

**Town of Sennett
Board Work Session Meeting
May 23, 2011**

Minutes of the Town of Sennett Town Board Work Session held on Tuesday May 23, 2011 at 6:00 PM at the Sennett Town Office Building, 6931 Cherry Street Road, Auburn.

Members Present: Jeffrey Herrick, Supervisor

Jerrold Eades, Councilman

Marion Cool, Councilwoman

Jeffrey Gage, Councilman

John O'Connell, Councilman

Also Present: Riccardo Galbato, Esq.

Meeting is opened with pledge to the flag. The Sroka Public Hearing remains open. Supervisor Herrick reminds those present that a majority vote is needed to approve this project – 4 out of 5.

Supervisor Herrick reads the regulations for entering into Executive Session. A motion is made by Councilman O'Connell to enter into Executive Session, seconded by Councilman Gage, all in favor.

A motion is made by Councilman Gage to come out of Executive Session, all in favor.

The Public hearing continues. Michael Vitale, Robinson Concrete, states that Mr. Sroka is the best mechanic, needed in the area, keep an open mind and approve the project.

The Public Hearing is closed on a motion made by Councilman Eades, seconded by Councilman O'Connell, 5 ayes 0 nays.

The following resolution is read by Supervisor Herrick:

RESOLUTION OF THE TOWN OF SENNETT TOWN BOARD CREATING THE SROKA PLANNED DEVELOPMENT

PLEASE TAKE NOTICE, that the following Resolutions were duly passed by the Town Board of the Town of Sennett at its regular meeting on May 23, 2011, as follows:

WHEREAS, upon the request of Kenneth A. Sroka and All Ways Concrete Pumping, LLC, via their engineer Joseph E. Durand, P.E., of TDK Engineering Associates, P.C. ("Applicant") now or under contract to be the owner of all that tract or parcel of land identified as the Kenneth A. Sroka and Dianna L. Sroka Parcel containing approximately 13 acres, located at 2682 Turnpike Road (a portion of Tax Map No. 102.00-1-24.12) in the Town of Sennett (the "Premises") (Note: premises currently owned by Peter and Delores Montross) , the Town Board of the Town of Sennett has been asked to amend a portion of the Zoning for said premises from Agricultural/Transition Zone to Planned Development District ("PDD") pursuant to Section 403 of the Town of Sennett Zoning Law and Section 239 et seq. of the Town Law of the State of New York, so that a portion of the Premises as more fully set forth and defined in Schedule "A" attached hereto shall constitute a Planned Development District ("Sroka PDD") in accordance with the authority vested in the Town of Sennett pursuant to the Municipal Home Rule Law of the State of New York, the General Municipal Law of the State of New York, and the Town Code of the Town of Sennett; and

WHEREAS, the Sroka PDD has been proposed and submitted to the Town of Sennett by Joseph E. Durand, P.E. by application dated April 6, 2011, as more fully set forth on a site plan presented by TDK Engineering Associates, P.C. dated April 5, 2011 (SP-1), identifying the Sroka Parcel as a 13 acre parcel with proposed offices and attached proposed vehicle service and a curb cut for ingress and egress to the premises onto Turnpike Road. The Applicant submitted the application for consideration as a Planned Development District in order to occupy said premises with a list of 17 proposed permitted land use activities; and

WHEREAS, at a meeting of the Town of Sennett Town Board held on April 12, 2011, the Town Board reviewed the application and referred same to the Town of Sennett Planning Board for review and recommendation at its next available meeting; and

WHEREAS, at the meeting held on April 12, 2011, the Town Board declared itself lead agency under SEQR; and

WHEREAS, the Town of Sennett Planning Board reviewed the application at its April 14, 2011 meeting, at which time the Planning Board passed a motion stating that this project fits the goals of the Comprehensive Plan and recommended that the Town Board proceed with the PDD; and

WHEREAS, pursuant to General Municipal Law Sections 239(l) and (m), the Town caused the Applicant's proposed amendment to the Town of Sennett Code relative to the Sroka PDD request has been referred to the Cayuga County Department of Planning and Economic Development on April 13, 2011 for review and comment; and

WHEREAS, by letter dated April 25, 2011 and Cayuga County Planning NYSGML Section 239(l), (m) and (n) referral report form final determination from Geoffrey Milz of the Cayuga County Planning and Economic Development Office, recommended disapproving the proposed action; and

WHEREAS, the Town has received the following correspondence:

- 1) Letter from Jim Lent dated 3/29/11;
- 2) Letter from Town Engineer Doug Miller dated 5/6/11;
- 3) Letter from Frank A. Bersani, Jr., Esq. dated May 9, 2011 along with a letter from Joseph E. Durand, P.E., dated May 9, 2011 on behalf of the applicant;
- 4) Email from Joseph E. Durand, P.E. dated 5/18/11 on behalf of the applicant.

WHEREAS, the Applicant on May 10, 2011 amended the application and site map limiting the number of permitted uses to Construction Vehicle Sales/Service; Concrete Pumping Equipment Service; Fabrication and Sales of Truck Equipment; Truck Repair, Sales and/or Rental; and

WHEREAS, the Town caused a Notice of Public Hearing to be published in The Citizen on May 12 and May 13, 2011;

WHEREAS, upon due notice, at the regular meeting of the Town Board for the Town of Sennett held May 10, 2011, at 7:00 p.m., the Town Board conducted a public hearing for the Sroka PDD, at which time Joseph E. Durand and Frank A. Bersani, Jr., Esq., appeared for and on behalf of the Applicant and briefly explained the project; and

WHEREAS, said Public Hearing was kept open and adjourned to May 23, 2011 at 6:00 p.m.;
and

WHEREAS, the applicant has also submitted the following Maps and Construction Drawings:

- 1) Amended SP-1 dated 4/5/11 reflecting "Permitted Land Use or Activity: "1. Construction Vehicle Sales/Service 2. Concrete Pumping Equipment Service 3. Fabrication and Sales of Truck Equipment 4. Truck Repair, Sales And/ Or Rental."
- 2) Site Development Project April 2011
- 3) ES-1 dated 4/27/11
- 4) ES-2 dated 4/27/11
- 5) GD-1 dated 4/27/11
- 6) GD-2 dated 4/27/11
- 7) GD-3 dated 4/27/11
- 8) GD-4 dated 4/27/11
- 9) LS-1 dated 4/27/11
- 10) LS-2 dated 4/27/11
- 11) PL-1 dated 4/27/11
- 12) SP-1 dated 4/27/11
- 13) SW-1 dated 4/27/11
- 14) SW-2 dated 4/27/11
- 15) SW-3 dated 4/27/11
- 16) SW-4 dated 4/27/11
- 17) SW-5 dated 4/27/11
- 18) SW-6 dated 4/27/11
- 19) SW-7 dated 4/27/11
- 20) AP-1 dated 5/20/11
- 21) LS-1 dated 4/27/11
- 22) LS-2 dated 5/23/11

WHEREAS, The Town Board of the Town of Sennett also addressed SEQR for the project on May 23, 2011, declaring and identifying the action as an unlisted action, utilizing the short form Environmental Assessment Form provided by the Applicant, and declaring a negative declaration under SEQR for the project; and

WHEREAS, because the Town of Sennett Planning Board confirmed that the Applicant has duly engineered and designed the Sroka PDD according to Section 403 of the Town of Sennett Zoning Law, and made its positive recommendation to the Town Board of the Town of Sennett that said Town Board adopt resolutions by ordinance creating the Sroka PDD, the Town Board has reviewed and approved the resolutions contained herein.

Now, THEREFORE, be it resolved, that the Town of Sennett Town Board hereby approves the Application as amended for the Sroka PDD, and therefore resolves as follows:

1. The Town Board has determined itself to be lead agency under SEQR and further determined that the proposed PDD is an unlisted action under SEQR and will not have a significant adverse impact upon the environment and that a negative declaration pursuant to SEQR is hereby issued; and

2. The Town of Sennett hereby adopts Ordinance #2 of 2011, attached hereto, establishing the Sroka PDD, a change of zoning for the premises from Agricultural/Transition Zone to a Planned Development District for a portion thereof defined on Schedule "A" attached for the following uses: **Construction Vehicle Sales/Service; Concrete Pumping Equipment Service; Fabrication and Sales of Truck Equipment; Truck Repair, Sales and/or Rental.**
3. The permitted uses and dimensional lot requirements shall be in accordance with the uses, dimensional controls and notes set forth on the Amended Plan, and as stated herein.
4. The following special conditions shall apply:
 - A. Adoption of these Resolutions and the attached Ordinance effect and amend the zoning chapter of the Town of Sennett Code to establish the Sroka PDD; and
 - B. That the Applicant shall comply with all representations as set forth in the Plan; and
 - C. That the Town Board and Planning Board retains all authority to review and approve changes in the Plan, or the construction of any additional improvements on the property; and
5. In consideration of the creation of the Sroka PDD pursuant to the attached Ordinance, the portions of the premises and property therein identified on Schedule "A" attached are now zoned Planned Development District.
6. Based upon these Resolutions and adoption of the Ordinance attached hereto, the Town Clerk is hereby directed to publish notice of the passage of the attached Ordinance, and within said notice advise that a copy of Applicant's Plan and application remain on file with the Town Clerk of the Town of Sennett for public review.
7. Notwithstanding the foregoing, this Resolution is **contingent** upon and shall not take effect until Subdivision Approval of the premises by the Town of Sennett Planning Board. Upon notice that the Planning Board has granted final subdivision approval, the Town Clerk shall publish notice in accordance with this Resolution.

WHEREFORE, upon a motion made by Councilor O'Connell and seconded by Councilor Gage, the Town of Sennett Town Board hereby approves the Application with the above conditions. Supervisor Herrick yes, Councilman Eades yes, Councilman Gage yes, Councilman O'Connell yes and Councilwoman Cool no. Carried

Town of Sennett Ordinance #2 of 2011

Creating the Sroka Planned Development District

Be it ordained by the Town of Sennett Town Board, at a regular meeting held on May 10, 2011, as follows:

1. The premises and property identified as the Sroka Planned Development District ("Sroka PDD") is and shall be all that certain property more particularly bounded and described in Schedule "A" attached hereto and made a part hereof.
2. Zoning for the Sroka PDD is hereafter changed from Agricultural/Transition Zone to a Planned Development District, and the permitted uses shall be as set forth in the amended Plan dated 4/5/11, which are as follows: **Construction Vehicle Sales/Service; Concrete Pumping Equipment Service; Fabrication and Sales of Truck Equipment; Truck Repair, Sales and/or Rental, a copy of which is on file with the Town of Sennett (the "Plan")** and attached hereto.
3. The Zoning Maps of the Town of Sennett shall be amended to reflect creation of and change of Zoning for the Sroka PDD as set forth herein and described on the Plan.

Schedule "A"

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Sennett, County of Cayuga, State of New York, being part of Lot 18 in said Town and being more particularly described as follows:

BEGINNING at the intersection of the southerly line of Turnpike Road with the westerly line of New York State Route 34;

thence S.04°05'00"E., along the westerly line of said New York State Route 34 a distance of 595.95 feet to a point for corner;

thence S.73°44'03"W., a distance of 6525.23 feet to a point for corner;

thence S.86°29'24"W., a distance of 233.62 feet to a point for corner in the easterly line of lands now or formerly owned by James P. and Tricia L. Cady as recorded in the Cayuga County Clerk's Office in Liber of Deeds #1143, Page #308;

thence N.03°30'36"W., along the common line between said Cady property and lands now or formerly owned by Peter A. and Delores A. Montross as recorded in the Cayuga County Clerk's Office in Liber of Deeds #539, Page #227, a distance of 586.81 feet to a point in the southerly line of said Turnpike Road;

thence along the southerly line of said Turnpike Road the following bearings and distances:

N.76°48'16"E., a distance of 31.52 feet to a point for corner;

N.56°51'11"E., a distance of 364.70 feet to a point for corner;

S.88°21'58"E., a distance of 187.04 feet to a point for corner;

N.86°45'24"E., a distance of 279.84 feet to a point for corner;

S.52°49'48"E., a distance of 31.19 feet to the **POINT OF BEGINNING. CONTAINING 13.00** acres of land more or less.

The hereinbefore described parcel of land is subject to any and all easements and/or rights of way of record.

Said premises above described being known as a portion of 2682 Turnpike Road, Auburn, New York 13021 and being currently designated as a portion of Tax Map No. 102.00-1-24.12.

A Negative Dec has been declared. This is contingent on the subdivision being approved.

A motion is made by Councilman O'Connell to go into Executive Session, seconded by Councilman Eades, all in favor.

A motion is made by Councilman O'Connell to come out of Executive Session, seconded by Councilman Eades, all in favor.

Next meeting will be June 1, 2011. Meeting adjourned on a motion made by Councilman O'Connell, seconded by Councilman Gage, all in favor.

Respectfully submitted,

Penelope Dennis, Town Clerk

Town of Sennett