

TOWN OF CORTLANDVILLE PLANNING BOARD
Minutes of Regular Meeting - Tuesday, 30 June 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

Fred Greenfield for Alnye LLC, Applicant; Jameson DelVecchio, Applicant; Greg Leach for Leach's Custom Trash, Applicant; Don Reed, Applicant; Attorney Dan Ellis for Walden Oaks, Applicant; Kevin Bernstein for Suit-Kote Corporation, Applicant; David McMasters for ADREH, LLC, Applicant; David McNeil for McNeil Development, Applicant; Tom Kile, Applicant; Joe Reagan & Engineer Chuck Feiszli for Royal Chevrolet, Applicant; John Barden, Applicant; JoAnn Zech, Marcus Bernardo, Olga Savino, Ryan DuBois, Don Richards.

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 - 26 MAY 2015

A motion was made by Member Chris Newell to approve the Town of Cortlandville Planning Board's Minutes of 26 May 2015, 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 #36 of 2015.

OLD BUSINESS

Alnye, LLC, Applicant/Cortland Bulk Milk Co-Op, Reputed Owner - 3819 US Route 11 (Polkville) - TM #97.00-01-07.110 - Conditional Permit for Fueling Station

Chair Wickwire recognized Fred Greenfield, representing the applicant who was seeking a Conditional Permit to install a 10,000-gallon fuel tank at their truck maintenance facility in Polkville. Mr. Greenfield acknowledged that he had read the Cortland County Planning report.

Chair Wickwire asked Mr. Greenfield about the trailer on this property which is being used as an advertisement for drivers. PZO Weber stated that the Town is in the process of composing regulations to address this "sign" problem, but they are not in place right now. (This matter is an "aside" and has nothing to do with the application being discussed.)

Member Nick Renzi asked Mr. Greenfield if there was any fire protection on the fuel tank, and Mr. Greenfield responded that there will be, installed by Cortland Pump.

A motion was then made by Member Newell to approve the Conditional Permit for the proposed fueling station, as requested, incorporating Items 1 and 2 of the Cortland County Planning Board's Resolution No. 15-15 of 17 June 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 #37 of 2015.

A motion was then made by Member Newell to recommend 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:

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

Motion carried.

This becomes Action #38 of 2015.

NEW BUSINESS

Jameson DelVecchio, Applicant/Reputed Owner – 3882 Highland Road - TM #85.19-01-09.000 – Site Plan for Proposed Two-Family Residence

(Board Member John DelVecchio recused himself as he is the applicant's brother. Also, Member Finamore disclosed that he owned the property next door to the subject.)

Chair Wickwire recognized the applicant who was seeking approval to construct a two-family residence on the subject parcel. Member Renzi asked about a garage for each unit and Mr. DelVecchio responded that the had no plans to construct a garage at this time; if constructed, it would not be connected to the house. A photo of an existing two-family home near Beaudry Park in Cortland was shown to the Board as an example of what is planned for this site.

Member Renzi asked about the parking spaces indicated and felt it may be a difficult situation when exiting by backing onto Highland Road; he suggested that the applicant examine this further. Member Renzi also noted that, although a duplex is allowed, the proposed residence is very different from the surrounding homes. He suggested, in the interest of compatability, that every effort should be made to have the proposed duplex blend in with the surrounding properties.

In response to Chair Wickwire's question, Mr. DelVecchio stated there would be shrubs in the front, but not along the left side. The two units in this duplex will be rented. There also will be sidewalks going to the left and entering the door(s). Member Renzi asked, if the four parking spaces were occupied, would there be a problem for an emergency vehicle to access the units? The applicant stated he would take a look at this.

A motion was then made by Member Renzi to approve the Site Plan for the two-family residence, 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	Recused:	John DelVecchio
	Member Finamore		

Motion carried.

This becomes Action #39 of 2015.

(John DelVecchio returned to his seat on the Board.)

Leach's Custom Trash, 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

Chair Wickwire recognized Greg Leach, representing the applicant who was seeking an Aquifer Protection District Special Permit for a 2,000-gallon fuel storage tank to be placed inside the existing transfer station at this site. He stated that Cortland County's "bulk petroleum people" had visited his facility and saw no problem with what was being planned. The building has a recessed floor which is more than adequate for containment. The double-walled metal tank is being provided by Cortland Pump, and it will have a fire suppression system. The only activity near the tank is an "inbound tractor trailer that gets parked overnight. There will be no regular traffic." Member Renzi stated he would like to know the ratio of the volume of the containment to the volume of the tank, and have information regarding a fire suppression system.

At the conclusion of the Board's review, **a motion was made by Member Newell send the application for an Aquifer Protection District Special Permit for the proposed 2,000-gallon fuel storage tank to the Cortland County Planning Department for their review. 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 #40 of 2015.

Donald P. Reed, Applicant/Reputed Owner – 3334 NYS Route 215 – TM #96.00-10-05.000 – Subdivision of Land/Lot Line Adjustment

Chair Wickwire recognized the applicant who explained that he was seeking approval to add 1.8± A. from this parcel (#1) to his adjacent TM #96.00-10-04.00 (#2), as shown on the aerial photo accompanying the application. There is a house on the #2 Parcel which he is selling.

With no further discussion, **a motion was made by Member Renzi to approve the Subdivision, 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 #41 of 2015.

Walden Oaks Country Club, Inc., Applicant/Reputed Owner – 3369 Walden Oaks Boulevard – TM #96.00-06-02.100 – Subdivision of Land

Chair Wickwire recognized Attorney Dan Ellis, representing the applicant who was seeking approval to subdivide two parcels off the golf course, as shown on the map accompanying the application. PZO Weber informed the Board and Attorney Ellis that a variance would be required if a home was to be constructed on Lot #144 because of required setbacks.

With no further discussion, **a motion was made by Member DelVecchio to approve the Subdivision of Land 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 #42 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.

Chair Wickwire recognized Kevin Bernstein, representing the applicant who was seeking approval to operate a sand and gravel mining operation on 57± acres of this 90±-acre parcel, as shown on the drawings accompanying the applications. He stated that they had received a requested zoning change in April (it is now in an I-2 District). Mr. Bernstein then went on to describe the site and the processes to the Board. There will be no crushing onsite; this will be handled by the use of a conveyor to take the material from this mine (called the “Alexander Mine”) to the existing Polkville Mine for crushing. Onsite tanks will be limited. First 100 feet of access off Route 11 will be paved to minimize dust. There will also be berms along Route 11 with trees to reduce visual impact.

Chair Wickwire asked why the applicant needed this new mine, and Mr. Bernstein responded that the management of Suit-Kote is always looking for new locations that have suitable sand and gravel resources; also, there is no room to grow the pond any larger in Polkville which has been in operation for 28± years. Reclamation will be in accordance with NYSDEC regulations. The Board members then reviewed the drawings submitted.

PZO Weber advised that the application will need the elevations of the conveyor; it's part of the Development Permit and is also in the flood plain.

With no further discussion, **a motion was made by Member Renzi to forward the applications for a Conditional Permit, Aquifer Protection District Special Permit, and Development Permit for Flood Hazard Areas for a sand and gravel mining operation on 56.96± acres to the Cortland 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 #43 of 2015.

ADREH, LLC, Applicant/Reputed Owner – Hoy Road – TM #85.00-05-06.112 – Subdivision of Land

Chair Wickwire recognized David McMasters, representing the applicant who was seeking to create two new lots having a road frontage of 300 feet and a depth of 600 feet each from this 16.25±-acre parcel, as shown on the map accompanying the application (indicated as Lots A and B).

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 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 #44 of 2015.

McNeil Development, Applicant/Reputed Owner – 4021 West Road (NYS Route 281) – TM #86.13-01-18.000 – Site Plan for Proposed Supplementary Parking Area

Chair Wickwire recognized David McNeil, representing the applicant who was seeking approval to allow the Family Health Network to use this existing paved parking area as supplementary parking for their clinic at 4038 West Road. The subject parking lot has 24 parking spaces as shown on the Site Plan submitted. Access to the FHN building from the proposed parking lot will be by sidewalks (temporary during construction; permanent upon completion of construction). Mr. McNeil explained that FHN currently uses property across Route 281 for supplementary parking, but by using the subject property as an alternative, FHN clients would not have to cross Route 281 while under construction.

With no further discussion, **a motion was made by Member Newell to approve the Site Plan for the proposed supplementary parking lot, 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 #45 of 2015.

Tom Kile, Applicant/CNY Living History Center, Reputed Owner – 4386 US Route 11 – TM #76.15-01-30 – Site Plan for Proposed New Entrance

Chair Wickwire recognized Tom Kile, representing the applicant who was seeking approval to change the overhang on the “Tractors of Yesteryear” building as shown on the photos accompanying the application in order to correct a water drainage problem and handicapped accessibility. The work will be done this summer.

With no further discussion, **a motion was made by Member Renzi to approve the Site Plan for the proposed new entrance, 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 #46 of 2015.

Royal Chevrolet/Cortland, Inc., Applicant/Reputed Owner – 3838 West Road (NYS Route 281) – TM #86.17-01-10.211 – Site Plan & Aquifer Protection District Special Permit for Proposed Body Shop Building

Chair Wickwire recognized Engineer Chuck Feiszli, representing the applicant who was seeking Site Plan approval to construct a Body Shop at the location shown on the plans and as described in the Narrative accompanying the applications by Resource Engineering. Chair Wickwire asked if the applicant had a rendering/sketch of what the building will look like. Engineer Feiszli did not have one, but stated it would be a pre-engineered building.

Member Renzi reviewed his comments setting forth what the Planning Board would like to see, including a drawing/rendering of what the building will look like.

With no further discussion, **a motion was made by Member Renzi to send the applications to the Cortland 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 #47 of 2015.

OTHER MATTERS

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

(Note: At the Planning Board meeting held on 25 November 2014, Chair Wickwire recognized the applicant who had submitted an application with Site Plan (Rev. 8/5/14), and requested approval of a Conditional Permit to operate his business as explained in his narrative attached to that application. At that meeting, Mr. Barden stated that his compliance with the Site Plan presented was “close to being complete.” Chair Wickwire emphatically stated that the applicant has to follow this plan. Member Renzi agreed, but thought that the items indicated on the Site Plan should be completed by a certain date. Chair Wickwire suggested April 1st of 2014 to have “it all in compliance.” The Board then made and passed the following motion: **to approve the Conditional Permit as requested, with the subject property to be brought into conformance with the Site Plan (dated 8/5/14 R) by 1 April 2015. Action #83 of 2014.)**

Chair Wickwire asked Town Attorney John Folmer the status of the subject’s failure to bring the subject property into compliance with the Conditional Permit. Attorney Folmer responded that “this Board had held its Public Hearing concerning revocation of the applicant’s Conditional Permit. The Board, at that time, agreed it would not revoke the Permit if certain conditions were met by a date which was established. Mr. Barden then contacted you and he appeared and indicated that because of the weather that we had, winter, etc., he had not been in a position to do the work . . . and you advised him that you would give him an additional period of time to do that. And I think that period of time expired on June 30th unless I’m mistaken. So the question today, I guess, is has Mr. Barden complied with your request regarding those conditions? I think Bruce made an inspection today, perhaps, to determine, and he can report. . .” PZO Weber then advised everyone present that he did inspect the property today and “I would say that the property is not in compliance with the plans that have been submitted.”

Mr. Barden then responded that he had attempted to contact Town CEO Tom Williams “three times, four times, left him messages. I wanted him to come up to the property and just see at what point he would give me a compliance letter . . . he has not contacted me. That’s where I’m at.”

Chair Wickwire asked PZO Weber what was not in compliance, and PZO Weber responded there was junk about, vehicles parked where not shown on the plan, green space in back has vehicles there, etc. Mr. Barden then stated "I need something from your Board that says, hey, we're good to go." Chair Wickwire countered, that he needed to bring his property into compliance with the site plan he submitted.

Member Renzi explained to the applicant that this was not a Tom Williams' issue, "it's still in the Planning Board arena." If PZO Weber advises this Board that the applicant is in compliance, then this Board takes his word for it. Member Renzi then advised Mr. Barden to "get your 'stuff' together, talk to PZO Weber about it, and Bruce will report back to us." Mr. Barden stated, "If we're good, then I won't have to come back." PZO Weber affirmed, "If you're in compliance, then you don't need to come back." Mr. Barden then stated he needed to have approval, in writing, but "I can't tell you why I have to have it." PZO Weber stated that would not be a problem.

With no further discussion, **a motion was made by Member Renzi that resolution of the applicant's non-compliance with his approved Site Plan is postponed until 28 July 2015 meeting of this Board. 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 #48 of 2015.

ADJOURNMENT

At 8:45 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, PB Members,
DD, BW, TW, & DC on 8/26/15.
Rev. Header date, pg. 2-7, 8/31/15. JEF