

TOWN OF CORTLANDVILLE PLANNING BOARD
Minutes of Regular Meeting - Tuesday, 28 July 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

Greg Leach for Leach's Custom Trash, Applicant; Attorney Kathleen Bennett for Suit-Kote Corp., Applicant; Al Kryger Leonidas Group, Applicant; Anthony DiGiovanna for Rich Temple, Applicant; Randy Wood, Applicant; Donald Reed, Applicant; Donald "Joey" Maynard for Pig Vicious BBQ, Applicant; Nicholas Biondi, Tyrone Heppard.

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.

OLD BUSINESS

Leach's Custom Trash Service, Applicant/Leach Properties, LLC, Reputed Owner - 1834 NYS Route 13 - TM #77.00-04-10.000 - Aquifer Protection District Special Permit for Proposed Fuel Storage Tank

(Reference is made to the 30 June 2015 Minutes for the initial application. At that meeting, the application for an APDSP was forwarded to County Planning for their recommendations.)

Chair Wickwire recognized Greg Leach of Leach's Custom Trash Service, who was seeking an Aquifer Protection District Special Permit to install a fuel storage tank at his existing trash service facility, as it is located within 500 feet of NYS and County roads. A copy of the Cortland County Planning Department/Board's report was given to Mr. Leach by Chair Wickwire. The County's recommendations were read aloud by Chair Wickwire.

One of the County Board's recommendations contained in their Resolution No. 15-17 of 7/15/15, was that the applicant apply for and receive a use variance for expansion of a use not permitted in the B-2 District or Area 1 of the Aquifer Protection District. PZO Weber explained that "once a use variance is granted for a use on that property, it is no longer considered a non-conforming use; it's considered a conforming use because a use variance has been granted for it. Additionally, I would not see a fuel storage tank inside of an existing building as an expansion of the use. So not only is the use not non-conforming, but I don't see that it needs a use variance." Member Nick Renzi reported that he had talked with Dan Dineen, Director of County Planning, who felt that a variance was required.

The Board continued with their review of the other recommendations in the County's report.

At the conclusion of the discussion, **a motion was by Member John DelVecchio that contrary to what the Cortland County Planning Board recommends, the Town of Cortlandville Planning Board does not see a need for a use variance as one was previously granted, and the Cortlandville Town Planning Board recommends to the Town Board that they issue an Aquifer Protection District**

Special Permit for a proposed 2000-gallon fuel storage tank, and act as Lead Agency under SEQRA. The motion was seconded by Member Chris 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 #49 of 2015.

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.

(Reference is made to the 30 June 2015 Minutes of this Board for consideration of the initial application. At that meeting, the applications were forwarded to the Cortland County Planning Board for their review.)

Chair Wickwire recognized Attorney Kathleen Bennett of Bond, Schoeneck & King, representing the applicant, and informed her that this Board needed to set a Public Hearing.

The reports/recommendations from County Planning were acknowledged and reviewed. Chair Wickwire asked about night lights and operating hours. Attorney Bennett advised the Board that the hours of operation for this proposed new mining operation would be from 5:30 a.m. to 8 p.m., Monday thru Friday, and from 7:30 a.m. to 4:30 p.m. on Saturdays. There may be some need for lights, she stated, but it was not anticipated they would be mining after dark. The Board discussed the “archeologically sensitive area.” The County was concerned with any storage of topsoil in the flood plain; they do not plan to do this and will provide an updated plan.

With regard to Item 7 of the County’s Resolution No. 15-19, dated 15 July 2015, the attorney advised that this requirement was under the purview of the NYSDEC. She added that as long as the applicant complied with all of the DEC conditions, then that would satisfy the section of the Town’s Code referenced in Item 7. Attorney Bennett stated that “it’s all going to be one big pond when it’s done.”

PZO Weber stated that the Town Board will also have to hold a Public Hearing for the Aquifer Protection District Special Permit and this Board may want to withhold any recommendation to the Town until after the Board holds its own Public Hearing.

A motion was then made by Member DelVecchio to set a Public Hearing for the proposed sand and gravel mining operation on 56.96± A. for 25 August 2015 at 7:30 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 #50 of 2015.

NEW BUSINESS**Rich Temple, Applicant/Anthony DiGiovanna, Reputed Owner – 1259 Fisher Avenue (Medical Building) – TM #76.18-01-07.000 - Conditional Permit – Proposed Parking Lot Expansion**

Chair Wickwire recognized Nick Biondi and Tony DiGiovanna, representing the applicant who was seeking a Conditional Permit to expand their employee parking in a proposed 60 ft. by 90 ft. area behind the existing building, as shown on the sketch accompanying the application. Their main parking lot is now full. The existing sheds and dumpster will be relocated. It is planned to pave the new parking lot in the spring. They do not plan on lighting the subject area as the employees are gone by 5:30 p.m. Snow is “pushed to the edges.” Employees will exit to the proposed lot via an existing rear entrance from the building. There will be 18 additional 10’ by 20’ parking spaces.

With no further discussion, **a motion was made by Member Newell to approve the Conditional Permit for the proposed parking lot expansion, as requested. The motion was seconded by Member DelVecchio, with the vote recorded as follows:**

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

Motion carried.

This becomes Action #51 of 2015.

Donald P. Reed, Applicant/Reputed Owner – 3198 NYS Route 215 – TM #106.00-01-08.000 – Subdivision of Land

Chair Wickwire recognized the applicant who explained that he was seeking approval to subdivide a 1.65±-acre parcel from the subject parcel of 30.43± acres, as shown on the aerial photos accompanying the application. The subdivided parcel includes a house, small barn, and another small storage building. He stated that this rental house is no longer needed as part of Reed’s Seed Farm; he would retain the balance of 28.78± acres for farming.

With no further discussion, **a motion was made by Member Renzi to approve the Subdivision, as requested. 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 #52 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, representing the applicant who was seeking a Planned Unit Development consisting of 62 units with a community center which will be “opened up” to Parti Drive residents as well. Drawing(s)/narrative/EAF were given to the Board by Mr. Kryger, along with an apology for not getting things to them on time. He described the make-up of the PUD.

Mr. Kryger stated that the proposed street (1700± feet in length, oil & stone) will not be a Town street/road, but would be constructed to Town Specifications and then maintained by the homeowner's association. There was a connecting drive for "emergencies only."

Chair Wickwire commented that the Board needed more information on the drawings than what had been submitted; it was not sufficient to forward to County Planning for their review. The Board would like to see what the proposed units would look like, parking details, landscaping, mathematical calculations, etc. Mr. Kryger commented that he thought what was submitted was sufficient to refer to the Cortland County Planning Department for their input before going into the detail of design drawings, construction drawings. Chair Wickwire responded that the County cannot provide comments on details that they have not received; they need to know lot coverage, parking details, etc. Member Renzi added, how do people parking in the parking spots get to the units? Are there sidewalks? Are they lighted? Where is snow storage area(s)? The drawings should "tell the whole story." Member Renzi stated that this Board should not pass on to County Planning what is not satisfactory to Town Planning. PZO Weber asked Mr. Kryger, "how did you get to this density?" This needs to be indicated; the County needs to know the same information.

Chair Wickwire asked PZO Weber if a project such as this is sent to the County "for a concept" review; he responded "usually not." Member Renzi commented to Mr. Kryger that what he had submitted was good, but it's not enough. All things should be addressed that are in the Code. Mr. Kryger stated he would like to be on next meeting's Agenda. Member Renzi added that they would like Stormwater Management details also.

No Action Taken.

Pig Vicious BBQ, Applicant/Concetta L. Triscari, Reputed Owner - 985 NYS Route 13 - TM #95.16-01-12.000 - Conditional Permit for Mobile BBQ Truck

Chair Wickwire recognized Joey Maynard of Pig Vicious BBQ who was moving his food truck from its location on NYS Route 281 to the subject location (presently Chain Saw Carvings). He would share the location with the existing business, as shown on the sketch accompanying the application.

With no further discussion, **a motion was made by Member Newell to approve the Conditional Permit for the mobile BBQ truck, as requested. 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 #53 of 2015.

Randy Wood, Applicant/Reputed Owner - 3957 US Route 11 - TM #87.13-01-41.100 - Lot Line Adjustment

Chair Wickwire recognized the application who is seeking approval for a Lot Line Adjustment, selling approximately 1.2 acres of this parcel to the adjacent E & V Energy, as shown on a portion of a survey map accompanying the application. The small trailer on the lot will be removed, and the existing abandoned dwelling will be torn down.

With no further discussion, **a motion was made by Member DelVecchio to approve the Lot Line Adjustment, 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 #54 of 2015.

John Barden, Applicant/Reputed Owner dba Fastlane Auto – 1799 NYS Route 13 – TM #77.00-01-34.000 – Conditional Permit – Motor Vehicle Sales & Repairs (Postponed from 6/30/15)

PZO Weber reported that he had met with the applicant's shop manager, walked the site with him, and pointed out what was not in compliance with the Conditional Permit—parking, junk vehicles, multiple containers of vegetable oil stored outside, truck caps, vehicles too close to front, all kinds of vehicles in the back, tires, etc. The shop manager indicated "we have been cleaning it up."

Chair Wickwire stated she had received a call from the applicant who told her that he needed vegetable oil because that's how he heats his building.

Member Renzi commented on the length of time the Board has discussed this violation; "we have got to stop this nonsense."

Attorney John Folmer gave a brief overview of what had transpired over the past few months, including the Board holding a Public Hearing regarding revocation of the applicant's Permit.

The Planning Board then discussed its next steps. Attorney Folmer stated that if the Board was going to involve him, then the Board needed to revoke the Permit so that he can be changed with operating without a Permit. Chair Wickwire commented that she didn't want to "pick on anybody" or put anyone out of business, and that there were other businesses in worse condition.

After considerable discussion, **a motion was made by Member Renzi to revoke the Conditional Permit for non-conformance with the previous directions of the Town of Cortlandville Planning Board. The motion was seconded by Member DelVecchio, with the vote recorded as follows:**

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

Motion carried.

This becomes Action #55 of 2015.

OTHER MATTERS

- Nick Renzi commented on photos submitted that indicated a messy property on Route 222, and one of the Fish property which contained the trailer portion of a tractor trailer. Attorney Folmer stated that he, and Code Officer Campbell, 10-14 days ago, had met with the property owners and they had indicated to them that, within a week, movement toward compliance with their discussion would be seen. Attorney Folmer stated he had visited the Darling property this date, and it did not appear to him that there has been any change whatsoever; he took photographs. He did not observe the Fish property, but would do so this evening.

- With regard to photos of the US Route 11 property in Polkville, Member Renzi talked with CEO Tom Williams who thought the “stuff” in Polkville conforms, and is not in violation. Attorney Folmer said that he had talked with Code Enforcement and all were in agreement that they could not successfully prosecute a violation under the present Code.
- Mention of the tanker portion of a truck at Alnye in Polkville was also discussed. It is parked on their property and advertises for drivers.
- Member Renzi advised that he had spoken with Pat Reidy about the Route 281 expansion in front of Walgreen’s regarding possible impact on their water filtration system. Mr. Reidy responded, in writing, reporting that he visited the site and there may be a few minor issues, that seem to be a simple fix. Member Renzi stated that the Board needs to figure out who to inform and who should do the informing, Soil & Water OR Cortlandville. Mr. Reidy’s comments have been placed on file for the record. PZO Bruce Weber thought the concerns in Mr. Reidy’s communication should be discussed by the Town and Soil & Water.

ADJOURNMENT

At 8:55 p.m., a motion to adjourn the meeting was made by Member Renzi, seconded by Member Newell, with all members present voting in the affirmative.


Joan E. Fitch, Board Secretary

E-mailed to Town Clerks, Atty. Folmer, PB Members,
DD, BW, TW, & DC on 11/07/15.