

**Town of Sennett Board Meeting
November 20, 2018**

Minutes of the Town of Sennett Town Board held on Tuesday November 20, 2018 at 7:00 PM at the Sennett Town Office Building,

Members Present: Peter Adams, Supervisor
Jerrold Eades, Councilman
Edward Rizzo, Councilman
Richard Gagliardi, Councilman
James Jeffers, Councilman
Kristopher LaPointe, Highway Superintendent
Ronald Schalck, Water & Wastewater Superintendent
Richard Andino, Attorney
Penelope Dennis, Town Clerk

Meeting opened with the pledge to the flag.

The Bookkeeper's report is reviewed by the board.

Minutes of the previous meeting are approved on a motion made by Councilman Eades, seconded by Councilman Gagliardi, 5 ayes 0 nays, carried.

Old Business: Windows: two more windows have been installed this month; one in the bookkeeper's office and one in the W&S department's office.

Backup generators: W&S Superintendent Schalck has gotten three companies.
1. Penn Power Systems: \$23,533.00 – 40KW Natural gas onsite energy generator
2. DM Shaver Inc: \$28,391.95 - 60KW Natural gas Kohler Generator Commercial
3. Better Power Inc: \$25,584.89 – 40KW Generac Industrial Natural Gas Generator

The generator would take ten to twelve weeks to build and be delivered – February 2019. There is a two-year warranty also. Supervisor Adams moves to go with the quote from Penn Power/Saxton Electric Inc. – discussion: Councilman Jeffers discusses the various options available – emergency stop station, remote annunciator, alternate winding strip heater and a one-year maintenance agreement with two visits, with the options as presented not to exceed \$40,000.00 in cost, seconded by Councilman Rizzo. Roll Call vote: Councilman Eades yes, Councilman Gagliardi yes, Councilman Rizzo yes, Councilman Jeffers yes and Supervisor Adams yes. Carried.

Proposed Local Law C of 2018: The Public Hearing is opened on a motion made by Councilman Eades, seconded by Councilman Jeffers, 5 ayes 0 nays, carried. Joe Durand, TDK Engineering updates the board on the proposal. The Sroka's

have a PDD for thirteen acres, which they were granted in 2014. (The area is now zoned Commercial Overlay) They wish to possibly add a gas station/convenience store to the property, which was not included in the original PDD. They have contacted to NYS DOT, showed them the site plan, it would have a separate entrance. Councilman Jeffers feels it would be a benefit to the town. A motion is made by Councilman Jeffers to close the Public Hearing, seconded by Councilman Eades, 5 ayes, 0 nays, carried. Attorney Andino reviews the SEQRA with the board and answers the necessary questions with the board.

TOWN BOARD RESOLUTION - November 20, 2018

TOWN OF SENNETT LOCAL LAW C OF 2018

("A Local Law to Amend the Sroka Planned Development District (created by Town of Sennett Ordinance No. 2-2011) to Permit the Use of Convenience Store with Gasoline Pumps/Fueling Station")

The following resolution was offered by Councilman Eades, who moved its adoption, seconded by Councilman Jeffers, to wit:

WHEREAS, proposed Local Law C-2018 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 the Municipal Home Rule Law, a proposed local law titled Local Law No. C-2018, "A Local Law to Amend the Sroka Planned Development District (created by Town of Sennett Ordinance No. 2-2011) to Permit the Use of Convenience Store with Gasoline Pumps/Fueling Station," which local law would approve the application of Ken and Diane Sroka, A1 Concrete Pumping, LLC, to amend the existing Sroka Planning Development District, located at 2682 Turnpike Road (Tax Map No. 102.00-1-24.122), consisting of approximately 13 acres, to permit a new use of convenience store with gasoline pumps/fueling station, was presented and introduced at a regular meeting of the Town Board of the Town of Sennett held on October 16, 2018; and

WHEREAS, on or about May 23, 2011, the Town Board of the Town of Sennett adopted Ordinance #2 of 2011 Creating the Sroka Planned Development District ("Sroka PDD") on a parcel containing approximately 13 acres, located at 2682 Turnpike Road (Tax Map No. 102.00-1-24.122); and

WHEREAS, the approved uses within the Sroka PDD included Construction Vehicle Sales/Service; Concrete Pumping Equipment Service; Fabrication and Sales of Truck Equipment; Truck Repair and Sales and/or Rental; and

WHEREAS, on or about July 13, 2018 the Town received an application to amend the Sroka PDD to allow for a new use, specifically Convenience Store w/Gas Pumps/Fueling Station; and

WHEREAS, said application materials consist of a Sroka PDD Modification Application Package dated July 11, 2018 which sets forth information related to the (1) Project Description; (2) Type of Development; (3) Staging of Development; (4) Natural Site; (5) Site Planning and Design; (6) Transportation and Traffic; (7) General Market Information; (8) Projected Fiscal Impact on the Town; (9) Utilities and Related Services; (10) General Effects of Development on Neighborhood and Community Appearance and Land Use; (11) Relationship of PDD to Development Policies; (12) Development, Operation and Maintenance of Open Space and Common Properties; and (13) Developer Competence; and

WHEREAS, the Application Package also included numerous appendices including (1) Town Board Resolution dated May 10, 2011; (2) PDD Boundary Plan (Sheet SP-1); (3) Adjacent Property Owners; (4) Conceptual Site Plan (Sheet CP-1); and (5) Transportation materials including a Traffic Impact Study, prepared by GTS Consulting dated August 2017 and Correspondence from the NYSDOT; and

WHEREAS, the Applicant submitted a Full Environmental Assessment Form (“EAF”), Part 1, dated July 11, 2018, and revised on August 10, 2018; and

WHEREAS, on or about August 13, 2018 the Applicant submitted a revised Site Plan Drawing (SP-1) dated August 10, 2018 and a revised Full EAF, Part 1, dated August 10, 2018; and

WHEREAS, on or about August 21, 2018 the Applicant submitted Correspondence from the Cayuga County Department of Transportation; and

WHEREAS, pursuant to Section 403 (“Application Procedures for PDD Approval”) of the Town of Sennett Zoning Law, upon receipt of a complete PDD application, the Town Board is required to refer the application to the Town of Sennett Planning Board for the purpose of review and recommendations; and

WHEREAS, on or about August 21, 2018 the Town Board of the Town of Sennett referred the application to the Town of Sennett Planning Board for review and recommendation; and

WHEREAS, the Planning Board conducted its review of the proposed PDD amendment and by resolution adopted at its October 4, 2018 meeting, recommended approval of the proposed PDD amendment; and

WHEREAS, a public hearing was held on such proposed local law on this 20th day of November, 2018, by the Town Board of the Town of Sennett 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 Sennett in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; 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 Sennett, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQR) with respect to the proposed enactment of said Local Law; and

WHEREAS, the Town Board previously declared itself as lead agency, declared the action as Unlisted and determined that a review of the Full Environmental Assessment Form submitted by the Applicant would be conducted for purposes of SEQR; and

WHEREAS, said EAF has been prepared and has been reviewed by the Town Board; and

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

WHEREAS, the Town Board referred proposed Local Law C-2018 to the Cayuga County Planning Board in accordance with General Municipal Law Section 239; and

WHEREAS, by correspondence dated November 15, 2018, the Cayuga County Planning Board determined that the action presented no intermunicipal concerns and was of local concern only;

WHEREAS, it is in the public interest to enact said Proposed Local Law No. C-2018.

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 the Town Board hereby adopts a Negative Declaration for purposes of Article 8 of the Environmental Conservation Law, Volume 6 of the N.Y.C.R.R. Part 617 et seq.; and it is further

RESOLVED AND DETERMINED, that the Negative Declaration is adopted, in part, for the following reasons:

Legislative Act

Proposed Local Law C-2018 is a legislative act which amends a Planned Development District to allow for an additional use within the District; mainly a convenience store with gas pumps/fueling station use. Therefore, because this is merely a legislative act, no definitive proposal has been presented to the Board for the development of a convenience store with gas pumps/fueling station. Any future proposal relative to said use will be subject to site plan review by the Town of Sennett Planning Board and shall be subject to further environmental review and oversight based on the specific proposal and project details presented to the Planning Board.

Consistency with Community Plans/Character

Proposed Local Law C-2018 is consistent with the Town of Sennett's recently revised zoning law which permits convenience stores with gas pumps/fueling stations, subject to the issuance of a special use permit, in the area surrounding the existing PDD. The proposed action will merely result in creating consistency between the uses permitted within and outside the PDD in the general vicinity of the property.

Traffic

A Traffic Impact Study (TIS) for the proposed development was prepared by GTS Consulting (Sroka PDD – Proposed Modification, Appendix 5). The TIS determined that the proposed development will not have any potentially significant adverse impact to existing traffic flows. The TIS was prepared in accordance with the NYSDOT Highway Design Manual and provides a detailed analysis of the traffic conditions associated with the intersection of Turnpike Road and NYR 34 in regard to the proposed development.

The Town Board also notes that the State and County Department of Transportation have provided preliminary approvals for the proposed driveway locations and have generally concurred with the applicant's findings regarding traffic.

Water Supply

The Town Board determines that there will be no potentially significant adverse impacts related to water supply for the proposed development. Potable water for the Sroka PDD is provided by the Cayuga County Water Authority via a 1 ½ - inch diameter water service that connects to the County's 12-inch diameter main located along the north side of Montross Lane. The service crosses Turnpike Road approximately 125 feet west of the existing driveway entrance. Municipal capacity, project demand and any related fire protection requirements associated with the proposed development will be coordinated with the County.

Wastewater

The Town Board determines that there will be no potentially significant adverse impacts related to wastewater/sewer demand for the proposed development.

Sanitary wastewater generated by the existing facility operations are treated and disposed of onsite through a DEC/DOH-approved mound system. Wastewater from the proposed convenience store will be conveyed to a similar, but separate on-site wastewater treatment system. A preliminary evaluation of the site's soil characteristics indicate that a similar mound absorption system will be required for the proposed convenience store. The proposed wastewater treatment system will be designed in accordance with State and County requirements. The proposed system will be located approximately 100 feet east of the western property boundary; as indicated on the *Conceptual Plan (Sheet CP-1)* provided in *Appendix 4* of the application materials.

RESOLVED AND DETERMINED, that any future proposed convenience store with gas pumps/fueling station within the PDD shall be subject to the site plan review process before the Town of Sennett Planning Board; and it is further

RESOLVED AND DETERMINED, that the Town Board of the Town of Sennett, Cayuga County, New York, does hereby enact proposed Local Law No. C-2018 as Local Law No. 3-2018 as follows:

**TOWN OF SENNETT
LOCAL LAW NO. 3 2018**

A LOCAL LAW TO AMEND THE SROKA PLANNED DEVELOPMENT DISTRICT (CREATED BY TOWN OF SENNETT ORDINANCE NO. 2-2011) TO PERMIT THE USE OF CONVENIENCE STORE WITH GASOLINE PUMPS/FUELING STATION

Be it enacted by the Town board of the Town of Sennett as follows:

SECTION 1. LEGISLATIVE FINDINGS, INTENT AND PURPOSE

By adoption of Town of Sennett Ordinance No. 2-2011, the Town Board of the Town of Sennett created the Sroka Planned Development District at 2682 Turnpike Road (Tax Map ID No. 102.00-1-24.122), consisting of approximately 13 acres and which permitted certain designated uses to occur within said PDD. Pursuant to Article IV of the Town of Sennett Zoning Law, the Town Board is permitted to establish and create Planned Development Districts and to amend existing Planned Development Districts. The Town Board hereby determines that the application to amend the existing Sroka PDD to authorize the use of convenience store with gasoline pumps/fueling station within the PDD has undergone the applicable review process and meets the requirements for a PDD amendment as set forth in Article IV of the Town of Sennett Zoning Law.

SECTION 2. AUTHORITY

The Town Board of the Town of Sennett enacts this Local Law pursuant to Sections 10 and 22 of the Municipal Home Rule Law and Article IV of the Town of Sennett Zoning Law.

SECTION 3. AMENDMENT OF SROKA PLANNED DEVELOPMENT DISTRICT (TOWN OF SENNETT ORDINANCE NO. 2-2011)

The Sroka PDD (Town of Sennett Ordinance No. 2-2011) is hereby amended to permit the use of convenience store with gasoline pumps/fueling station within the existing Sroka PDD. The PDD, as amended, shall be developed and operated in accordance with the plans, terms and statements set forth in the application materials submitted by Ken and Diane Sroka/A-1 Concrete Pumping, LLC, as well as the record of the previously adopted Town of Sennett Ordinance No. 2-2011, all of which are on file with the Town Clerk and which are expressly incorporated herein by reference.

SECTION 4. SEVERABILITY

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

thereof directly involved in the controversy in which such judgment shall have been ordered.

SECTION 5. EFFECTIVE DATE

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

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

Peter Adams	Supervisor	Voted	Yes
Rick Gagliardi	Councilman	Voted	Yes
Jerrold Eades	Councilman	Voted	Yes
James Jeffers	Councilman	Voted	Yes
Edward Rizzo	Councilman	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: November 20, 2018

Tompkins County Health Consortium: The town is in the sign-up stage. Packets need to be returned by November 28th. Supervisor Adams updates the board on the program – it is the Platinum Plan – no deductibles.

New Business: County Sales Tax revenue is down about 10% for the year.

Melissa Clark, Abundant Solar Energy, Inc. gives a presentation on the proposed solar farm array for property located on County House Road by Cayuga County. Their company was chosen by the CNY Regional Planning and Development Board. They have been in the US for three years. They currently have four projects north of here. 75 mega-watts in NY, they are a full-service developer; they get permits; find funds, etc. Community solar, broader customer base, county anchor – 25% green power. They plan to develop 28 acres. There will be more details as the project advances,

Grant: The town received a 1.7-million-dollar grant for the WD#3 project. There will be a water workshop meeting on November 28th at 6:00 PM to discuss the process involved. There is discussion. Supervisor Adams thanks everyone for their help in this endeavor.

Department Reports: Highway Superintendent LaPointe advises the board about the County's brush grinder. There is discussion. The highway department reports they installed a driveway on Horan Avenue, repaired the shoulder on Baker Road; truck #2 to Tracey's for recall work and inspection; ditching on Prospect Street and O'Neil Road; got trucks ready for plowing and sanding;

picked up leaves; two trucks to Conquest to help with hauling; mowed roadsides and guard rails; patched potholes; shop work and plowed and sanded numerous times. The Water and Sewer Department reports: New Water meter was installed at the Tubman Center; monthly and quarterly water samples were done; Water operation reports were done and given to DOH by the 10th; Town of Owasco came to camera sewer line to locate laterals for us; fall flushing of dead ends were done; hydrants that do not drain were pumped; met with TDK engineering about the lot to be developed on Mutton Hill Rd they also took our as built plans for Grant Ave water and sewer and scanned them for us and saved to a drive at no cost; cleaning up in shop; going through maps in shop, labeled and organized; marking out dig requests and plowed and shoveled snow around our barn and Franklin Street Road. Judge Timian reports \$6,081.00 for October. Judge Riley reports \$2,819.00 for October. The Town Clerk reports \$3,883.50 for October. The Court Clerk's report is read and reviewed by the board. The CEOs' reports are read and reviewed by the board. The attorney reports that the Owens Brockway assessment concerns are ready for signing and the BJ's assessment issues are still pending. Councilman Eades has new time sheets for employees that do not punch a time clock to use in 2019, these are needed according to the Employee Handbook. Motion is made by Councilman Eades makes a motion to use these forms for employees that do not punch a time clock, seconded by Supervisor Adams. Roll Call vote: Councilman Eades yes, Councilman Gagliardi yes, Councilman Rizzo yes, Councilman Jeffers yes and Supervisor Adams yes. Carried. After discussion, Councilman Eades makes a motion that anyone who fills in for the secretary at ZBA and or Planning Board meetings, or any other meeting, will be paid \$50.00 per meeting, seconded by Councilman Rizzo. Roll Call vote: Councilman Eades yes, Councilman Gagliardi yes, Councilman Rizzo yes, Councilman Jeffers no and Supervisor Adams yes. Carried.

A motion is made by Councilman Jeffers to open the Public To Be Heard segment, seconded by Supervisor Adams, 5 ayes 0 nays, carried. Hearing no comments, the Public To Br Heard segment is closed on a motion made by Councilman Jeffers , seconded by Councilman Eades, 5 ayes 0 nays, carried.

A motion is made by Councilman Jeffers to enter into Executive Session to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation, seconded by Councilman Eades, 5 ayes 0 nays carried. A motion is made by Councilman Jeffers to come out of Executive Session, seconded by Councilman Eades, 5 ayes 0 nays, carried.

The abstract in the total amount of \$129,945.33 is approved for payment on a motion made by Councilman Jeffers, seconded by Councilman Eades. Roll Call

vote: Councilman Eades yes, Councilman Gagliardi yes, Councilman Rizzo yes, Councilman Jeffers yes and Supervisor Adams yes. Carried.

The meeting is adjourned on a motion made by Councilman Jeffers, seconded by Councilman Eades, 5 ayes 0 nays, carried.

The next meeting will be Tuesday November 27, 2018 at 6:00 PM>

Respectfully submitted,

Penelope Dennis. Town Clerk

Town of Sennett