

**TOWN OF CORTLANDVILLE PLANNING BOARD**  
**Minutes of Regular Meeting - Tuesday, 28 June 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  
John Proud, Town Councilman

**Applicants & Public Present**

Brian Sirgany, Applicant; Chuck Feiszli, PE; Paul Yaman; Ryan DuBois for Suit-Kote Corp., Applicant; Gwendolyn Stiles, Applicant; Melissa Jean-Baptiste, Applicant; Attorney Victoria Monty for Rocco & Lucille Mantella, Applicants; Marcus Bernardo for Walden Oaks Country Club, Inc., Applicant; Brian Buttner, RA, for Gerald & FAYANNE Bell, Applicants; Al Kryger & Attorney Mike Shafer for Leonidas Group of Virgil, LLC, Applicant; Troy Beckwith for 879 Route 13, LLC, Applicant; Charles Hamilton; Rick & Pat Race, Bud Harter, Bruce Altieri; Kevin Pristash; Eric Barden, Sharon Stevans (Ch. 2 Volunteer).

**REGULAR MEETING**

**The Regular Meeting of the Town of Cortlandville Planning Board was called to order at 7:30 p.m. by Chair Katherine Wickwire.**

**APPROVAL OF MINUTES – 24 MAY 2016**

**A motion was made by Member Chris Newell to approve the Town of Cortlandville Planning Board's Minutes of 24 May 2016, as submitted. The motion was seconded by Member John 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 #35 of 2016.**

**OLD BUSINESS**

**Leonidas Group of Virgil, LLC, Applicant/Robert Ferris, Reputed Owner – Starr Road - TM #96.10-01-19.100 – Proposed PUD (Planned Unit Development)**

Town Board Member John Proud spoke to the Planning Board regarding this proposed PUD. He stated that at the last Town Board meeting on the 15<sup>th</sup>, a resolution was made and passed unanimously to refer this zoning change request back to this Board in deference to Judge Cerio's recent decision which indicated a report was needed from this Board. Councilman Proud stated that he was not sure that what the Town Board received from this Board would have met the Judge's "standard" for a report. All of the information is there, but it needs to be "packaged" so that when the Town Board receives it they can say "yes, this is a complete report that we got from the Planning Board, and we can take the action that's required by the Town Board." He concluded his remarks by thanking this Board for the work that they do.

Town Attorney John Folmer advised the Planning Board that there should be a separate document which could be considered to be a report, as opposed to the mere reference to something in this Board's Minutes. He then suggested that this Board consider their Minutes of the 29 March 2016 meeting, page 2 of the Clough Harbour letter of 15 March 2016, and the full Clough Harbour Associates report which

was submitted 15 March 2016 in letter form, as this Board's report and forward it to the Town Board as such—separate and distinct from the Minutes themselves.

**A motion was then made by Member Newell that the Town of Cortlandville Planning Board incorporates the Minutes of its 29 March 2016 meeting, page 2 of Clough Harbour Associates' letter of 15 March 2016, and Clough Harbour Associates' full report of 15 March 2016 as its report to the Town Board, separate and distinct from the Minutes themselves. The motion was seconded by Member Nick Renzi, with the vote recorded as follows:**

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

**Nays: None**

**Motion carried.**

**This becomes Action #36 of 2016.**

Chair Wickwire acknowledged receipt of a 23 June 2016 memo from Jill Holl, 25 Abdallah Avenue, regarding an article in the *Cortland Standard* stating that the Town Board had planned to approve the PUD designation; she urged reconsideration and asked everyone involved to not approve this zoning change. A copy of the memo has been placed on file for the record. Town Attorney Folmer added that "this matter has been closed." PZO Weber will provide copies of this letter to the Town Board.

**Brian Sirgany, Applicant/Dante Armideo, Reputed Owner - 992 Tompkins Street - Part of TM #96.13-01-02.100 - Site Plan, Subdivision & Aquifer Protection District Special Permit for Proposed New Office for Sirgany Eye Care**

Chair Wickwire acknowledged receipt of an 18 June 2016 letter to this Board from Brian Sirgany, Applicant, which provided the statistics/justification for their request for 30 parking spots. Accompanying the letter were two drawings: a landscaping plan, and the proposed sign details.

Chair Wickwire stated she saw no problem with the requested 30 parking spaces. Member Renzi went through his comments, as follows:

"The following submittals are required:

1. Approved Stormwater Management system plan designed in accordance with current New York State regulations.
2. A detailed maintenance plan for the stormwater management system being proposed.
3. As requested at the May 24 meeting, provide a detailed landscaping plan with plant names and quantities.
4. Details for proposed ground sign.
5. As requested at the May 24 meeting, provide a simple narrative as to how you have addressed the Design and Development Guidelines of the Cortlandville Code Article XXIII."

Member Renzi commented that most of the drawings they had received could not be read, even with a magnifying glass. The Board was advised that the applicant will be seeking variances for the proposed signage.

Member Renzi said he did not believe this Board should grant Conditional Permits contingent upon submittals, etc.

Chair Wickwire reviewed aloud the recommendations received from Cortland County Planning. The applicant supplied their justification for 30± parking spaces. Eric Barden spoke regarding the Landscaping Plan; Member Newell commented that the plan was very difficult to read. Chair Wickwire asked if the building would look like what was shown in the drawings; Mr. Barden responded it would. Engineer Feiszli stated the Stormwater Management Plan should be done next week. It was noted by Attorney Folmer that the Town Board would not act on the Aquifer Protection District Special Permit unless they have the Stormwater Management Plan. Member Renzi also said he would like to see Pat Reidy's letter of approval.

PZO Weber reminded Planning Board members that in any approval that is granted, should be contingent upon a Negative Declaration under SEQRA by the Town Board.

With no further discussion, **a motion was made by Member Newell to approve the Subdivision of Land, as requested, contingent upon a Negative Declaration under SEQRA by the Town Board. The motion was seconded by Member John DelVecchio, with the vote recorded as follows:**

<b>Ayes:</b>	<b>Chair Wickwire</b>	<b>Nays:</b>	<b>None</b>
	<b>Member Newell</b>		
	<b>Member Renzi</b>		
	<b>Member Finamore</b>		
	<b>Member DelVecchio</b>		

**Motion carried.**

**This becomes Action #37 of 2016.**

A **motion was then made by Member Newell to approve the Site Plan for the proposed new eye care facility, as requested, incorporating Items 1 thru 11 of the Cortland County Planning Board's Resolution No. 16-15 of 15 June 2016, and contingent upon (1) receipt of Stormwater Management System approval, including the Maintenance Plan, from County Soil & Water, and (2) receipt of a Negative Declaration under SEQRA by the Town Board; further, the Planning Board recommends to the Town Board that they issue an Aquifer Protection District Special Permit and act as Lead Agency under SEQRA. The motion was seconded by Member John Finamore, with the vote recorded as follows:**

<b>Ayes:</b>	<b>Chair Wickwire</b>	<b>Nays:</b>	<b>None</b>
	<b>Member Newell</b>		
	<b>Member Renzi</b>		
	<b>Member Finamore</b>		
	<b>Member DelVecchio</b>		

**Motion carried.**

**This becomes Action #38 of 2016.**

**879 Route 13, LLC, Applicant/Reputed Owner – 3011 NYS Route 13 (former Ponderosa) – TM #95.16-02-72.000 – Site Plan Review – Proposed Moe's Southwest Grill**

Chair Wickwire recognized Troy Beckwith, representing the owner, Mr. Calabro, who had submitted a revised front elevation of the proposed restaurant for the Board. Chair Wickwire commented that the signage/front looked much better.

A motion was made by Member Renzi to approve the Site Plan for the proposed Moe's Southwest Grill, 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  
Member DelVecchio

Nays: None

Motion carried.

**This becomes Action #39 of 2016.**

**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**

(Reference is made to the May Minutes of this Board when the applicant's representative appeared to explain the proposed construction staging area. At that meeting, Chair Wickwire asked Suit-Kote's representative to talk to the owners to see if the entrance/exit could be across from the truck stop to ease the neighbor's concerns. Member Renzi also asked that they also bring a Site Plan that shows more detail on roadways, storage areas, etc. And, added Chair Wickwire, the applicant should talk to the NYSDOT also.)

Chair Wickwire recognized Ryan DuBois, representing the applicant who was seeking a Conditional Permit for an already existing construction staging area on the property as shown on the Site Plan accompanying the application. Mr. DuBois submitted a revised Site Plan showing relocation of the proposed driveway and other requested details. He stated that they relocated the driveway across from Harter Drive because they felt it was the best option. Putting it closer to the gas station, he felt, was not as good because of the reduction in lanes at that point on Route 11.

Chair Wickwire commented that where they now proposed the driveway doesn't help the people who live across from there; the whole idea for moving it where the Board suggested was to keep the traffic away from the homes. The best option, she reiterated, was to move it across from the gas station. It is a simple thing to put it across from the gas station as discussed at last month's meeting, she stated. "You've moved it about three feet."

PZO Weber, in response to Mr. DuBois' question, stated that this driveway is a part of the whole project. Suit-Kote "has created a new driveway from the standpoint of your use of the property..." Mr. DuBois countered that the driveway apron was existing. PZO Weber responded that "it was not used by Suit-Kote as a construction entrance and exit. While the driveway was there, it was for a residence. It was not for Suit-Kote, so the use of the driveway and the use of the property is changing, and that's what kicks in the requirement for the Conditional Permit."

Mr. DuBois asked if Economy Paving obtained Conditional Permits for their equipment staging areas on Route 281. Chair Wickwire responded that those are temporary staging areas on privately held property they are renting. PZO Weber added that, once the subject staging area is established, "this appears to be how this property will be utilized for an extended period of time, and not only while 81 is going on."

Chair Wickwire commented that nothing seems to have changed since the May meeting; only thing that was done was to move the proposed driveway a short distance. "All this does is postpone what we could have settled tonight if you had just come with it, like we asked, across from the gas station, and then you could have had this nicely done out here. We only meet once a month. What you've done here is just move it about two feet down; it's still across from people's homes. They don't like it. We asked you at the last meeting to be a good neighbor and move it down. And I thought you were bringing a new map, moving it down away from the people's homes there. Not moving it across from Harter Road. I don't think that Suit-Kote drivers are going to have a problem merging in traffic."

Mr. DuBois stated that this was a temporary staging area for the Interstate 81 project; it was not permanent. Chair Wickwire responded that if it was temporary, and only for the 81 job, why couldn't they put it across from the gas station? Mr. DuBois said that he could go back to see if he could modify the map.

Chair Wickwire stated this is supposed to be a temporary staging area that could turn into something permanent; it's not such a big deal.

Mr. DuBois then advised the Board that he had talked with the NYSDEC and he will be filing for a "Construction SWPPP." The berm will be replaced and the gate moved.

At the conclusion of this lengthy discussion, **a motion was made by Member Newell to postpone the application for a Conditional Permit for a proposed Construction Staging Area until the 26 July 2016 meeting of this Board to allow the applicant time to submit a final plan. The motion was seconded by Member Renzi, with the vote recorded as follows:**

<b>Ayes:</b>	<b>Chair Wickwire</b>	<b>Nays:</b>	<b>None</b>
	<b>Member Newell</b>		
	<b>Member Renzi</b>		
	<b>Member Finamore</b>		
	<b>Member DelVecchio</b>		

**Motion carried.**

**This becomes Action #40 of 2016.**

**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 Architect Tom Schickel and Engineer Chuck Feiszli who had submitted an Application for a new proposed 10.52± A. Nissan/Subaru dealership on NYS Route 13, relocating their existing Route 281 facility. A Sketch Plan Conference was held at the May meeting of this Board; reference is made to those Minutes for additional information.

Engineer Feiszli advised that the parking spaces shown on the plan were not 10 by 20 as they are not parking spots for the public, but are parking spots (9 by 18) for the display of cars for sale. He also stated the Stormwater Plan would be completed before the next meeting; test holes for perc rate still have to be done.

Member Renzi commented that height of free-standing sign should be limited to eight feet in accordance with the Town's guidelines. PZO Weber added that the building-mounted sign appears to extend above the building.

At the close of this brief discussion, **a motion was made by Member Newell to forward the applications to the Cortland County Planning Department for their review. The motion was seconded by Member Renzi, with the vote recorded as follows:**

<b>Ayes:</b>	<b>Chair Wickwire</b>	<b>Nays:</b>	<b>None</b>
	<b>Member Newell</b>		
	<b>Member Renzi</b>		
	<b>Member Finamore</b>		
	<b>Member DelVecchio</b>		

**Motion carried.**

**This becomes Action #41 of 2016.**

**NEW BUSINESS****Gerald & FAYANNE Bell, Applicants/Reputed Owners – Blue Creek Road – TM #76.00-07-06.100 – Subdivision of Land**

Chair Wickwire recognized Brian Buttner, RA, representing the owners who wish to subdivide their land as shown on the map accompanying the application, said 300 ft. by 350 ft. parcel (indicated as Lot S2) to be sold to Joseph Reagan, as described in Architect Buttner's narrative. The lot meets all requirements, he advised. The proposed house footprint shown on the map was drawn in in order for Mr. Reagan's engineer, Timothy C. Buhl, PE, to do an initial stormwater study for that parcel. There is an established right-of-way there which will remain in place for access to another parcel.

PZO Weber advised there are requirements under the stormwater maintenance that does allow for a property owner to maintain their own system. That stormwater plan will need to be approved, as does the maintenance plan. There is also a requirement that there be an easement given to the Town should they need to take action to maintain it. These things need to be taken care of.

Chair Wickwire stated that she was confused regarding the request. The entire farm is not being developed; he's taking another lot and selling it off. PZO Weber responded that it has been done "piecemeal" and the exemption for the Stormwater Plan allows for up to five lots. The proposed lot would be the sixth lot and, once that limit has been exceeded, it now must be considered that a subdivision is being created. Continual development of an area needs to provide some type of plan for stormwater maintenance.

At the conclusion of a lengthy discussion, **a motion was made by Member DelVecchio to approve the Subdivision of Land as requested, contingent upon the applicant, if any construction, adhering to the Stormwater Pollution Prevention Plan regulations. The motion was seconded by Member Newell, with the vote recorded as follows:**

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

**Nays: None**

**Motion carried.**

**This becomes Action #42 of 2016.**

**Gwendolyn P. Stiles, Applicant/Reputed Owner – Northway Drive – TM #85.16-02-4.112 – Lot Line Adjustment**

Chair Wickwire recognized the applicant who was seeking approval of a lot line adjustment between her property and her son's property, as shown on the map accompanying the application. A letter to Chair Wickwire, dated 16 June 2016, from Mrs. Stiles' attorney, Natalie B. Miner, explained that the leach field for John Stiles presently encroaches on Mrs. Stiles' property. In order to correct this situation, the applicant is prepared to convey her interest in approximately one-third of an acre as shown on the map.

With no further discussion, **a motion was made by Member Newell to approve the Lot Line Adjustment 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 #43 of 2016.**

**Melissa Jean-Baptiste, Applicant/Darrell Carter, Reputed Owner – 3943 West Road (NYS Route 281) – TM #86.13-01-45.210 – Site Plan for Proposed Pizzeria**

Chair Wickwire recognized the applicant who was seeking approval of a Site Plan to operate a pizzeria at this location, selling pizza, wings, and salads. Member Renzi stated his concern was the parking for a 40-seat eatery, or were they going to be mostly takeout? Ms. Jean-Baptiste responded that it will be mostly takeout and there are 20 parking spaces available, as shown on the map accompanying the application.

Traffic flow was also discussed, along with hours of operation.

With no further discussion, **a motion was made by Member Renzi to approve the Site Plan for the proposed pizzeria, as requested, with the hours of operation to be from 11 a.m. to 2 a.m. daily. The motion was seconded by Member Newell, with the vote recorded as follows:**

<b>Ayes:</b>	<b>Chair Wickwire</b>	<b>Nays:</b>	<b>None</b>
	<b>Member Newell</b>		
	<b>Member Renzi</b>		
	<b>Member Finamore</b>		
	<b>Member DelVecchio</b>		

**Motion carried.**

**This becomes Action #44 of 2016.**

**Rocco J. & Lucille Mantella, Applicants/Reputed Owners – 4365 Cosmos Hill Road – TM #76.13-01-10.000 – Lot Line Adjustment**

Chair Wickwire recognized Attorney Victoria Monti, representing the applicants who were seeking approval of a lot line adjustment between their property and the adjacent TM #76.13-01-09.000 (Susan K. Potter), as shown on the map accompanying the application. According to the narrative, also accompanying the application, Susan Potter proposes to consolidate this portion of the applicants' parcel with her existing lot.

With no further discussion, **a motion was made by Member Newell to approve the Lot Line Adjustment as requested. The motion was seconded by Member DelVecchio, with the vote recorded as follows:**

<b>Ayes:</b>	<b>Chair Wickwire</b>	<b>Nays:</b>	<b>None</b>
	<b>Member Newell</b>		
	<b>Member Renzi</b>		
	<b>Member Finamore</b>		
	<b>Member DelVecchio</b>		

**Motion carried.**

**This becomes Action #45 of 2016.**

**Walden Oaks Country Club, Inc., Applicant/Reputed Owner – 3369 Walden Oaks Blvd. – TM #96.00-06-02.110 – Subdivision of Land**

Chair Wickwire recognized Marcus Bernardo and Attorney Victoria Monty, representing the applicant who was seeking approval a new residential building lot (which was part of the golf course), as shown on the map accompanying the application, and as explained in the narrative.

Mr. Bernardo displayed a drawing showing placement of the proposed house on the lot for which he has a buyer. PZO Weber affirmed the setback distances with Mr. Bernardo.

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:

<b>Ayes:</b>	<b>Chair Wickwire</b>	<b>Nays:</b>	<b>None</b>
	<b>Member Newell</b>		
	<b>Member Renzi</b>		
	<b>Member Finamore</b>		
	<b>Member DelVecchio</b>		

Motion carried.

**This becomes Action #46 of 2016.**

## **OTHER BUSINESS**

### **Leach Properties, LLC, Applicant**

Chair Wickwire recognized Town Attorney John Folmer who advised the Board that there was a “housekeeping matter” that needed to be taken care of as a result of the Court’s determination that the approvals granted to Gregory Leach on his applications, starting with the variance, needed to be rescinded. Therefore, he advised that it would be a good idea to rescind this Board’s approval so it’s clear on the record that the matter has been closed and terminated and a reapplication could not be made for the same permit.

With no further discussion, a motion was made by Member Renzi that the Town of Cortlandville Planning Board rescinds Action #75 of 27 October 2015 which approved a Conditional Permit for Leach Properties, LLC, Applicant, TM Parcel Nos. 77.00-04-11.111 & 11.112. The motion was seconded by Member Newell, with the vote recorded as follows:

<b>Ayes:</b>	<b>Chair Wickwire</b>	<b>Nays:</b>	<b>None</b>
	<b>Member Newell</b>		
	<b>Member Renzi</b>		
	<b>Member Finamore</b>		
	<b>Member DelVecchio</b>		

Motion carried.

**This becomes Action #47 of 2016.**

**Bestway – Luker Road** – Chair Wickwire and the Board reviewed the timeline presented to them at their 27 October 2015 meeting for the Bestway Shop project. Nothing had been done to restore this site next to Petrella’s Body Shop as requested by the Planning Board, other than planting some trees. About a week or so ago, someone was dumping stuff there again. It is supposed to be restored to the “natural state it was in.” PZO Weber stated he would contact them and request that they put the property back to its original state—give them 30 days. A motion was then made by Member Renzi to give Bestway Enterprises thirty days to return their property at 3832 Luker Road to its original condition. The motion was seconded by Member Newell, with the vote recorded as follows:

<b>Ayes:</b>	<b>Chair Wickwire</b>	<b>Nays:</b>	<b>None</b>
	<b>Member Newell</b>		
	<b>Member Renzi</b>		
	<b>Member Finamore</b>		
	<b>Member DelVecchio</b>		

Motion carried.

**This becomes Action #48 of 2016.**



**Complaint Letter re Malchak's on Delaware Avenue** – Chair Wickwire said she was in receipt of a 20 June 2016 email from John Woodward regarding activity at this location. PZO Weber assured the Board that this matter was being taken care of by Desiree Campbell.

**Fish Property on NYS Route 222** – Chair Wickwire asked about the “big” storage trailer at this location and asked how to remedy the situation. She was advised by Attorney Folmer that CEO Kevin McMahon was working with Mr. Fish regarding this eyesore.

**Cortlandville Business Project Summary**, dated 28 June 2016 and prepared by Member Renzi was handed out to Board members.

### **ADJOURNMENT**

At 9:05 p.m., a motion to adjourn the meeting was made by Member Newell, seconded by Member Renzi, with all members present voting in the affirmative.

A handwritten signature in blue ink, reading "Joan E. Fitch", is written over a horizontal line.

Joan E. Fitch, Board Secretary

E-mailed to Town Clerks, JBF, PB Members,  
DD, BW & DC on 7/25/16.