

PUBLIC HEARING NO. 1

AQUIFER PROTECTION PERMIT
HBDR, LLC
3894 US ROUTE 11
TAX MAP #87.00-04-10.000

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 HBDR, LLC to construct a railroad siding and propane storage/distribution facility, for property located on the south side of US Route 11/NYS Route 41, approximately 9/10 mile northwest of Interstate Route 81, Exit 10, tax map #87.00-04-10.000.

Members present:

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

Others present were: Town Attorney, John Folmer; Highway Sup't. Carl Bush; James Trasher from Clough Harbour & Associates; Garry VanGorder, Cortland County BDC/IDA; Attorney Patrick Perfetti; Barb Leach; Pat and Sara Leach; James Fellows; Anna-Mae Artim; Lydia and James Ferro; Marilee Comerford; Paul Jebbett; Ter-Jenq and Shiow-Chen Huang; Russ and Sally White; Jim Bulger; Employees from Gutchess Lumber Co.: Reed Fuller, Ben Stuart, Robert Benver, John Lyon, Steve Allen, Steve Servies; News Reporters: Sharon Stevans from Channel 2, Access TV; and Bob Ellis and Tyrone Heppard from the *Cortland Standard*.

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.

PUBLIC HEARING NO. 2

LOCAL LAW OF 2015
ZONING LAW AND MAP AMENDMENT
MEIRA HERTZBERG, ESQ., APPLICANT
5 PARCELS LOCATED OFF OF NYS ROUTE 13

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, regarding the adoption of a Local Law for the year 2015 which would amend the Zoning Law and Map of the Town of Cortlandville, submitted by Meira N. Hertzberg, ESQ, to re-classify and re-designate five parcels located on the southeast side of NYS Route 13, immediately north of the Town of Virgil boundary, from their present zoning classification of B-1 (Neighborhood Business) District to B-2 (Highway Commercial Business) District.

Members present:

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

Others present were: Town Attorney, John Folmer; Highway Sup't. Carl Bush; James Trasher from Clough Harbour & Associates; Garry VanGorder, Cortland County BDC/IDA; Attorney Patrick Perfetti; Barb Leach; Pat and Sara Leach; James Fellows; Anna-Mae Artim; Lydia and James Ferro; Marilee Comerford; Paul Jebbett; Ter-Jenq and Shiow-Chen Huang; Russ and Sally White; Jim Bulger; Employees from Gutchess Lumber Co.: Reed Fuller, Ben Stuart, Robert Benver, John Lyon, Steve Allen, Steve Servies; News Reporters: Sharon Stevans from Channel 2, Access TV; and Bob Ellis and Tyrone Heppard from the *Cortland Standard*.

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.

Attorney Patrick Perfetti apprised the Board he was appearing on behalf of the applicant, Meira Hertzberg, Esq. to point out a couple of highlights regarding the proposed zone change. He stated that proposed zone change conforms to the future Land Use Plan for the Town of Cortlandville. Additionally, given the development trends along the Route 13 corridor, the B-1 zoning in place is inconsistent with the way development has been occurring over the past few years. Most significantly, the abutting land owners who would be most impacted by the request were in favor of the proposed zone change.

No further comments or discussion 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, Ronal L. Rocco
 Councilman, John C. Proud
 Councilman, Gregory K. Leach
 Town Clerk, Karen Q. Snyder, RMC

Others present were: Town Attorney, John Folmer; Highway Sup't. Carl Bush; James Trasher from Clough Harbour & Associates; Garry VanGorder, Cortland County BDC/IDA; Attorney Patrick Perfetti; Barb Leach; Pat and Sara Leach; James Fellows; Anna-Mae Artim; Lydia and James Ferro; Marilee Comerford; Paul Jebbett; Ter-Jenq and Shioh-Chen Huang; Russ and Sally White; Jim Bulger; Employees from Gutchess Lumber Co.: Reed Fuller, Ben Stuart, Robert Benver, John Lyon, Steve Allen, Steve Servies; News Reporters: Sharon Stevans from Channel 2, Access TV; and Bob Ellis and Tyrone Heppard from the *Cortland Standard*.

Supervisor Tupper called the meeting to order.

Councilman Rocco made a motion, seconded by Councilman Leach, to approve the Draft Town Board Minutes of February 18, 2015 as written. All voting aye, the motion was carried.

Councilman Rocco made a motion, seconded by Councilman Leach, to approve the Draft Town Board Minutes of March 4, 2015 as written. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Rocco, to receive and file the Cortlandville Zoning Board of Appeals Minutes of January 27, 2015. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Rocco, to receive and file the Cortlandville Planning Board Minutes of January 27, 2015. All voting aye, the motion was carried.

Councilman Proud made a motion, seconded by Councilman Rocco, to receive and file the Cortlandville Planning Board Minutes of February 24, 2015. All voting aye, the motion was carried.

Attorney Folmer mentioned that the Board received the Draft Town Board Minutes of February 4, 2015 with a memo attached asking that the minutes be approved with the exception of the Resolution on page 2 concerning the renaming of a portion of Byrne Hollow Crossing. He explained the reason for the exception was because he has not been able to determine the distance between the intersection of what is currently Byrne Hollow Crossing and the entrance to the future Byrne Dairy Visitor Center. He suggested the Board approve the Draft Minutes with the exception of the Resolution.

Councilman Proud made a motion, seconded by Councilman Testa, to approve the Draft Town Board Minutes of February 4, 2015 with the exception of the Resolution on Page 2, "Authorize Change of Name of a Portion of a Town Street and Highway from Byrne Hollow Crossing to Finger Lakes East Drive". All voting aye the motion was carried.

RESOLUTION # AUTHORIZE PAYMENT OF VOUCHERS – MARCH

Motion by Councilman Leach

Seconded by Councilman Proud

VOTES: AYE - Tupper, Testa, Rocco, Proud, Leach NAY - 0

ADOPTED

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

Funds A, B, DA, DB	Voucher #236-282	
	General Fund A	\$ 22,183.28
	General Fund B	\$ 5,560.74
	Highway Fund DA	\$ 0.00
	Highway Fund DB	\$ 27,650.88
Funds CD1, CD3, CD4	Voucher #10-14	
	BMills Rehab CD1	\$ 0.00
	Town Wide Rehab CD3	\$ 33,808.23
	Business Devl CD4	\$ 0.00
Fund HC, SS, SW	Voucher #87-107	
	NYS Rt 13 Sewer Rehab HC	\$ 4,021.00
	Sewer SS	\$ 86,709.80
	Water SW	\$ 97,747.91
Funds SF, TA, TE	Voucher #11-11	
	C'Ville Fire District SF	\$ 0.00
	Trust & Agency TA	\$ 212.21
	Expendable Trust TE	\$ 0.00

Supervisor Tupper offered privilege of the floor to Lydia Ferro.

Town resident, Lydia Ferro apprised the Board she was in attendance to convey some information to the Board that she collected from her neighbors regarding the zone change request submitted by Gutches Lumber Co., Inc. She indicated that the SEQR submitted by Gutches was not totally complete and that some of the questions were answered as unknown or were not filled in. She stated that the SEQR was very confusing.

Mrs. Ferro stated that nobody was taking into consideration that the area involved in the zone change is a flood area. She stated that McLean Road has been flooding for 50+ years, and that Gutches Lumber's drying area also floods. She stated that the area is a wetland, and was concerned that the Board was not considering that factor. She also referred to the property as swamp land.

Mrs. Ferro mentioned that not long ago there was a berm of dirt located near Bestway Beauty Supply, which is no longer there. She questioned what happened to the berm, whether it was leveled and what the elevation was. She mentioned the fact that Gutches Lumber wants FEMA to pay \$6 million to adjust McLean Road because of flooding. She stated that there are 7 ponds in the area and that water could not be stopped from flowing downhill. Mrs. Ferro stated that even if the roadway was fixed and elevated, the water would still flood Gutches' property.

Mrs. Ferro stated that this was a very serious situation for the hundreds of people living in the area. Residents feel there should be a geological survey and that more investigation should be done.

Mrs. Ferro recalled that Gutches Lumber showed a power point presentation to the public in the past. She stated that Gutches Lumber was not taking into consideration the hundreds of people who live in the area.

Mrs. Ferro pleaded with the Board to take into consideration a geological study, in which she said the Board would find that the area was a flood land and swamp land.

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

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from Time Warner Cable, dated March 18, 2015, regarding programming services. All voting aye, the motion was carried.

Attorney Folmer and the Board reviewed the SEQR Short Environmental Assessment Form for the Aquifer Protection Permit application submitted by HBDR, LLC for property located off of US Route 11.

RESOLUTION # DECLARE NEGATIVE IMPACT FOR AQUIFER
PROTECTION PERMIT #2 OF 2015 SUBMITTED BY HBDR,
LLC FOR PROPERTY LOCATED OFF OF US ROUTE 11

Motion by Councilman Rocco

Seconded by Councilman Leach

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

WHEREAS, an Aquifer Protection Permit application was submitted by HBDR, LLC to permit the construction of a railroad siding and propane storage/distribution facility, for property located on the south side of US Route 11/NYS Route 41, approximately 9/10 mile northwest of Interstate Route 81, Exit 10, tax map #87.00-04-10.000, 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 HBDR, LLC, Aquifer Protection Permit #2 of 2015, shall have no significant environmental impact.

RESOLUTION # AUTHORIZE SUPERVISOR TO SIGN SEQRA
APPLICATION OF AQUIFER PROTECTION
PERMIT #2 OF 2015

Motion by Councilman Testa

Seconded by Councilman Leach

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

BE IT RESOLVED, the Supervisor is hereby authorized and directed to sign the SEQRA application relating to Aquifer Protection Permit #2 of 2015, submitted by HBDR, LLC.

RESOLUTION # APPROVE AQUIFER PROTECTION PERMIT #2 OF 2015
SUBMITTED BY HBDR, LLC FOR PROPERTY LOCATED
OFF OF US ROUTE 11 SUBJECT TO CONDITIONS

Motion by Councilman Testa

Seconded by Councilman Leach

VOTES: AYE - Tupper, Testa, Rocco, Proud, Leach NAY - 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 #2 of 2015, submitted by HBDR, LLC, permitting the construction of a railroad siding and propane storage/distribution facility, for property located on the south side of US Route 11/NYS Route 41, approximately 9/10 mile northwest of Interstate Route 81, Exit 10, tax map #87.00-04-10.000, subject to conditions from the Town and County Planning Boards:

1. The applicant obtaining an easement from the Cortland County Industrial Development Agency, which is written into the deeds of both properties, to allow the railroad siding to be on this adjoining property.
2. The applicant obtaining an easement from the adjoining property owner to the west (Suit-Kote Corp.), which is written into the deeds of both properties, to allow the railroad sidings to be extended onto this property.
3. The applicant obtaining approval from the New York Susquehanna and Western Railroad for connection of the proposed railroad sidings to the existing railroad.
4. The applicant's submittal of the training requirements for truck drivers entering the facility to the Town.
5. The applicant obtaining a Highway Work Permit from the NYS Department of Transportation (DOT) for the commercial driveway access to U.S. Route 11/NYS Route 41.
6. The applicant meeting the requirements of US Environmental Protection Agency (EPA) regulations codified as part 68 of Title 40 of the Code of Federal Regulations (CFR) as is required for this facility.
7. The applicant's compliance with the Process Safety Management (PSM) Standard of Occupational Safety and Health Administration (OSHA).
8. The applicant providing more detailed information as to the type of shut offs between the piping and the rail tanker cars, propane storage tanks, and the filling station and how quickly a broken pipe on site would be discovered.
9. The applicant's submittal of the US EPA required released scenario analysis to the Town to assist the Town in accessing the potential impacts of this facility on the surrounding area.
10. The applicant's submittal of the elements of the US EPA/OSHA required incident prevention program (written operating procedures, maintenance procedures for equipment, etc.) to the Town.
11. The applicant's submittal of the emergency response program consisting of an emergency response plan, emergency response equipment procedures, employee training, and procedures to ensure the program is up to date to the Town.
12. The applicant's submittal of the fire safety analysis for the facility to the Town.
13. The applicant obtaining written confirmation from the Town of Cortlandville Fire Department that the Fire Department has the training and resources to address an emergency situation at this facility.
14. Approval of the public water and sewer connections, including the installation of a backflow prevention device for the public water connection, from the County Health Department via application to the Town.
15. The applicant obtaining written confirmation from the Town of Cortlandville Water Department and Fire Department that there is adequate water pressure and flow at this location to adequately address the fire suppression needs of this facility.
16. The proposed security gate being back far enough from US Route 11 to allow area for trucks to be completely off US Route 11 while waiting for the gate to open.
17. The applicant clarifying the extent of the fencing on the property including whether it is the intent to secure the entire site with fencing.
18. The applicant providing to the Town the security plan for the site, if any and whether the security gate is opened by an on-site employee or if the driver is able to open the gate.
19. The applicant providing a more detailed lighting plan to the Town for the site including location and illumination pattern of the facility, to insure that the lighting of the site would be directed in a downward manner and would not have any adverse impact on the surrounding area.

20. The applicant obtaining approval of the final design of the stormwater pollution prevention plan per the Town's stormwater ordinance and the NYS Phase II stormwater regulations.
21. The applicant filing a Notice of Intent with the NYSDEC in addition to the preparation of a stormwater pollution prevention plan per the NYS Phase II stormwater regulations.
22. The applicant mitigating any propane odors detectable at the property line of this facility.
23. The applicant applying for and receiving a bulk variance to allow the proposed sign to exceed the maximum height allowance of 8ft.
24. The Town weighing the benefit of the increased height of the sign to the applicant vs. the health, safety, and welfare of the community/neighborhood as is required before any bulk variance may be granted.
25. The applicant obtaining a development permit for flood hazard areas from the Town since a portion of the property is within the 100 year floodplain.
26. Compliance with SEQR requirements.
27. The satisfactory submittal of a completed Site Plan drawing, lighting plan, formal approval of the Stormwater Management System, and compliance with the 26 recommendations contained in the Cortland County Planning Board's Resolution No. 14-35 of October 15, 2014.

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

Attorney Folmer and the Board reviewed the SEQR Short Environmental Assessment Form for the Zone Change request submitted by Meira Hertzberg, Esq. for properties located off of NYS Route 13.

RESOLUTION # DECLARE NEGATIVE IMPACT FOR ZONE CHANGE
REQUEST SUBMITTED BY MEIRA HERTZBERG, ESQ. FOR
PROPERTIES LOCATED OFF OF NYS ROUTE 13

Motion by Councilman Proud

Seconded by Councilman Testa

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

WHEREAS, a Zone Change request was submitted by Meira Hertzberg, Esq. for several parcels located on the southeast side of NYS Route 13, immediately north of the Town of Virgil boundary, and

WHEREAS, the Town Board as Lead Agent duly reviewed and completed Part 2 of the Short Environmental Assessment Form, therefore

BE IT RESOLVED, the Town Board as Lead Agent, does hereby declare that the proposed Zone Change request shall have no significant environmental impact.

RESOLUTION # AUTHORIZE SUPERVISOR TO SIGN SEQRA APPLICATION
FOR THE ZONE CHANGE REQUEST SUBMITTED BY
MEIRA HERTZBERG, ESQ.

Motion by Councilman Testa

Seconded by Councilman Leach

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

BE IT RESOLVED, the Supervisor is hereby authorized and directed to sign the SEQRA application relating to the Zone Change request submitted by Meira Hertzberg, Esq.

RESOLUTION #

**ADOPT LOCAL LAW NO. 1 OF 2015 AMENDING THE
ZONING LAW AND MAP OF THE TOWN OF
CORTLANDVILLE FOR A ZONE CHANGE ON NYS ROUTE
13 SUBMITTED BY MEIRA HERTZBERG, ESQ.**

Motion by Councilman Leach

Seconded by Councilman Proud

VOTES: AYE - Tupper, Testa, Rocco, Proud, Leach NAY - 0

ADOPTED

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Cortlandville for a Public Hearing to be held by said Board to hear all interested parties on a proposed Local Law amending the Zoning Ordinance and Map of the Town of Cortlandville to reclassify several parcels from their present zoning classification to B-2 (Highway Commercial Business), and

WHEREAS, a notice of said public hearing was duly published in the Cortland Standard, the official newspaper of the said Town, and posted at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York, as required by law, and

WHEREAS, said public hearing was duly held and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law it has been determined by the said Town Board that adoption of said proposed Local Law would not have a significant effect upon the environment and could be processed by their applicable governmental agencies without further regard to SEQRA, and

WHEREAS, the Town Board of the Town of Cortlandville, after due deliberation, finds it in the best interest of the Town to adopt said Local Law,

NOW, THEREFORE, the Town Board of the Town of Cortlandville hereby adopts said Local Law as Local Law No. 1 of 2015, a copy of which is attached hereto and made a part hereof, and the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Cortlandville, and to give due notice of the adoption of said Local Law to the Secretary of State.

Be it hereby enacted by the Town Board of the Town of Cortlandville as follows:

Section 1. The Town Board of the Town of Cortlandville having received a request from Meira N. Hertzberg, ESQ., to consider the rezoning of several parcels in the Town of Cortlandville from their present zoning classification to be classified as B-2 (Highway Commercial Business) district, and the Town Board having considered the request and it's environmental impact and having conducted a Public Hearing;

Section 2. The following tax map parcels are hereby rezoned from their present zoning classification to B-2 (Highway Commercial Business):

That portion of 105.00-01-43.111, located in the Town of Cortlandville and situated easterly of NYS Route 13 (portion of) owned by Farm East LLC – 209.20 acres

That portion of 105.00-01-44.000, situated in the Town of Cortlandville and owned by John A. McGee – 18.30 acres

105.00-01-47.000, owned by Earl Silvernail – 110' X 180'

105.00-01-48.100, owned by Empire Tractor RE Cortland, Inc. – 69.28 acres

105.00-01-48.200, owned by Donald Osbeck – 10.52 acres

Section 3. This Local Law shall become effective when filed with the Secretary of State of the State of New York, as required by law.

Town Clerk Snyder apprised the Board she received notification from the Cortland Country Club regarding the renewal of their alcoholic beverage license. She requested the Board receive and file the notice.

Councilman Rocco made a motion, seconded by Councilman Proud, to receive and file the Standardized Notice Form for a renewal application for an Alcoholic Beverage License to the New York State Liquor Authority, dated March 6, 2015, from the Cortland Country Club Inc. for property located at 4514 NYS Route 281 in the Town of Cortlandville. All voting aye, the motion was carried.

Attorney Folmer reported:

Junk Law Ordinance:

Attorney Folmer thanked the Board and those who submitted comments regarding the proposed Junk Law Ordinance for the Town of Cortlandville. He stated that he was in the process of reviewing the comments.

Conveyance of Property from County:

Attorney Folmer stated that the County was in the process of transferring property located near Cortlandville Sand and Gravel (Route 13) to the Town. He was in possession of the proposed deed, and explained that he was in discussions with the Assistant County Attorney, David Hartnett regarding a few revisions to be made. Attorney Folmer requested the Board accept the conveyance of property subject to his final review.

Supervisor Tupper questioned how large the parcel was. Attorney Folmer indicated that the parcel was 16.40 acres. While it was near the linear trail it did not include the linear trail.

Councilman Leach questioned what the Town would do with the parcel. Supervisor Tupper stated that the Town's intent was to lease the property to the Lime Hollow Nature Center, who maintains the linear trail.

Councilman Proud stated that the parcels are adjacent to the gravel pit. Before the gravel pit permit change, the Town had some concerns that it spoke to the DEC about as an interested party because the primary areas of the aquifer for the Lime Hollow well are directly under it. Because the property will be transferred to the Town, it will now give the Town some standing not only as an interested party but as an adjoining land owner in any discussion of permit issuance or licensing in the future. Councilman Proud stated that the Town's concern was protection of the aquifer and the Lime Hollow well.

RESOLUTION #	ACCEPT CONVEYANCE OF DEED FROM CORTLAND COUNTY FOR PROPERTY LOCATED OFF OF LIME HOLLOW ROAD
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Motion by Councilman Proud

Seconded by Councilman Rocco

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

BE IT RESOLVED, the Town Board does hereby accept the conveyance of a deed from Cortland County for two parcels located off of Lime Hollow Road, tax map #105.00-03-02.000 (4.7 acres) and #95.00-06-04.200 (11.7 acres), and it is further

RESOLVED, the Board hereby accepts the deed subject to Town Attorney approval.

Gutchess Lumber – Review of SEQR and Re-Zone Request:

Supervisor Tupper: Gutchess Lumber. Review of the SEQR and re-zone request. We've got a ... we've received a comment which I think we distributed last from Gutchess Lumber and we sent those comments to Clough Harbour and asked them to review those comments. And Clough Harbour, James Trasher is here from Clough Harbour. And he is going to tell us what his findings are based on all the comments from the public hearing and from the Gutchess Lumber. So I'm going to turn this over to John and James.

Attorney Folmer: Well first thing. James, we have your letter dated March 16 and you heard Mrs. Ferro speaking this evening and I'm wondering if there is anything in her comments that would cause you to want to take this for further review or have you already dealt with some of these issues?

James Trasher: Those issues have been addressed as it relates to a zone change.

Attorney Folmer: Alright. I would remind the Board as we go through this that you are talking now about a pure and simple zoning change. Okay. And so when you consider the SEQR impact of that change you want to concentrate on what the impact would be of the zone change itself. And the way I hope we can do this is that I'm going to read the criteria, let James make whatever comment he wishes to make, and then we will decide how we want to answer the particular question. Alright. So first is the impact on the land. Impact on land Mr. Trasher.

James Trasher: Okay. Question. Proposed action may involve construction on or physical alteration of the land surface of the proposed site. So as Mr. Folmer said we are looking at this as it relates to a zone change. Our recommended answer is yes. Small to moderate. And I'll just read some of the excerpts that we have provided to the Board and you guys have commented on. The potential future development of the parcels will result in a disturbance of land. Construction activities that have the potential to cause erosion and sedimentation include all soil movement, trenching, and excavation. Potential impacts associated with soil disturbance can be mitigated by adherence to best management practices that are designed to avoid and control erosion and sedimentation, stabilize disturbed areas, and prevent potentials for spills of fuels, lubricants, etcetra. All soil and sediment control shall be applied pursuant to the New York State Standard and Specifications for Erosion and Sediment Control as well as the Town of Cortlandville Code Chapter 178, Article XVI, sixteen, Stormwater Management and Erosion and Sediment Control. Should future development occur it would be subject to the requirements of Environmental Conservation Law, State Pollution Discharge Elimination System or the SPDES permit under GP-010-001 and a required SWPPP would be required to be submitted. So based on the proposed action, just like if there was any action, there would be an impact on land so our recommended answer is yes with small to moderate impacts. Small impacts. My apologies.

Supervisor Tupper: Is that a yes? Anybody not want that to be a yes? Okay. John that's a yes.

Attorney Folmer: I've indicated yes and that all of the sub questions under that would be small impacts. Is that, James is that consistent?

James Trasher: Correct. Either no or small impacts.

Attorney Folmer: Alright. Second. Impact on geological features.

James Trasher: The main question is, the proposed action may result in the modification or destruction, or inhibit access to, any unique or unusual land form. Our answer to that question is no. There are really no unique or unusual land forms on site.

Supervisor Tupper: Okay. Is that agreeable to everybody. No. No.

Attorney Folmer: Impact on surface water.

James Trasher: The overall question is, the proposed action may affect one or more wetlands or other surface water bodies. Our answer is yes with small impacts that may occur based on the zone change. There is a large water body located on parcel 95.15-01-13.000 that could be impacted based upon future development and the use of this parcel under the proposed zone change. In addition, a significant natural community, Marl Pond Shore, is within a half a mile of

the parcel that is considered a freshwater non tidal wetland according to the NYSDEC information. Otter Creek is also present through the area which is a classified C stream. We already talked about stormwater potential issues and future redevelopment but all of those things would be looked at based on a formal application and could be mitigated. So based on the information we would recommend yes with small impacts based on rezoning.

Supervisor Tupper: The Marl Pond is not on this parcel it is just a half a mile away, correct?

James Trasher: Yes. Based on aerials using a scale we had.

Supervisor Tupper: Okay. Any questions? Agreeable? That's a yes. Small impact.

Attorney Folmer: Let me catch up with you James. Next is impact on groundwater.

James Trasher: The answer is yes. Our recommended answer. The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. Small, once again because it is a zone change. When they have a formal application for a proposed use those would be reviewed. Our review goes through the requirements of the Town Aquifer Protection Ordinance and the Wellhead Protection Ordinance that are in place. I won't read our complete response but it is part of the record. So our recommended answer is yes with a small impact. And there are the sub questions that can be answered.

Supervisor Tupper: Is that a yes? Just for the record. Yes. John

Attorney Folmer: Next is impact on flooding.

James Trasher: Our answer is again, well, here I'll read the question. The proposed action may result in development on land subject to flooding. So this goes back to the question that Mr. Folmer asked me at the beginning, any information provided tonight make me change my answer. The answer is no because we are answering yes here because the parcels are located within a 100 year and 500 year floodplain and is a designated floodway. During the site plan design for future development the applicant will need to address the impacts that the project will have due to its location. So based on the rezoning there is a potential impact but small. So checking off the questions a. through f. Small.

Supervisor Tupper: Is that agreeable?

Councilman Rocco: ... may I speak to ...

James Trasher: You can ask questions.

Councilman Rocco: You know one of the problems that we've had down there as far as flooding down by the railroad tracks is the fact that the DEC will not allow all of those sticks and brush and everything else that has been clogging that stream for years. I think that I don't understand why the DEC won't allow that to be cleaned out so that it will be a free flow of water through those pipes. It just jams up and backs up and doesn't help the situation over there. I've gone over there and talked to the DEC and they can't really give me any answers as to why we can't take the sticks out of there. Or Gutches has offered to take them out at his own expense so that there wouldn't be that flooding occurring there and there would be more free flow of water. So I ...

Supervisor Tupper: There is a county committee, Ron, made up of Soil and Water, County Highway, FEMA, and the County Legislature, and the Town Board was involved that is looking at it. And there is a recommendation on my desk. You heard Lydia talk about it. It's about a \$6 million fix in order to flow the water down through there properly and safely. So. And the County is the ones that are looking at it. It is a county road. We really have nothing to do with it. The part where the sticks are ...

Councilman Rocco: ... it's off the road.

Supervisor Tupper: That's right. That's in the right-of-way of the railroad which we have no control over. We have no control over any of those parcels. The County is working on it and the report is on my desk if you want to read it and see what their recommendations are. But they found a way to mitigate it. It's just very expensive.

James Trasher: And all those things would have to be looked at based on any redevelopment under either current zoning or proposed future zoning of this piece. Residential or industrial. If you want to put a hundred lot residential subdivision in you would still worry about flooding. Okay?

Supervisor Tupper: Okay.

James Trasher: ... Okay. So these are all on rezoning questions not development.

Supervisor Tupper: Okay.

James Trasher: Impacts. Okay ...

Attorney Folmer: Before you go. Have you decided that you are going to live with the yes and the small impacts on this area?

Members of the Board: Yes.

Attorney Folmer: Alright. Okay. Impact on air.

James Trasher: The proposed action may include a state regulated air emission source. Because we are talking about rezoning my answer is, or our recommended answer is no. The applicant has identified a potential for an impact to air quality from the natural scent of logs undergoing the natural drying and decomposing process, but the impact would not represent an adverse effect to the same air quality that currently exists on the primary site. That's based on them coming in. So rezoning of the property, air is going to be there. The air that is there today is going to be the air there tomorrow. With a proposed application that would be evaluated at some later time as well if the property was to be rezoned.

Supervisor Tupper: So that's a no.

Attorney Folmer: That's a no.

Supervisor Tupper: Is everybody agreeable with that? Okay. No.

Attorney Folmer: Impact on plants and animals.

James Trasher: Will the proposed action. The proposed action may result in a loss of flora or fauna. Our recommended answer is no. The proposed action will not result in a loss. It's a rezoning.

Supervisor Tupper: Okay? Is that agreeable? No. Okay.

Attorney Folmer: James tell me this one and my Latin may not be very good. Please don't tell Mrs. Whiting that. It says, the question is impact on plants and animals. But flora and fauna doesn't include animals does it?

James Trasher: Fauna is animals.

Councilman Proud: Fauna ... yes.

Attorney Folmer: Fauna is animals?

James Trasher: Last time I looked.

Councilman Proud: Right. But I won't tell your Latin teacher, John.

Attorney Folmer: Alright, please don't.

James Trasher: I thought all you attorneys did stuff in Latin.

Supervisor Tupper: I'm a little embarrassed. John asked me and I told him he was right. It didn't include animals. So my Latin is as bad as his and I have sixteen years of Catholic education.

Attorney Folmer: Impact on agricultural resources.

James Trasher: So the question is, the proposed action may impact agricultural resources. Our answer is yes. The subject property 95.15-01-13.000 is located in a designated Agricultural District CORT001 and appears to be currently used. However, the rezoning it's agricultural now and it's being used in a residential zone so it could still be used as agricultural in an industrial zone if it was rezoned. So, the answer is yes with small impacts. Our recommended answer.

Supervisor Tupper: Is that agreeable to everybody? Yes. Small.

Attorney Folmer: Impact on aesthetic resources. James.

James Trasher: The proposed actions are obviously different from, or in sharp contrast to current land use patterns between the proposed project and a scenic or aesthetic resource. Our answer to that is, recommended answer is no. The land use of the proposed action is not obviously different from or in sharp contrast to the current land use patterns between the proposed project and a scenic or aesthetic resource.

Supervisor Tupper: So it's just a continuation of the Gutchess' I-2 operation. Okay. Is that a no? Is everybody agreeable with that? No.

Attorney Folmer: Impact on historical or archeological resources.

James Trasher: Our recommended answer is no based on the sub questions.

Supervisor Tupper: No.

James Trasher: Yeah.

Supervisor Tupper: Everybody agreeable? Okay.

Attorney Folmer: Impact on open space and recreation.

James Trasher: The proposed action may result in a loss of recreational opportunities or a reduction of open space designated in an adopted municipal open space plan. People aren't using this property as a recreation area and you don't have an adopted plan that this is open space. So our recommended answer is no.

Supervisor Tupper: Okay. No.

Members of the Board: No.

Attorney Folmer: Impact on a critical environmental area.

James Trasher: The proposed action may be located within or adjacent to a CEA. Our answer is, recommended answer is no. New York State DEC does not list any CEA within the immediate area.

Supervisor Tupper: No. Agreeable. No.

Attorney Folmer: Impact on transportation.

James Trasher: The proposed action may result in a change in the existing transportation system. Our recommended answer is no based on the rezoning.

Supervisor Tupper: No. ... John.

Attorney Folmer: Do you agree on that.

Members of the Board: Yes.

Attorney Folmer: I'm sorry.

Supervisor Tupper: That's alright.

Attorney Folmer: Impact on energy.

James Trasher: The proposed action may cause an increase in the use of any form of energy. Because we are talking about a zone change, once again the proposed action will not increase a use of energy.

Supervisor Tupper: It's a no everybody?

Members of the Board: No.

Supervisor Tupper: Okay John.

Attorney Folmer: Impact on noise, odor, and light.

James Trasher: The answer, our recommended answer for that one is yes. The question is, let's go back. The proposed action may result in an increase in noise, odor, or outdoor lighting. Because of the functions of the existing business and the noise that they have there, a proposed future use could have some noise or odor impacts but that would be taken care of during a site plan approval process if the zone change was approved. Rezoning really doesn't have any major impact. So I would recommend the answer of yes, with small impacts.

Councilman Rocco: If I might remind ourselves of Wal-Mart when they wanted to come in with forty-four foot lights we got them down to what, twenty-six feet focusing the light downward. They had to put more lights in but it didn't bother the people up in Walden Oaks. ... shining like a army airport or whatever. And any of this would have to go through the Planning Board and the same sorts of questions would come up and the same answers from the board would I'm sure come out in favor of bringing the lighting down as much as we can, focusing it downward not focusing it ...

Supervisor Tupper: Okay. So the answer is yes. Small.

Councilman Proud: I think that is reasonable.

Supervisor Tupper: Okay.

Attorney Folmer: Impact on human health.

James Trasher: Will the proposed action have an impact on human health from exposure to a new or existing source of contaminants. Our recommended answer is no based on the sub questions.

Supervisor Tupper: No. Okay.

Attorney Folmer: Consistency with community plans.

James Trasher: The proposed action is not consistent with adopted land use plans. The answer is no. There may be a small impact based on the change. The proposed action is not consistent with adopted land use plans including the Development Plan of 1976 and the Land Use and Aquifer Protection Plan of 2002. Both plans indicate future land use on the western portion of the subject parcels as residential. However, it should be noted that both plans are more than ten years old and may not be a true representation of the community's current land use objectives and changing land use conditions in the area. Both plans do indicate the historical industrial use of the Gutchess property to the east. Therefore our recommendation of the answer of no and a small to moderate, or small impact. Small.

Councilman Proud: Small James?

James Trasher: Small. Yes.

Supervisor Tupper: Okay. Is that a no from everybody? Okay.

Councilman Proud: ...

Attorney Folmer: And lastly, consistency with community character.

James Trasher: Our recommended answer is yes. This section of McLean/Luker Road area is primarily commercial and industrial uses although residential uses are adjacent to the subject parcels along McLean and Stupke Road. This action would be a compatible land use in the corridor if developed for low intensity uses such as log storage. This project would create a minimal demand on community services such as fire and police. So based on the rezoning a small impact with the answer of yes.

Supervisor Tupper: Agreeable? Yes. Okay.

Attorney Folmer: That's the completion of the Part 2. I would ask before you decide what you are going to do with regard to a negative or positive declaration that you agree that the Clough Harbour and Associates letter of March 16, 2015 be included as part of your SEQRA review.

Councilman Leach: I'll motion that.

Councilman Rocco: Second.

Supervisor Tupper: Okay. So, I need a motion that we make a negative dec.

Councilman Leach: I'll make the motion.

Councilman Testa: I'll second.

Supervisor Tupper: Is there any discussion? All those in favor of a negative dec.

Members of the Board: Aye.

Supervisor Tupper: All those opposed. And that is subject to Clough Harbour's recommendations. Is there anything else?

Councilman Rocco: Mr. Supervisor I just wanted to mention for the record that Gutchess is already working on one of the biggest concerns that I had and that was the noise issue with regard to their trucks backing up. Apparently there is new technology that's available that doesn't have the loud piercing noise of backing up trucks. They've already been converting their, you know their mechanical equipment so that it doesn't make that noise now. If anyone would like to go for a visit over there to see what the new technology is they are already and have been installing it since this came up. And I feel comfortable with that along with any future development that they put in there that the Planning Board will have to approve. You know, any barriers, perhaps berms, as well as trees. If you go over and take a look at Wal-Mart and see how tall the evergreens are that they put up and the thousand foot wall they put in. The Planning Board has a lot to say about reducing noise as much as they possibly can. These things will work out at that point in time. They don't have cart-blancie to do anything without coming before the boards again.

Supervisor Tupper: That's correct. I need a motion to rezone, how many parcels is it John?

Attorney Folmer: Twelve.

Supervisor Tupper: Twelve parcels from a variety of R-1, R-3, B-1, residential. Anyway there is a variety of different zonings but a motion to rezone them all to I-2.

Attorney Folmer: Now I want to, well, you make your motion.

Councilman Leach: I make ...

Supervisor Tupper: And then discussion. Second somebody?

Councilman Leach: I'll make the motion.

Councilman Proud: Second.

Supervisor Tupper: Okay John.

Attorney Folmer: The County Planning Board, in its report, recommended that tax parcel 95.12-01-14.000 be included in this zoning map amendment. This was not, this parcel was not included in the original request or hasn't been included in any of the processes that we have followed. And therefore if you vote to do this, without incorporating that parcel you are going to have to do it by a supermajority because you are not complying completely with the County Planning Board's conditions. So you just need to be aware of the fact that if this does not pass, if it is going to pass at all, if it doesn't pass by a supermajority then you haven't adopted it.

Supervisor Tupper: So we should include that parcel if that's what the County has recommended.

Attorney Folmer: But without noticing it and including it in the original request I think that procedurally we may find ourselves in a box if we act to include it at this point in time.

Supervisor Tupper: Okay. That parcel was added after or before the public hearing?

Attorney Folmer: Yes.

Supervisor Tupper: It was added after the public hearing. Okay.

Councilman Rocco: And a supermajority is everyone on the Board?

Supervisor Tupper: No. Four to one.

Attorney Folmer: Majority plus one. Secondly in the Town Planning Board's recommendation they included a recommendation that this be approved with the requirement that vertical vegetation be defined and planted within six months of the approval. You can't put that kind of a condition in a rezoning request. It is my understanding that the representatives of Gutches have dealt with this and have indicated that they are not opposed to that, but it's not a condition that you can include in the enactment of a zoning ordinance if you choose to do it. And so you need to vote by a supermajority because you are not following to the letter the recommendations of the Town Planning Board which approved overall the approval, the request to approve the rezone.

Supervisor Tupper: Okay. So. Let's go back to the, we are making a resolution to rezone those parcels with taking out the County's recommendation on that one parcel and taking out the Town's recommendation on the planting of trees. Other than that we accept all of the County and Town's recommendations in our zone change.

Attorney Folmer: Yes.

Supervisor Tupper: Is that agreeable?

Councilman Leach: I'll revise my motion to accept ...

Supervisor Tupper: Is it agreeable to the seconder? Okay.

Councilman Proud: I'm recalling, I think I am recalling a conversation we had about that parcel that the County included and my recollection is that it was already zoned Industrial.

Supervisor Tupper: No it's R-3.

Attorney Folmer: No.

Councilman Proud: No it's not. Okay.

Supervisor Tupper: It's R-3.

Councilman Proud: Alright.

Supervisor Tupper: Gutches had no interest in it now or, so that's why we didn't bother. But it made sense when the County made that recommendation. We may have to look at that in the future. Ready to vote?

Town Clerk Snyder: Do you want to do a roll call?

Supervisor Tupper: A roll call vote. Certainly. Karen would you call the roll.

Town Clerk Snyder: Mr. Proud.

Councilman Proud: Yes.

Town Clerk Snyder: Mr. Rocco.

Councilman Rocco: Aye.

Town Clerk Snyder: Mr. Testa.

Councilman Testa: Yes.

Town Clerk Snyder: Mr. Leach.

Councilman Leach: Yes.

Town Clerk Snyder: Mr. Tupper.

Supervisor Tupper: Yes. Thank you John. And I want to thank James and the people at Clough Harbour. I know how much time and effort they put in this. And the people at Gutches that have been providing us with all this information. And the citizens that came to the public hearing. We want to thank them all and we hope that if this land is going to be used in the future they're going to have to come before the Planning Board and you will have an opportunity to public hearings and to speak about all of your concerns. The same ones you've had before. This time you you'll be able to look at a specific building or parcel or whatever they're planning on doing. The County Planning Board has the ultimate authority on how those parcels can be used based on their zoning. Okay. Thank you.

RESOLUTION #	DECLARE NEGATIVE IMPACT FOR ZONE CHANGE REQUEST SUBMITTED BY GUTCHESS LUMBER CO., INC.
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Motion by Councilman Proud Seconded by Councilman Testa VOTES: AYE - Tupper, Testa, Rocco, Proud, Leach ADOPTED	NAY - 0
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WHEREAS, a Zone Change request was submitted by Gutches Lumber Co., Inc. for twelve parcels located in the vicinity of Gutches Lumber's existing operations, and

WHEREAS, the Town Board as Lead Agent duly reviewed and completed Part 2 of the Full Environmental Assessment Form with the assistance of CHA's SEQRA review dated March 16, 2015, therefore

BE IT RESOLVED, the Town Board as Lead Agent, does hereby declare that the proposed Zone Change request shall have no significant environmental impact, and it is further

RESOLVED, CHA's SEQRA review dated March 16, 2015 is hereby received and filed.

RESOLUTION #	AUTHORIZE SUPERVISOR TO SIGN SEQRA APPLICATION FOR THE ZONE CHANGE REQUEST SUBMITTED BY GUTCHESS LUMBER CO., INC.
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Motion by Councilman Testa
 Seconded by Councilman Leach
 VOTES: AYE - Tupper, Testa, Rocco, Proud, Leach NAY - 0
 ADOPTED

BE IT RESOLVED, the Supervisor is hereby authorized and directed to sign the SEQRA application relating to the Zone Change request submitted by Gutchess Lumber Co., Inc.

RESOLUTION #	ADOPT LOCAL LAW NO. 2 OF 2015 AMENDING THE ZONING LAW AND MAP OF THE TOWN OF CORTLANDVILLE FOR A ZONE CHANGE SUBMITTED BY GUTCHESS LUMBER CO., INC.
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Motion by Councilman Leach
 Seconded by Councilman Testa
 VOTES: AYE - Tupper, Testa, Rocco, Proud, Leach NAY - 0
 ADOPTED

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Cortlandville for a Public Hearing to be held by said Board to hear all interested parties on a proposed Local Law amending the Zoning Ordinance and Map of the Town of Cortlandville to reclassify twelve parcels from their present zoning classification to I-2 (General Industrial), and

WHEREAS, a notice of said public hearing was duly published in the Cortland Standard, the official newspaper of the said Town, and posted at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York, as required by law, and

WHEREAS, said public hearing was duly held and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law it has been determined by the said Town Board that adoption of said proposed Local Law would not have a significant effect upon the environment and could be processed by their applicable governmental agencies without further regard to SEQRA, and

WHEREAS, the Town Board of the Town of Cortlandville, after due deliberation, finds it in the best interest of the Town to adopt said Local Law,

NOW, THEREFORE, the Town Board of the Town of Cortlandville hereby adopts said Local Law as Local Law No. 2 of 2015, a copy of which is attached hereto and made a part hereof, and the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Cortlandville, and to give due notice of the adoption of said Local Law to the Secretary of State.

Be it hereby enacted by the Town Board of the Town of Cortlandville as follows:

Section 1. The Town Board of the Town of Cortlandville having received a request from Gutchess Lumber Company, Inc., to consider the rezoning of several parcels in the Town of Cortlandville from their present zoning classification to be classified as I-2 (General Industrial), and the Town Board having considered the request and it's environmental impact and having conducted a Public Hearing;

Section 2. The following tax map parcels are hereby rezoned from their present zoning classification to I-2 (General Industrial):

95.11-03-18.000	95.12-01-19.000	95.15-01-14.120
95.12-01-12.000	95.15-01-12.000	95.15-01-14.200
95.12-01-13.000	95.15-01-13.000	95.16-01-05.000
95.12-01-18.000	95.15-01-14.110	95.16-01-07.000

Section 3. This Local Law shall become effective when filed with the Secretary of State of the State of New York, as required by law.

RESOLUTION #	AUTHORIZE APPROVAL REQUEST OF SEAN CONKRITE FOR THE 2013 COMMUNITY DEVELOPMENT BLOCK GRANT TOWN-WIDE HOUSING REHABILITATION PROGRAM
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Motion by Councilman Leach
Seconded by Councilman Testa

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

BE IT RESOLVED, the Town Board does hereby authorize the approval request of Sean Conkrite for property located at 4122 McGraw North Road in the Town of Cortlandville, for a 100% deferred loan for the 2013 Community Development Block Grant Town-Wide Housing Rehabilitation Program, and it is further

RESOLVED, the work to be completed would include heating, plumbing, windows & doors, interior carpentry, exterior carpentry, roofing, masonry, and electric for a total of \$26,522.00.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from NYS Homes & Community Renewal, dated March 10, 2015, regarding the New York State Community Development Block Grant (CDBG) for Forkey Construction & Fabrication, Inc. All voting aye, the motion was carried.

Councilman Leach made a motion, seconded by Councilman Proud, to receive and file correspondence from the New York State Department of Transportation, dated March 6, 2015, regarding Route 11 Bicycle Signs. All voting aye, the motion was carried.

Supervisor Tupper mentioned that when the Town conducted the Route 11 study with the City of Cortland and the Village of Homer, it was recommended that there could be special painting in the road and bike lanes. The State denied the request. Councilman Leach clarified that according to the correspondence from the DOT the State would install yellow bicycle signs along Route 11.

Councilman Leach questioned the status of the Town's request for a reduction in speed limit on Ahrens Road. Supervisor Tupper indicated that the Town had not yet received a response for their second request.

No further comments or discussion were heard.

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

The meeting was adjourned at 6:10 p.m.

Respectfully submitted,

Karen Q. Snyder, RMC
Town Clerk
Town of Cortlandville

*Note:

The draft version of this meeting was submitted to the Town Board for their review on April 10, 2015.

The draft version of this meeting was approved as written at the Town Board meeting of _____.