

**July 19, 2022  
7:00PM**

**A PUBLIC HEARING on Proposed Local Law No.2 of 2022  
A local law within the Town of Tully, New York to establish a  
temporary moratorium on certain land development applications that  
are pending or may subsequently be filed with the Town of Tully**

**This PUBLIC HEARING will be held at the Tully Elementary School  
Auditorium, 20 State Street, Tully, New York  
with a REGULAR MEETING of the Town Board, Town of Tully immediately  
following at the Town Hall, 5833 Meeting House Rd, Tully NY**

Members Present: Supervisor John Masters  
Councilor Frank Speziale  
Councilor John Snavlin  
Councilor Catherine Goodwin  
Town Clerk Susan Vaccaro

Absent: Councilor Chris Chapman

Others present: Town Attorney Robert S. DeMore, Code Enforcement Officer Ralph Lamson, and numerous residents were also present.

**Resolution 55-22  
Motion to open the public hearing**

Supervisor Masters called for a motion to open the public hearing. Councilor Snavlin made the motion. Councilor Speziale seconded.

(Masters, Snavlin, Speziale, Goodwin) Ayes 4 Nays 0

A public hearing to consider a temporary moratorium on land applications was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Mr. Masters then spoke briefly asking that residents be respectful and limit their comments to 3 minutes. He then spoke regarding the need for a moratorium on land development so that the Comprehensive Plan could be updated. During that time, the demand for a particular use of land may arise for which there may not be appropriate controls. The objective of municipal land use control is to promote community planning values by properly regulating land development.

At this time, Mr. Masters called for any comments from the floor and asked that residents come down to the microphone to speak.

Janet Hillenbrand, who lives on Route 281, expressed concerns about the increased truck traffic on that road adding more pollution to what is already there. Many residents expressed similar concerns about the truck traffic. In addition, there were concerns about the danger to children riding bikes, joggers and walkers along that road as well. Chris Kreuth commented regarding the short distance on Lake Road to the entrance to 81 south and suggested that a traffic study be done.

Tarki Heath, president of the Onondaga Kettle Lakes Association, had concerns regarding the growing number of aquatic species in the lakes as well as the warming waters impacting our ecosystems negatively, storm and agricultural runoff including outdated septic systems carrying a growing number of contaminants of concern. She stated that much of what we know about Green Lake comes from the USGS and the DEC. We don't have info on critical areas of runoff. Water contamination on Green Lake could pose grave threats downstream, so a pause at this time would provide an opportunity to know Green Lake so we could better assess the risks.

Allison Eagan, who lives in Liverpool but has relatives here in Tully, read a letter from Colleen Zawadski, a member of the Tully Lake Property Owners Association who could not be here tonight, but wanted to ask the board to support the moratorium on land applications until the Comprehensive Plan could be updated. Mike Schechter asked for a detailed plan from Mirabito including the impact on traffic and whether roads would be widened. Other residents expressed similar concerns including John Considine, Terri Murray, Brian Hust, Justin Fedor, and Joe Heath, who spoke briefly and asked the

board to adopt the moratorium.

Maryann Hayes, new to the Tully community, advised that the area where they had moved from had issues at truck stops with sex trafficking. She asked about statistics on sex trafficking at truck stops, asked if there were local laws to address temporary housing for sex offenders, and how far from schools that housing might be. So she was in favor of a moratorium for research to be done on these issues. Jan Kublik spoke briefly regarding an update of the Comprehensive Plan and was in favor of a moratorium as was Judy Dzikowski.

John Bishop, a builder and resident of Tully, whose family has been here for generations, gave an historic picture of the changes that have taken place over the years and asked the board to take the time to do the studies to make sure it's the right thing for the community. Jill Northrup echoed his sentiments and mentioned that at least one lot in question was for sale for two decades, and people did have the opportunity to purchase it. Haley Fedor, who lives on Shasta Drive, mentioned that she had called on the lot for sale and never got an answer. She is concerned about traffic with her children riding their bikes on the cul-de-sac. She also expressed concerns about the level of noise from the trucks which could be a health hazard.

Kevin Cook moved to Tully 27 years ago. He said people who built close to the subject property took the risk of future commercial construction on the site. He mentioned the property was attractive for investment and, particularly, for the construction of a gas station. He spoke about the moratorium and offered that such regulation can prevent growth.

Janice Logan spoke in favor of this moratorium since she felt the need to take some time and asked people to consider what the health risks might be as well as the risks to our environment.

John Sidd spoke next representing the owner of the subject property and Mirabito which has a pending application to develop the site with a gas station and convenience store. He stated this moratorium is targeted at his clients, is inappropriate and unlawful. He also stated that our town supervisor speaks the truth. At the town board meeting last week, he indicated that there would be a public hearing tonight in this room on the moratorium for the Mirabito project. That is not what moratoriums are to be used for. They are not necessary for a traffic study or an environmental review. Those things are baked into the process itself. In 2019, this board had several large-scale solar project applications pending. Solar laws were new to everyone and the board needed time to learn how to deal with this development, so a temporary moratorium law was adopted. This moratorium is targeted at one application.

Our application has been substantially revised. You have a planning board that is fully equipped to review this application and either approve or deny.

Trudy Krewson, former town clerk for 19 years, spoke briefly about the changes that have taken place over the years in Tully. She said the changes are inevitable. We just have to rely on our board to do the right thing as these applications come along.

Matt Napierala, a site engineer with Napierala Consulting who lives in Pompey, stated that we are here to provide the most modern and protected system developed associated with a convenience store operation. We follow all environmental laws. We will be doing a complete traffic study, a noise study and a lighting study as part of the application process. We will show the town the protective systems that will be applied. A stormwater runoff control system will improve the runoff point into the Kettle Lakes and not be an adverse impact.

### **Motion to adjourn**

Supervisor Masters called for a motion to conclude the public hearing at 8:20pm. Councilor Goodwin made the motion. Councilor Snavlin seconded.

(Masters, Snavlin, Speziale, Goodwin) Ayes 4 Nays 0

**8:45pm**

Supervisor Masters called the meeting to order and led in the Pledge of Allegiance.

Attorney Robert S. DeMore advised that this is a temporary moratorium for one year for activity in the water shed district which our engineers established and which is included in the map. Mr. DeMore went on to discuss case law on moratoriums.

**Resolution 56-22**

The undersigned, being Supervisor, hereby certifies the necessity of immediate passage of Local Law No. 2 of 2022 pursuant to Municipal Home Rule Section 20-4. Councilor Snavlin made the motion. Councilor Goodwin seconded.

(Masters, Snavlin, Speziale, Goodwin) Ayes 4 Nays 0

**Resolution 57-22**

Motion under SEQR, the proposed adoption of a moratorium is a Type II action and does not require a determination of significance or the preparation of any other SEQR documents. Councilor Snavlin made the motion and Councilor Speziale seconded.

(Masters, Snavlin, Speziale, Goodwin) Ayes 4 Nays 0

**Resolution 58-22**

Motion to adopt Local Law No. 2 of 2022 on the temporary moratorium. Councilor Snavlin made the motion and Councilor Goodwin seconded.

(Masters, Snavlin, Speziale, Goodwin) Ayes 4 Nays 0

Cheryl Wayne, a resident, spoke out about having been at the public hearing and thinking that residents that spoke out may not have been heard because it seems that the board already made its decision to go ahead with the moratorium. Brief discussion followed.

Another resident spoke about a business being excluded from this town would hurt the tax base. Discussion followed.

**Motion to Adjourn**

Motion was made by Councilor Snavlin and seconded by Councilor Speziale to adjourn the meeting at 9:00pm.

(Masters, Snavlin, Speziale, Goodwin) Ayes 4 Nays 0

Respectfully submitted,

Susan Vaccaro, Town Clerk