

TOWN OF CORTLANDVILLE PLANNING BOARD

Minutes of Public Hearing & Regular Meeting - Tuesday, 13 September 2016 - 7:30 PM
Town Hall Board Room - 3577 Terrace Road - Cortland, NY

Board Members (*absent)

Katherine Wickwire, Chairperson
Christopher Newell
Nicholas Renzi
John M. Finamore
John A. DelVecchio

Others Present

Bruce Weber, Town Planning/Zoning Officer
Joan E. Fitch, Board Secretary
John B. Folmer, Town Attorney

Applicants & Public Present

David & Joyce Camp, Applicants; Michael & Andrea Stevens, Applicants; Andrew Porter & Attorney Mike Shafer for Bestway Enterprises, Inc., Applicant; David McMasters & Attorney Patrick Snyder for McMasters, Applicant; Chuck Feiszli, PE & Joe Reagan for Royal Nissan Subaru, Applicant; Joe Carey, David Dreis(?) & Terry Horst for Suburban Propane, Applicant; Bud Harter, Richard & Patricia Race.

PUBLIC HEARING

David McMasters, Applicant/David & Jennifer McMasters, Reputed Owners - 4216 McCloy Road - TM #85.00-05-05.211 - Special Permit for Proposed Pond

The Public Hearing was opened at 7:30 p.m. by Chairperson Katherine Wickwire; the Board Secretary read aloud the Legal Notice as published in the *Cortland Standard* on 19 August 2016, as follows:

PURSUANT TO ARTICLE XIX, SECTION 178-116 A, OF THE CODE OF THE TOWN OF CORTLANDVILLE, Notice is hereby given that a public hearing before the Town of Cortlandville Planning Board, Cortland County, New York, at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, in the Town of Cortlandville, New York will be held Tuesday, September 13, 2016 at 7:30 p.m. in the matter of the application of David McMasters for property located at 4216 McCloy Road, Tax Map #85.00-05-05.211, to allow for a Mining Permit.

Katherine S. Wickwire, Chairperson
Cortlandville Planning Board

(Note: Proof of Publication has been placed on file for the record.)

Chair Wickwire asked if there was anyone from the public who wished to speak on this matter; there was no one.

With everyone heard who wished to be heard, at 7:33 p.m. a motion was made by Member Newell, seconded by Member Renzi, with all Board members present voting in favor, to close the Public Hearing

REGULAR MEETING

The Regular Meeting of the Town of Cortlandville Planning Board was called to order at 7:33 p.m. by Chair Katherine Wickwire.

APPROVAL OF MINUTES – 26 JULY 2016

A motion was made by Member Chris Newell to approve the Town of Cortlandville Planning Board's Minutes of 26 July 2016, as submitted. The motion was seconded by Member Nick Renzi, with the vote recorded as follows:

Ayes:	Chair Wickwire	Nays:	None
	Member Newell		
	Member Renzi		
	Member Finamore		
	Member DelVecchio		

Motion carried.

This becomes Action #54 of 2016.

OLD BUSINESS

Suit-Kote Corporation, Applicant/Reputed Owner – 3715 US Route 11 (Polkville) –TM #s 97.02-01-10.000 & 11.000 – Conditional Permit for Proposed Construction Staging Area

Chair Wickwire acknowledged that there was no one present at this meeting to represent the applicant regarding this matter. PZO Bruce Weber advised those present that he had spoken with a representative after the last meeting, and the representative had indicated he would be attending this meeting. Chair Wickwire said the Board would move this item to the end of the Agenda.

Royal Nissan Subaru, Applicant/654 Rt. 13, LLC, Reputed Owner – 654 NYS Route 13 – Conditional Permit & Aquifer Protection District Special Permit for Proposed Dealership

Chair Wickwire recognized Joe Reagan and Engineer Chuck Feiszli. PZO Weber advised that he had received Pat Reidy's (Cortland County Soil & Water) approval on the Stormwater Plan for this project. Engineer Feiszli then provided copies of the plans to the Board.

Chair Wickwire acknowledged receipt of the Cortland County Planning Department's staff report and the County Planning Board's Resolution No. 16-19. PZO Weber advised that the proposed signs will need variances.

Member Renzi reviewed the comments he had prepared, as follows:

- 1. The drawings submitted are very good with all major and minor details provided for consideration.*
- 2. Please provide details for pylon sign in terms of dimensions and description on sheet S-2.2 or other.*
- 3. Specific replies to the Cortland County Planning Board's recommendations numbers 4,5,6,7,8,9,10, and 11 should be submitted to the Cortlandville Planning Board.*
- 4. The Spill Response Plan submitted by the applicant lacks specificity. Please reference the Cortlandville Town Code section 178-47. Also note that the plan should be prepared by a licensed professional engineer or architect.*
- 5. The approved stormwater Pollution Protection Plan should be submitted to the Cortlandville Planning Board including the maintenance plan for the system.*
- 6. The applicant should provide a narrative relative to how the proposed facility attempts to address the Town's Design and Development guidelines.*

Member Renzi provided Engineer Feiszli with a copy of his comments, and Mr. Feiszli stated he will respond to all of the comments. With regard to Item 3 above, he stated there will be an oil separator but have yet to “figure out the floor drains.” A licensed hauler will remove used product, as required, and some will be recycled. With regard to Item 4 of Member Renzi’s comments, the applicant will respond to this. Regarding Item 5 above, a copy of the SWPPP was provided to the Board by Engineer Feiszli. Member Renzi, regarding his Item 6, asked the Mr. Reagan to incorporate the guidelines in the design, although not mandated. Chair Wickwire asked about the landscaping plan, and Mr. Feiszli answered her questions. Member Renzi stated he was satisfied that the comments have been addressed.

In answer to the Board’s question, Mr. Reagan stated that he would like to open this new facility next year.

At the conclusion of the discussion, **a motion was made by Member Renzi to approve the Conditional Permit for the proposed new auto dealership, as requested, incorporating Items 1 thru 19 of the Cortland County Planning Board’s Resolution No. 16-19, dated 20 July 2016, and upon submittal of a detailed Spill Response Plan. The motion was seconded by Member Newell, with the vote recorded as follows:**

Ayes:	Chair Wickwire	Nays:	None
	Member Newell		
	Member Renzi		
	Member Finamore		
	Member DelVecchio		

Motion carried.

This becomes Action #55 of 2016.

A motion was then made by Member John DelVecchio that the Town of Cortlandville Planning Board recommends to the Town Board that they issue an Aquifer Protection District Special Permit and act as Lead Agency under SEQRA for the proposed new auto dealership. The motion was seconded by Member Newell, with the vote recorded as follows:

Ayes:	Chair Wickwire	Nays:	None
	Member Newell		
	Member Renzi		
	Member Finamore		
	Member DelVecchio		

Motion carried.

This becomes Action #56 of 2016.

David McMasters, Applicant/David & Jennifer McMasters, Reputed Owners – 4216 McCloy Road – TM #85.00-05-05.211 – Special Permit for Proposed Pond

(Reference is made to the 26 July 2016 Minutes of this Board for details regarding this application.)

Chair Wickwire recognized the applicant and his attorney Patrick Snyder. Attorney Snyder stated that the applicant has now received a NYSDEC Mining Permit to construct a pond on his property as indicated on the Mining Plan accompanying the application. A copy was provided to the Board.

Chair Wickwire stated that she had a couple of questions, one being the number of truckloads coming from the site; Attorney Snyder stated it was an average of three per day over the course of the mining period. She stated that because of the Mining Permit, the Board could set certain conditions, e.g., traffic, as indicated in a copy of the DEC Mining Law provided by Attorney Snyder.

Board Member DelVecchio questioned Section 178-16 E 1, which referred to the operation of the quarry with regard to excavation in such matter to avoid dust and noise and special treatment, etc., as required by the Planning Board. Attorney Snyder responded that this was superseded by the NYS Mining Law. Town Attorney John Folmer commented, "If you look at the Permit Item #14, it is a requirement in the Permit regarding dust..." Also, Item #15 covers this concern. Attorney Folmer stated that when he and PZO Weber reviewed the Permit, and "compared it with the requirements of 116, it was our conclusion that we could deal with traffic as it affects the operating hours which are fixed by the Permit as 8 to 5 during the week and 8 to noon during the other... But beyond that, you are coming very close to regulating the industry, which you are not permitted to do." Attorney Snyder commented that the Permit says that no visible dust can leave the property, so this is taken care of.

Chair Wickwire said that what the Board was trying to avoid was trucks filled with excavated material coming down past people's homes with dirt flying, etc. Member DelVecchio stated he did not understand why or how the State Law supersedes our Code.

PZO Weber clarified that the Town does not have an application for a Special Permit, so a Conditional Permit Application was completed.

At the completion of a length discussion, **a motion was made by Member Newell to approve a Special Permit for the proposed pond, as requested. The motion was seconded by Member John Finamore, with the vote recorded as follows:**

**Ayes: Chair Wickwire
Member Newell
Member Renzi
Member Finamore**

Nays: Member DelVecchio

Motion carried.

This becomes Action #57 of 2016.

NEW BUSINESS

Bestway Enterprises, Inc., Applicant/Reputed Owner – 3832 Luker Road – TM #s 86.17-02-01.100 – Proposed Repair/Maintenance Shop Building

Chair Wickwire recognized Andrew Porter and Attorney Mike Shafer, representing the applicant who was seeking a Conditional Permit and an Aquifer Protection District Special Permit for this project. Attorney Shafer stated that this project had been approved in 2012 and the Permit was granted and extended. However, Bestway never completed the construction of this facility. They now plan to do so according to Mr. Porter. Attorney Shafer explained that the only issue was access to the public utilities; there are several ways this can be done, but the actual access has not been determined yet.

Member Renzi commented that the drawing left a lot to be desired. Attorney Shafer commented that there was a better drawing prepared by Brent Cross, but he did not have time to "re-pull that, but I certainly can do that." PZO Weber advised that the Board could rely on the previous information that they had both from the County and from previous submittals. Member Renzi suggested that the applicant make a complete package, answering all of the Board's questions and his comments. Chair Wickwire agreed that the Board would like to see what is being proposed.

Chair Wickwire and the Board acknowledged receipt of a Timeline from the applicant, a copy of which has been placed on file.

At the conclusion of this discussion, a motion was made by Member Newell to table any action on the Conditional Permit and Aquifer Protection District Special Permit requests until this Board's 27 September 2016 meeting in order to allow the applicant time to submit additional information. The motion was seconded by Member Renzi, with the vote recorded as follows:

Ayes:	Chair Wickwire	Nays:	None
	Member Newell		
	Member Renzi		
	Member Finamore		
	Member DelVecchio		

Motion carried.

This becomes Action #58 of 2016.

Michael & Andrea Stevens, Applicants/Jeremiah & Claudia Williams, Reputed Owners - Lighthouse Hill Road - TM #76.00-03-09.12 & 09.200 - Site Plan for Proposed Duplex

Chair Wickwire recognized the applicants who is seeking Site Plan approval to construct a farm-house style duplex on the subject property, as shown on the drawing accompanying the application. Mrs. Stevens stated that each unit would contain two bedrooms and a one-car garage. PZO Weber commented that there were two parcels involved, with a duplex going on each parcel; there were no setback issues.

With no further discussion, a motion was made by Member DelVecchio to approve the Site Plan for the proposed farm-house style duplex on TM #76.00-03-09.120, as requested. The motion was seconded by Member Newell, with the vote recorded as follows:

Ayes:	Chair Wickwire	Nays:	None
	Member Newell		
	Member Renzi		
	Member Finamore		
	Member DelVecchio		

Motion carried.

This becomes Action #59-1 of 2016.

A motion was made then by Member DelVecchio to approve the Site Plan for the proposed farm-house style duplex on TM #76.00-03-09.200, as requested. The motion was seconded by Member Newell, with the vote recorded as follows:

Ayes:	Chair Wickwire	Nays:	None
	Member Newell		
	Member Renzi		
	Member Finamore		
	Member DelVecchio		

Motion carried.

This becomes Action #59-2 of 2016.

David & Joyce Camp, Applicants/Reputed Owners - 4487 Cosmos Hill Road - TM #76.00-01-03.111 - Subdivision of Land

Chair Wickwire recognized the Camps who were seeking approval to subdivide a 12.65±-acre lot from their 16.6±-acre parcel, as shown on the maps accompanying the application. The Camps will retain the remainder 4± acre parcel (where their home is) and deed the 12.65±-acre parcel to their daughter for construction of her home in the spring.

With no further discussion, **a motion was made by Member Newell to approve the Subdivision of Land as requested. The motion was seconded by Member Finamore, with the vote recorded as follows:**

**Ayes: Chair Wickwire
Member Newell
Member Renzi
Member Finamore
Member DelVecchio**

Nays: None

Motion carried.

This becomes Action #60 of 2016.

Suburban Propane, Applicant/Reputed Owner - 3833 US Route 11 (Polkville) - TM #s 87.04-01-17.000 & 18.000 - Conditional Permit & Aquifer Protection District Special Permit Proposed New Building/Concrete Dike

Chair Wickwire recognized Terry Horst and Joe Carey, representing the applicant who was seeking a Conditional Permit and an Aquifer Protection District Special Permit to construct a 3,880± SF building, demolish an existing building and replacing it with gravel, and renovate the current concrete dike at the tank pad, all as shown on the materials accompanying the application. Ms. Horst explained the items as shown on the drawings. There will be additional parking.

Chair Wickwire asked if there were any elevations that would show the Board what the new building would look like; they stated they were working on this. Member Renzi reviewed his written comments, as follows:

1. *The structure legend for the existing building is not indicated for the existing building.*
2. *The roadway access to the existing parking area and the new building is not clear to me.*
3. *The personnel route from parking to the new building is not clear to me. **Mr. Carey explained this to the Board.***
4. *An elevation drawing for the new building including exterior construction features and colors should be submitted.*
5. *Indicate the ratio of dike containment volume to stored material volume.*
6. *Provide a lighting plan or description of building and parking area lighting.*
7. *Define signage if any is planned. **Only existing signage will be used.***
8. *Provide description and quantities of new plantings.*
9. *Ten monitoring wells are shown on the drawing. Are they active and if so when was the last time they were tapped. Were the results recorded and reported, and if so to whom? **Wells have not been used for at least five years.***
10. *Indicate the areas to be used for snow storage.*
11. *If there is outside trash storage so indicate on the drawing.*
12. *If there are to be truck parking areas please show on the drawing. **Trucks will be there overnight, but in a secure, fenced-in area.***

Member Renzi felt that the application as presented was incomplete and not suitable in its present form for consideration, and suggested a resubmittal with additional detail.

PZO Weber advised that there will be a meeting of this Board on 27 September, and asked if they would be able to submit the revised drawings for then? They thought they could.

A motion was then made by Member Newell to table these applications for the proposed new building/concrete dike until this Board's 27 September 2016 meeting in order to allow the applicant time to submit additional information. The motion was seconded by Member Finamore, with the vote recorded as follows:

Ayes:	Chair Wickwire	Nays:	None
	Member Newell		
	Member Renzi		
	Member Finamore		
	Member DelVecchio		

Motion carried.

This becomes Action #61 of 2016.

OLD BUSINESS (RE-VISITED)

Suit-Kote Corporation, Applicant/Reputed Owner – 3715 US Route 11 (Polkville) –TM #s 97.02-01-10.000 & 11.000 – Conditional Permit for Proposed Construction Staging Area

Chair Wickwire asked if there was anyone present to represent the applicant; there was no one. PZO Weber advised he was under the impression someone would be here since he had talked with Mr. Dubois last week.

A motion was then made by Member Renzi to table the continued review of this application for a Conditional Permit for a proposed Construction Staging Area until this Board's 27 September 2016 meeting as there was no representative present. The motion was seconded by Member Newell, with the vote recorded as follows:

Ayes:	Chair Wickwire	Nays:	None
	Member Newell		
	Member Renzi		
	Member Finamore		
	Member DelVecchio		

Motion carried.

This becomes Action #62 of 2016.

OTHER MATTERS

Member Renzi – Chair Wickwire thanked Member Renzi for the comments he had prepared for certain applications at this meeting; she thought they were “incredibly good.”

Town Attorney Comments – Town Attorney John Folmer advised the Board that anyone who submits an application which is placed on the Agenda, and then fails to appear before the Board a certain number of times (he suggested three), that the Board consider it abandoned. He commented that it was not fair, and the Board agreed.

McLean Road Property – Member Newell asked what could be done about the property that “has all of those things for sale,” as he now has a fishing boat there. Attorney Folmer stated he would make a note and have “Kevin take a look at that.”

ADJOURNMENT

At 8:35 p.m., a motion to adjourn the meeting was made by Member Newell, seconded by Member Finamore, with all members present voting in the affirmative.


Joan E. Fitch, Board Secretary

E-mailed to Town Clerks, JBF, PB Members,
DD, BW & DC on 11/17/16.