

TOWN BOARD MEETING

The Regular Meeting of the Town Board of the Town of Cortlandville was held at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York, with Supervisor Tupper presiding.

Members present:

Supervisor, Richard C. Tupper  
Councilman, Theodore V. Testa  
Councilman, John C. Proud  
Councilman, Gregory K. Leach  
Town Clerk, Karen Q. Snyder, RMC

Absent:

Councilman, Ronal L. Rocco

Others present were: Town Attorney, John Folmer; Highway Sup’t. Carl Bush; Town Planning Board Member, Nick Renzi; Town Zoning Board of Appeals Member, David Alexander; Jim Reeners; Mike Reeners; Mary Lee Martens; Cindy Caldwell; Celeste Schueren; Noreen Talarico; Doris Roos; Jane Rowe; Judy Booth; Marilyn DeLorenzo; Dick Menapace; Sarah A. Waller; Ha Svereika; Kathy & David Jacobsen; Amy Bauer; Capri King; Don King; Beth Holland; Loren Holland; Pamela Stark; Doris Fernandez; Nancy Cavellier; Anne Doyle; Paul Heider; Karen Hempson; News Reporters: Eric Mulvihill from WXHC, and Sharon Stevans for Channel 2, Access TV.

Supervisor Tupper called the meeting to order.

Councilman Leach made a motion, seconded by Councilman Proud, to approve the Draft Special Town Board Minutes of January 28, 2013. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Proud, to approve the Draft Town Board Minutes of February 6, 2013. All voting aye, the motion was carried.

RESOLUTION #69

AUTHORIZE PAYMENT OF VOUCHERS – MARCH

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Motion by Councilman Proud  
Seconded by Councilman Leach  
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the vouchers submitted have been audited and shall be paid as follows:

Funds A, B, DA, DB	Voucher #206-259:	
	General Fund A	\$102,422.89
	General Fund B	\$ 32,598.52
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 55,010.21
Funds CD1, CD3, CD4	Voucher #7-9:	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 4,963.51
	Business Devl CD4	\$ 0.00
Fund CD2	Voucher #0	
	Senior Rehab CD2	\$ 0.00
Fund HC, SS, SW	Voucher #80-98	
	NYS Rt 13 Sewer Rehab HC	\$ 622.00
	Sewer SS	\$ 80,767.05
	Water SW	\$105,496.88
Funds SF, TA, TE	Voucher #7-9	
	C’Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 33,455.65
	Expendable Trust TE	\$ 0.00

Supervisor Tupper offered privilege of the floor to Jim Reeners.

Jim Reeners requested the Board to move forward with the approval process for his zone change request involving property located at the end of Commons Avenue in order to develop an independent senior living community. He asked the Board not to wait another 6 months or more to complete a study of the entire Route 281 corridor. Mr. Reeners explained that the site he was requesting the zone change for was “one small area with clearly defined characteristics”; whether now or 6 months from now a decision would be required.

Mr. Reeners stated that given the criteria necessary for a project of this nature, the site was by far the best. There was no other location that meets all the infrastructure and needs requirements such as water, sewer, medical, natural gas, electrical, public transportation, and overall quality of life. He stated it was discouraging to think that he would be forced to develop the project anywhere other than the proposed location. Mr. Reeners stated that the potential tenants and owners are the people who have provided for themselves throughout their lives and helped build the community through their lifelong tax dollars.

Mr. Reeners stated that the focus has been on creating jobs to generate tax dollars, while ignoring taxpaying seniors who are forced to reduce their standard of living or leave the area to obtain comfortable, later-life living conditions.

Mr. Reeners reviewed the oppositions and concerns and explained how they have been addressed.

1. Increased water run-off problems. There is currently no surface water-runoff control system existing in the area. Three controlled water retention areas would be provided.
2. Lower property values and excessive density. Neighbors claim the project would damage property values. According to the Real Property Tax Office, every home built would be valued higher than 70% of the existing neighboring homes. Neighboring homes of greater value are already being devalued by their own neighbors.
3. A large overpowering multiple dwelling. A single two-story building was proposed at the northern most part of the project surrounded by 100,000 sq. ft. of open land. The building would cover less than 2% of the project.
4. Why can't the project be developed according to the current R-1 zoning? The basic concept of an independent senior living to community is to provide living variations with amenities and minimal maintenance. To develop the property for seniors under the current zoning would mean each owner would have to maintain 27,000 sq. ft. of yard, landscape, driveways, and walks, which is the opposite of what seniors desire.
5. Why were the Reeners' seeking a new R-4 zoning classification? The neighbors expressed concern that once an R-3 zone change was obtained any of the uses allowed in an R-3 zone could be carried out, which was correct. The proposed R-4 zone omitted all uses except those for living. The zone change approval was also tied to the approval of the proposed project, meaning that if the project was not approved the zone change would not occur.
6. Age restricted tenants. The federal 1995 Housing for Older Persons Act was passed to allow some housing projects to restrict occupancy to persons ages 55 and older. This is the only housing discrimination allowed under federal law, and the Reeners' would be operating under its protection.
7. Spot Zoning. It was suggested that rezoning the parcels to R-4 was spot zoning which is illegal. As defined by the NYS Department of State's Zoning and Comprehensive Plan, spot zoning is a zoning action that is taken to benefit a single land owner and is not in accordance with a comprehensive plan, which in this case is residential use. However, if you read further it states “the fact that a rezoning will benefit a landowner will not on its own merit invalidate the action. The rezoning must also further some clearly identified public purpose.” The new R-4 classification guarantees residential use, and Mr. Reeners stated that he clearly defined the specific public purpose. Also, the eastern boundary is zoned for business; the natural progression from a business zone would be a higher density residential zone.
8. Is there a need for the project? Mr. Reeners had supporters of his project in attendance, and mentioned that almost 500 people have visited his new website over the past three weeks.

Mr. Reeners stated they have adapted and met all of their oppositions concerns with regard to the scope of the project. They failed to see how a community of age 55 and over seniors would disrupt anyone's lifestyle. Mr. Reeners asked the Board to move forward with considering his request for a zone change. Once approved it would take almost a year to start construction. He stated that they were offering the Town a solution to the lack of middleclass senior housing in the area, and an almost \$10 million increase in the tax base. Mr. Reeners asked the Board to remember that they represent the entire Town of Cortlandville, and not just the residents of Westmore Lane.

Mr. Reeners asked for Mary Lee Martins representing MIKA to address the Board.

Supervisor Tupper interjected and thanked Mr. Reeners for speaking. He stated there was nothing on the agenda pertinent to the discussion and stated he did not want to get into a public hearing situation. Supervisor Tupper stated that Mr. Reeners answered concerns from his point of view but not necessarily to the residents of Westmore Lane's point of view. At this point, the Board had no intention of creating an R-4 zone. If Mr. Reeners could not make the project work in the R-1 zone, then he would have to ask the Town for a zone change to R-3. Supervisor Tupper stated that Mr. Reeners was asking the Board to change the zoning on a parcel that there was no proposal on. Supervisor Tupper indicated the Mr. Reeners needed to go to the Planning Board, not the Town Board.

Mr. Reeners stated he was instructed by the Town Planning & Zoning Officer to approach the Town Board first, not the Planning Board.

Attorney Folmer stated that in order to create an R-4 zone, the Town Board would have to adopt a local law creating the zone and amend the zoning map to correspond with the zone change. The Planning Board could approve all of the designs they want, as could the Zoning Board. However, if the Town Board was not prepared to enter into discussion of the enactment of a local law it didn't have to. Attorney Folmer explained that the Town Board has the legislative authority to act or not to act.

Supervisor Tupper offered privilege of the floor to Amy Bauer.

Amy Bauer, Town resident, presented the Board with a copy of a letter which she read aloud. She discussed the update to the Town's 2002 Land Use & Aquifer Protection Plan, in which the Board hired Clough Harbour & Associates (CHA) to do. The Board mentioned that a committee would be formed to work with CHA. Mrs. Bauer requested that at least two citizens of the Town be considered as members of such committee. She also asked for a copy of the CHA proposal to the Town for the update; requested that committee agendas and meeting minutes to be published to the Town's website; and requested to be made aware of the timing of public hearings or workshops associated with the development of the new Land Use Plan.

The monthly report of the Supervisor for the month of February 2013 was on the table for review and is filed in the Town Clerk's Office.

Attorney Folmer reported:

Demolition of Unsafe Building – Route 13 Partners, LLC:

Attorney Folmer reported that the demolition of the former Golden Skillet Restaurant on Route 13 was underway and projected it would be complete within the next few days.

2<sup>nd</sup> Town Justice Position:

Attorney Folmer reported that the period of time for permissive referendum with regard to the creation of a 2<sup>nd</sup> Town Justice position has passed without any petitions filed. The 2<sup>nd</sup> Town Justice position would be filled at the general election in November, to take office on January 1, 2014 for a 4-year term.

RESOLUTION #70	AWARD BID TO THOMA DEVELOPMENT CONSULTANTS FOR PROGRAM DELIVERY AND ADMINISTRATIVE SERVICES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR PRECISION EFORMING, LLC IN THE AMOUNT OF \$6,750.00
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Motion by Councilman Leach  
Seconded by Councilman Proud  
VOTES: ALL AYE ADOPTED

WHEREAS, a Request for Proposal was advertised for the program delivery and administrative services for the 2012 Small Business Community Development Block Grant (CDBG) for Precision Eforming LLC, and

WHEREAS, sealed bids were opened by the Town Clerk on March 4, 2013 at 12:00 p.m. as follows:

Thoma Development Consultants 34 Tompkins Street Cortland, New York 13045	\$6,750.00
OMNI Procurement Solutions LLC 204 E. Jefferson Street, Suite 200 Syracuse, New York 13202	\$8,464.76

BE IT RESOLVED, the bid as recommended by the Town Clerk is hereby awarded to Thoma Development Consultants of Cortland, New York in the amount of \$6,750.00.

RESOLUTION #71                      ACCEPT STATEMENT OF COMPLETION FOR TWO  
TOWN CAPITAL PROJECTS

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Motion by Councilman Proud  
Seconded by Councilman Leach  
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the Statement of Completion for the following Capital Projects are hereby accepted, and shall be received and filed:

Polkville Waterline Extension Project - \$2,095,522.06

Terrace Road Well Rehabilitation Project - \$302,215.00

RESOLUTION #72                      AUTHORIZE SUPERVISOR TO SIGN THE AFFIDAVIT  
REGARDING THE TOWN'S 2011 COMMUNITY  
DEVELOPMENT BLOCK GRANT HOUSING  
REHABILITATION PROGRAM BETWEEN THE TOWN AND  
RITA ROGERS, KARL J. ROGERS AND ANDREW STILES

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Motion by Councilman Leach  
Seconded by Councilman Testa  
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize the Supervisor to sign the Affidavit regarding the Town's 2011 Community Development Housing Rehabilitation Program, between the Town of Cortlandville and Rita Rogers, Karl J. Rogers, and Andrew Stiles, 4154 North Road, Cortland, New York regarding the extension of loan funds by the Town's CDBG Program for the total amount of \$27,490.00.

RESOLUTION #73                      AUTHORIZE APPROVAL REQUEST OF DIANE IRWIN FOR  
THE 2011 COMMUNITY DEVELOPMENT BLOCK GRANT  
HOUSING REHABILITATION PROGRAM

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Motion by Councilman Leach  
Seconded by Councilman Proud  
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize the approval request of Diane Irwin, for property located at 3908 Route 11 in the Town of Cortlandville, for a 100% deferred loan for the 2011 Community Development Block Grant Housing Rehabilitation Program, and it is further

RESOLVED, the work to be completed would include roofing, plumbing, exterior and interior carpentry, electric, masonry, siding, windows & doors, and other for a total of \$28,792.00.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from Menter, Rudin & Trivelpiece P.C., dated March 8, 2013, regarding the Cortland County IDA - Byrne Dairy Inc./Finger Lakes East Business Park Project Public Hearing to be held Thursday, March 21, 2013 at 10:00 a.m. at the Raymond G. Thorpe Municipal Building. All voting aye, the motion was carried.

RESOLUTION #74                      SCHEDULE    PUBLIC    HEARING    REGARDING    THE  
SUBMISSION OF AN APPLICATION TO THE NYS OFFICE OF  
COMMUNITY RENEWAL FOR FUNDING UNDER THE  
FEDERAL SMALL CITIES COMMUNITY DEVELOPMENT  
BLOCK GRANT PROGRAM FOR APRIL 3, 2013

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Motion by Councilman Leach  
Seconded by Councilman Proud  
VOTES: ALL AYE ADOPTED

BE IT RESOLVED, a Public Hearing shall be scheduled for April 3, 2013 at 5:00 p.m. regarding an application to New York State Office of Community Renewal for funding under the Federal Small Cities Community Development Block Grant Program.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from New York State Homes & Community Renewal, dated March 14, 2013, regarding the NYS Community Development Block Grant Economic Development Program to assist in the Expansion of Byrne Dairy, Inc. All voting aye, the motion was carried.

RESOLUTION #75                      PROCLAIM MAY 4, 2013 AS THE AMERICAN CANCER  
SOCIETY'S MAY DAY FOR RELAY AND THE OFFICIAL  
KICK OFF OF RELAY FOR LIFE IN THE TOWN OF  
CORTLANDVILLE

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Motion by Councilman Proud  
Seconded by Councilman Leach  
VOTES: ALL AYE ADOPTED

WHEREAS, an estimated 103,340 NY residents are diagnosed with cancer each year, and 34,540 NY residents will not survive, and

WHEREAS, the Town of Cortlandville is joining over 5,000 other communities worldwide to host the American Cancer Society's Relay For Life, an event to celebrate cancer survivors and remember those who are no longer with us, and

WHEREAS, Relay for Life raises funds to help the American Cancer Society create a world with less cancer and more birthdays by helping people stay well, get well, find cures, and fight back, therefore

BE IT RESOLVED, the Town Board of the Town of Cortlandville does hereby proclaim May 4, 2013 as The American Cancer Society's May Day For Relay and the Official Kick Off of Relay For Life in the Town of Cortlandville, and further urges citizens to celebrate cancer survivorship, remember loved ones lost to the disease, honor caregivers and join the Town of Cortlandville's fight against cancer. Only together will we find a cure.

No further comments or discussion were heard.

Councilman Proud made a motion, seconded by Councilman Testa, to adjourn the Regular Meeting. All voting aye, the motion was carried.

The meeting was adjourned at 5:25 p.m.

Respectfully submitted,

Karen Q. Snyder, RMC  
Town Clerk  
Town of Cortlandville

\*Note:

The draft version of this meeting was submitted to the Town Board for their review on April 12, 2013  
The draft version of this meeting was approved as written at the Town Board meeting of April 24, 2013.