

REGULAR MEETING

October 28, 2024

A regular meeting of the Sherrill City Commission was held at 7:00 p.m. on October 28, 2024. Present were Mayor W. Vineall, Commissioners C. Niles, B. Piccola, K. Sayles, J. Shay, City Manager B. Lovett and City Clerk M. Holmes.

MINUTES

Motion was made by K. Sayles and seconded by J. Shay that the minutes of the previous meeting be approved as written.

AYES: Niles, Piccola, Sayles, Shay, Vineall

BILLS

Motion was made by B. Piccola and seconded by J. Shay that the following bills be approved for payment and W. Vineall be authorized to sign the warrant.

Fund	Warrant No.	Date	Dollars
City Claims on	19	10/28/2024	\$213,470.72
Sewer Claims on	19	10/28/2024	\$ 1,270.57
P&L Claims on	19	10/28/2024	\$159,398.71
Trust & Agency Claims on	19	10/28/2024	\$ 1,250.00

AYES: Niles, Piccola, Sayles, Shay, Vineall

PROPOSED LOCAL LAW NO. 1 OF 2024

PROPOSED AMENDMENTS TO THE CITY OF SHERRILL ZONING REGULATIONS

Mayor Vineall opened the public hearing of the proposed local law at 7:15 p.m. There were 33+/- residents present for the meeting. Mayor Vineall opened with a statement thanking the Planning Board and its review committee for their time in reviewing the Sherrill zoning regulations over the past two plus years. The committee started their review in September 2022. The committee gave their suggestions in December 2023, and in January 2024. Bond, Schoeneck & King (BSK) then performed their review for any legal issues and or compliance. The city has referred to and heard back from Oneida County Planning. The mayor invited comments from the public. Robin Vanderwall, 138 Thurston Terrace read a statement that she left for the Commission afterwards. Included were comments that the changes were dramatic and noted four items of concern to her. She noted the use variance versus special use permit process; the change from four of five affirmative votes to three of five for a variance approval by the ZBA, lack of definitions for row houses and the allowance of marijuana in a C-2 zone. Additionally, she questioned the city's notification process of the public hearing. Nolan from BSK addressed the special use permit vs. use variance and noted that the use variance goes with the property forever and that a special use permit is granted with conditions and specific to the applicant and is revocable. He cited General Municipal Law as the reasoning behind the change from four affirmative votes to three affirmative votes for variances. The Commission noted that the city has passed a Local Law prohibiting marijuana sales and the inclusion in the C-2 zone is just a location for it in the chance that the Local Law is ever reversed. Four other residents made comments, Jeff Mahady, 210 E. Noyes Blvd., Abigail Kimball, 111 W. Hamilton Ave., Fred Diddle, 667 E. Hamilton Ave., and Tara Goris, 705 W. Hamilton Ave. Among their comments were that the lawyers the city hired represent ONX3, Why the change from four affirmative votes to three was repeated, the residents don't want anything that would wreck the community as it is now, would hate to see anything jeopardize that. Ms. Goris also presented a petition to the City Commission insinuating that the driveway portion of the zoning changes would restrict homeowners from expanding driveways. Lovett noted that this is not the case and the addition into the zoning regulations is just memorializing the Commissions policy that was adopted and implemented 4-5 years ago and that roughly 40 residents have adhered to.

Mayor Vineall closed the public hearing at 7:50 p.m.

RESOLUTION ISSUING A SEQRA NEGATIVE DECLARATION IN RELATION TO
PROPOSED AMENDMENTS TO THE CITY OF SHERRILL ZONING REGULATIONS

At the close of the public hearing Attorney Nolan Kokkoris went through the SEQR steps with the commission the following motion was offered by Commissioner J. Shay and seconded by Commissioner K. Sayles that the following:

WHEREAS, at a regular meeting of the City Commission on October 14, 2024, City Commissioner Piccola introduced for consideration Local Law No. 1 of 2024 entitled “A Local Law Amending the City of Sherrill Zoning Regulations” (the “**Proposed Local Law**”)

WHEREAS, the purpose of the Proposed Local Law is to amend the Zoning Regulations of the City of Sherrill, New York (the “**Action**”), more commonly known as the City of Sherrill Zoning Regulations (the “**Zoning Regulations**”);

WHEREAS, the City desires to comply with the New York State Environmental Quality Review Act (“**SEQRA**”), as set forth in Article 8 of the New York State Environmental Conservation Law, and the requirements of the implementing regulations set forth at 6 NYCRR Part 617 (the “**Regulations**”), with respect to the Action; and

WHEREAS, the City prepared Part 1 of the Long Environmental Assessment form (the “**Long EAF**”) in connection with the Action to aid the City in determining whether the Project may have a significant effect upon the environment; and

WHEREAS, pursuant to the Regulation, the City has considered the Project in light of the actions included on the Type I list specified in Section 617.4 of the Regulations and in light of the actions included on the Type II list specified in Section 617.5 of the Regulations; and

WHEREAS, the City held a public hearing on October 28, 2024 to receive public comment on the Action.

NOW, THEREFORE, BE IT RESOLVED the City hereby classifies the Action as a “Type I” action under SEQRA; and

BE IT FUTHUR RESOLVED that the City hereby concludes that the following impacts are expected to result from the Action, when compared against the criteria in Section 617.7 (c) of the Regulations:

- a. There will not be a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems.
- b. There will not be large quantities of vegetation or fauna removed or destroyed as the result of the Action; there will not be substantial interference with the movement of any resident or migratory fish or wildlife species as the result of the Action; there will not be a significant impact upon habitat areas; there are no substantial adverse impacts on any known threatened or endangered species of animal or plant, or the habitat of such species; nor are there any other significant adverse impacts to natural resources
- c. There are no known Critical Environmental Area(s) on the site which will be impaired as the result of the proposed Action
- d. The Action will not result in the creation of a material conflict with the City's current plans or goals as officially approved or adopted.
- e. The Action will not result in the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character.
- f. There will not be an increase in the use of either the quantity or type of energy resulting from the Action.
- g. There will not be any hazard created to human health.
- h. There will not be an irreversible change in the use of active agricultural lands that receive an agricultural use tax exemption or that will ultimately result in the loss of ten acres of such productive farmland.
- i. The Action will not encourage or attract large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the Action.
- j. There will not be created a material demand for other Actions that would result in one of the above consequences.
- k. There will not be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact.

1. There are not two or more related Actions which would have a significant impact on the environment.

BE IT FURTHER RESOLVED that, based upon the information and analysis above, the Action will not result in any significant adverse environmental impacts; and

BE IT FURTHER RESOLVED that the information available concerning the Action was sufficient for the City to make its determination; and

BE IT FURTHER RESOLVED that the City hereby approves and adopts the attached Long EAF for the Action (Parts 1, 2, and 3); and

BE IT FURTHER RESOLVED that a Determination of Non-Significance on the proposed Action is hereby issued; and

BE IT FURTHER RESOLVED that the preparation of an environmental impact statement for the Action shall not be required; and

BE IT FURTHER RESOLVED that the City Manager is directed to sign the Long EAF, Part 3 and issue the Negative Declaration as evidence of the City's determination; and

BE IT FURTHER RESOLVED that this Determination of Non-Significance has been prepared in accordance with SEQRA and the City Clerk is hereby directed to file, publish and distribute a notice of this Negative Declaration pursuant to 6 NYCRR § 617.12(a)(1); and

BE IT FURTHER RESOLVED that the City Manager and City's attorneys are authorized to take such further and additional action as may be needed to carry out this Resolution.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

Mayor Vineall voting	AYE
Commissioner Piccola voting	AYE
Commissioner Sayles voting	AYE
Commissioner Niles voting	AYE
Commissioner Shay voting	AYE

After the SEQRA adoption the City commission decided that it would delay its vote on the Local Law #1 of 2024 until the next meeting on November 12, 2024 to weigh and consider the public comments.

*Subsequent to the meeting the city obtained confirmation that BSK does not or has not ever represented ONX3, or Robert Trafford.

Motion was made by J. Shay and seconded by C. Niles to adjourn.

AYES: Niles, Piccola, Sayles, Shay, Vineall

Michael Holmes
City Clerk