

PUBLIC HEARING NO. 1

AQUIFER PROTECTION PERMIT  
DR. BRIAN SIRGANY  
992 NYS ROUTE 13  
TAX MAP #96.13-01-02.100 (PORTION OF)

A Public Hearing was held by the Town Board of the Town of Cortlandville at the J.M. McDonald Center, 4292 Fairground Drive, Cortland, New York, concerning an application for an Aquifer Protection Permit submitted by Dr. Brian Sirgany, pending owner, to construct an approximately 3,600 +/- sq. ft. professional eye care office building on the southeast side of NYS Route 13, approximately 1,600 feet northeast of NYS Route 281/NYS Route 13 intersection, a portion of tax map #96.13-01-02.100.

Members present:

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

Absent:

Councilman, John C. Proud

Others present were: Town Attorney, John Folmer; Highway Sup't. Carl Bush; Paul Yaman; John Mandarano; Martha Bush, Richard Bush and Todd Stone from the Jr. Fair Board; Jackie Hartnett from Cornell Cooperative Extension; Emma Gendron, Fair Queen; Chuck Feiszli; Eric Barden; Dr. Brian Sirgany; Barb Leach; News Reporter: Tyrone Heppard from the *Cortland Standard*, and Sharon Stevans from Channel 2, Access TV.

Supervisor Tupper called the Public Hearing to order.

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

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

No comments or discussions were heard.

The Public Hearing was closed at 5:03 p.m.

## TOWN BOARD MEETING

The Regular Meeting of the Town Board of the Town of Cortlandville was held at the J.M. McDonald Center, 4292 Fairground Drive, Cortland, New York, with Supervisor Tupper presiding.

Members present:

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

Absent:

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Others present were: Town Attorney, John Folmer; Highway Sup't. Carl Bush; Paul Yaman; John Mandarano; Martha Bush, Richard Bush and Todd Stone from the Jr. Fair Board; Jackie Hartnett from Cornell Cooperative Extension; Emma Gendron, Fair Queen; Chuck Feiszli; Eric Barden; Dr. Brian Sirgany; Barb Leach; News Reporter: Tyrone Heppard from the *Cortland Standard*, and Sharon Stevans from Channel 2, Access TV.

Supervisor Tupper called the meeting to order.

Councilman Leach made a motion, seconded by Councilman Testa, to approve the Draft Town Board Minutes of June 1, 2016 as submitted. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Testa, to approve the Draft Town Board Minutes of June 15, 2016 as submitted. All voting aye, the motion was carried.

RESOLUTION #112                      AUTHORIZE SUPERVISOR TO SIGN PURCHASE ORDER  
#1265

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Motion by Councilman Leach

Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Leach, Kasperek    NAY – 0

ABSENT – Proud

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign Purchase Order #1265 submitted by Highway Sup't. Bush to be paid to BSN Sports, to purchase a basketball goal for the Blodgett Mills Park (small park), for the total cost of \$2,599.99 plus shipping.

RESOLUTION #113                      AUTHORIZE SUPERVISOR TO SIGN PURCHASE ORDER  
#1269

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Motion by Councilman Leach

Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Leach, Kasperek    NAY – 0

ABSENT – Proud

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign Purchase Order #1269 submitted by Highway Sup't. Bush to be paid to Steel Sales, to purchase culvert piping (various sizes and quantities), for the total cost of \$34,436.20.

There was discussion regarding payment of the bills. Councilman Leach questioned whether the Town had a blanket purchase order for D&W Diesel and mentioned the \$4,000+ bill included in the vouchers. Highway Sup't. Bush recalled that the Board approved the purchase order for D&W Diesel at the June 15, 2016 Town Board Meeting; the purchase order was attached to the voucher.

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**RESOLUTION #114                      AUTHORIZE PAYMENT OF VOUCHERS - JULY**


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Motion by Councilman Leach

Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Leach, Kasperek    NAY – 0

ABSENT – Proud

ADOPTED

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

Funds A, B, DA, DB	Voucher #578-665	
	General Fund A	\$181,972.09
	General Fund B	\$ 57,735.42
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 65,372.55
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 #239-257	
	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	\$ 2,770.73
	Water SW	\$ 6,582.34
Funds SF, TA, TE	Voucher #23-26	
	C'Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 40,533.10
	Expendable Trust TE	\$ 0.00

Supervisor Tupper offered privilege of the floor to Jackie Hartnett.

Jackie Hartnett, from Cornell Cooperative Extension, introduced the 2016 Fair Queen, Emma Gendron from the Town of Willet. Mrs. Hartnett explained that there were approximately 300 children and 500 animals on site for the fair. She introduced Todd Stone from the Jr. Fair Board to explain some of the new exhibits.

Todd Stone explained that the Jr. Fair was now featuring a birthing center on site for the public to view the births of calves. Two local farms were helping to make this come to fruition; 3 cows were expected to give birth on both Friday and Saturday.

Martha Bush thanked the Board for the many years of support the Jr. Fair has received from the Town. They were especially grateful for the closure of the road during the fair.

The monthly reports of the Supervisor, Town Clerk, and Water & Sewer Department for the month of June were on the table for review and are filed in the Town Clerk's office.

Supervisor Tupper apprised the Board he received several communications. The first was a note from Senator Seward thanking the Board for their thoughts during his recent surgery.

The second correspondence was from Angela Wanish, Principal of Smith School, thanking the Board for their support of the Lime Hollow Nature Center summer camp. Two Smith School students benefited from the camperships.

The third correspondence was from the City of Cortland thanking the Board for their support with the Wickwire Pool, including an award.

Councilman Leach made a motion, seconded by Councilman Kasperek, to receive and file correspondence from Charter Communications, dated July 2, 2016 and July 6, 2016, regarding programming services. All voting aye, the motion was carried.

There was discussion regarding the Aquifer Protection Permit submitted by Dr. Sirgany for property located at 992 NYS Route 13. Attorney Folmer referred to the report from the County Planning Board and the conditions set. The first condition was to reduce the number of parking spaces to a maximum of 18, or the applicant provide written justification, which is acceptable to the Town, as to the necessity of 31 parking spaces. Attorney Folmer explained that the Town Planning Board was satisfied with the written justification for the need of 31 parking spaces. Also, an amended site plan showing the number of parking spaces meeting the Town's dimensional requirement, and the snow storage and trash storage locations was presented.

The more problematic condition was that the Town Planning Board had not received a stormwater pollution prevention plan or the approval of the plan by Pat Reidy at Cortland County Soil and Water Conservation District (SWCD). The Town Planning Board recommended approval of the Aquifer Permit contingent upon "receipt of Stormwater Management System approval including the Maintenance Plan from County Soil & Water". Attorney Folmer was in receipt of the report from the SWCD approving the plan, and submitted the letter from Pat Reidy dated July 5, 2016 to the Town Board as part of the record.

Attorney Folmer and the Board reviewed the SEQR Short Environmental Assessment Form for the Aquifer Protection Permit application.

RESOLUTION #115                      DECLARE    NEGATIVE    IMPACT    FOR    AQUIFER  
PROTECTION PERMIT APPLICATION #3 OF 2016  
SUBMITTED BY DR. BRIAN SIRGANY FOR PROPERTY  
LOCATED AT 992 NYS ROUTE 13

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-                                      Motion by Councilman Testa  
Seconded by Councilman Leach  
VOTES: AYE - Tupper, Testa, Leach, Kasperek    NAY - 0  
ABSENT - Proud  
ADOPTED

WHEREAS, an Aquifer Protection Permit application was submitted by Dr. Brian Sirgany to permit the construction of an approximately 3,600 +/- sq. ft. professional eye care office building on the southeast side of NYS Route 13, approximately 1,600 feet northeast of NYS Route 281/NYS Route 13 intersection, tax map #96.13-01-02.100 (portion of), 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 Dr. Brian Sirgany, Aquifer Protection Permit #3 of 2016, shall have no significant environmental impact.

RESOLUTION #116                      AUTHORIZE SUPERVISOR TO SIGN SEQRA APPLICATION  
OF AQUIFER PROTECTION PERMIT #3 OF 2016

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   Motion by Councilman Testa  
Seconded by Councilman Leach  
VOTES: AYE - Tupper, Testa, Leach, Kasperek    NAY - 0  
ABSENT - Proud  
ADOPTED

BE IT RESOLVED, the Supervisor is hereby authorized and directed to sign the SEQRA application relating to Aquifer Protection Permit #3 of 2016, submitted by Dr. Brian Sirgany.

There was discussion regarding the approval of the Aquifer Protection Permit. Attorney Folmer suggested the permit be approved subject to the 11 conditions set by the County Planning Board. He clarified that all conditions have been met and that the applicant was agreeable to all of them. Supervisor Tupper mentioned that the Town Planning Board insisted that the Town be in receipt of the Stormwater Maintenance Plan before issuing a permit, which has been satisfied. The applicant was in compliance with everything.

RESOLUTION #117      APPROVE AQUIFER PROTECTION PERMIT APPLICATION  
#3 OF 2016 SUBMITTED BY DR. BRIAN SIRGANY FOR  
PROPERTY LOCATED AT 992 NYS ROUTE 13 SUBJECT TO  
CONDITIONS

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Motion by Councilman Testa

Seconded by Councilman Leach

VOTES: AYE - Tupper, Testa, Leach, Kasperek    NAY - 0

ABSENT - Proud

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 #3 of 2016, submitted by Dr. Brian Sirgany, permitting the construction of an approximately 3,600 +/- sq. ft. professional eye care office building on the southeast side of NYS Route 13, approximately 1,600 feet northeast of NYS Route 281/NYS Route 13 intersection, tax map #96.13-01-02.100 (portion of), subject to conditions from the Town and County Planning Boards, with the modification of condition #1 of the Cortland County Planning Boards recommendations.

1. The number of parking spaces on the site being reduced to a maximum of 18 spaces, as would be required for a typical medical office of this size, or the applicant provides written justification, which is acceptable to the Town, as to the necessity of 31 parking spaces for the facility.
- 1a. The Town Planning Board has received acceptable written justification to satisfy the necessity of 30 parking spaces for the facility.
2. The applicant's submittal of an amended site plan to the Town showing the number of handicap parking spaces, all parking spaces meeting the Town's 10 ft. by 20 ft. dimensional requirement, snow storage locations and the outside trash storage (dumpster) area.
3. The applicant's submittal of a narrative to the Town explaining how the proposed building conforms to the Town's Design and Development Guidelines (Article XXIII).
4. The applicant obtaining a curb cut permit from the NYS DOT (Department of Transportation) for the proposed driveway entrance onto NYS Route 13.
5. The applicant obtaining approval of the final design of the stormwater pollution prevention plan per the Town's stormwater ordinance.
6. The applicant filing a Notice of Intent with the NYS Department of Environmental Conservation (DEC) in addition to the preparation of a stormwater pollution prevention plan per the NYS Phase II stormwater regulations if it is determined that at least one acre of land would be disturbed in the development of this proposal.
7. The applicant obtaining approval of the landscaping plan for the site from the Town.
8. The applicant obtaining approval of the public water and sewer connections, as well as the installation of a backflow prevention device for the public water connection, from the County Health Department via application to the Town.
9. That any proposed signage be submitted to the Town with dimensions and details of the proposed sign. Any signage would require compliance with the "Zoning Local Law of the Town of Cortlandville", Article XVIII Signs, unless a bulk variance is applied for and obtained.
10. All site lighting being directed in a downward manner as not to infringe on the neighboring properties with no light emanating greater than 1.0 foot candles at the property line.
11. Compliance with SEQR requirements.

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

Attorney Folmer reported:

Sale of Surplus Property:

Attorney Folmer stated that resolution from the Draft Minutes of June 15, 2016 referring to the approval of the sale of surplus property was proper.

Bond Anticipation Note Closings:

Attorney Folmer apprised the Board there would be two Bond Anticipation Note closings scheduled for Friday, July 8, 2016 at NBT Bank.

Tax Certiorari Proceeding:

Attorney Folmer reported that that he was in receipt of a Tax Certiorari Proceeding filed by Chemung Canal Trust Company for property located off of Route 222.

Councilman Leach made a motion, seconded by Councilman Kasperek, to receive and file correspondence from the New York State Department of Transportation, dated June 10, 2016, denying the Town's request for a reduction in speed limit on McLean Road. All voting aye, the motion was carried.

Supervisor Tupper stated that the Town has been trying to reduce the speed limit on McLean Road in the vicinity of the Lime Hollow Nature Center since the 1970s. The Town's request was denied once again. Supervisor Tupper indicated that the NYS DOT conducted a thorough investigation in order to make their determination. He mentioned that Tompkins County has also been denied in their requests for a reduced speed limit.

Councilman Leach referred to the correspondence from the NYS DOT, which read as follows:

"Studies conducted throughout the country have shown that drivers are influenced more by the appearance of the highway itself and prevailing traffic conditions rather than by the posted speed limit. If speed limit signs are posted for a lower limit than is needed, many drivers will simply ignore the signs. At the same time, other drivers will stay within the posted speed limit. This increases the conflicts between faster and slower drivers, reduces the gaps in traffic, and increases the difficulty for pedestrians and other vehicles to judge the speed of approaching vehicles."

According to the correspondence, the NYS DOT would also be contacting the New York State Troopers to increase their enforcement of this portion of the roadway. Councilman Leach was still in favor of a reduced speed limit.

The Board will continue their efforts for a reduced speed limit.

Councilman Testa made a motion, seconded by Councilman Leach, to receive and file correspondence from the New York State Office of Community Renewal (OCR), dated June 16, 2016, requesting a Project Status Report for the 6-month period of January 1 - June 30, 2016 for the NYS CDBG Town-wide Housing Rehabilitation Project (#287HR62-13). All voting aye, the motion was carried.

Councilman Testa made a motion, seconded by Councilman Leach, to receive and file correspondence from the New York State Office of Community Renewal (OCR), dated June 16, 2016, requesting a Project Status Report for the 6-month period of January 1 - June 30, 2016 for the NYS CDBG Project for Innovative Manufacturing Solutions (#287CRF-SB37-13). All voting aye, the motion was carried.

Councilman Testa made a motion, seconded by Councilman Leach, to receive and file correspondence from the New York State Office of Community Renewal (OCR), dated June 16, 2016, requesting a Project Status Report for the 6-month period of January 1 - June 30, 2016 for the NYS CDBG Project for Forkey Construction & Fabrication, Inc. (#287ED798-14). All voting aye, the motion was carried.

RESOLUTION #118      AUTHORIZE SUPERVISOR TO SIGN THE ANNUAL PERFORMANCE REPORT FOR THE YEAR 2016 (FINAL) REGARDING THE TOWN OF CORTLANDVILLE'S COMMUNITY DEVELOPMENT BLOCK GRANT FOR FORKEY CONSTRUCTION & FABRICATION, INC.

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Motion by Councilman Testa

Seconded by Councilman Leach

VOTES: AYE - Tupper, Testa, Leach, Kasperek    NAY - 0

ABSENT - Proud

ADOPTED

BE IT RESOLVED, the Supervisor is hereby authorized and directed to sign the Annual Performance Report (Final) for the period of January 1, 2016 through June 25, 2016 regarding the Town of Cortlandville's Community Development Block Grant for Forkey Construction & Fabrication, Inc. (287ED798-14).

Councilman Testa made a motion, seconded by Councilman Leach, to receive and file Cortland County Planning Department recommendations, dated June 10, 2016, and Cortland County Planning Board Resolution #16-15, dated June 15, 2016, regarding the Aquifer Protection Permit application of Dr. Brian Sirgany for property located at 992 NYS Route 13. All voting aye, the motion was carried.

RESOLUTION #119      REFER AQUIFER PROTECTION PERMIT APPLICATION SUBMITTED BY ROYAL NISSAN SUBARU FOR PROPERTY LOCATED AT 654 NYS ROUTE 13 TO THE TOWN AND COUNTY PLANNING BOARDS FOR REVIEW AND RECOMMENDATIONS

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Motion by Councilman Leach

Seconded by Councilman Kasperek

VOTES: AYE - Tupper, Testa, Leach, Kasperek    NAY - 0

ABSENT - Proud

ADOPTED

BE IT RESOLVED, the Aquifer Protection Permit application submitted by Royal Nissan Subaru for property located at 654 Route 13, tax map #105.00-04-06.200, shall be forwarded to the Town and County Planning Boards for review and recommendations, and it is further

RESOLVED, the Aquifer Protection Permit application and plans are hereby received and filed.

No further comments or discussion were heard.

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

The meeting was adjourned at 5:30 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 July 20, 2016.

The draft version of this meeting was approved as written at the Town Board meeting of August 3, 2016.