

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, John P. Reynolds  
Councilman, Douglas E. Withey  
Town Clerk, Kristin Rocco-Petrella, RMC

Others present were: Town Attorney, John Folmer; Highway Sup’t. Glenn Bassett; Deputy Highway Sup’t. Larry Drach; Court Clerk, Pamela Bassett; Town Residents: Bill Fiske; Pam Jenkins; John Woodward; Karen Q. Snyder; Greg Leach; Carol Wayman; Val Natoli; News Reporters: Sharon Stevans from Channel 2, Access TV, Robert Creenan from the *Cortland Standard*, and Brad Smith from WXHC.

Supervisor Tupper called the meeting to order.

Councilman Proud made a motion, seconded by Councilman Testa, to approve the Draft Town Board Minutes of December 20, 2017. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Testa, to approve the Draft Special Town Board Minutes of December 29, 2017. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Withey, to receive and file the Cortlandville Zoning Board of Appeals Minutes of January 30, 2018. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Withey, to receive and file the Cortlandville Planning Board Minutes of January 30, 2018. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Withey, to receive and file the Cortlandville Board of Assessment Review Minutes of May 24, 2017. All voting aye, the motion was carried.

RESOLUTION #56

AUTHORIZE PAYMENT OF VOUCHERS – FEBRUARY

Motion by Councilman Proud  
Seconded by Councilman Testa  
VOTES: AYE - Tupper, Testa, Reynolds, Withey                      NAY - 0  
              ABSTAIN - Proud  
              ADOPTED

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

Funds A, B, DA, DB, HE, HG, SS, SW	Voucher #211-281		
	General Fund A	\$	21,616.72
	General Fund B	\$	1,571.36
	Highway Fund DA	\$	0.00
	Highway Fund DB	\$	46,388.62
	Saunders Rd Sewer HE	\$	0.00
	Gutchess Lumber SC Project HG	\$	0.00
	Sewer Fund SS	\$	33,418.84
	Water Fund SW	\$	14,266.94
Funds CD1, CD3, CD4	Voucher #(None)		
	BMills Rehab CD1	\$	0.00
	Town Wide Rehab CD3	\$	0.00
	Business Devl CD4	\$	0.00

Funds SF, TA, TE	Voucher #7-11	
	C'Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 38,862.74
	Expendable Trust TE	\$ 0.00

Supervisor Tupper offered privilege of the floor to Pam Jenkins.

Concerning the Town's proposed zone change for numerous parcels from B-2 to B-3 on Tompkins Street (Route 13), Pam Jenkins, requested the Board receive and file the February 14, 2018 letter from County Planning Director Dan Dineen to Attorney Folmer which reflected that the motion to accept Mr. Dineen's recommendations failed to get the required number of votes at the County Planning Board.

Ms. Jenkins stated that the Town was required to provide a long EAF for the Type 1 action as soon as the law was proposed, which had not been completed. Ms. Jenkins requested the document under FOIL and was told the document did not exist, which she stated violates the GML and SEQR law.

Moving forward, Ms. Jenkins requested the long EAF, scoping documents and the EIS for the proposed zone change, as "rezoning 43 acres directly on top of the aquifer to B-3 presents a multitude of potential significant risks to the water supply for 30,000 people." Ms. Jenkins stated that the proposed rezoning was "thinly veiled spot zoning being done for Byrne Dairy gas station", was inconsistent with the Route 281/Route 13 Aquifer Protection Plan, and was in conflict with many of the recommendations of the Aquifer Protection Plan document. She explained many of the restrictions recommended in the Plan. Ms. Jenkins also commented on the 2013 Draft Land Use & Aquifer Protection Plan document, which did not cover the Tompkins Street area, but stated that goals 1-4 of the document supported residential development near the City where services are in place.

Ms. Jenkins stated there was no reason for the attempt to rezone the B-2 area to B-3. She stated that B-3 is incompatible with the established uses, which are mostly residential. She commented that if the area was rezoned to B-3 the following uses would be allowed: storage warehouses, dollar stores, rail terminals, drive-in outdoor movie theaters, airplane landing fields, public and private campgrounds, and gas stations.

Ms. Jenkins stated "we expect better from you our Cortlandville officials ... tell Byrne Dairy we do not need their gas station directly over our aquifer..."

Ms. Jenkins provided the Board with the letter from Mr. Dineen that she asked to be received and filed. Councilman Proud and Supervisor Tupper indicated that the letter was already on the agenda to be received and filed.

Supervisor Tupper offered privilege of the floor to John Woodward.

John Woodward, Vice President of the Village Park Condo Association, and an owner of property at The Park, requested the Board not change the zoning of the B-2 parcel owned by the Church of the Redeemer located on Route 13 (tax map #96.06-01-15.210). He explained that the parcel was surrounded on three sides by the Village Park Condos and several residential homes on Abdallah Ave. and Starr Rd. The land was donated to the Church by the Abdallah's for the purpose of building a new church and was not intended for a high volume retail business which a B-3 zoned property would allow. Mr. Woodward presented the Board with a letter regarding the Village Park's request.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file correspondence from John Woodward, Vice President of the Village Park Condo Association, dated February 21, 2018, regarding the proposed Zone Change from B-2 to B-3 for parcels located on Route 13. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Withey, to receive and file the monthly report of the Town Supervisor for the month of January 2018. All voting aye, the motion was carried.

Councilman Testa made a motion, seconded by Councilman Proud, to receive and file the monthly report of Justice Casullo for the month of January 2018. All voting aye, the motion was carried.

Councilman Withey made a motion, seconded by Councilman Proud, to receive and file the monthly report of Justice LeFevre for the month of January 2018. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file correspondence from Charter Communications, dated February 13, 2018, regarding changes to programming services. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file correspondence from Charter Communications, dated February 16, 2018, regarding changes to programming services. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file correspondence from Senator Seward to Councilman Withey, dated February 14, 2018, regarding Councilman Withey's February 6, 2018 letter relative to the expansion of a gravel mine in the Town and the lead agency status of the Department of Environmental Conservation. All voting aye, the motion was carried.

Discussion occurred regarding Councilman Withey's letter to Senator Seward. Councilman Withey requested the item be added to the Board's next meeting agenda to be discussed. Attorney Folmer indicated that he and Councilman Proud have already been discussing the necessity to correspond with Senator Seward, Assemblyman Finch, and Assemblywoman Lifton to express the Town's concern over the gravel mine. Councilman Withey stated that he would like to see the Board move on it. Attorney Folmer would draft a letter and present it to the Board so a resolution could also be adopted.

Under new business, Town Clerk Rocco-Petrella indicated that she presented the Board with the Town Board Minutes of February 7, 2018 for their review. The Minutes would be added to the March 7, 2018 meeting agenda for approval.

Attorney Folmer reported:

Moratorium – Solar Facilities:

Attorney Folmer reminded the Board that the Moratorium on Solar Energy Systems would expire March 1, 2018. He suggested the Board adopt a resolution to extend the Moratorium until April 4, 2018 to allow time for a public hearing to be held and to potentially adopt a Local Law to amending the zoning ordinance. After discussion the Board agreed to the extension to allow time for the Town and County Planning Boards to complete their review and submit recommendations.

RESOLUTION #57                      AUTHORIZE EXTENSION TO LOCAL LAW NO. 1 OF 2017  
"IMPOSING A MORATORIUM AND APPROVALS OF  
INSTALLATIONS OF SOLAR FACILITIES"

---

Motion by Councilman Proud

Seconded by Councilman Testa

VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey    NAY - 0

ADOPTED

WHEREAS, on September 6, 2017 the Town Board of the Town of Cortlandville adopted Local Law No. 1 of 2017 imposing a Moratorium on the review and approval of any and all applications for the installation of Solar Facilities in the Town of Cortlandville, and

WHEREAS, said Local Law was filed with the New York State Department of State effective September 20, 2017, and

WHEREAS, per Section 3 of the Local Law, the "moratorium shall expire on March 1, 2018, or upon the adoption of regulations of Zoning Laws relating to such facilities, whichever shall first occur", and

WHEREAS, on February 7, 2018 the Town Board referred a proposed Zoning Code Amendment for Solar Energy Systems as submitted by the Town's Solar Energy Systems Committee to the Town and County Planning Boards for review and recommendations, and

WHEREAS, the Town Board of the Town of Cortlandville finds that an extension of the moratorium is warranted to allow time for the Town and County Planning Boards to complete their review and submit recommendations to the Town, as well as to allow time for a public hearing to be held, therefore

BE IT RESOLVED, the Town Board does hereby authorize an extension to Local Law No. 1 of 2017, "Imposing a Moratorium and Approvals of Installations of Solar Facilities" from March 1, 2018 until April 4, 2018.

RESOLUTION #58                      AUTHORIZE SUPERVISOR TO SIGN THE NEW APPLICANT  
APPROVAL REQUEST OF JERI ANN MCCRACKEN FOR  
THE 2016 TOWN-WIDE HOUSING REHABILITATION  
PROGRAM CDBG #287HR326-16

---

Motion by Councilman Proud

Seconded by Councilman Withey

VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey    NAY - 0  
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize the new applicant approval request of Jeri Ann McCracken for property located at 655 Lime Hollow Road in the Town of Cortlandville, for a 100% deferred loan for the 2016 Community Development Block Grant Town-Wide Housing Rehabilitation Program (#287HR326-16), and it is further

RESOLVED, the work to be completed would include exterior and interior carpentry, siding, windows and doors and electric, for a total of \$21,271.35.

RESOLUTION #59                      AUTHORIZE APPROVAL OF PAYMENTS REGARDING THE  
TOWN-WIDE HOUSING REHABILITATION GRANT  
PROGRAM CDBG #287HR326-16

---

Motion by Councilman Withey

Seconded by Councilman Proud

VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey    NAY - 0  
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize approval of payment for the following regarding the Town-Wide Housing Rehabilitation Grant Program-CDBG #287HR326-16:

Voucher #19: M.A.B. Roofing and Siding - \$4,025.00

Voucher #20: JMS Plumbing and Heating - \$3,897.00

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file correspondence from NYS Homes & Community Renewal, dated January 29, 2018, informing the Town it was awarded a \$100,000 New York State Community Development Block Grant to assist in the expansion of Royal Motors (CDBG #287SB902-18). All voting aye, the motion was carried.

RESOLUTION #60                      ACKNOWLEDGE TOWN CLERK'S "REQUEST FOR  
PROPOSALS" FOR PROGRAM DELIVERY AND  
ADMINISTRATIVE SERVICES FOR THE NEW YORK STATE  
COMMUNITY DEVELOPMENT BLOCK GRANT FOR  
ROYAL NISSAN, INC. (CDBG #287SB902-18)

---

Motion by Councilman Proud

Seconded by Councilman Testa

VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey    NAY - 0  
ADOPTED

BE IT RESOLVED, the Town Board does hereby acknowledge the Town Clerk's submission for "Request for Proposals" for program delivery and administrative services for the New York State Community Development Block Grant – Economic Development/Small Business for Royal Nissan, Inc., and it is further

RESOLVED, the proposals are due no later than 12:00 p.m. on Tuesday, March 20, 2018 and shall be awarded at the Regular Town Board Meeting on Wednesday, March 21, 2018.

Councilman Proud made a motion, seconded by Councilman Withey, to receive and file correspondence from Elizabeth Parmley, P.E., NYS DOT to Town Clerk Rocco-Petrella, dated February 5, 2018, regarding the Town's May 2017 request for a reduction in speed limit on several town roads and how the NYS DOT proposed to group the requests into area and linear speed studies as follows:

Area Speed Study 1: Gwen Lane, Woodside Road, Collegeview Drive, Hart Drive,  
Northway Drive, Fieldcrest Drive

Area Speed Study 2: Meadow Lane and Hillside Drive

Linear Speed Study 1: Parti Drive

Linear Speed Study 2: Clinton Street

All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Reynolds, to receive and file correspondence from Elizabeth Parmley, P.E., NYS DOT to Town Clerk Rocco-Petrella, dated February 13, 2018, regarding the Town's January 2018 request for a reduction in speed limit on Clinton Street and Pendleton Street in the Town of Cortlandville, and the recently opened study for Clinton Street. All voting aye, the motion was carried.

There was discussion regarding the proposed bonding for the construction of a new 7-bay Town Highway Garage to be located in Polkville at the site of the current garage. Supervisor Tupper explained the proposed project to those in attendance. The bid would be for the construction of the shell of the garage. The Town would then subcontract services for the rest of the construction since the Town could utilize employees/retired employees to complete some of the work. The expected cost of the shell was \$300,000. Supervisor Tupper suggested the Town go to bond for enough money to construct the shell and purchase the equipment and fixtures necessary to complete the building.

Councilman Withey apprised the Board he met with Highway Sup't. Bassett to review the proposed plans. He was not opposed to the new construction and was comfortable going to bond for \$750,000.

Councilman Testa questioned how old the current garage was. Highway Sup't. Bassett explained that the current garage was 73-years old. The new building would accommodate the storage of current trucks and equipment as well as the equipment that was being stored at the former municipal garage at Citizens Park that had to be moved as a result of Gutches Lumber taking ownership of the parcel.

Supervisor Tupper questioned whether the Board was comfortable with a \$750,000 bond. Councilman Withey questioned what the projected interest rates were and the payment schedule for the bond. Supervisor Tupper explained the bonding process and that a 20-year bond would result in approximately \$60,000-\$70,000 per year payments; a 30-year bond would result in approximately \$50,000 per year payments with more interest. Supervisor Tupper hoped for a 4% interest rate.

Councilman Proud questioned the expected life of the new garage. Highway Sup't. Bassett indicated the plans were for a fifty-year life. Supervisor Tupper mentioned that the state allows a 40-year repayment of the bond. Councilman Proud stated he would like to see the bond paid off as quickly as possible.

Highway Sup't. Bassett explained that there are several retired Town employees who work/would work part-time for the Town and are capable of working on the garage. One retiree is a master plumber and could assist in that area. Councilman Proud questioned whether Highway Sup't. Bassett was comfortable with the \$750,000 figure for bonding. Highway Sup't. Bassett explained that he originally thought the project would cost \$800,000 but with Town employees and retired Town employees completing some of the work he was comfortable with the dollar amount. He explained that he already received three bids from three different contractors to complete the shell, the overhead garage doors, and windows.

RESOLUTION #61                      AUTHORIZATION TO GO TO BOND IN THE AMOUNT OF  
\$750,000 TO CONSTRUCT A NEW TOWN HIGHWAY  
GARAGE

---

Motion by Councilman Testa

Seconded by Councilman Reynolds

VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey    NAY - 0  
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the commencement of the process to go to bond in the amount of \$750,000 to construct a new Town Highway Garage.

Attorney Folmer questioned whether the Board would like him to contact Bond Counsel to provide the formal resolutions and paperwork for the Town. The Board was in agreement with Attorney Folmer taking such action and directed him to do so.

Councilman Withey questioned who the Town used for Bond Counsel and who would solicit bids for the bonding. Attorney Folmer informed Mr. Withey that the Town utilized Hawkins, Delafield & Wood in New York City. Supervisor Tupper explained that the Town has a financial advisor, however to eliminate the expense he would solicit requests himself. Supervisor Tupper stated it was easier for him to send out letters to the six local banks that offer bonding and ask for estimates.

Councilman Proud made a motion, seconded by Councilman Reynolds, to receive and file correspondence from Menter, Rudin & Trivelpiece, P.C. Counselors At Law, dated February 13, 2018, regarding the Notice of Public Hearing to be conducted on February 27, 2018 on behalf of the Cortland County Industrial Development Agency (IDA) for the Cortland Commerce Development, LLC Project, for the proposed 35,050 sq. ft. medical manufacturing facility to be located at 850 Lime Hollow Road in the Town of Cortlandville, tax map #95.00-10-02.000. All voting aye, the motion was carried.

Supervisor Tupper apprised the Board he had an additional item to add to the agenda regarding the proposed Cortland Commerce Development, LLC Project. He explained that he received a letter from Menter, Rudin & Trivelpiece, P.C., dated February 19, 2018, regarding the intent of the Cortland County IDA to act as lead agency for the proposed project and financial assistance relating thereto. If the Board did not object, the IDA requested notification as soon as possible.

Attorney Folmer explained that the letter was notification from the IDA that they intend to act as lead agency for SEQRA purposes with regard to the project. The Town had 30-days to object or do nothing. Supervisor Tupper suggested the Board respond that the Town has no interest in being lead agency. As long as the Board agreed, Attorney Folmer suggested they authorize the Supervisor to write a letter to the IDA to that affect to eliminate the 30-day waiting period.

RESOLUTION #62                      AUTHORIZE SUPERVISOR TO WRITE A LETTER TO THE  
CORTLAND COUNTY INDUSTRIAL DEVELOPMENT  
AGENCY (IDA) REGARDING THE IDA'S LEAD AGENCY  
STATUS FOR THE CORTLAND COMMERCE CENTER, LLC  
PROJECT

---

Motion by Councilman Withey

Seconded by Councilman Testa

VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey    NAY - 0  
ADOPTED

WHEREAS, the Cortland County Industrial Development Agency (IDA) made a preliminary determination to establish itself as lead agency for the Cortland Commerce Center, LLC Project at 850 Lime Hollow Road in the Town of Cortlandville, to which the Town Board does not object, therefore

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to write a letter to the Cortland County IDA indicating that the Town Board does not object to the IDA being designated as lead agency, and it is further

RESOLVED, the correspondence from Menter, Rudin & Trivelpiece, P.C., dated February 19, 2018 is hereby received and filed.

Councilman Proud made a motion, seconded by Councilman Reynolds, to receive and file the packet dated February 14, 2018 from the Cortland County Industrial Development Agency (IDA) regarding the proposed project of the Cortland Commerce Development, LLC (David Yaman), including the following documents: cover sheet from the Cortland County IDA; list of recipients; Full Environmental Assessment Form; Trip Generation Analysis; Air Emissions; Application for Financial Assistance; plans for a 35,000 sq. ft. Medical Manufacturing Facility on 3.5 located at 850 Lime Hollow Road, tax map #95.00-10-02.000. All voting aye, the motion was carried.

RESOLUTION #63                      AUTHORIZE SALARY INCREASE FOR DEPUTY  
TOWN CLERK, KALEE A. UPDYKE

---

Motion by Councilman Withey

Seconded by Councilman Reynolds

VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey    NAY - 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize acknowledge that Kalee A. Updyke, Deputy Town Clerk, will have successfully completed her six-month probationary period for the Town Clerk's office, and be it further

RESOLVED, that per the provisions of her employment contract, the salary increase of \$300.00 for Kalee A. Updyke shall be authorized effective March 1, 2018.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the following correspondence with regard to the proposed Zoning Map Amendment request of the Town of Cortlandville for properties located on NYS Route 13 between the City of Cortland and Starr Road/McLean Road:

- 1) Correspondence from Daniel S. Dineen, Director of Planning for the Cortland County Planning Board, dated February 14, 2018, to Attorney Folmer;
- 2) Correspondence from Daniel S. Dineen, Director of Planning for the Cortland County Planning Board, dated February 12, 2018, to the Cortland County Planning Board, regarding the zoning history of existing B-2 properties along NYS Route 13 immediately southwest of the City of Cortland;
- 3) Cortland County Planning Department review and recommendations to the Cortland County Planning Board, dated February 9, 2018

All voting aye, the motion was carried.

Supervisor Tupper referenced Mr. Dineen's letter and the County Planning Department's report to the County Planning Board. He commented that the original recommendations from CHA, when the Town set up the Land Use and Aquifer Protection Plan, was that gas stations should be allowed in B-2 districts. Supervisor Tupper read from the County Planning Department report and referenced the following: "This the area is outside of wellhead protection zones 1a and 1b, which are areas that it takes groundwater 5 years or less to reach a municipal supply well." It also notes a recommendation from staff that they approve the application for zoning map amendments to B-3; that it appears to be more appropriate for the areas outside of the wellhead protection zones 1a and 1b; appears to be consistent with the NYS Route 281/13 Corridor Land Use and Aquifer Protection Plan, which is the most recent Town plan addressing land use and development over the aquifer.

Supervisor Tupper stated that the recommendation was contingent on the completion of a Full Environmental Assessment Form (EAF) under SEQR, as well as the correction of tax map numbers from 57 tax parcels to 48 tax parcels. Attorney Folmer agreed that there was a duplication of some tax map numbers that would have to be corrected.

Supervisor Tupper also commented that it was not true that the County Planning Board rejected or failed the proposal. The County Planning Board did not have enough votes because of a quorum; no action was taken and the proposal was returned to the Town Board for local determination.

Attorney Folmer asked the Board to adopt a resolution regarding its intention to proceed to work on the adoption of the Local Law. It did not mean the Board would adopt the Local Law, but that they would move forward and consider it. Once the Board does so it commits itself to a course of conduct, which is a triggering event for the SEQR review. He explained that this was a Type 1 action under SEQR. He would have Supervisor Tupper sign a copy of Part 1 of the Long Form EAF, that would be available at the Town Clerk's office. Secondly, the Board should identify itself as lead agency under SEQRA.

Councilman Withey questioned why the Board would take action before the Town Planning Board met to discuss the zoning amendment.

Attorney Folmer stated that at some point the Board needs to formally adopt the idea that the Board intends to proceed with the consideration of the ordinance; whether the Board does it now or in March or not is up to the Board. Councilman Proud stated that the Board making the decision to move forward was the triggering event for SEQRA. He questioned Councilman Withey what the advantage of waiting was.

Councilman Withey stated there are five voices on the Town Planning Board that he would like to hear before moving forward. He did not see any urgency to moving forward tonight. Attorney Folmer stated he did not mean to suggest there was an urgency to doing this, but that a resolution had to be done at some point if the Board was going to move forward.

Councilman Proud stated that if the Board takes action tonight, the Town Planning Board was still going to review it and provide recommendations. Councilman Withey stated he would feel better knowing the Town Planning Board's consensus before deciding to move forward with the SEQRA process.

Supervisor Tupper entertained a motion to move forward.

RESOLUTION #64                      AUTHORIZATION TO PROCEED WITH THE PROPOSED  
LOCAL LAW FOR A ZONING MAP AMENDMENT FROM  
B-2 TO B-3 FOR PROPERTIES LOCATED ON NYS ROUTE 13  
IN THE TOWN OF CORTLANDVILLE

---

Motion by Councilman Proud

Seconded by Councilman Testa

VOTES: AYE - Tupper, Testa, Proud, Reynolds    NAY – Withey  
ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize proceeding with the proposed Local Law for a Zoning Map Amendment from B-2 to B-3 for properties located on NYS Route 13 between the City of Cortland and Starr Road/McLean Road in the Town of Cortlandville.

RESOLUTION #65                      DECLARE TOWN BOARD AS LEAD AGENCY WITH  
REGARD TO THE ADOPTION OF A LOCAL LAW FOR A  
ZONING MAP AMENDMENT FROM B-2 TO B-3 FOR  
PROPERTIES LOCATED ON NYS ROUTE 13 IN THE  
TOWN OF CORTLANDVILLE

---

Motion by Councilman Proud

Seconded by Councilman Testa

VOTES: AYE - Tupper, Testa, Proud, Reynolds    NAY - Withey  
ADOPTED

BE IT RESOLVED, the Town Board does hereby declare itself Lead Agency for SEQRA purposes with regard to the adoption of a Local Law for the year 2018, which would amend the Zoning Map of the Town of Cortlandville for parcels located on NYS Route 13 between the City of Cortland and Starr Road/McLean Road from B-2 (Highway Commercial Business) to B-3 (Planned Commercial Business).

Supervisor Tupper stated that since the Board decided to move forward, the Board would allow privilege of the floor at the March 7, 2018 meeting to hear comments on the environmental impact of the Local Law. He stated that the time allowed for comments may be limited and timed. He stressed that it was not a public hearing. The Board would hold a public hearing at a later date.

Attorney Folmer stated that during the course of the informal discussion, someone may bring up an area of concern that might not have occurred to the Board as they go through Part 2 and Part 3 of the EAF. As indicated by the County Planning Department staff, this was a Type 1 action. The Board would proceed to complete Part 2; then undertake Part 3, or add to Part 3 comments that are required; issue either a positive or negative declaration; and scoping may be required.

Councilman Withey made a motion, seconded by Councilman Testa, to receive and file the Cortland County Planning Board Resolution #18-5 dated February 13, 2018, and the Cortland County Planning Department Review and Recommendations, dated February 9, 2018, regarding the Aquifer Protection Permit application submitted by Prop, Inc. (Bestway), to construct a cold storage warehouse for lumber storage and a utility building on property located at 3877 Luker Road, tax map #86.17-01-01.000. All voting aye, the motion was carried.

RESOLUTION #66                      SCHEDULE PUBLIC HEARING FOR AQUIFER  
PROTECTION PERMIT APPLICATION SUBMITTED BY  
PROP, INC. FOR PROPERTY LOCATED AT  
3877 LUKER ROAD

---

Motion by Councilman Withey

Seconded by Councilman Testa

VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey    NAY - 0

ADOPTED

BE IT RESOLVED, a Public Hearing shall be scheduled for March 21, 2018 at 5:00 p.m. for an Aquifer Protection Permit application submitted by Prop, Inc. to construct a cold storage warehouse for lumber storage and a utility building, for property located at 3877 Luker Road, tax map #86.17-01-01.000.

Councilman Proud made a motion, seconded by Councilman Withey, to receive and file Cortland County Planning Board Resolution #18-6 dated February 13, 2018, and the Cortland County Planning Department Review and Recommendations, dated February 9, 2018, regarding the Aquifer Protection Permit application submitted by Cortland Commerce Development, LLC (David Yaman), to construct a 35,050 sq. ft. medical manufacturing facility at 850 Lime Hollow Road, tax map #95.00-10-01.100 & #95.00-10-02.000. All voting aye, the motion was carried.

RESOLUTION #67                      SCHEDULE PUBLIC HEARING FOR AQUIFER  
PROTECTION PERMIT APPLICATION SUBMITTED BY  
DAVID YAMAN (CORTLAND COMMERCE CENTER, LLC)  
FOR PROPERTY LOCATED AT 850 LIME HOLLOW ROAD

---

Motion by Councilman Proud

Seconded by Councilman Withey

VOTES: AYE - Tupper, Testa, Proud, Reynolds, Withey    NAY - 0

ADOPTED

BE IT RESOLVED, a Public Hearing shall be scheduled for March 21, 2018 at 5:00 p.m., or as soon thereafter as the parties may be heard, for an Aquifer Protection Permit application submitted by David Yaman for Cortland Commerce Center, LLC to construct a 35,050 sq. ft. medical manufacturing facility on property located at 850 Lime Hollow Road, tax map #95.00-10-01.100 and 95.00-10-02.000.

Councilman Proud made a motion, seconded by Councilman Testa, to receive and file the Aquifer Protection Permit application, Short Environmental Assessment Form, and plans for the proposed project of Cortland Commerce Development, LLC (David Yaman), to construct a 35,050 Medical Manufacturing Facility on property located at 850 Lime Hollow Road in the Town of Cortlandville, tax map #95.00-10-01.100 & #95.00-10-02.000. All voting aye, the motion was carried.

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 5:50 p.m.

Respectfully submitted,

*Kristin E. Rocco-Petrella*

Kristin E. Rocco-Petrella, RMC  
Town Clerk  
Town of Cortlandville

\*Note:

The final version of this meeting was submitted to the Town Board for their review on March 6, 2018.

The final version of this meeting was approved as written at the Town Board meeting of March 21, 2018.