

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, C. Randolph Ross
Councilman, Douglas E. Withey
Town Clerk, Kristin E. Rocco-Petrella

Absent:

Councilman, John C. Proud

Others present were: Town Attorney, John A. DelVecchio; Highway Sup’t. Glenn Bassett; Court Clerk, Pamela Bassett; Deputy Town Clerk, Patricia Romer; Town Residents: Pamela Jenkins; Bob Martin; Donna Johnson; Stephen Flatt; Tom Williams; Jay Cobb; and Frank Santelli, P.E. representing Squeaky Clean Car Wash.

Supervisor Tupper called the meeting to order.

Councilman Withey made a motion, seconded by Councilman Testa, to approve the Draft Special Town Board Minutes of April 11, 2019, the Draft Town Board Minutes of April 17, 2019, and the Draft Special Town Board Minutes of April 26, 2019. All voting aye, the motion was carried.

The Draft Town Board Minutes of May 1, 2019 were presented to the Board for their review.

RESOLUTION #122

AUTHORIZE PAYMENT OF VOUCHERS – MAY

Motion by Councilman Withey
Seconded by Councilman Testa
VOTES: AYE – Tupper, Testa, Ross, Withey
ABSENT – Proud
ADOPTED

NAY – 0

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

Funds A, B, DA, DB, HG, SF, SS, SW	Voucher #651-730		
	General Fund A	\$	172,232.11
	General Fund B	\$	22,220.12
	Highway Fund DA	\$	0.00
	Highway Fund DB	\$	324,892.21
	Gutchess Lumber SC Project HG	\$	0.00
	C’Ville Fire District SF	\$	0.00
	Sewer Fund SS	\$	104,532.86
	Water Fund SW	\$	138,759.48
Funds CD1, CD3, CD4	Voucher #(None)		
	BMills Rehab CD1	\$	0.00
	Town Wide Rehab CD3	\$	0.00
	Business Devl CD4	\$	0.00
Funds TA, TE	Voucher #(None)		
	Trust & Agency TA	\$	0.00
	Expendable Trust TE	\$	0.00

Supervisor Tupper offered privilege of the floor to Bob Martin.

Town resident Bob Martin commented on agenda item I-6 regarding the Lease Agreement between the Town and Hiawatha Ventures, LLC. He recalled that at the May 1, 2019 Town Board meeting Patrick Leach stated that the Leaches gained no value or use of the improvement to the private property. Mr. Martin stated he believed the lease contained language that the Leaches could use the property for commercial interests. He questioned whether the interests could be for a kayak and canoe rental site.

Mr. Martin also commented on agenda item I-8 regarding solar overlay districts. He stated that overlay zoning is a regulatory tool that creates a special zoning district placed over an existing base zone, which identifies special provisions in addition to those underlying base zones. The overlay zone includes regulations that are applied to the property within the overlay zone in addition to the requirements of the underlying or base zone. He said that overlay districts can manage development in or near environmentally sensitive areas, such as groundwater recharge areas.

Mr. Martin mentioned that the applicant answered “yes” to question c. under C.3. Zoning on the Full Environmental Assessment Form (EAF), “Is a zoning change requested as part of the proposed action?” Mr. Martin said that in essence that was spot zoning. He recommended that the Comprehensive Planning Committee continue to review Cortlandville’s zoning needs and address solar farms as part of that process. He stated that the Town should not allow McLean Solar 1, LLC to revise Town zoning.

Mr. Martin stated that solar farms would be proliferating in New York State and hopefully in Cortlandville; the Town should be sure that there is a process fully implemented to handle environmental and financial concerns.

Supervisor Tupper offered privilege of the floor to Pamela Jenkins.

Town resident Pamela Jenkins commented on the five-year lease agreement between the Town and Hiawatha Ventures, LLC that was voted on at the May 1, 2019 Town Board meeting. She said the lease agreement was in the best interest of Greg Leach and not Cortlandville taxpayers. Ms. Jenkins questioned when the blue ink asterisk and hand written language was added to the lease concerning commercial activity because it was not on the lease that the Board voted on at the May 1, 2019 meeting. She said there was no resolution voted upon for the added language.

Ms. Jenkins commented on agenda item I-8 regarding the request for solar overlay districts (McLean Solar 1, LLC). She apprised the Board that she consulted with Eric Lopez and Daniel Dineen from the Cortland County Planning Department regarding solar overlay districts and reported the following information. Per Eric Lopez, there are 908 acres of residential zoned properties adjacent to agricultural and industrial zoned properties. Ms. Jenkins said that the proposed solar farm zoning amendments could potentially apply to numerous pieces of land throughout the Town to allow large scale solar farms on residential properties that are adjacent to Agricultural and Industrial properties. She said that per Daniel Dineen, an applicant cannot apply for a solar overlay district if the Town’s zoning law does not have provisions for solar overlay districts. The Town would have to adopt a zoning text amendment to incorporate provisions for solar overlay districts before one could be applied for. Mr. Dineen said that per SEQR Section 617.4 Type I Actions, (b) (2), “the adoption of changes in the allowable uses within any zoning district, affecting 25 or more acres of the district,” is considered a Type 1 Action under SEQR.

Ms. Jenkins stated that Cortlandville’s Comprehensive Plan makes no mention of overlay zones. Therefore, the proposed overlay solar district is inconsistent with the Cortlandville Comprehensive Plan. She said that the proposed amendment would allow for industrial and commercial encroachment onto residential properties. Ms. Jenkins stated that no criteria were presented to define the number of acres throughout the Town that would be subject to the amendment and no criteria were presented for the size of overlays. The proposed zoning would also subvert the provisions of Farmland Protection by commercializing untold numbers of acres of active farms throughout Cortlandville. Ms. Jenkins mentioned that the Town was currently working on a new Comprehensive Plan and suggested the process take place before the Town would allow a developer to change the Town’s zoning for a project that is currently prohibited by intact zoning.

Supervisor Tupper thanked Mr. Martin and Ms. Jenkins for their comments.

Councilman Withey made a motion, seconded by Councilman Testa, to receive and file the monthly report of the Cortland Community SPCA for the month of April 2019. All voting aye, the motion was carried.

Councilman Testa made a motion, seconded by Councilman Withey to receive and file the monthly report of the Town Clerk for the month of April 2019. All voting aye, the motion was carried.

Councilman Testa made a motion, seconded by Councilman Withey, to receive and file the monthly report of the Supervisor for the month of April 2019. All voting aye, the motion was carried.

Councilman Testa made a motion, seconded by Councilman Withey, to receive and file the monthly report of the Tax Collector for the month of April 2019. All voting aye, the motion was carried.

Councilman Testa made a motion, seconded by Councilman Withey, to receive and file the monthly report of Town Justice Casullo for the month of April 2019, and for Town Justice LeFevre for the month of April 2019. All voting aye, the motion was carried.

Councilman Withey made a motion, seconded by Councilman Ross, to receive and file the monthly report of the Water & Sewer Department for the month of April 2019. All voting aye, the motion was carried.

Councilman Withey made a motion, seconded by Councilman Testa, to receive and file an email communication, dated May 1, 2019, from Irena Vincent regarding Town CEO, Kevin McMahon and his professional courtesies in regards to his assistance with Ms. Vincent's building permit application. All voting aye, the motion was carried.

Under old business, the Board discussed the Aquifer Protection Permit application submitted by Squeaky Clean Car Wash (Washing Technologies, LLC) to permit the construction of a 35 ft. by 91 ft. 4 in. carwash tunnel with accessory signage, for property located on the north side of NYS Route 222, approximately 165 ft. east of the intersection of NYS Route 222 and NYS Route 281 (former KFC), tax map #86.13-01-29.000.

Attorney DelVecchio questioned whether the Board was aware of the actions by the Town Planning Board, to which they responded yes. The Board commenced their review of Part 2 of the SEQR Short Environmental Assessment Form with Attorney DelVecchio reading the questions. After answering "no impact" to the first several questions, Frank Santelli, P.E. representing Squeaky Clean Car Wash, asked if he could address the Board and answer any questions they may have. Mr. Santelli reviewed the proposed application with the Board. The Board continued its SEQR review, answering no impact to small impact for all questions.

RESOLUTION #123 DECLARE NEGATIVE IMPACT FOR AQUIFER
PROTECTION PERMIT #6 OF 2019 SUBMITTED BY
SQUEAKY CLEAN CAR WASH FOR PROPERTY LOCATED
AT 1087 NYS ROUTE 222 AND AUTHORIZE SUPERVISOR
TO SIGN THE SEQRA APPLICATION

Motion by Councilman Withey

Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Ross, Withey

NAY – 0

ABSENT – Proud

ADOPTED

WHEREAS, an Aquifer Protection Permit application was submitted by Squeaky Clean Car Wash to permit the construction of a 35 ft. by 91 ft. 4 in. carwash tunnel with accessory signage, for property owned by Washing Technologies, LLC, located on the north side of NYS Route 222, approximately 165 ft. east of the intersection of NYS Route 222 and NYS Route 281 (former KFC), tax map #86.13-01-29.000, and

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

BE IT RESOLVED, the Town Board as Lead Agent does hereby declare the proposed project of Squeaky Clean Car Wash, Aquifer Protection Permit #6 of 2019, shall have no significant environmental impact, and it is further

RESOLVED, the Supervisor is hereby authorized and directed to sign the SEQRA application relating to Aquifer Protection Permit #6 of 2019.

RESOLUTION #124 APPROVE AQUIFER PROTECTION PERMIT #6 OF 2019
SUBMITTED BY SQUEAKY CLEAN CAR WASH FOR
PROPERTY LOCATED AT 1087 NYS ROUTE 222 SUBJECT
TO CONDITIONS

Motion by Councilman Testa

Seconded by Councilman Ross

VOTES: AYE – Tupper, Testa, Ross, Withey

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 #6 of 2019, submitted by Squeaky Clean Car Wash, permitting the construction of a 35 ft. by 91 ft. 4 in. carwash tunnel with accessory signage, for property owned by Washing Technologies, LLC, located on the north side of NYS Route 222 and NYS Route 281 (former KFC), tax map #86.13-01-29.000, subject to the following conditions from the Town and County Planning Boards:

1. The applicant consulting with the NYS Department of Transportation (DOT) and obtaining written confirmation regarding the use and location of the existing curb cuts on NYS Route 222 and to ensure that this proposal is providing ample area for the queuing of vehicles on site without interfering with the flow of traffic on NYS Route 222.
2. The applicant's submittal of a landscaping plan for the site to the Town for review and approval including an indication that unused areas of the lot around the perimeter of the proposed building would be landscaped to reduce the impervious surface of the lot thereby increasing the greenspace on the lot to meet or exceed the minimum greenspace requirement for lots of three acres or less.
3. A stormwater pollution prevention plan being developed by the applicant and approved by the Town. As part of this plan, it should be shown that there would be no net peak flow increase in runoff discharged to the NYS Routes 222 and 281 stormwater system.
4. The applicant's submittal of a revised site plan to the Town indicating snow storage areas on the site and that the snow storage on the site is located in an area on the lot where any runoff from the snow storage is captured by the stormwater management facility.
5. An oil/water separator being installed for discharge to the sewer. This oil/water separator should also be maintained regularly.
6. That a grit separator be installed and maintained regularly to insure that it is properly functioning.
7. The Town weighing the benefit of exceeding the maximum number and square footage of signs and height of a freestanding sign to the applicant vs. the health, safety and welfare of the community/neighborhood as is required before any area variance may be granted.
8. 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 a use variance to allow the building mounted signs to be illuminated may be granted.
9. Compliance with SEQR requirements.

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

Attorney DelVecchio reported:

Lease Agreement Between the Town and Hiawatha Ventures, LLC:

Attorney DelVecchio addressed comments made during privilege of the floor regarding the Town's new five-year lease agreement with Hiawatha Ventures, LLC. He recalled that specific discussion occurred at the Board's last meeting (May 1, 2019) regarding a concern raised by the public with regard to the allowance of commercial activities at the Blodgett Mills property. It was his understanding that the Board approved the lease agreement with the revision that such activities would be allowed on the site if permitted by the Town.

Councilman Ross stated that the resolution adopted at the last meeting specifically authorized the additional language included in the lease that was noted during "privilege of the floor."

Supervisor Tupper agreed with Councilman Ross and stated that the Board authorized Attorney DelVecchio to add the language. He noted the only other correction to the lease was for a misspelling, which was marked with initials.

Sewer Agreements Between the Town and the Villages of Homer and McGraw:

Attorney DelVecchio discussed the sewer agreement between the Town and the Village of Homer regarding sewer services as the agreement in place had expired. With the assistance of Water and Sewer Sup't. Alteri, he drafted a new agreement between the Town and the Village of Homer, which was forwarded to the Village for review and consideration at the next Board of Trustees meeting. Attorney DelVecchio and Sup't. Alteri drafted a similar agreement for the Town and the Village of McGraw regarding the same. Attorney DelVecchio will provide the Board with the agreements for their review in the near future.

Request for an Overlay Zone – McLean Solar 1, LLC:

Attorney DelVecchio indicated that he would comment on agenda item I-8 when the Board got to that point in the meeting.

RESOLUTION #125 ACCEPT STATEMENT OF COMPLETION FOR THE TOWN
OF CORTLANDVILLE'S CAPITAL PROJECT - NEW TOWN
HIGHWAY GARAGE

Motion by Councilman Testa

Seconded by Councilman Withey

VOTES: AYE – Tupper, Testa, Ross, Withey

NAY – 0

ABSENT – Proud

ADOPTED

BE IT RESOLVED, the Town Board does hereby accept and receive and file the Statement of Completion for the Town of Cortlandville's Capital Project - New Town Highway Garage, as submitted by Patricia O'Mara, Fixed Asset Manager, as follows:

STATEMENT OF COMPLETION

**IN THE MATTER OF
New Town Highway Garage**

Town Board Meeting of May 15, 2019

I, **Richard C. Tupper**, Supervisor of the Town of Cortlandville, Cortland County New York, DOES HEREBY CERTIFY, pursuant to Section 236 of the Town Law, that the actual and complete costs of the New Town Highway Garage are as follows:

PROFESSIONAL SERVICES

Complete Construction Concepts, LLP	\$334,687.00
Hawkins, Delafield & Wood LLP	\$ 5,963.74

LEGAL NOTICE

Cortland Standard	\$	49.24
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MISC.

Ace Security Control Inc.	\$	70.50
Atlantic Inland Inc.	\$	245.00
Beard Electric	\$	14,441.83
Beck Equipment Inc.	\$	251.25
Brush Mark Signs	\$	1,780.00
Builder's Best Home Do It Center	\$	2,326.69
Commercial Maintenance Supply	\$	220.50
Chemsearch	\$	445.75
Cintas Corporation	\$	311.95
Core & Main LLP	\$	65.06
Ferguson Enterprises Inc.	\$	395.69
Genson Overhead Door Co.	\$	144.00
Glass Smith Inc.	\$	14.31
Grainger Parts	\$	1,565.23
HEP Sales	\$	7,503.34
Holbrook's Precast, Inc.	\$	8,872.00
Halco	\$	14,415.00
Hummel Office Equipment Co. Inc.	\$	231.18
ID Booth Inc.	\$	9,017.12
J. C. Smith Inc.	\$	2,347.73
Kellogg Auto Supply Co. Inc.	\$	8,919.08
Lowes Home Center	\$	1,651.92
Meldrim's Paint Center	\$	906.63
Murdock Excavation Inc.	\$	375.00
Northern Block LLP	\$	3,035.89
Northern Safety Co. Inc.	\$	230.88
Pollard Water #3325	\$	42.74
Productivity Plus Account	\$	22.62
Riverside Fire Extinguishers	\$	308.00
R & M Farm & Pro Hardware	\$	22.15
RMC Group LLC	\$	549.50
Skyline Electric Supply Co. Inc.	\$	16,183.79
Suit-Kote Corp.	\$	48,353.39
Tifco Industries Inc.	\$	1,598.91
Tim's Consulting	\$	1,978.32
TI Sales Inc.	\$	142.34
Tully Building Supply	\$	4,048.95
Walmart	\$	125.24
Wilcox Building Specialties	\$	1,050.00

Expenditures paid by General Fund A charged to this project	\$	57,393.20
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TOTAL	\$ 552,302.66
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RESOLUTION #126	AUTHORIZE SUPERVISOR TO SIGN THE CERTIFICATE OF SUBSTANTIAL COMPLETION FOR THE TERRACE ROAD WELL WATER MAIN DESIGN PROJECT
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Motion by Councilman Withey

Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Ross, Withey

NAY – 0

ABSENT – Proud

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to sign the Certificate of Substantial Completion between the Town and Vacri Construction Corporation for the Town of Cortlandville - Terrace Road Well Water Main Design Project.

RESOLUTION #127 AUTHORIZE CHANGE ORDER NO. 1 SUBMITTED BY
VACRI CONSTRUCTION CORPORATION FOR THE
TERRACE ROAD WELL WATER MAIN DESIGN PROJECT

Motion by Councilman Withey
Seconded by Councilman Ross
VOTES: AYE – Tupper, Testa, Ross, Withey NAY – 0
 ABSENT – Proud
 ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to execute Change Order No. 1 from Vacri Construction Corporation for the Town of Cortlandville – Terrace Road Well Water Main Design Project, decreasing the total cost of the project by \$500.00, to account for the repair of the asphalt driveway that was damaged during construction to be completed by the Town.

RESOLUTION #128 AUTHORIZE PAYMENT APPLICATION NO. 1 SUBMITTED
BY VACRI CONSTRUCTION CORPORATION FOR THE
TERRACE ROAD WELL WATER MAIN DESIGN PROJECT

Motion by Councilman Withey
Seconded by Councilman Testa
VOTES: AYE – Tupper, Testa, Ross, Withey NAY – 0
 ABSENT – Proud
 ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to execute Payment Application No. 1 as recommended by CHA for the Town of Cortlandville – Terrace Road Well Water Main Design Project, for payment in the amount of \$126,600.00 to Vacri Construction Corporation, to reflect work completed to date (\$129,200.00) minus two times the value of the punch list items (\$2,600.00).

Councilman Ross made a motion, seconded by Councilman Withey, to receive and file the five-year Lease Agreement between the Town of Cortlandville and Hiawatha Ventures, LLC for property located in Blodgett Mills, tax map #108.00-04-01.000, commencing May 1, 2019 and ending April 30, 2024. All voting aye, the motion was carried.

RESOLUTION #129 AMEND THE 2019 BUDGET AND AUTHORIZE
SUPERVISOR TO TRANSFER FUNDS

Motion by Councilman Withey
Seconded by Councilman Testa
VOTES: AYE – Tupper, Testa, Ross, Withey NAY – 0
 ABSENT – Proud
 ADOPTED

BE IT RESOLVED, the Supervisor is hereby authorized and directed to transfer funds to adjust the accounts of the 2019 Budget for the Town of Cortlandville, to account for the elimination of the Town Supervisor’s Petty Cash Account A210 as follows:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
A201	A210	\$ 50.00
	TOTAL:	\$ 50.00

Under new business, there was discussion regarding agenda item I-8, “Forward to the Town & County Planning Boards for their review & recommendations, the petition dated May 10, 2019 from McLean Solar 1, LLC regarding the request to ‘Create Solar Overlay Districts’ in the Town Zoning Regulations”.

Attorney DelVecchio apprised the Board that he and Planning and Zoning Officer Bruce Weber received the request from McLean Solar 1, LLC yesterday and put the item on the agenda late. He spoke with the attorney for McLean Solar 1; the request was similar to the previous request. The applicant was requesting that the Board adopt a change to the Town’s zoning ordinance to allow for overlay districts and also to amend the zoning ordinance and create an overlay district for this particular solar project. Attorney DelVecchio explained that the SEQRA documents presented with the application only address a particular site and do not address all of the potential properties the could be subject to the overlay districts.

PZO Weber brought it to the applicant’s attorney’s attention and indicated that he and Attorney DelVecchio wanted that part of the application amended and the applicant agreed to do so, therefore the application would be submitted at a later date. With regard to the circumstances, Attorney DelVecchio presented four options to the Board. The first option would be to take no action because the application is not complete. The second option would be to forward the petition dated May 10, 2019 from McLean Solar 1, LLC regarding the request to “Create solar Overlay Districts” to the Town and County Planning Boards for review and recommendations. The third option would be to table the matter for further submission. The fourth option would be to forward the application to the Cortlandville Comprehensive Planning Committee for review and have the committee provide feedback for the Board’s consideration. If the Board chose the fourth option, Attorney DelVecchio stated he would make sure the application and appropriate documents were submitted to the Comprehensive Planning Committee for its next meeting.

In order to discuss the agenda item further, Supervisor Tupper requested a motion be made to bring the agenda item onto the table for discussion.

Councilman Testa made a motion, seconded by Councilman Withey to discuss forwarding the petition dated May 10, 2019 from McLean Solar 1, LLC regarding the request to “Create Solar Overlay Districts” in the Town Zoning Regulations. All voting aye, the motion was carried.

More discussion followed regarding agenda item I-8 for the request of McLean Solar 1, LLC to create a solar overlay district in the Town zoning regulations. Supervisor Tupper commented that the Board was very aware of the concerns and comments raised by Ms. Jenkins on the subject. He stated that the Town does not have an overlay district in our zoning regulations and the Board decided not to make changes to the zoning law until the Comprehensive Planning Committee had reviewed the request and made recommendations to the Board.

Councilman Ross said that his first concern regarding the overlay district was not the environmental impact, but how it would fit in with the Town’s Comprehensive Plan. He stated that he did not agree that the creation of an overlay district was spot zoning, but he did agree that it was not a sufficiently developed proposal. For example, what does “substantially adjacent” mean? Councilman Ross stated that he would like to refer the “concept” to the Comprehensive Planning Committee rather than the Town and County Planning Boards.

Councilman Ross asked Attorney DelVecchio to inform the applicant’s Attorney, Mr. Sweeney that the Board does not find their request for a solar overlay district to be a sufficiently informative proposal and to suggest a more comprehensive proposal be submitted. Councilman Ross said he was not against the concept of an overlay district, but was not sure the Town would want one for the proposed areas. Councilman Ross added that he did not like the fact that the Board received the proposal the day before it should be acted upon. The Board agreed the proposal was incomplete. Councilman Ross suggested a motion to table agenda item I-8.

RESOLUTION #130 TABLE AGENDA ITEM I-8 REGARDING THE REQUEST OF
MCLEAN SOLAR 1, LLC TO CREATE SOLAR OVERLAY
DISTRICTS IN THE TOWN ZONING REGULATIONS

Motion by Councilman Ross

Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Ross

ABSENT – Proud

ADOPTED

NAY – Withey

BE IT RESOLVED, the Town Board does hereby table agenda item I-8, “Forward to the Town & County Planning Boards for their review & recommendations, the petition dated May 10, 2019 from McLean Solar 1, LLC regarding the request to ‘Create Solar Overlay Districts’ in the Town Zoning Regulations”.

Councilman Ross made a motion to refer the request for solar overlay districts from McLean 1 Solar, LLC to the Comprehensive Planning Committee for their consideration.

Councilman Withey voiced his opposition to both tabling the overlay district request and referring the request to the Comprehensive Planning Committee. He stated he would prefer to deny the request. Councilman Withey said the Board can’t be sure what the new Comprehensive Plan will be in the future and the request should be based on the Comprehensive Plan that the Town has today.

Attorney DelVecchio responded that taking no action is an option, but advised the Board that it also needs to be fair to the applicant. He suggested that if the Board were to refer the request to the Comprehensive Planning Committee that it be referred with a specific directive to comment on overlay districts in general or to specifically review the request at hand and recommend feedback in the analysis of the application. Councilman Ross said that the Comprehensive Planning Committee should be a part of the process for this consideration as there are two new zoning concepts that were not used in the Town’s Comprehensive Plan before. The committee could discuss overlay districts and/or floating zones in general and also in relation to solar farms and PUD’s. Supervisor Tupper mentioned that the new Comprehensive Plan should be complete by September.

Attorney DelVecchio stated he would confer with PZO Weber with regard to proper procedure as it is actually PZO Weber who has the authority to determine if an application regarding zoning is complete. Once a determination is made, certain protocol needs to be followed in processing the application. Councilman Ross reminded Attorney DelVecchio that this is a request to change the Town’s code, to which Attorney DelVecchio replied that was correct and he reiterated that he would consult with PZO Weber.

RESOLUTION #131 REFER THE CONCEPT OF OVERLAY ZONES AND/OR
FLOATING ZONES TO THE TOWN’S COMPREHENSIVE
PLANNING COMMITTEE FOR CONSIDERATION

Motion by Councilman Ross

Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Ross

NAY – 0

ABSENT – Proud

ADOPTED

BE IT RESOLVED, the Town Board does hereby refer the concept of overlay zones and/or floating zones pertaining to the Town’s Zoning Ordinance to the Town’s Comprehensive Planning Committee for consideration.

RESOLUTION #132 SCHEDULE SPECIAL TOWN BOARD MEETING –
WORKSHOP TO DISCUSS THE GUTCHESS LUMBER
SPORTS COMPLEX

Motion by Councilman Withey

Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Ross, Withey

NAY – 0

ABSENT – Proud

ADOPTED

BE IT RESOLVED, the Town Board does hereby schedule a Special Town Board Meeting for Thursday, May 23, 2019 at 10:00 a.m. for the purpose of conducting a workshop to discuss the Gutches Lumber Sports Complex.

No further comments or discussion were heard.

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

The meeting was adjourned at 6:07 p.m.

Respectfully submitted,

Kristin E. Rocco-Petrella

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

*Note:

The draft version of this meeting was submitted to the Town Board for their review on May 31, 2019.

The final version of this meeting was approved as written at the Town Board meeting of June 3, 2019.