obstruct the ability of cars to enter/exit the site safely. Said fencing shall be a minimum of 10' from the existing utility pole on the site;
8. Waste shall be removed no less than once per week;
9. Any additional uses or modifications to the site shall require Planning Board approval prior to the commencement of same; and

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

BE IT FURTHER RESOLVED that the Town's Zoning Officer is hereby authorized and directed upon payment of any required fees (including reasonable and necessary professional fees incurred by the Town in association with the application) to issue such permits and certificates or to take such other actions as may be required to effectuate and enforce this Resolution; and

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

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

Sherry Menninger	Voted	Yes
John Ceresoli	Voted	Yes
Dave Allen	Voted	Yes
Paul Jasek, Acting Chair	Voted	Yes

The Acting Chair, Mr. Jasek, then declared the Resolution to be duly adopted.

PAUL JASEK, Acting Chair 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 2, 2024, a quorum being present.

PAUL JASEK, Acting Chair
Town of Sullivan Planning Board

AMY B. WELLS, Town Clerk of the Town of Sullivan hereby certifies that the foregoing Resolution was duly filed in the Office of the Town Clerk on January __, 2024.

AMY B. WELLS, Town Clerk

LAND OF TUTTLE – 1254 SALT SPRINGS RD., CHITTENANGO – 3 LOT SUBDIVISION – AG ZONE – SLB#48.-1-22.11

Forrest Seguin brought maps to be signed for a 3-lot subdivision; Lot #1 is 14.7 acres, lot #2 is 4 acres, and lot #3 is 19.1 acres. SEQR was completed at the December 5, 2023 meeting.

A motion was made by Dave Allen to approve this 3-lot subdivision and seconded by Sherry Menninger. All voted in favor.

STONELEIGH HOUSING INC.- SPECIAL USE PERMIT – ROUTE 31, SLB# 10.-1-9.21 – 32 APARTMENT COMPLEX IN THE SULLIVAN INDUSTRIAL PARK

Lisa Wennberg from Keplinger Freeman Associates appeared before the Board, there have been no changes to plans except minor drainage to drain to grade to underground. The SWPPP has been submitted. Barton & Loguidice has reviewed and commented. The design team and client met today, reviewed, addressing the items and will get an updated report submitted prior to the next Planning Board meeting. The proposed sidewalk has been added to the plans.

Paul Jasek inquired about the hydrants and fire department notification. Lisa Wennberg noted there will be a sprinkler system and Larry Ball is working with the fire department. With a sprinkler system, no access is needed in back of the building for fire apparatus. There has been contact with OCWA for hydrants.

Lisa Wennberg said when Army Corp signs off with wetlands permit the Town will get notification.

The SEQR process has been started, it will be reviewed and comments made at the February 6, 2024 meeting. The parking layout and building height of 25' will be addressed.

Sherry Menninger asked about whether the proposed water quality is in conflict with existing underground electric. Lisa Wennberg said there are no electric lines near the water quality unit and no issue.

Stoneleigh Housing will return February 6, 2024.

JEFFREY TAYLOR – 1861 NEW BOSTON RD., CHITTENANGO – AMENDMENT TO PDD/3 LOT SUBDIVISION – AG ZONE – SLB# 33.-1-46.1

Jeffrey Taylor, II appeared before the Planning Board. Atty. John Langey reviewed submission of previously created PDD. Mr. Taylor is requesting to subdivide and take out a center piece (house/barn/shop) from the PDD to return to Ag zoning. Atty. Langey said the Planning Board can recommend back to the Town Board to get relief under PDD. They would need a precise legal description of the parcel coming out. A local law removing the parcel portion will be drafted if the Town Board is favorable to this requested Zone Change. Madison County Planning GML and a public hearing will have to be completed.

A motion was made by Dave Allen and seconded by Sherry Menninger to schedule the public hearing for February 6, 2024 at 6:45PM for the subdivision within a PDD to create a separate North lot and South lot from the 82.2 acres on the South side. All voted in favor.

A motion was made by John Ceresoli and seconded by Dave Allen for a positive written recommendation to the Town Board to amend the PDD. All voted in favor.

Larry Ball discussed the original PDD approval with certain drawings and dates, this list will have to be amended. A motion was made by Sherry Menninger and seconded by Dave Allen to waive a public hearing on amendment to PDD plans, to accept changes and reaffirm the original SEQR on PDD plan. All voted in favor.

SCOTT BARRETT – 2451 ROUTE 5, CHITTENANGO – 1 LOT SUBDIVISION – AG ZONE – SLB# 42.-1-20.11

Atty. Edward Perry appeared before the Planning Board for his client Scott Barrett. His client is building a new home on the property and requesting a minor subdivision of approximately 7.87 acres. He is trying to get financing and needs the subdivision to do this. The gravel driveway is already there. Larry Ball noted that the existing gravel driveway is on two separate parcels. Mr. Perry will add that to the maps.

The SEQR was reviewed, a motion was made by Dave Allen and seconded by Sherry Menninger to declare the Planning Board lead agency, for an unlisted action, and negative declaration. A public hearing is scheduled for February 6, 2024 at 6:45PM. All voted in favor.

MICHAEL LEIBL – 2097-2101 ROUTE 31, CANASTOTA – SUBDIVISION/ANNEXATION – BUSINESS ZONE - SLB#10.59-1-5/10.59-1-4

Michael Leibl appeared before the Planning Board requesting to subdivide the parcel SLB# 10.59-1-5 into two lots and annexation of SLB # 10.59-1-5 to SLB# 10.59-1-4. The property was given to him and his brother from his parents and his father has passed away. He would like to split the lot in half, lots are 50' with 100' road frontage and 3 non-conforming lots. He will get rid of the 3 cabins and would like to build a permanent residence.

Paul Jasek explained as presented this is not acceptable as the back lot is land locked and has no road frontage. It is not an acceptable use as there cannot be 2 residences on one lot. A variance for the other lot would be needed with less than 50' of road frontage in a business zone, there is only 48'.

Larry Ball stated anything in a business zone for residential use switches to LR40 zone and 150' of road frontage is required. The Planning Board recommendation is to work with Larry Ball to obtain the variances that would be needed with the Zoning Board. Larry Ball explained the variances needed would be road frontage, lot area, and creating land locked non-conforming lot. If the variances are granted then he could come back to the Planning Board.

CURT SAGER – 7376 WHEELER RD., CHITTENANGO – AMEND EXISTING SPECIAL
USE PERMIT – BUSINESS ZONE – SLB# 33.-1-33.1

Mr. Sager appeared before the Planning Board to request amending the existing special use permit for parking expansion. He was originally approved for 7 vehicles and would like to have 15. He is only parking campers now.

Dave Allen discussed the number of vehicles there now does not follow the original special use permit resolution of 2020. The prior resolution had findings and conditions noted including use by appointment only, no repair service, no additional lighting. There are 6 spots on the East side toward railroad tracks and 2 in front of the building. It has been suggested that he make parking toward the railroad tracks, out of other people's sight.

Paul Jasek expressed concern with the various sizes of vehicles now (ex: 15 of 10' vs. 15 of 20'), limit on number of campers or area to store the campers, and discussed the previous map of November 2019 for the special use permit. Applicant was asked how far back will he be going toward Lakeport Rd. and toward railroad tracks.

John Ceresoli stated there are 10 vehicles there now and not the original 7, the Planning Board spent a lot of time with the prior special use permit application and resolution. "Defined space and sizes" need to be discussed.

The Planning Board recommended Mr. Sager come back with drawings in detail, dimensions to scale, where the septic field is located, the size of gravel area and he should sketch in trailers onto a scaled drawing.

Mr. Sager will return February 6, 2024 at 7:00PM

A motion was made by Sherry Menninger and seconded by Dave Allen to adjourn the meeting at 8:10PM. All in favor.

Respectfully submitted,
Jeri Rowlingson, Planning Board Secretary