

TOWN OF STERLING PLANNING BOARD MEETING

October 5, 2023

A Regular meeting of the Town of Sterling Planning Board was held on Thursday October 5, 2023 at the Sterling Town Hall with the following members present:

- June Ouellette ~ Chairman
- Sue Allen ~ Member
- Andrew Joyce ~ Member
- Paul Kelley ~ Member

Also Present: Randy Crawford, Peter Lehne, Michael & Mary Tandle, Mary Smith, Connie & Don York, Jim Mignogna, Brittany & Jordan Walzer, ZBA Chairman Richard Palmieri, and Town Councilor Joan Kelley. The meeting was called to order at 7:00 pm by Chairman Ouellette.

PUBLIC HEARING

**Michael Tandle**

Chairman Ouellette read aloud the legal notice and opened the Hearing at 7:02 pm.

*Notice is hereby given that the Planning Board of the Town of Sterling will hold a Public Hearing on Thursday October 5, 2023 at 7:00 PM at the Sterling Town Hall, 1290 State Route 104A, Sterling, NY 13156. An Application for a Special Use Permit with Site Plan Review and SEQR by Michael Tandle will be heard regarding a proposal for the construction of an accessory use structure - pole barn on vacant land, on property located at 16436 Ontario Shores Drive, Sterling, NY 13156; Tax Map #2.00-2-21.*

*All those wishing to be heard in favor of or in opposition of said application may appear in person or by other representation at said time and place. By order of the Planning Board, Lisa Somers, Clerk*

The applicant stated that he plans to build a shed on a vacant parcel to use for storage that they use seasonally. The members received a portion of a survey map and a sketch of the parcel with the proposed 10’x20’ shed located as well as the camper, electric service and transformer. The LUR has special conditions for the construction of a pole barn on a vacant parcel which will be reviewed and inspected by the CEO’s office. The short EAF Part 1 for SEQR was reviewed aloud with the following corrections initialed by the applicant.

~ Question #2 – No, no other permits required.

~ Question #7 – No, not located within a CEA, critical environment area.

~ Question #12b – Yes, according to the EAF Mapper, the property is located in an archaeological sensitive area.

~ Question #15 -Yes, property is in area identified as containing endangered/threatened species – Bald Eagle.

~ Question #16 – Yes located within a 100-year flood plain.

The Board completed Part 2 with no or small impact expected by the project, and a determination was made for Part 3 that no negative adverse impacts expected to the environment by this project. Chairman Ouellette opened the Hearing to public comments – there were none. A motion was moved by Member Joyce to close the Hearing at 7:10 pm, which was seconded by Member Kelley, all were in favor and the motion carried.

A motion was moved by Member Allen to adopt a Negative Declaration for the Unlisted action, which was seconded by Member Joyce, all were in favor and the motion carried.

A motion was moved by Member Allen to grant the SUP for a storage pole barn structure on vacant land, which was seconded by Chairman Ouellette, all were in favor and the motion carried.

**Resolution # 2023-06**

*BE IT RESOLVED, by the Planning Board for the Town of Sterling, upon the facts presented and the determination made, that the application for a Special Use Permit with Site Plan Approval for the construction of a pole barn storage structure as a Primary Use on vacant property located at 16436 Ontario Shores Drive, Sterling, NY 13156, Tax Map #2.00-2-21, is hereby **GRANTED** upon the following express conditions: none.*

*Roll call vote was taken:*

*Chairman, June Ouellette Aye*

*Member, Sue Allen Aye*

*Member, Paul Kelley Aye*

*Member, Andrew Joyce Aye*

**4 AYES 0 NAYES 0 ABSTENTIONS – APPROVED**

PUBLIC HEARING

**Peter Lehne**

Chairman Ouellette read aloud the legal notice and opened the Hearing at 7:15 pm.

Notice is hereby given that the Planning Board of the Town of Sterling will hold a Public Hearing on Thursday October 5, 2023 at 7:00 PM at the Sterling Town Hall, 1290 State Route 104A, Sterling, NY 13156. An Application for the Review of Subdivision by Peter Lehne will be heard regarding the Minor 2-Lot Subdivision of property located at 7 Christopher Drive, Sterling, NY 13156; Tax Map #9.00-1-3.121.

All those wishing to be heard in favor of or in opposition of said application may appear in person or by other representation at said time and place. By order of the Planning Board, Lisa Somers, Clerk

Peter Lehne stated that he would like approval to subdivide his 42-acre parcel into two lots – one to retain with his home and 18 acres, and the other to merge with adjacent parcel owned by Deborah Longo. The short EAF Part 1 for SEQR was reviewed aloud with the following corrections:

- ~ Question #5a & b – Yes, the project is permitted under the LUR and consistent with the comprehensive plan.
- ~ Question # 10 and #11 – No, the project does not involve the connection to water supply or wastewater utility.
- ~ Question # 16 – Yes - property is located within a 100-year flood plain.

The Board completed Part 2 with no or small impact expected by the project, and a determination was made for Part 3 that no negative adverse impacts expected to the environment by this project. Agricultural Data Statements were completed for this application because the property is located within 500-feet of an active farming operation. Chairman Ouellette opened the Hearing to public comments – there were none. A motion was moved by Member Joyce to close the Hearing at 7:24 pm, which was seconded by Member Allen, all were in favor and the motion carried. A motion was moved by Member Joyce to adopt a Negative Declaration for the Unlisted action, which was seconded by Member Allen, all were in favor and the motion carried.

A motion was moved by Member Allen to grant the 2-Lot minor subdivision provided that the landlocked parcel created is merged with the adjacent parcel. The motion was seconded by Chairman Ouellette, all were in favor and the motion carried.

#### **Resolution # 2023-07**

*BE IT RESOLVED*, by the Planning Board for the Town of Sterling, upon the facts presented and the determination made, that the application for a Minor 2-Lot Subdivision of property located at 7 Christopher Drive, Sterling, NY 13156, Tax Map #9.00-1-3.121, is hereby **GRANTED** upon the following express conditions:

- 1.) Must be filed with Cayuga County within 62 days.
- 2.) New 24.01-acre parcel to be merged with adjacent parcel #6.00-1-9.2 to prevent the creation of a landlocked parcel.

Roll call vote was taken:

Chairman, June Ouellette	Aye
Member, Sue Allen	Aye
Member, Paul Kelley	Aye
Member, Andrew Joyce	Aye

**4 AYES 0 NAYES 0 ABSTENTIONS – APPROVED**

#### **PUBLIC HEARING**

##### **Randy Crawford**

Chairman Ouellette read aloud the legal notice and opened the Hearing at 7:29 pm.

Notice is hereby given that the Planning Board of the Town of Sterling will hold a Public Hearing on Thursday October 5, 2023 at 7:00 PM at the Sterling Town Hall, 1290 State Route 104A, Sterling, NY 13156. An Application for a Special Use Permit with Site Plan Review and SEQR by Randy Crawford will be heard regarding a proposal for the construction of an accessory use structure - pole barn on vacant land, on property located along State Rt 104A (near intersection with Sterling Station Road), Sterling, NY 13156; Tax Map #10.00-1-59.81.

All those wishing to be heard in favor of or in opposition of said application may appear in person or by other representation at said time and place. By order of the Planning Board, Lisa Somers, Clerk

The applicant stated that he plans to build a pole barn on a vacant parcel to use for his personal storage. The members received a tax map with the proposed 42'x60' structure located at 100-foot setbacks from the east and south property lines. The LUR has special conditions for the construction of a pole barn on a vacant parcel which will be reviewed and inspected by the CEO's office. A 239Review was triggered by the project location being within 500-feet of State Route 104. The review was performed by Cayuga County with a Determination letter dated 9/21/23, wherein the Committee determined that the action has no intermunicipal concern and is of local concern only. A short EAF Part 1 for SEQR was reviewed aloud with the following corrections:

- ~ Question #1 – No, project does not involve legislative adoption.
- ~ Question #2 – No, no other permits required.

~ Question #5a & b – Yes, the project is permitted under the LUR and consistent with the comprehensive plan.  
 ~ Question #6 – Yes, action consistent with existing character of landscape.  
 ~ Question #12b – Yes, according to the EAF Mapper, the property is located in an archaeological sensitive area.  
 The Board completed Part 2 with no or small impact expected by the project, and a determination was made for Part 3 that no negative adverse impacts expected to the environment by this project. Chairman Ouellette opened the Hearing to public comments – there were none. A motion was moved by Member Joyce to close the Hearing at 7:10 pm, which was seconded by Member Kelley, all were in favor and the motion carried.  
 A motion was moved by Member Joyce to adopt a Negative Declaration for the Unlisted action, which was seconded by Member Allen, all were in favor and the motion carried.  
 A motion was moved by Member Joyce to grant the SUP for a storage pole barn structure on vacant land, which was seconded by Member Allen, all were in favor and the motion carried.

**Resolution # 2023-08**

*BE IT RESOLVED, by the Planning Board for the Town of Sterling, upon the facts presented and the determination made, that the application for a Special Use Permit with Site Plan Approval for the construction of a pole barn storage structure as a Primary Use on vacant property located along State Route 104A ( near intersection with Sterling Station Road), Sterling, NY 13156, Tax Map #10.00-1-59.81, is hereby **GRANTED** upon the following express conditions: none.*

Roll call vote was taken:

Chairman, June Ouellette	Aye
Member, Sue Allen	Aye
Member, Paul Kelley	Aye
Member, Andrew Joyce	Aye

4 AYES 0 NAYES 0 ABSTENTIONS – **APPROVED**

**BUSINESS**

**Connie York**

Applications for site plan review and SUP were submitted by Connie York to allow the usage of two sheds for purposes of camping, fishing, hunting on property recently purchased. Mrs. York and her husband purchased two sheds that they have been using for family and friends but would like to create a business for public rentals. The CEO had issued a violation for the illegal use and advised them to discuss the project with the Planning Board. Mrs. York had provided a narrative which explained methods for potable water, grey water disposal, sewage-biodegradable waste bags, trash disposal, fire prevention, and solar lighting. The owners are avid hunters which provides their main source of food. The sheds are modest with no insulation or electricity or plumbing and are intended for seasonal use only. The property is large enough to maintain suitable buffers with neighboring properties and the owners reside only 30 minutes away. Connie York stated that through her research of the Town’s LUR and discussions with the CEO, she realizes that there are no provisions that allow this type of use. She urges the Town to investigate a way to allow seasonal recreational units that could benefit the Town and support the tourist and rural character that the Town already has. The Planning Board asked several questions regarding the septic plans proposed, but also stressed that their main concern is to preserve the natural environment which is why single-family homes with proper utility development is allowed and supported by the Comprehensive Plan. They also acknowledge that they have had more interest this past year by the public to pursue this type of development and that the Town Board and its Zoning Commission are aware of it. Joan Kelley, resident- Town Councilor – Zoning Commission Chairman – added that the process is a cumbersome one in that the research and draft legislation is performed by the Zoning Commission at the behest of the Town Board, is reviewed and recommended by the Planning Board, undergoes SEQR, 239Review by the County, and Public Hearing before the Town Board considers adoption as a Local Law/Amendment of the LUR. Connie York stated that she would return in the spring to discuss what progress has been made and what their options are.

**Anthony Martin**

Surveyed maps of property owned by Anthony Martin were presented to the Board for review of a 2-Lot subdivision of property located at 1741 Maroney Road. The board reviewed the map against the required elements checklist and found the plat to be complete. The application needs to be filed with the Town Clerk with payment of fee. Part 1 of the short EAF also needs to be completed. A public hearing was scheduled for November 2, 2023 at 7:00 pm.

## PRIVILEGE OF THE FLOOR

~ ZBA Chairman Rich Palmieri - Initiated a discussion regarding the work of the ZBA, its duties and the authority of the Town Board. In particular he described a recent Executive Session of the Town Board regarding CNY Scrap, wherein the Board made a decision to allow the three properties in dispute to be considered eligible for the SUP status in direct conflict with the Interpretation by the ZBA which upheld the actions of the CEO. He questioned the impacts of the Town Board overriding the work and decisions of the ZBA, and possibly the planning board, processes and approvals. It would appear that a legal foundation has been made for arbitrary and capricious handling of an SUP, that is if Boards of the Town were to enact upon the court system, but is that the direction to go and would the results be warranted for future cooperation and integrity of the Town government. Facts yet to be determined include whether a resolution was made, and did the action attain the merits to be discussed within an executive session. Another question is whether the office of the CEO works at the pleasure of the Town Board, or whether he is allowed to perform duties of his Office as he sees fit. The Planning Board members were concerned about the actions of the Town Board, and have similarly had work overlooked and not brought to the floor for discussion at Town Board meetings. Rich Palmieri thanked the members for listening and hopes that continued communication will commence as both the ZBA and Planning Board spend hours performing due diligence to protect the Town and uphold the LUR and Comprehensive Plan.

~ Chairman June Ouellette – The Sterling Water Stewards, Karen Haas, has approached the Zoning Commission to possibly schedule time during a Planning Board meeting for their newest hydrogeologist to speak. He will provide a general understanding of potential impacts to the water supply by current issues in the area.

~ Jim Mignogna – Member of the Town of Victory Planning Board interested in the status of the Martville mine owned by the Torrese's. The members informed him that they have not been before the Planning Board yet, nor have they submitted any paperwork.

He asked whether the Town was aware of the Brillo project. Property approximately 100-acres in size that accepted waste in barrels approximately 50 years ago. Massive dumping into 40-foot-deep trenches occurred regularly and was then covered over and abandoned several decades ago. Recently a road was built by the DEC and Federal agencies that may be retrieving and removing barrels, but little is known about what's happening. The Board agreed to contact him regarding the mine and any presentations regarding the water.

## MINUTES

A motion to approve the minutes for the meeting of September 7, 2023 was moved by Member Kelley and seconded by Member Allen, all were in favor without further discussion and the motion carried.

## ADJOURN

On a motion by Member Joyce and seconded by Member Kelley, the meeting was adjourned at 8:47 pm.

Approved Minutes,  
respectfully submitted,

Lisa Somers  
Planning Board Clerk