

TOWN OF CORTLANDVILLE PLANNING BOARD
Minutes of Regular Meeting - Tuesday, 25 August 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

Paul Suits & Ryan DuBois for Suit-Kote Corp., Applicant; Al Kryger & Tim Buhl for Leonidas Group of Virgil, LLC, Applicant; James Bryan, Applicant; Parti Drive Residents: Kevin Pristash, Brittany Schlenker, Daniel Mieras, Charles D(illegible), Leobradia Mieras, Lisa Foster; JeanMarie Norton.

PUBLIC HEARING

Suit-Kote Corp., Applicant/Reputed Owner - US Route 11 (Polkville) - TM #s 97.00-01-30.000, 97.02-01-12.000 & 13.000 - Conditional Permit, APDSP & Development Permit for Flood Hazard Areas - Sand & Gravel Mining Operation.

Chair Wickwire opened the Public Hearing at 7:30 p.m. The Planning Board Secretary read aloud the Public Hearing Notice as published in the *Cortland Standard* on 12 August 2015. Proof of Publication has been placed on file for the record. Reference is made to the 28 July 2015 Minutes of this Board for details of the applications.

Chair Wickwire asked if there was anyone present who wished to speak regarding this matter; there was no one who wished to do so.

**With everyone heard who wished to be heard,
Chair Wickwire closed the Public Hearing at 7:33 p.m.**

REGULAR MEETING

The Regular Meeting of the Town of Cortlandville Planning Board was called to order at 7:33½ p.m. by Chair Katherine Wickwire.

OLD BUSINESS

Suit-Kote Corp., Applicant/Reputed Owner - US Route 11 (Polkville) - TM #s 97.00-01-30.000, 97.02-01-12.000 & 13.000 - Conditional Permit, APDSP & Development Permit for Flood Hazard Areas - Sand & Gravel Mining Operation.

Chair Wickwire recognized Ryan DuBois, representing the applicant who was seeking the above permits to operate a sand and gravel mining operation on 57± acres of this 90±-acre parcel, as shown on the drawings accompanying the applications. Mr. DuBois submitted a revised map of where the stockpiles would be placed.

Chair Wickwire acknowledged receipt of and read aloud an undated memo from PZO Weber to the Town Board and Town Planning Board regarding Section 178-45B(3) of the Town Code pertaining to monitoring wells. A copy of this memo is attached on page 6 of these Minutes. PZO Weber stated that monitoring

wells were required under the Aquifer Protection District Regulations; there were no monitoring wells on the plan, and he had discussed this with Suit-Kote Attorney Kathleen Bennett. Paul Suits responded they will address this requirement.

Member Nick Renzi stated that the monitoring wells should be shown on the drawings and provide PZO Weber with an outline indicating the frequency of the sampling to be done and results of the testing. Chair Wickwire asked about the abandoned Sunoco gas pipeline on the property (mentioned in the County Planning Report), and Mr. Suits responded that it's been there for years, is dormant, and will be removed.

At the close of this discussion, **a motion was made by Member Chris Newell that the Town of Cortlandville Planning Board recommends to the Town Board that they (1) issue an Aquifer Protection District Special Permit for the proposed sand and gravel mining operation, (2) act as Lead Agency under SEQRA, and (3) require the installation of monitoring wells as stated in Section 178-45B(3) of the Town Code. 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 #56 of 2015.

A motion was then made by Member Newell to approve the Conditional Permit for the proposed sand and gravel mining operation, as requested, incorporating Items 1 thru 7 of the Cortland County Planning Board's Resolution No. 15-19 of 15 July 2015. 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 #57 of 2015.

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 Engineer Tim Buhl, representing the applicant. PZO Weber advised the Board that he had received a phone call yesterday stating they were ready to come before the Board, and PZO Weber responded that if they wanted to come before the Board at this meeting they were welcome to do so.

Engineer Buhl commented that he thought what the Board needed was here, as just distributed, including area layout, landscaping details, finished road contours, acreage/lot computations, snow storage areas, etc. He thought the Group was about "halfway there" in terms of detail; they were not finished drawings nor construction drawings.

PZO Weber asked the engineer how he arrived at the density, and Engineer Buhl explained how he arrived at the open space percentages. PZO Weber asked him to submit the calculations, in writing, copied to all Board members.

Member Renzi asked about stormwater management calculations, and parking spaces were discussed; not enough parking was indicated. With regard to parking, there were 16 spaces for 12 units, 4 of which would be for handicapped. Rain gardens were also reviewed.

The population of this project would be from 180 to 200 people, according to Engineer Buhl. Everything would be managed by a homeowner's association. Project will not go to the Town Highway Department at all, as it's private, but will conform to Town specifications.

Engineer Buhl stated he would send a copy of everything to Pat Reidy at County Soil & Water. PZO Weber advised them that a public hearing would be required within 45 days from when the application(s) are complete. Chair Wickwire stated she did not consider the application as complete at this time, but what the Board has could be forwarded, preliminarily, to County Planning.

With no further discussion, **Member Renzi made a motion to send the applications to the County Planning Department for their review. 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 #58 of 2015.

NEW BUSINESS

James A. Bryan, Applicant/Robin Moffitt, Reputed Owner – 2125 Tower Road - TM #107.00-01-22.100 – Lot Line Adjustment

Chair Wickwire recognized the applicant who was seeking approval of a Lot Line Adjustment. Mr. Bryan stated he wants to buy an acre of land from his neighbor and add it to the subject parcel, as shown on the maps/sketches accompanying the application.

After a very brief discussion, **a motion was made by Member Newell to approve the Lot Line Adjustment, as requested. 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 #59 of 2015.

OTHER MATTERS

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

Chair Wickwire acknowledged receipt of a 20 August 2015 letter from Carol & Kenneth Brafman of 441 Nye Road, objecting to the lights placed on two windmills at the subject plant. A copy of this letter is attached as page 7 of these Minutes.

Member Finamore stated he had drive around the entire area and saw no problem; he was surprised the Brafman's "could even see it." There were multi-colored lights.

Member Renzi read from the 26 February 2013 Minutes of this Board, as follows:

Chair Wickwire then asked about the proposed windmills as depicted in the computer-generated photos submitted to the Board members. These windmills would be placed on the Osbeck farm portion of the facility. Chair Wickwire questioned their use and height. Jim Gosier (Byrne's General Counsel) 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 Renzi commented that, looking at the windmills, in hindsight, they should have had illumination from the bottom up, rather than these LED lights. What is there is not what he imagined. He talked with Mr. Gosier regarding the Brafman letter and told him that he thought the lighting of the windmills "was kind of garish." PZO Weber stated, that from his perspective, the lights should be of one color, depending on what was being made in the plant at the time. Member Renzi was informed by Mr. Gosier that a control box could be utilized to dim the lights.

Member Newell was sympathetic with the Brafmans; the lights are multi-colored, bright LEDs, and are on all night. Member Renzi thought the lights should be more subtle and more "user friendly." PZO Weber added that there were two issues: one, to turn the illumination down and, two, to have only one-color lights.

In conclusion, the Board requested that PZO Weber invite Mr. Gosier to come before them to explain the windmill illumination.

OTHER MATTERS

- Walmart Monitoring Wells – Member Renzi stated that Walmart is approaching the end of their monitoring well sampling program, and he recommends that the Town consider requiring the testing to continue another two years, even if it's only once a year. He had received Pat Reidy's report.
- John Barden – NYS Route 13 (Fast Lane Auto) – Town Attorney Folmer reported that CEO Tom Williams had visited this non-compliant site and had taken 19 photos and prepared information to be filed with the Court. Court is scheduled for next week.
- Tractor Supply – NYS Route 13 – Member Renzi asked if the Code Office had visited this site that does not appear to be in conformance with their Site Plan, as approved. PZO Weber replied that CEO Williams had taken some photos and PZO Weber will be in contact with the business.
- HEP – NYS Route 13 – Member Renzi commented that this facility also appears to have storage not indicated on their Site Plan.
- Town Junkyard Law – Town Attorney Folmer stated that this Law was a work in progress at this time.

ADJOURNMENT

At 8:20 p.m., a motion to adjourn the meeting was made by Member Renzi, 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, TW & DC on 11/08/15.

Attchmts.: PZO Weber Comments
Brafman Letter

rec'd
8/25/15

To: Town Board, Town Planning Board
From: Bruce Weber

The County Planning report fails to mention the requirement of 178-45B(3).

(3)

Quarries, gravel mining and excavations are permitted in accordance with § 178-116 of this chapter except where on-site activities violate the provisions of §§ 178-45 and 178-46 herein.

(a)

Operations which commence on or after the effective date of these regulations shall install a minimum of one groundwater monitoring well in a direction upgradient from on-site activities and one groundwater monitoring well in a direction downgradient from on-site activities. The specific location of these groundwater monitoring wells shall be determined by a professional geologist, hydrogeologist, engineer, or other qualified expert trained and experienced in hydrogeology.

(b)

Frequency of required water quality sampling from monitoring wells shall be determined on a site-specific basis.

(c)

Access to monitoring wells shall be provided to employees of the Cortland County Health Department for purposes of any additional water quality sampling deemed appropriate.

The mining plan does not include monitoring wells, the boards should decide whether they should be required.

Carol & Kenneth Brafman
441 Nye Road
Cortland, New York 13045
(607) 756-2757

August 20, 2015

Planning Board
Town of Cortlandville
Cortland, New York 13045

Dear Members of the Planning Board,

We are writing to you in regards to the Byrne Dairy Plant in South Cortland along Route 13. In recent weeks, the Plant has erected two windmills along Route 13, and just recently lights on the windmills have been turned on at night. We are urging the Planning Board to review their decision to approve these lights, which are extremely large, loud, and have a blinking effect when they change various bright colors of blue, pink, and green, as the windmills turn. It reminds us of carnival lights, or the blinking lights of a motel.

From Nye Road, these lights completely overtake the scenic landscape of the Cortland Valley. We do not see any purpose for these lights. The lights do nothing to advertise or promote the Byrne Dairy Yogurt Plant. The lights only appear to detract from the natural beauty of the area. We have always admired the town in how it tries to maintain a very tasteful landscape given the large increase in businesses, which is essential to the economic health of the area. We were also appreciative that Byrne Dairy tried to maintain the integrity of the area by keeping the farm in front of their plant. They renovated the farm very nicely, enhancing the area's landscape, while also serving to promote and advertise the yogurt plant.

As residents of the area, we really must object to these lights. When the town allows one such business or individual to erect such an item, it sets a precedent for others to want to install the same thing. Before long, the whole area may look as though it's a commercial strip. We personally love the country feel of the area and sincerely hope it stays that way.

Thank you very much for your time, attention, and consideration of this matter.

Respectfully submitted,

Carol & Kenneth Brafman