

**TOWN OF STERLING  
OFFICE OF CODE ENFORCEMENT**

1290 State Route 104A  
Sterling, New York 13156  
Bob Day, Code Enforcement Officer  
Telephone: (315) 947-5666 x27  
Fax: (315) 947-5119  
Email: sterlingcode311@gmail.com

**Code Enforcement Complaint**

Please fill out Complaint Form as completely as possible

Date: 5/11/2021

Complaint/Violation:

SEE ATTACHED LETTER, 2021-2022 JUNKYARD PERMIT,  
2019-2020 JUNKYARD PERMIT, 2011 NON-CONFORMING USE PERMIT,  
TOWN OF STERLING ZONING DISTRICT MAP, & TAX MAP OF CUY SCRAP

Owner of Property in question (if known): CUY SCRAP PROCESSING, LLC

Property Address: 14725 STATE ROUTE 104, MARVILLE, NY 13111

**Complainant Information**

Name: MORLEY FLYNN

Mailing address: P.O. Box 352, FAIR HAVEN, NY 13064

Phone #: 315-481-1818

I certify that the information provided above is true to the best of my knowledge.

[Signature], Lauren M Crossett  
Signature of complainant

MORLEY FLYNN, Lauren M Crossett  
Printed name of complainant

**\*\*\*\*\*OFFICE USE ONLY\*\*\*\*\***

Received by \_\_\_\_\_ Date: \_\_\_\_\_

CEO Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Action taken: \_\_\_\_\_

Follow up letter sent \_\_\_\_\_ Date sent: \_\_\_\_\_

Violation remedy: \_\_\_\_\_ Date: \_\_\_\_\_

Tax Map#: \_\_\_\_\_

## Code Enforcement Complaint

Town of Sterling

Office of Code Enforcement

*Cc Town of Sterling Board of Directors*

*Cc Town of Sterling Planning Board*

*Cc Town of Sterling Zoning Board of Appeals*

*Cc Cayuga County Planning Board*

CNY Scrap Processing, LLC Operates a scrap processing facility at 14725 State Route 104. As per General Municipal Law 136, and DMV Code, in order for CNY Scrap to operate they must obtain a permit from the town or municipality in which they operate. Since the development of this scrap processing facility in 2011 the Town of Sterling has only issued a Scrap Processors License for CNY Scrap Processing, LLC to operate on tax map parcel #19.00-1-33.

As of the permit issued on 1/1/2021 the town of sterling has expanded the allowable location of operation to include parcels #19.00-1-33, 19.00-1-35.111, and 19.00-1-35.112 (See attached Copy of permit dated 1/1/2021 in which the additional parcels are hand written in). The increased scope of the permit issued January 1<sup>st</sup> 2021 allows CNY Scrap Processing, LLC to increase its operational footprint from 3.7 Acres to 19.62 Acres.

Scrap processing facilities undoubtedly present threats to area property values, quality of life, and the surrounding environment. As such the Town of Sterling Land Use Regulations, as well as General Municipal Law 136 require a specific application for expansion and permitting for scrap processing facilities which includes a review process to protect adjacent property owners and all town residents. This process legally requires numerous actions including approval from the Sterling Town Board, the Zoning Board, and the Zoning Board of Appeals. Details copied from the Sterling Land Use Regulations PDF to follow;

**ARTICLE VIII, USE REGULATIONS** <https://www.cayugacounty.us/DocumentCenter/View/10889/Sterling-Land-Use-Regulations--PDF>

### **USAGE TABLE**

**Table 3**

|           | <b>Land Use or Activity</b> | <b>W</b> | <b>H</b> | <b>A/R</b> | <b>Reference</b>                                | <b>Site Plan Required</b> |
|-----------|-----------------------------|----------|----------|------------|---|---------------------------|
| <b>35</b> | Junkyard/Recycling Facility | <b>N</b> | <b>N</b> | <b>N</b>   | <b>Allowable in an approved PDD Article XII</b> | <b>X</b>                  |

**ARTICLE XII, PLANNED DEVELOPMENT DISTRICTS (PDD)**

**12-4 PROCEDURES FOR PDD APPROVAL**

For approval of a proposed PDD, the applicant shall first secure a zoning district change from the Town Board for the subject property from its present district to a Planned Development District. If the zoning district change is approved, these regulations shall be amended to include the PDD plan and all related specifications, including use & dimensional regulations. After the PDD district change has been approved, subdivision and platting of all lands in the PDD shall be subject to Article XIII within these Regulations. Before construction and occupancy of buildings or land, the proper permit(s) shall be secured by the applicant in accordance with these Regulations.

**BEFORE** any permit for erection of a permanent building in a PDD shall be granted, and before any subdivision plat or any part thereof may be filed in the Cayuga County Clerk's Office, the applicant or his authorized agent shall apply for and secure approval of PDD district change in accordance with the specific procedures defined below (a summary of these procedures is shown in the flowchart in **Appendix A3**):

**A. Pre-application Discussion Stage**

Prior to formal application the applicant shall present the proposed PDD to the Town Planning Board in rough sketch and written descriptive form to get the initial opinions concerning the suitability of the concepts, and general elements of the development, and to make sure the required procedures for the PDD application are fully understood by the applicant. In this stage, it is advised that all the items be addressed at least in rough form by the applicant.

**B. Application for PDD Zoning District Change**

A complete application for the establishment of a PDD shall be made to the Town Board in plan that consists of a plat and narrative (drawn to scale) and written application on forms provided by the CEO. The acceptability of a PDD shall be based upon the Town Board's judgment concerning the overall quality of the PDD proposal, and the extent of its impact upon the Town, its citizens, and their properties. In order for the Town Board to evaluate the PDD proposal the application (in its plan and written form) shall address the following areas: (omitted for length- can be found here; <https://www.cayugacounty.us/DocumentCenter/View/10889/Sterling-Land-Use-Regulations--PDF>)

**1. Project Particulars** Shall include the name and location of the project, name(s) and address(s) of the owner(s), a legal description of the property, and the names of the owners of abutting properties

**2. Type of Development** The type of development shall be fully described, including at least the following information.

**c. Industrial** The total acreage of the industrial area; land use intensity rating; types of industry and individual process involved; source, type of general quantities and method of shipment for raw materials; general quantities and method of shipment for products; types of wastes and residuals

**C. Planning Board Review & Recommendation and SEQR Review**

Prior to the Town Board action, to insure that the proposal is within the intent of the Comprehensive Plan of the Town, the Town Board shall immediately after receipt of the completed application, refer it, for the purpose of review and recommendations, to the Planning Board. At any point during review, the Planning Board or the Town Board may also request an informal review by the Cayuga County Planning Board. In addition, the Town Board shall refer the completed application including all the information necessary to make a SEQRA Determination of Significance, to the lead agency for SEQR (the lead agency may be the

Town Planning Board). The lead agency for SEQR will make the Determination of Significance (of either a negative declaration or positive declaration) within twenty (20) days of receiving the completed application and at the subsequent Public Hearing for SEQR. In the case of a positive declaration, the applicant must perform an Environmental Impact Study (EIS) if he/she wishes to proceed with the project. Within sixty-two (62) days of a negative declaration (or within sixty-two days of the Final EIS, in the case of a positive declaration), the Planning Board shall give its recommendation to the Town Board. The recommendation can be either approval, approval with modifications or disapproval of the application. Failure of the Planning Board to act within 62 days shall be deemed to be a recommendation of approval by the PB. The 62 day time period may be extended if mutually agreed upon by the PB and applicant. In the event that approval subject to modifications is recommended, the applicant shall, within ten (10) days after receiving a copy of the Planning Board's recommendations, notify the Town Board in writing of all such modifications. In the event that the applicant does not notify the Town Board within said period of his acceptance or refusal of all said modifications, approval of the application subject to such modifications shall stand as recommended.

***The Town Board shall forward the completed application along with any SEQR documentation to the Cayuga County Planning Board and request a formal review. The Cayuga County Planning Board has 62 days from receipt of this request to provide its recommendation. See Article XXII-Referrals to Cayuga County Planning Board.***

#### **D. Public Hearing**

Upon receipt of both the Town Planning Board and Cayuga County Planning Board's recommendations or once the specified review period expires, whichever occurs first, the Town Board shall, within 62 days, schedule and conduct a public hearing for the purpose of considering the change in zoning district to PDD for the applicants plan in accordance with the procedures required under Section 264 of the NYS Town Law. The Town Board, at their discretion, may call additional public hearings as needed.

#### **E. Town Board Action**

Within sixty-two (62) days after the public hearing closes, the Town Board shall render its decision on the PDD application. If the Town Board grants the PDD zoning, the Zoning Map shall be so noted, and the Law shall be amended so as to define the legal boundaries of the PDD, but such action shall only grant permission for development of the specific proposed land uses in accordance with the use and dimensional specification, plans and related materials filed with the Town, any conditions and requirements for the applicant to meet. The approved plan and the related attachments shall be deemed an amendment to this Law and shall serve as continuing land use controls for the specific Planned Development District; the first such zoned PDD shall be designated "PDD 1", with subsequent unrelated Planned Development District to be numbered in continuing sequence.

#### **F. Subdivision Plat Approval**

If any portion of a PDD is intended for sale or other form of transfer, whether immediate or future, the development shall be considered a subdivision of land and shall be subject to the Subdivision Regulations of the Town of Sterling; where the requirements and specifications of the subdivision regulations are in conflict with the PDD plan approved by the Town Board the approved plan shall take precedence.

#### **G. Annual Review of PDD**

The CEO shall review the PDD annually in order to determine the amount and quality of the progress made by the developer toward fulfilling the specifications and plans and any attached conditions, and make a report to the Town Board. Based upon the progress made by the developer, the Town Board may reconsider the PDD and further amend the Law in relation to it. ***If progress is not to the satisfaction of***

***the Town Board or not in keeping with the staging approved by the Town Board, the Town Board may consider changing the zoning of the property to the original or other district.***

During any permitting process the size and scale of a proposed operation is a major factor determining its suitability. Unfortunately, with the permit issued on 1/1/2021 the Code Enforcement Officer has bypassed, potentially illegally, the Town of Sterling Land Used Regulations. This permit undermines The Sterling Planning Board, The Zoning Board of Appeals, The Town Board, The Cayuga County Planning Board and most importantly the residents of the Town of Sterling. This permit should be revoked immediately, and if in fact CNY Scrap Processing, LLC wants to increase the scope of its operation proper procedures should be followed. For the safety of the Town of Sterling and in consideration of liability of the Board of the Town of Sterling immediate action should be taken to rectify the situation.

Please respond to this formal written complaint in writing in accordance with the attached Code Enforcement Complaint Form.

Respectfully,

Lauren M. Crossett and Morley J. Flynn  
Complainants

# BUILDING PERMIT

(Please Post in a Conspicuous Place)

Issued: 01/01/21  
Expires: 01/01/22

Permit #: 2021-0007  
Fee: \$600.00

**Project Description:**  
Scrap Processor Licence Pursuant to New York State General Business Law Article 6-C 69 f  
Junkyard License Pursuant to General Municipal Law 136  
Hours of Operation Monday - Friday 8AM thru 6PM Saturday 9AM thru 4PM and Sunday 10AM thru 2PM

Location: 14725 State Rt 104 14.00-1-33, 14.00-1-35.111, 14.00-1-35.112

**Property Information:**

Tax Map#: 19.00-1-33  
Class: 475  
Front: 0.00 Lot:  
Depth: 0.00 Subdivision:  
Acres: 3.70 Zone:

**Owner:**

CNY Scrap Processing LLC  
Carrier Salvage & Recycling LLC  
Martville, NY 13111

**Applicant:** CNY Scrap Processing LLC  
14725 St Rt 104  
Martville, NY 13111

**Const Type:** A/B:  
**PreEng:** Loc:  
**Est. Project Cost:** \$0.00

**Occupancy:**  
**Material:**  
**Square Feet:** 0

**Contractor:**

*Permission is hereby granted to proceed with the work as set forth in the plans, specifications or statements now on file in the Code Enforcement Office. Any changes made to the original plans must first be submitted for approval.*

**The applicant shall notify Town of Sterling Code Enforcement Officer for the following inspections:**

*It is the responsibility of the owner and/or contractor to comply with all applicable Town ordinances. All inspections require a 24-hour minimum advance notice.*

01/01/21  
Date

  
Honore Yuhas, Code Enforcement Officer

Town of Sterling

TOWN OF STERLING  
1290 STATE ROUTE 104A  
STERLING, NY 13156  
(315)947-6245

# BUILDING PERMIT

(Please Post in a Conspicuous Place)

Issued: 01/07/19

Permit #: 19-0001

Expires: 01/07/20

Fee: \$100.00

**Project Description: Special Use - Junkyard**

**CNY has a permissive temporary use as a junkyard during the pendency of litigation.**

**Location: 14725 State Rt 104**

**Property Information:**

Tax Map#: 19.00-1-33  
Class: 475

Front: 0.00 Lot:  
Depth: 0.00 Subdivision:  
Acres: 3.70 Zone:

**Owner:**

CNY Scrap  
14725 St Rt 104  
Martville, NY 13111

**Applicant: CNY Scrap**  
14725 st rt 104  
Martville, NY 13111

**Const Type: A/B:**  
**PreEng: Loc:**  
**Est. Project Cost: \$0.00**

**Occupancy:**  
**Material:**  
**Square Feet: 0**

**Contractor:**


*Permission is hereby granted to proceed with the work as set forth in the plans, specifications or statements now on file in the Code Enforcement Office. Any changes made to the original plans must first be submitted for approval.*

**The applicant shall notify Town of Sterling Code Enforcement Officer for the following inspections:**

*It is the responsibility of the owner and/or contractor to comply will all applicable Town ordinances. All inspections require a 24-hour minimum advance notice.*

01/07/19

Date

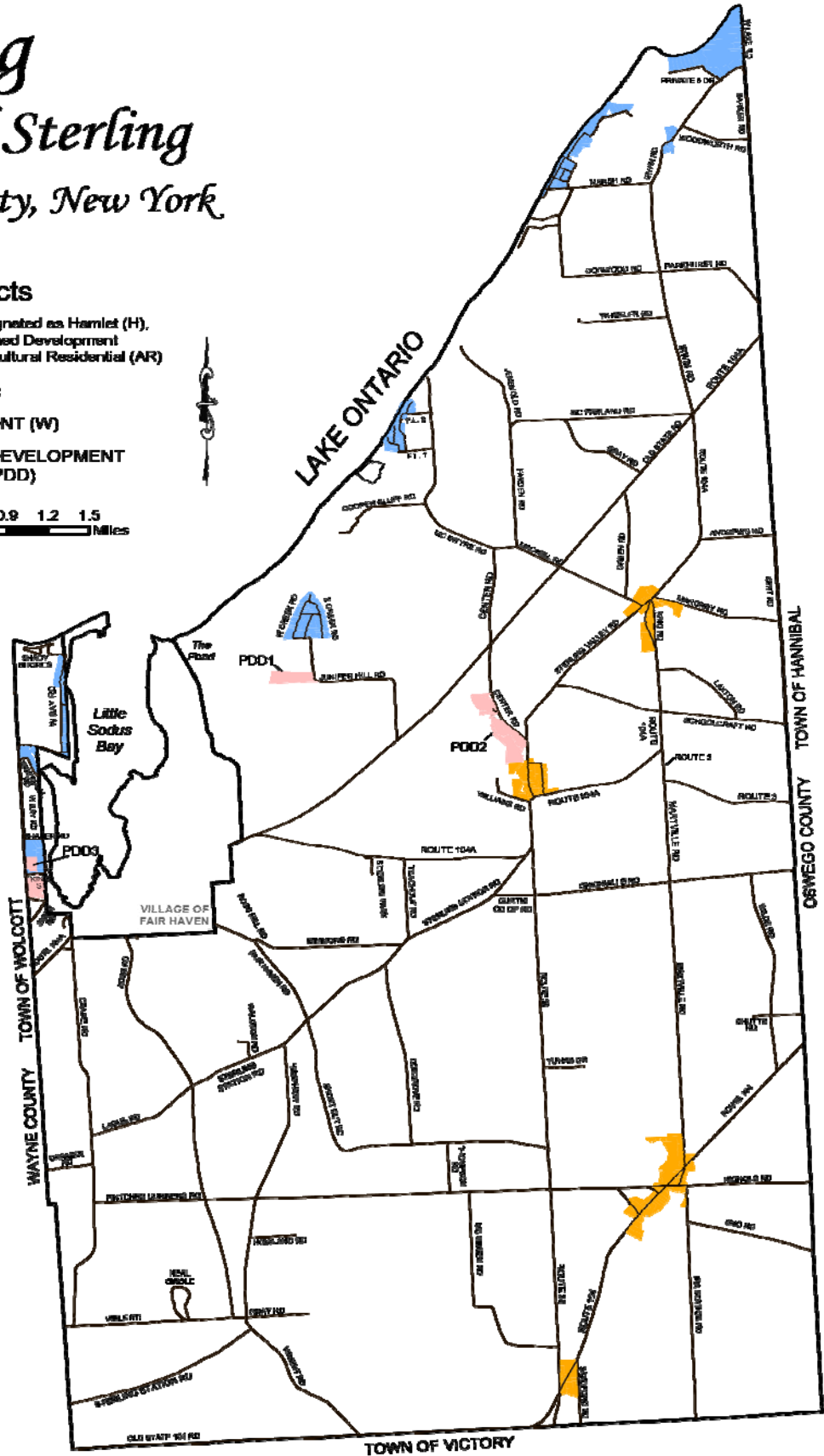
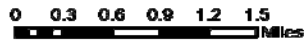
  
Bob Day, Code Enforcement Officer

# Zoning Town of Sterling Cayuga County, New York

## Zoning Districts

Note: All areas not designated as Hamlet (H), Waterfront (W), or Planned Development District (PDD) are Agricultural Residential (AR)

- HAMLET (H)
- WATERFRONT (W)
- PLANNED DEVELOPMENT DISTRICT (PDD)



Map prepared by the Cayuga County Dept. of Planning and Economic Development June 14, 2019



NEW YORK STATE  
BUILDING PERMIT  
Town of Sterling

Tax Map # 19.00-1-33

Permit #                     

Date Issued 2/22/2011

Issued to ENVY Scrap

Expires On 9/20/2011

Address 14725 St. Rt. 104

Resolution # 2011-031

NY State Fire & Building Insp.

*Non-conforming use  
permit and transfer  
license from Wilbur's  
junkyard to ENVY Scrap  
Processing.*

*[Signature]*  
Bruce Applebee

