

**Town of Sennett
Board Meeting
May 10, 2011**

Minutes of the Town of Sennett Town Board meeting held on Tuesday May 10, 2011 at the Sennett Town Office Bldg, 6931 Cherry Street Road, Auburn, NY at 7:00 PM.

Members Present: Jeffrey Herrick, Supervisor

Jerrold Eades, Councilman

Marion Cool, Councilwoman

Jeffrey Gage, Councilman

John O'Connell, Councilman

Also Present: Kris LaPointe, Highway Superintendent

Ronald Schalck, W&S Maintenance Mechanic

Riccardo Galbato, Esq.

Recording Secretary: Penelope Dennis, Town Clerk

Meeting is opened with the pledge to the flag.

Communications: 1) Meeting for American Farmland Trust, May 24th at Moravia Firehouse at 7:00 PM and May 25th at the Owasco Firehouse at 7:00 PM. 2) From Louis Lego, liquor license renewal for Christopher's At Elderberry Pond LLC. 3) Telecommunications Info – Councilman Gage reports that he will have an updated map of coverage – present and future for the Town.

Public Forum: Public Forum is opened on a motion made by Councilman Eades, seconded by Councilman O'Connell, 5 ayes 0 nays, and carried. Jim Lent gives an update on the Zoning Ordinance revision/update committee's progress. They are making good progress, they have split into three teams, and the three team leaders and Jim have met with Attorney John Langey. The committee is meeting every two weeks. Public Forum is closed on a motion made by Councilman O'Connell, seconded by Councilman Gage, 5 ayes 0 nays, and carried.

Old Business: Proposed Drainage District for Quincy Hill Subdivision. Attorney Scott Molnar is present. The developer, Don Kasper, wishes to form a drainage district for all phases of the Quincy Hills Subdivision according to Article 12 of Town Law. A petition of 51% of the homeowners is included. The O&M of this district would be based on assessment, approximately 10¢ per thousand. The developer would like the board to review the proposal and schedule a Public Hearing and SEQR review. The board would

also like the Engineer, Planning Board and the Highway Superintendent to review the proposal. A motion is made by Councilman Gage to schedule a Public Hearing for the June meeting (after review and recommendations from the above mentioned parties), seconded by Councilman O'Connell, 5 ayes 0 nays, and carried. Notices will be mailed to all involved home owners.

A petition has been received from Allan Klimek requesting extension of WD#7 to include his property. He would like a Public Hearing set and a letter to Skaneateles stating his intentions. No map plan report is needed. The cost would be time and material. A motion is made by Supervisor Herrick to set the Public Hearing for the June meeting, seconded by Councilman O'Connell, 5 ayes 0 nays and carried.

Summer Swim Program: detailed options for the swim program have been received from the YMCA. Supervisor Herrick will also contact the Skaneateles Community Center to see if they might be able to handle the program also.

New Business: Dan Reed is present from Master Meters. He has specs for new water meters. There are approximately 750± water users in the town. W&S Maintenance Mechanic Ron Schalck reports that there is approximately a 29% water loss in WD# 2 and WD#6. This number should be around 2% to 6%. Dan Reed further explains the current meters are aging, new technology is available, drive by reading system, early leak detection alarms (in home), alarm system, web based software. Residential meters are tied into master meters. The price increases 10% on June 1, 2011. There is a twenty year warranty on the meters. There is discussion on new meters. It is recommended by Councilman O'Connell that the Engineer and Attorney to draft a resolution for to purchase these meters and authorize the Supervisor to sign the same. This will be further discussed at the work session on May 23rd, 2011.

Next is the review of the proposed PDD for Ken Sroka, All-Ways Concrete Pumping. The property is located on the corner of Rte 34 and Turnpike Road. It is 13 acres in size. It has the right access to a state highway via a traffic light. It will be a 14,000 square foot building. Three acres will be developed; some of the remainder will continue to be farmed. They have or are in the process of obtaining, a DEC permit, water service from the County Water Authority, DOT permit, and the Cayuga County Health Department. This would be an asset to the community. There would be eleven employees, with the possibility of adding three to five more within a few years. The property is located in the Rte 34 Ag/Transition Zone. Ag uses and residential allowed. This is discussed. Frank Bersani, Esq. is representing the applicant. He has reviewed this project and finds no legal reason why it should not be approved. There are two other PDDs in the area, with similar uses. The uses for the proposed PDD have been reduced from the original 17 to the following: Construction Vehicle Sales/Service; Concrete Pumping Equipment Service; Fabrication and Sales of Truck Equipment; Truck Repair, Sales and/or Rental. Planning Board Chairman Tom Ambrose states that the plan was reviewed by the Planning Board, and sent back to the Town Board for their

continuance of the project as a PDD. Supervisor Herrick – 25 foot setback, landscaping on construction plans, it's a nice use of the lot. Councilman O'Connell – fine project, checked for usage, expand to accommodate project. He has talked to some of the neighbors; they are comfortable with the project. (The county water authority – 12" main on Montross Lane, responsible for the line, cooperation on all fronts). Councilman Eades, not comments yet. A motion is made by Councilman O'Connell to open the Public Hearing for this project, seconded by Councilman Eades, 5 ayes 0 nays, and carried. Jeff Herrick received two calls from neighbors, explained the project and that there would be buffers. Mark Miller, alternate on the Planning Board, feels the project is compatible with the area, next to the business district, feels there is no reason not to approve this project. Bill Whiffen, neighbor and kennel owner, met with Mr. Sroka, welcomes him to the community. Jim Lent, Chairman of the Zoning Ordinance revision/update committee, gives another perspective: speaks about the Comprehensive Plan for the town. The project is non-compliant with the plan, the county plan and the county Planning board. It is an Ag-Transition zone – by law change only if useful, checked uses, nothing. Brought to the Zoning Ordinance revision meeting looked at by the committee. Whole strip reviewed from the City outward, overlay district for the area also discussed, ensure no way to allow spot zoning, aware of Comprehensive Plan, all town entities need to operate under the Comprehensive Plan, and Zoning Ordinance. How was it determined as a PDD and not spot zoning? Attorney Bersani responds: numerous case laws were checked, checked the Nevidomsky PDD, this project is slightly larger, only 1/2 miles away, cannot be most practical. Mr. Lent – on its own merits - single use to single person, single parcel. Determination after review of Comprehensive Plan. Engineer Durand states that he did review the plan, went through process, difficulty with the Zoning Ordinance, spoke with Attorneys Galbato and Chatfield, zoning ordinance not clear, (in the process of being updated). Felt a PDD was consistent with the Comprehensive Plan. Interpretation – looks to be the vision of the town. Councilman Gage – received copy of Comprehensive Plan, the uses on Rte 34 as to the Comprehensive Plan, use of the land – transitional from the city line. Discussion. Engineer Durand – sought guidance, consistent with the area, before they proceeded to far into the project – in general they were told to proceed with project. Councilman Gage to Attorney Galbato – how does the Comprehensive Plan relate to this project. Comprehensive Plan is a guideline, if deviate, show reasons why. There is more discussion on the legal aspects of the Comprehensive Plan and the Zoning Ordinance. Supervisor Herrick – opinion from the Zoning Ordinance update/revision committee – extend the business district rather than anything that would be spot zoning. Rte 34 needs change, as an elected official, work with the people coming into the community, in 6 to 8 months the zone might change, as elected official, help the applicant on the PDD, with the hope that to be included in future possible zone changes. PDD was suggested to work with applicant. Mr. Lent – simply another perspective, relate to the Comprehensive Plan. Councilman O'Connell – Comprehensive Plan, many legal questions, doesn't hold anything, only recommendations, built on faulty Zoning Ordinance, if the Comprehensive Plan supports the Zoning Ordinance – its trash, common sense, asked several people, no one has looked at the Comprehensive Plan

cover to cover, waste of time, money and effort, don't use the Comprehensive Plan, not legal, reject qualities, quantifications, commends committee, Zoning Ordinance is ridiculous, it is only a plan, it can be modified. Attorney Galbato – if the board acts on this, they need to close the Public Hearing, review the SEQR, add buffering, four votes are needed, it not four votes, keep the Public Hearing open for further review by the applicant and the Town Board. What happens if approved? From Attorney Galbato – state reasons why. Attorney Galbato explains his rezoning for this not being spot zoning; a PDD is allowed under the town's Zoning Ordinance. Councilman Gage would like to further review this project. Continuance of the Public Hearing, if different information available, can it be brought up at a work session? Information that was not given tonight. A motion is made by Councilman O'Connell to continue the Public Hearing until the May 23rd work session, seconded by Councilman Eades, 5 ayes 0 nays, and carried.

Reports: Judge Timian reports \$4,265.00 for April 2011. Judge Riley reports \$4,868.00 for April 2011. Town Clerk reports \$1,154.20 for April 2011. Highway Superintendent LaPointe reports no damage from the recent heavy rains, the water ran over the roads in some areas, the new truck is at Watertown now with the plow being installed. The dumpster days garnered 15 tons of trash, 14, 000 pounds of metal. The board compliments the highway department for the great job they did for the dumpster days, very appreciated. The rain has held up any paving, working on tree removal, mulch deliveries, etc. Councilman O'Connell has met with Richard Hanna; federal budget money derailed from state, six year federal plan – confident of acceptance, assured of CHIP monies for six years. W&S Maintenance Mechanic Ron Schalck reports repairing a leak on Franklin Street Road at the pump station, has received his Class D Classification, has completed the 2010 Annual Water Quality Report, has installed a short side water service on Grant Avenue, flushing hydrants, WD#3 mater repair, etc.

The abstract in the following amounts is approved on a motion made by Councilman Eades, seconded by Councilman Gage, 5 ayes 0 nays.

A:	\$ 16,239.23	W1:	\$ 4,890.09
DA:	14,984.44	W2:	13,534.93
L1:	192.79	W3:	9,119.80
L2:	56.61	W5:	125.38
S1:	17,127.99	W6:	7,633.82
S2:	2,602.86	W7:	132.36

Minutes of the previous meeting are approved on a motion made by Councilman O'Connell, seconded by Councilman Gage, 5 ayes 0 nays, and carried.

W&S Maintenance Mechanic Ron Schalck will work 4 hours on Friday for the summer, while working longer hours to compensate Monday through Thursday.

The feasibility of changing the June, July and August meeting to a Wednesday night was discussed, no decision.

The next meeting will be a continuation of the Public Hearing and Work Session on May 23 at 6:00 PM with the Zoning Ordinance revision/update committee meeting at 7:00 PM.

Meeting adjourned on a motion made by Councilman O'Connell, seconded by Councilwoman Cool, 5 ayes 0 nays and carried.

Respectfully submitted,

Penelope Dennis, Town Clerk

Town of Sennett