

**TOWN OF CORTLANDVILLE PLANNING BOARD**  
**Minutes of Regular Meeting - Tuesday, 29 September 2015 - 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**

Wyatt Malchak for WXM Auto, Applicant; Attorney Jim Gosier for Byrne Dairy; Andrew Porter for Bestway, Applicant; Nathan Thorp, Applicant; John Barden, Applicant; Al Kryger & Attorney Mike Shafter for Leonidas Group, Applicant; Bob Ferris (present, but did not sign Attendance Sheet), Kevin Pristash; Eric Mulvihill of WXHC; Tyrone Heppard, Cortland Standard Reporter.

<b>REGULAR MEETING</b>
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**The Regular Meeting of the Town of Cortlandville Planning Board was called to order at 7:35 p.m. by Chair Katherine Wickwire.**

**APPROVAL OF MINUTES – 30 JUNE 2015**

**A motion was made by Member Chris Newell to approve the Town of Cortlandville Planning Board's Minutes of 30 June 2015, as submitted. 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 #60 of 2015.**

**OLD BUSINESS**

**BYRNE DAIRY, INC., APPLICANT/REPUTED OWNER - Finger Lakes East Drive - TM #s 105.00-03-15, 16, 17, 18, 20, 21, 24, 25, 26 & 27 – Complaint from Brafman re Windmill Illumination**

(Reference is made to the 25 August 2015 Minutes of this Board for additional information regarding this complaint.)

Chair Wickwire recognized Jim Gosier, General Counsel for the applicant, who was appearing before the Board, as requested, in response to a complaint regarding the LED illumination of the company's windmills at this facility. She felt that the windmills are not illuminated as the Board thought they would be, i.e., a constant color of lights indicating what was currently being produced at the plant. She stated that what she observed looked like "the State Fair from 690." The windmills (2) have vanes that are illuminated with multi-colored LED lights that appear to be "shooting" outwards. She asked Mr. Gosier if there was some compromise they could come up with? Member Nick Renzi read from the Minutes of this Board's 2/26/13 Minutes, as follows:

*Jim Gosier explained that they were proposing seven decorative windmills at four different heights: 45 feet, 66 feet, 75 feet, and 90 feet. He stated they had applied to the ZBA for a variance. One of the windmills will be operating an aerator for the proposed pond.*  
*They*

*proposed to illuminate the blades displaying different colored lights to establish a landmark and to indicate “what’s going on in the plant,” e.g., yellow for making-cheese day. They will be the old-fashioned farm-type windmills.*

Member Newell asked if the lights were on all night, and Mr. Gosier stated they were. Mr. Gosier then read from the Board’s Minutes of 3/26/13, as follows:

*Mr. Gosier and Andy Ramsgarten gave a PowerPoint presentation on the development of the project, including the proposed seven windmills near Route 13. They will be lighted by LED lights which change color with the windspeed/temperature.*

Mr. Gosier advised that “we can make them do anything we want.” There’s an unlimited number of colors they can be, the colors can be muted or brightened, there can be eight colors or one color on a windmill. He thought the complaint the Board received was right after Byrne turned on the windmill lights and they did not yet have complete control of them. Member John Finamore reported he had gone by the site twice in the past week and the display is nothing like it was before. Mr. Gosier stated that they have muted down and changed the colors of the lights. He also added that Byrne has never been advised of nor received any complaints, written or otherwise, until they were contacted by Member Renzi and PZO Weber. Also, there’s a better chance than not that there will not be seven windmills there, he said.

At the end of this discussion, the Board agreed to look at the site as it is now and, if there are still any concerns, report them to PZO Weber who will contact Mr. Gosier.

The Board thanked Attorney Gosier for appearing in response to their request.

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

Chair Wickwire recognized Al Kryger and Attorney Mike Shafer, representing the applicant. Mr. Kryger distributed Drawing #ST-4 of 9/24/15 which he stated was a modification to the Landscaping Plan; he explained what was modified. Attorney Shafer explained the reasoning for this type of a development and stated it would not go forward unless the “financing is in place,” and enough units are committed to be purchased. Mr. Kryger advised that the price range for a 1000 SF single-family would be from \$120,000 to \$140,000.

Member Finamore asked if there were any flooding issues in the area. Bob Ferris, who owns the subject property, which is under contract) was not sure what he was speaking of. Runoff from the hill has been a problem for years.

After a relatively brief discussion, Attorney Shafer asked the Board to hold a Public Hearing on the proposed PUD. PZO Weber and Town Attorney Folmer advised that this would be done after the application is considered complete. There are development standards, etc., that need to be reviewed. Chair Wickwire commented that this has not yet been sent to County Planning as a completed application. Member DeVecchio stated he is concerned with a Stormwater Pollution Prevention Plan.

Member Renzi commented that there needs to be more details on the plans; a SWPPP is not needed at the stage. The Board just received a revised Site Plan tonight; a special meeting may be needed. Member Renzi stated that the Board may want to retain the services of Clough Harbour Associates to review what is being proposed; Chair Wickwire agreed. Attorney Folmer suggested a special meeting could be a work session to go through the list of what is needed so Attorney Shafer and the Board are on the same page. Once everyone was satisfied, then the Board could make a decision as to whether or not an outside consulting firm is needed. The Board needs to solidify and identify what is required. Attorney Shafer stated they will address what items they can. PZO Weber will set up a meeting when Engineer Tim Buhl is available. Attorney Folmer stated that at this time, the plans/application are not considered complete.

**No Action Taken.**

**Bestway Enterprises, Inc., Applicant/Reputed Owner - 3832 Luker Road - TM #86.17-02-01.100 - Extension of Conditional Permit**

Chair Wickwire recognized Andrew Porter, representing the applicant. Member Renzi asked Mr. Porter if he had seen the 24 September 2015 complaint letter from Mr. Matt Petrella who owns a body shop business not an adjacent parcel; he had, and stated he has talked with Mr. Petrella, and Mr. Porter advised that that he told Mr. Petrella they would fix all the problems. (A copy of this letter has been placed on file for the record.)

Chair Wickwire stated that someone has been dumping on the subject parcel. Mr. Porter stated he had seen this, but did not know who was responsible. Chair Wickwire then read aloud Mr. Petrella's requested conditions for providing Bestway with an extension; she feels they are reasonable.

At the conclusion of this discussion, **a motion was made by Member Renzi that the applicant is to provide details at the 27 October 2015 Planning Board meeting regarding the extension request for the Conditional Permit, and a timeline of when the work will be completed. 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 #61 of 2015.**

Chair Wickwire added that the dirt piles needed to be removed by the next meeting, and the dumping will be addressed along with the driveway.

**John Barden, Applicant/Reputed Owner, dba Fastlane Auto - 1799 NYS Route 13 - TM #77.00-01-34.000 - Special Permit For Increase In Lot Coverage & Conditional Permit**

Chair Wickwire recognized the applicant who was seeking a Special Permit in Lot Coverage, and a Conditional Permit for auto/truck sales and storage. A Revised Site Plan (dated 5 August 2015) accompanied the application. The applicant also informed the Board that he would like to add onto his garage and this would bring up the lot coverage issue. PZO Weber advised that this Planning Board can grant a Special Permit for an increase in lot coverage.

The Board briefly discussed the problems associated with the adjacent Economy Paving property. Mr. Barden stated that he will have his site the way indicated on the Revised Site Plan by December 1, 2015.

At the conclusion of the discussion, **a motion was made by Member Newell to approve a Special Permit for an increase in lot coverage, 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 #62 of 2015.**

A motion was then made by Member Newell to approve a conditional Permit, as requested, with the site to be brought into conformance with the approved Site Plan by 1 December 2015. 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 #63 of 2015.**

## **NEW BUSINESS**

### **Wyatt Malchak, Applicant/Timothy Malchak, Reputed Owner – 3960 US Route 11 - TM #87.13-01-34.000 – Conditional Permit for Used Car Lot**

Chair Wickwire recognized the applicant who was seeking a Conditional Permit to conduct sales of used vehicles at this location. A portion of a survey map, annotated with proposed parking spots, accompanied the application; 20 cars spaces were indicated on the map, and their hours of operation would be from 9 a.m. until 5:30 p.m., Monday thru Friday.

After a very brief discussion, a motion was made by Member DelVecchio to approve the Conditional Permit for used vehicle sales, with a maximum of 20 roadworthy vehicles to be displayed. 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 #64 of 2015.**

### **Nathan Thorp, Applicant/Joseph Zerillo, Reputed Owner – 2527 Ridge Road - TM #98.00-03-08.000 – Site Plan for Double-Wide Home**

Chair Wickwire recognized the applicant who was seeking Site Plan approval to place a 26 ft. by 48 ft. double-wide on this vacant parcel. The home would have masonry skirting, utilizing 10-inch blocks from the ground to the bottom of the home, with parging over the blocks; he indicated that he will install the skirting.

With no further discussion, a motion was made by Member Finamore to approve the Conditional Permit for used vehicle sales, with a maximum of 20 roadworthy vehicles to be displayed. 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 #65 of 2015.**

**Paul Stupke, Sr., Applicant/Reputed Owner – 749 Stupke Road - TM #95.15-03-08.000 – Conditional Permit for Proposed Auto Repair Shop & Existing Towing Business**

PZO Weber advised the Board that the Town ZBA had, at their meeting immediately before this one, granted a use variance to conduct an auto repair shop at this site in addition to its existing towing business. The ZBA: limited the number of vehicles to five, limited the hours of operation for the auto repair business from 7 a.m. to 5 p.m., Monday thru Friday, and from 7 a.m. to Noon on Saturdays, approved the towing business to operate 24/7, and limited a time period of 90 days that any vehicle without a current license and registration may be parked on the site.

Chair Wickwire then read aloud Part II of the Short Environmental Assessment Form. Negative responses were obtained to all questions in Part II.

**A motion was then made by Member Chris Newell that, based on the information and analysis of the SEQR concerning this application, the Town of Cortlandville Planning Board has determined that the proposed action will not result in any significant adverse environmental impact, resulting in a Negative Declaration. 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 #66 of 2015.**

With no further discussion, a motion was made by Member Newell to approve the Condition Permit for the proposed auto repair shop and existing towing business, as requested, incorporating Items 1 thru 11 of the Cortland County Planning Board's Resolution No. 15-20 of 9/16/15, with Item 9 limiting the number of vehicles to five; Item 10 limiting the hours of operation for the auto repair business from 7 a.m. to 5 p.m., Monday thru Friday, and from 7 a.m. to Noon on Saturdays, existing towing business to operate 24/7; and Item 11 limiting a time period of 90 days that any vehicle without a current license and registration may be parked on the site. 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 #67 of 2015.**

**Joan K. Flatt, Applicant/Reputed Owner – 660 Sterling Park - TM #95.07-02-29.000 – Boundary Line Change**

PZO Weber explained that the applicant was seeking to add a very small triangular-shaped parcel of land to her parcel, as shown on the survey map accompanying the application.

**With no further discussion, a motion was made by Member Newell to approve the Boundary Line Change, as requested. 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 #68 of 2015.**

## **OTHER MATTERS**

- Cluttered Properties on US Route 11, NYS Route 222 – It was noted that these properties do not appear to have been “cleaned up,” but PZO Weber advised that the Darling property on Route 22 is being worked on as best they can, and some stuff has been removed from the Fish property. CEO Tom Williams has observed the Route 11 and Fish properties and his opinion is different; Town Attorney Folmer will talk with CEO Williams.
- Propane Terminal on NYS Route 13 (Smith) – Town Attorney Folmer reported that nothing has been submitted to CEO Williams and nothing has gone on there. The requested has not been installed.

## **ADJOURNMENT**

At 8:45 p.m., a motion to adjourn the meeting was made by Member Newell, seconded by Member DeVecchio, with all members present voting in the affirmative.

  
Joan E. Fitch, Board Secretary

E-mailed to Town Clerks, JBF, PB Members,  
DD, BW, TW & DC on 11/10/15.