

TOWN OF CORTLANDVILLE PLANNING BOARD
Minutes of Regular Meeting - Tuesday, 26 April 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

Louis Sachetti, Applicant; James Aldrich, Applicant; Victor Siegle, Bob Martin, Steve Terwilliger, Cheri & Charles Sheridan, Pam Jenkins, Michael Barylski, Bill & Larie Cifaratta, Barb Leach, 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 - 29 MARCH 2016

A motion was made by Member Nick Renzi to approve the Town of Cortlandville Planning Board's Minutes of 29 March 2016, as submitted. The motion was seconded by Member Chris 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 #26 of 2016.

OLD BUSINESS - NONE

NEW BUSINESS

Louis Sachetti, Applicant/Reputed Owner - 3403 Kellogg Road - TM #97.00-01-35.122 - Subdivision of Land

Chair Wickwire recognized the applicant who was seeking approval to subdivide the subject 18.5±-acre parcel into four lots (Parcel 1 = 1.14± A; Parcel 2 = 1.28± A; Parcel 3 = 1.67± A; Remainder = 14.41± A), as shown on the maps accompanying the application. Chair Wickwire questioned septic systems; Mr. Sachetti responded that there is no intention to have any buildings there. He plans on using the parcels for recreation, and he also stated he had a Christmas tree farm there.

At the conclusion of the discussion, **a motion was made by Member Newell to approve the subdivision, as requested. 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 #27 of 2016.

James Aldrich (dba Tori's Garden Market), Applicant/Randy Wood, Reputed Owner – 3957 US Route 11 – TM #87.13-01-41.100 – Conditional Permit

Chair Wickwire recognized the applicant who was seeking a Conditional Permit to operate his garden market once again this year, but replacing last year's tent with a 20 ft. by 42 ft. semi-permanent steel canopy with an attached temporary greenhouse, 16 ft. by 18 ft. In addition to last year's Adirondack furniture sales, he would also like to place/sell from six to twelve Amish sheds on the property (Fred's Sheds). Mr. Aldrich stated he had the use of 1.6± acres at this location and would be open seven days a week from 9 a.m. to 7 p.m.

Member Renzi asked if there would be any lighting onsite, and Mr. Aldrich stated that there was a single security light on a pole. No business is conducted when it's dark.

With no further discussion, **a motion was made by Member Newell to approve the Conditional Permit, as requested, with operating hours changed to Monday thru Sunday from 9 a.m. to 7 p.m. The motion was seconded by Member John 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 #28 of 2016.

Leach Properties, LLC, Applicant/Reputed Owner – Lorings Crossing Road – NEW TM #77.00-13-13.000 – Request Town Planning Board to Act as Lead Agency Under SEQRA

Chair Wickwire recognized Town Attorney John Folmer, who explained that, at its meeting before this Board's, *"The Town ZBA agreed to hold a rehearing, if necessary, in regard to the Leach application, but indicated they were not going to schedule any such rehearing until after the Court has made its determination on the pending litigation. The ZBA also made a request that this Board act as Lead Agency for any procedure that is taken with regard to that application, should that situation develop that it becomes necessary for that to happen. At the present moment, the variance which has been granted and is the subject of the litigation is still in effect. It has not been restrained, it has not been enjoined. Consequently, at this point, you don't have the jurisdiction to accept the designation of Lead Agency because under the SEQRA regulations, in order to be a Lead Agency, you must be an agency that is (1) involved and, secondly, that you have some permitting authority. At this moment you have no such permitting authority because your permitting authority has already been exercised in connection with the earlier proceeding. So I would suggest that you table this request until your next meeting, which will be*

May 24th, because by that time we may a determination of the litigation, and you and the Zoning Board will know what, if anything, you need to do with regard to the Leach application.”

A motion was then made by Member John Finamore that the Town of Cortlandville Planning Board tables until its 24 May 2016 meeting the ZBA’s request that the Planning Board act as Lead Agency under SEQRA. 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 #29 of 2016.

Town Attorney Folmer noted that by tabling this matter, should there be no determination from the Court by 24 May 2016, the Board would not have to take any action at that time, but would simply bring the matter to the table when such a determination is received.

OTHER BUSINESS

Pam Jenkins – Discussion

Chair Wickwire recognized Ms. Jenkins who advised those present that she was one of the Plaintiffs in the Article 78, Jenkins v. Leach and Cortlandville, and that they expected the Court’s decision *“any day now, and we expect that all of the variances and approvals . . . granted to Mr. Leach will be annulled.”*

Ms. Jenkins continued reading from her prepared statement, which was a timeline contained in her 26 April 2016 (2:02 PM) email to Chair Wickwire and Board Members Newell, Renzi, Finamore, and DelVecchio. Board members acknowledged they had received and read the email, a copy of which has been placed on file for the record. Ms. Jenkins also displayed various enlarged photographs of portions of the subject property.

Ms. Jenkins then reiterated her point that *“the Army Corps of Engineers, on 3/4, sent Mr. Leach an email and in it they wrote that he was allowed to fill only, only, only this little area directly beside his transfer station, behind the transfer station, which he could absolutely positively reach by driving through his commercial driveway. And here you can see again it’s this area down here. But what Mr. Leach did instead of just limiting himself to that is he built this huge road 24 feet wide and several hundred feet long. It’s a raised road, raised a few feet, and it’s raised on both sides of the road. There did exist a small, grassy path right there; actually the DOT sent me this because they weren’t aware of the work that he did in the right-of-way until after I filed a complaint with them. Now there’s a 24-foot wide driveway there that was not approved by anyone in this County. It was not on the original site plan, it was not okayed by the Army Corps of Engineers and, in addition, as of yesterday morning the DEC told me, both from Syracuse and Cortland, that Mr. Leach did not even apply for a SPDES Permit for all of the construction he did. Mr. Walenski (sp?) was going to forward the complaint to Mr. Reggie Parker about that road that was built without any permits at all. So here, this is the original on the site plan Mr. Leach was going to build a road from Lorings Crossing to the back of his transfer station. However—and there would be a storage area here—however, this end of this thing is under water and it is being investigated for several wetlands throughout this area. Again, the Army Corps of Engineers said no disturbing any other land ‘til he makes the determination about where the Federal wetlands are. But instead of waiting for that determination, which has not been completed yet as of yesterday morning, Mr. Leach built this road into here, logged (?) out this whole area and brought in fill which the Army Corps of Engineers directed him not to do. Okay? So this is what the Lorings Crossing Road looked like before he took the vegetation out. This is what it looked like in February. It’s under water and it’s still under water. So Mr. Leach stood in front of the judge and told him . . . well we need the Lorings Crossing Road because it will make it safer. However, the*

Lorings Crossing Road is under water and, having truck traffic coming off of Route 13 on this site with limited, um, . . . no SEQRA study was done, no drainage study was done, no flooding study was done, no traffic studies were done, but the road was built. And, I can make it even briefer: this is the last picture that we took last week of what the swamp looks like now with an effigy of a green person there and a hanging green something or other. So many of us find, actually you know we don't find this funny at all. This shows me that Mr. Leach can demonstrate complete and utter contempt for the laws that Cortlandville officials must follow. And so I refer you to the Town Law Manual of the Association of Towns 2016 which states that, well there's a reference there to the appearance of impropriety. That's not our big concerns. Nobody else in this County is allowed to build a road without approvals, without a site plan, without fees, without Army Corps of Engineer approval. But it happened and that's pretty upsetting to us. So I'll just finish up by saying I wonder if you could ask Mr. Leach exactly how many tons of fill he added to his property which are off limits according to the Army Corps of Engineers, and I think you all know that we could have gotten an injunction to order Mr. Leach to stop the work, but we decided that we didn't need to because we knew that all of the work he was doing, he was doing at his own risk to lose. That was his choice. He cannot now claim that he should be allowed to continue the project just because he chose to ignore all of the warning signs. Thank you."

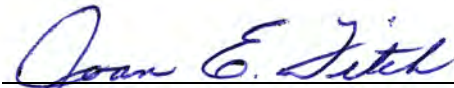
No Action Required.

Miscellaneous

- Clough Harbour Associates – Member Renzi asked the status of CHA's relationship with the Cortlandville, especially with the departure of Walt Kalina, their PE who dealt with the Town. CHA has gotten rid of their Planning Department. Town Attorney Folmer stated he did not know the details, but understood there was someone with CHA willing to work with the planners.

ADJOURNMENT

At 8:15 p.m., a motion to adjourn the meeting was made by Member Newell, seconded by Member DelVecchio, 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 5/23/16.

ATTENDANCE SHEET**(T) CORTLANDVILLE**~~ZONING BD. OF APPEALS~~MEETING OF **3-29-16**(Your attendance is recorded in the meeting Minutes.) **Sheet 1 of 2**

PRINTED Name:	Regarding:	Complete Address:
Daniel Carpenter	Chicken Variance + Coop	693 Lime Hollow Rd Cortland NY 13045
OK + BARBARA LOACH	LEONIDAS PROPERTIES	324520 River Rd
Andrea Magli	" "	Maybury Rd Morris
Pat Loach	" "	McGraw
Andrea Store	observer	115 Squary St. Apt. 39
Peter Blanchard	reporter	1
Tyrene Heppard	reporter	110 Main St. Cortland
Shirley Terwilliger	Empire	4887 W. Union Ave Cortland
Sharon Stevans		29 Hamlin St Cort
Donna Johnson	LEONIDAS Prop	7 Louise Dr
TONI D. WILLIAMS	LEONIDAS	1238 ISABEL DR
Paul Alteri (Anna)	Leonidas	3576 Parti Dr.
Jorge Alteri	Leonidas	3576 Parti Dr. Cortland NY 13045
Kevin Pristash	Leonidas	3607 Parti Dr. Cortland, 13045
JOHN WOODWARD	GARAGE ON DELAWARE	22 LOUISE DR. CORT.
MARY ROBERTS	LEONIDAS	24 ABBOTT AVE CORT 13045
Robert Weiss	Empire Thrift	2941 RT 20 CORT NY 13045
BRIAN MALCHUK	GARAGE ON DELAWARE	63 Delaware Ave Cortland NY 13045
William Fung	" " "	16 Thompson St, Cortland, NY 13045
Cassie Stettin	Leonidas	3614 Parti Dr. Cortland NY 13045
Michael Stettin	Leonidas	" "
Paul Sypher	Leonidas	2613 Parti Drive Cortland, NY 13045
Jason Schlenker	" "	Parti Dr
John Kinn	all	618 Graham Rd " "
Eric Borden	eye care building	Home
MIKE REAGAN	LEONIDAS	1101 STARR RD. CORTLAND
HATT VREDEVAAR	SMITH MEDICAL	4902 KENNEDY DR. WARREN
Charles Dorch	Bioethic Knowl	3595 Parti Dr, Cort
Danley Demsey	leonidas	1212 Starr Rd.

PLEASE PRINT YOUR NAME!!!!~~ZONING BD. OF APPEALS~~ Meeting Only
PLANNING BOARD

ATTENDANCE SHEET

(T) CORTLANDVILLE

PLANNING BOARD

MEETING OF: 3-29-16

(Your attendance is recorded in the meeting Minutes.)

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