

PUBLIC HEARING NO. 1

AQUIFER PROTECTION PERMIT
879 ROUTE 13, LLC
877 NYS ROUTE 13
TAX MAP #95.16-02-73.000

A Public Hearing was held by the Town Board of the Town of Cortlandville at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York, concerning an application for an Aquifer Protection Permit submitted by 879 Route 13 LLC, requesting to demolish an existing building on site, construct a 3,500 ± sq. ft. building for two tenants, re-configure the parking lot, add landscaping and a stormwater management facility for property located on the west side of NYS Route 13, approximately 215' north of the intersection of Lime Hollow Road & NYS Route 13, tax map # 95.16-02-73-000.

Members present:

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

Others present were: Town Attorney, John Folmer; Highway Sup't. Carl Bush; Peter Blanchard from the *Cortland Voice*; Sharon Stevans from Channel 2, Access TV; Town resident, Pam Jenkins; Chris Calabro and Linc Swedrock from BME Associates.

Supervisor Tupper called the Public Hearing to order.

Town Clerk, Karen Q. Snyder, read aloud the published, posted and filed legal notice.

Councilman Tupper offered privilege of the floor to those in attendance.

Linc Swedrock, representing BME Associates and Chris Calabro, applicant and owner of 879 Route 13, LLC conducted a brief summary of the project. Mr. Swedrock explained that the old McDonald's building was being demolished and the applicant was proposing a new multitenant building. They relayed there would be a 2,000 sq. ft. bank area with a drive-thru in the back and a 1,500 sq. ft. retail facility. Mr. Swedrock reported they received recommendations from Cortland County Planning and a site plan approval from the Town Planning Board. The project plans show both parcels A and B, but Mr. Swedrock and Mr. Calabro were present for an Aquifer Permit and a SEQR on parcel B, which is the McDonald's site. BME Associates has worked with Cortland County Soil and Water regarding the stormwater design of the pond and they have proposed additional landscaping and lighting. Mr. Swedrock stated they have the approved variances from the Town Zoning Board of Appeals regarding signage and outdoor lighting. Mr. Calabro pointed out that there will be cross connections of parcel A and B in the site plan. Supervisor Tupper asked if there would be a driveway on Route 13 and Mr. Swedrock answered yes, they are maintaining the existing drive way on Route 13 and are proposing to relocate the driveway access location to Lime Hollow Rd to provide better cross access behind all parcels and to help with traffic flow. Councilman Proud questioned if they would maintain the two curb cuts on Route 13 to which the answer was yes. Mr. Swedrock explained they are maintaining the existing pattern. It will be one way in and one way out with normal parking in the front. The access will basically function as it did before. Supervisor Tupper asked if a car wanted to make a left turn onto Route 13, would this be discouraged. Mr. Swedrock and Mr. Calabro replied yes, it would be discouraged and reiterated that was the whole reason for the cross connection behind the existing Moe's building and the new building, as they understand it's an important element, adding that there will be adequate signage for proper traffic direction.

The Town Board thanked both gentlemen for their presentation and complimented Chris Calabro on the attractiveness of his property.

No comments or discussions were heard.

The Public Hearing was closed at 5:15 p.m.

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
Councilman, Walter J. Kasperek
Town Clerk, Karen Q. Snyder, RMC

Others present were: Town Attorney, John Folmer; Highway Sup't. Carl Bush; Peter Blanchard from the *Cortland Voice*; Sharon Stevans from Channel 2, Access TV; Town resident, Pam Jenkins; Chris Calabro and Linc Swedrock from BME Associates.

Supervisor Tupper called the meeting to order.

Councilman Proud made a motion, seconded by Councilman Leach to receive and file the Cortlandville Zoning Board of Appeals Minutes of February 21, 2017. All voting aye the motion was carried.

RESOLUTION #	AUTHORIZE SUPERVISOR TO SIGN PURCHASE ORDER #1371
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Motion by Councilman Leach
Seconded by Councilman Testa

VOTES: AYE – Tupper, Proud, Leach, Testa, Kasperek NAY - 0
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign Purchase Order #1371 submitted by Highway Sup't., Carl A. Bush, Jr. to be paid to Penn Power Group to replace Automatic Transmission in the 2014 International Dump Truck # 2923-D10-HWY for the total cost of \$9,924.60.

RESOLUTION #	AUTHORIZE SUPERVISOR TO SIGN PURCHASE ORDER #0129
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Motion by Councilman Proud
Seconded by Councilman Leach

VOTES: AYE – Tupper, Testa, Proud, Leach, Kasperek NAYS - 0
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign Purchase Order #129 submitted by Water and Sewer Sup't. Peter Alteri, to be paid to Gartner Equipment Co., Inc. for materials and equipment to rebuild the Blue Creek Fire Pump for the total cost of \$8,362.26.

RESOLUTION # AUTHORIZE PAYMENT OF VOUCHERS - MARCH

Motion by Councilman Kasperek

Seconded by Councilman Testa

VOTES: AYE - Tupper, Testa, Proud, Leach, Kasperek

NAY - 0

ADOPTED

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

Funds A, B, DA, DB	Voucher #174-207	
	General Fund A	\$ 125,274.04
	General Fund B	\$ 44,585.70
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 48,264.56
Funds CD1, CD3, CD4	Voucher #(None)	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 0.00
	Business Devl CD4	\$ 0.00
Fund HA, HB, HC, HD, HE, SS, SW	Voucher #77-93	
	Luker Rd Water HA	\$ 0.00
	Owego St Water HB	\$ 0.00
	NYS Rt 13 Sewer Rehab HC	\$ 0.00
	Oakcrest/Pendleton Sewer HD	\$ 0.00
	Saunders Rd Sewer HE	\$ 0.00
	Sewer SS	\$ 7,847.83
	Water SW	\$ 17,149.43
Funds SF, TA, TE	Voucher #8-10	
	C'Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 33,971.34
	Expendable Trust TE	\$ 0.00

Supervisor Tupper offered privilege of the floor to Pam Jenkins.

Pam Jenkins addressed the Board regarding three letters. Ms. Jenkins indicated that the first letter, dated February 2, 2017, was mailed and emailed to Kathy Wickwire, Dan Dineen and all the members of their Board. The second letter dated February 17, 2017 was mailed and emailed to all members of the Cortlandville Planning Board. The third letter, dated February 23, 2017 was emailed and sent by registered mail to Attorney Folmer. Ms. Jenkins requested that all three letters be added to the minutes in their entirety.

Councilman Proud made a motion, seconded by Councilman Testa to receive and file correspondence, submitted by Pam Jenkins, dated February 2, 2017, February 17, 2017 and February 23, 2017 regarding the approval from the Town Planning Board for a conditional permit for Leach Properties. All voting aye, the motion was carried.

**RESOLUTION # ACCEPT ANNUAL REPORT OF THE LAMONT MEMORIAL
FREE LIBRARY FOR THE YEAR 2016**

Motion by Councilman Leach

Seconded by Councilman Kasperek

VOTES: AYE – Tupper, Testa, Proud, Leach, Kasperek

NAYS - 0

ADOPTED

BE IT RESOLVED, the Annual Report of the Lamont Memorial Free Library dated February 14, 2017 for the year 2016, is hereby accepted and shall be received and filed.

The monthly reports of the Town Clerk, Tax Collector, Supervisor, and Water & Sewer Department for the month of February 2017 and the Town Justices for the month of January 2017 were on the table for review and are filed in the Town Clerk's office.

Councilman Proud made the motion, seconded by Councilman Leach to receive and file the Cortland County Planning Board Resolution #17-01, dated December 21, 2016 and the Cortland County Planning Department's review & recommendations regarding the Aquifer Protection Permit Application of 879 Route 13, LLC. All voting aye, the motion was carried.

RESOLUTION #	DECLARE NEGATIVE IMPACT FOR AQUIFER PROTECTION PERMIT APPLICATION #2 OF 2017 SUBMITTED BY 879 ROUTE 13, LLC FOR PROPERTY LOCATED ON 877 ROUTE 13 PLANNING BOARDS FOR REVIEWS AND RECOMMENDATIONS
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Motion by Councilman Proud

Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Proud, Leach, Kasperek NAYS - 0
ADOPTED

WHEREAS, an Aquifer Protection Permit application submitted by the 879 route 13 LLC to demolish an existing building on site, construct a 3,500 ± sq. ft. building for two tenants, re-configure the parking lot, add landscaping and a storm water management facility, and

WHEREAS, the Town Board as Lead Agent, duly reviewed and completed the Short Environmental Assessment form, therefore

BE IT RESOLVED, the Town Board as Lead Agent, does hereby declare the proposed project of 879 Route 13, LLC, Aquifer Protection Permit application #2 of 2017, shall have no significant environmental impact.

RESOLUTION #	AUTHORIZE SUPERVISOR TO SIGN SEQRA APPLICATION OF AQUIFER PROTECTION PERMIT APPLICATION #2 OF 2017
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Moti Motion by Councilman Proud

Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Proud, Leach, Kasperek NAYS - 0
ADOPTED

BE IT RESOLVED, the Supervisor is hereby authorized and directed to sign the SEQRA application relating to Aquifer Protection Permit Application #2 of 2017, submitted by 879 Route 13, LLC.

RESOLUTION #	APPROVE AQUIFER PROTECTION PERMIT APPLICATION #2 OF 2017 SUBMITTED BY 879 ROUTE 13, LLC FOR PROPERTY LOCATED AT 877 ROUTE 13 SUBJECT TO CONDITIONS
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Motion by Councilman Testa

Seconded by Councilman Leach

VOTES: AYE – Tupper, Testa, Proud, Leach, Kasperek NAYS - 0
ADOPTED

WHEREAS, the Cortland County Planning Department and the Town Planning Board have reviewed and recommended approval of this Aquifer Protection Permit application, and

WHEREAS, a Public Hearing was duly held by this Town Board, therefore

BE IT RESOLVED, the Town Board does hereby approve Aquifer Protection Permit application #2 of 2017, submitted by 879 Route 13, LLC, permitting the demolition of an existing building on site, and constructing a 3,500 ± sq. ft. building for two tenants, re-configure the parking lot; add landscaping and a storm water management facility, tax map # 95.16-02-73.000, subject to conditions from the Town and County Planning Boards and the Town Zoning Board of Appeals:

1. The applicant consulting with and obtaining written confirmation from the NYS Department of Transportation as to whether the existing curb cut permit for the site would still be valid given the increased use of the property or whether a revised curb cut permit is required.
2. The Town weighing the benefit of the increased number of building mounted signs to the applicant vs. the health, safety, and welfare of the community/neighborhood as is required before any bulk variance may be granted.
3. The applicant demonstrating that there are unnecessary hardships in the way of carrying out the strict letter of the "Zoning Local Law of the Town of Cortlandville" as is required before any use variance may be granted.
4. The applicant preparing and obtaining approval of a revised stormwater pollution prevention plan for this site to incorporate the proposed changes to the site per the Town's stormwater ordinance.
5. The applicant filing of a Notice of Intent with the NYS Department of Environmental Conservation (DEC) in addition to the preparation of a stormwater pollution prevention plan for this site if it is determined that this proposal would result in the disturbance of at least one acre of land.
6. The applicant obtaining approval of the landscaping plan for the site.
7. The applicant's submittal and obtaining approval of a more detailed lighting plan for the site which indicates that there would be no lighting from this property in excess of 1.0 footcandle outside of the property boundaries.
8. The applicant obtaining approval of the public water and sewer connection, including the installation of a backflow prevention device for the public water connection, from the County Health Department and Town.
9. The Town reviewing the proposed building design for conformance with the Town's Design and Development Guidelines.
10. Removal of the western driveway access to the site to reduce potential traffic conflict between traffic entering and exiting the site and traffic on NYS Route 13.
11. Compliance with SEQR requirements,
12. With the accepted revised plans received and filed February 15, 2017 at the Town Board Meeting, as specified by the Town Planning Board's comments of January 31, 2017.
13. With the condition the lights be turned off one hour after closing, per the Town's Zoning Board of Appeals Action # 4 of 2017, and

BE IT FURTHER RESOLVED, the Supervisor is hereby authorized to sign the permit.

Town Clerk Karen Q. Snyder reported:

Garcia's Liquor License:

Councilman Proud made a motion, seconded by Councilman Leach to receive and file an application to the NYS Liquor Authority, dated March 1, 2017, for Garcia's Mexican Restaurant, located on 879 Route 13. All voting aye, the motion was carried.

Attorney Folmer reported:

Gutchess Land Transfer:

Attorney Folmer informed the Town Board that on February 24, 2017 the transfer of property from Gutchess Lumber Company to the Town of Cortlandville, for the construction of Gutchess Park, has been accomplished. The deed was recorded on February 24, 2017, but Attorney Fomer stated he has not yet received it back from the County Clerk. He relayed that when he does receive it, he will ask the Board to receive and file it as a recorded document.

Local Law #1 of 2017:

Attorney Folmer reported that at the Town's request and in accordance with the Cortland County Planning Board's thoughts, he has revised the Local Law dealing with location of gas stations within the Town of Cortlandville. Attorney Folmer passed out copies of the current version to the Board for their review and to take such action as the Board thinks is appropriate. Supervisor Tupper inquired if it was the same document as six months ago that had a moratorium placed on it. Attorney Fomer answered that basically it was, but changes were made based upon Cortland County Planning Board staff report and recommendations. The Cortland County Planning Board itself did not vote to recommend one way or the other with regard to the adoption of the law. He explained that the Planning Board did, however, make a recommendation as to what the Board may do with regard to the location of gas stations within the Town of Cortlandville. Supervisor Tupper asked if the Cortland County Planning Board originally voted to follow the recommendations of the review committee on the proposed local law, to which Attorney Folmer replied no. Attorney Folmer relayed the Cortland County Planning Board voted not to adopt the Cortland County Planning Department staff recommendations; instead Cortland County Planning Board made recommendations of their own.

RESOLUTION # SCHEDULE PUBLIC HEARING FOR LOCAL LAW # 1 of 2017

Motion by Councilman Proud

Seconded by Councilman Leach

VOTES: AYE – Tupper, Testa, Proud, Leach, Kasperek NAYS - 0
ADOPTED

BE IT RESOLVED, A Public Hearing shall be scheduled for March 15, 2017 at 5:00 p.m. at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York regarding Local Law #1 of 2017, adding Chapter 75 to the Town of Cortlandville Code, regulating the location of gas stations within the Town.

RESOLUTION # AUTHORIZE A REFUND TO JOHN DELVECCHIO FOR HIS
PROPERTY LOCATED AT 1086 ROUTE 13 REGARDING
ERRONEOUS SEWER CHARGES, IN THE AMOUNT OF
\$1,321.23

Motion by Councilman Leach

Seconded by Councilman Proud

VOTES: AYE – Tupper, Testa, Proud, Leach, Kasperek NAYS - 0
ADOPTED

WHEREAS, the property owner of 1086 Route 13, John DelVecchio submitted a request to be refunded the quarterly sewer charges since 2010, and

WHEREAS, upon review of said request and investigation by Water and Sewer Department of such property it was found that said property is currently not connected to Town sewer, therefore

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to issue a refund to John Delvecchio for said property at 1086 Route 13, in the amount of \$1,321.23 for the erroneous sewer charge, dating back to 2010.

RESOLUTION # AUTHORIZE EXTENSION OF TIME FOR TAX COLLECTION
TO JUNE 1, 2017

Motion by Councilman Kasperek

Seconded by Councilman Leach

VOTES: AYE – Tupper, Testa, Proud, Leach, Kasperek

NAYS - 0

ADOPTED

BE IT RESOLVED, the Supervisor s hereby authorized and directed to sign and forward a request for an extension of the tax collection program until June 1, 2017to the Cortland County Treasurer, in compliance with Section 938 of the Real Property Tax Law.

Councilman Proud made a motion, seconded by Councilman Testa to receive and file correspondence dated February 16, 2017 from NYS Homes & Community Renewal regarding the Certificates of Completion for Grant Projects for; Town-wide Housing Rehabilitation Grant Project-287HR148-11, Precision E-Forming, Byrne Dairy, Inc. and IMS. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Leach to receive and file the Executed Grant Agreement for the 2016 Town wide Housing Rehabilitation Grant- 287HR326-16. All voting aye, the motion was carried.

In regards to the Town Wide Housing Rehabilitation Grant program, Councilman Leach asked if Cortlandville Town Board members are still required to visit the individual projects. Supervisor Tupper and Town Clerk Snyder explained that it would be prudent to drive by the sites, to show the Board is paying attention to how the awarded funds are being spent. Supervisor Tupper reminded the Board there are forms to be completed and handed to Town Clerk Snyder, to be filed, monitored as required by the State Office of Community Renewal regarding such contact with the Town's CDBG projects.

RESOLUTION # AUTHORIZE SUPERVISOR TO LET OUT TO BID FOR THE
2016 CDBG TOWN WIDE HOUSING REHABILITATION
GRANT PROGRAM REQUEST FOR PROPOSALS FOR
GRANT ADMINISTRATION AND SERVICES

Motion by Councilman Kasperek

Seconded by Councilman Leach

VOTES: AYE – Tupper, Testa, Proud, Leach, Kasperek

NAYS - 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to let out to bid for the 2016 CDBG Town wide Housing Rehabilitation Grant Program, Request for Proposals for Grant Administration and Services, and it is further

RESOLVED, the bids shall be opened on March 31, 2017 at 12:00 p.m. at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York.

RESOLUTION # AUTHORIZE SUPERVISOR TO SIGN AGREEMENTWITH
INSERO & CO. CPAs LLP TO CONDUCT AN AUDIT FOR
THE 2016 TOWN ACCOUNTING RECORDS

Motion by Councilman Leach

Seconded by Councilman Proud

VOTES: AYE – Tupper, Testa, Proud, Leach, Kasperek

NAYS - 0

ADOPTED

BE IT RESOLVED, the Town does hereby authorize and direct the Supervisor to sign the agreement with Insero & Co. CPAs, LLP to conduct an audit of the 2016 Town accounting records, for an amount not to exceed \$11,900.00 and \$4,900.00 for a single audit if warranted.

Supervisor Tupper apprised the Board that he had the opportunity to meet with the new owner of the College Suites, which one building is located on Route 13 and a second building located on Route 281. He stated the new owner is making a very aggressive effort toward obtaining proper college tenants. Supervisor Tupper said the new owner is experienced and has met with Cortland State, the Town of Cortlandville and has even contacted Cornell University to solicit their college students. Supervisor Tupper shared the Town's past problems with occupancy at the College Suites, and found the conversation to be very positive. He remarked that it would be nice to have those buildings fully occupied.

Attorney Folmer drew to the Town Board member's attention a Planning Board Index that was included in their packets to be used as a reference for forthcoming applications. He remarked on how well the Planning Board conduct their meetings and expressed that the Board is very active and thorough.

No further comments or discussion were heard.

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

The meeting was adjourned at 5:45 p.m.

Respectfully submitted,

Karen Q. Snyder, RMC
Town Clerk
Town of Cortlandville

*Note:

The final version of this meeting was submitted to the Town Board for their review on April 15, 2017.

The final version of this meeting was approved as written at the Town Board meeting of April 19, 2017.