

TOWN OF CORTLANDVILLE PLANNING BOARD
Minutes of Regular Meeting - Tuesday, 28 April 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
Laura C. Cassalia, PE, CHA Proj. Engineer

Applicants & Public Present

Attorney Mike Shafer & Engineer Chuck Feiszli for Sun Auto/Used Car King, LLC, Applicant; Paul Suits & Attorney Kathy Bennett for Suit-Kote, Applicant; Jim Stephenson & Bob Frazee for Cazenovia Equipment, Applicant; Attorney Dan Ellis for Cortland Bulk Milk Producers, Applicant; Jameson DelVecchio, Applicant; Donald Maynard for Pyg Vicious BBQ, Applicant; Joey Maynard, *Cortland Standard* Reporter Tyrone Heppard.

REGULAR MEETING

The regular meeting of the Town of Cortlandville Planning Board was called to order at 7:45 p.m. by Chair Katherine Wickwire.

APPROVAL OF MINUTES - 31 MARCH 2015

A motion was made by Member Nick Renzi to approve the Town of Cortlandville Planning Board's Minutes of 31 March 2015, 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 #18 of 2015.

OLD BUSINESS

Used Car King, LLC, Applicant/Reputed Owner - 3861 NYS Route 281 - TM #86.17-01-11.100 - Parking Lot Expansion - SEQRA Review (cont'd)

Chair Wickwire asked the Board members if they had received a copy of a March 31, 2015 letter addressed to Chairperson Katherine Wickwire from CHA Project Engineer Laura C. Cassalia, PE, regarding Part 3 Recommendations for this project's SEQRA review, along with Attorney Shaffer's letter of 27 April in response. They had.

The Board then compared comments with responses, item by item. She stated that, with regard to *Impact on Critical Environmental Areas*, pg. 3 of CHA's 3/31/15 letter to her, this was the reason the Town had the law limiting lot coverage. The applicant already exceeds the lot coverage and is asking for more, and it's adjacent a CEA. Also, if allowed, it would be creating a precedent and the Town's law would be useless. Town Attorney Folmer added it was not necessarily the precedent itself, but the cumulative affect. Member Renzi commented that a lot of thought went into including lot coverage in the Town's regulations. He added that the Town may look back, 15 years from now, and conclude that "we were too generous with the lot coverage and it should never have been the percentage we have now."

Chair Wickwire then read a portion of Pat Reidy's 2/21/13 letter to David Plew, ZBA Chairman, regarding lot coverage which supported the Town's efforts in limiting same. Chair Wickwire acknowledged that Attorney Shafer's 27 April 2015 letter stated that the applicant has proposed purchasing a property on Luker Road, and stripping it of future development rights; this would meet the spirit of the green space provisions. There was also a similar parcel on Gracie Road. She stated that this made no difference at all. The property exchange was thoroughly discussed. Chair Wickwire concluded that, "I don't know why we're even discussing the parcels because we're not discussing what's happening on those parcels, we're discussing what's happening on this piece of property and that it is already over the green space in the law."

Chair Wickwire concluded that, "If there is one or more items that cannot be mitigated, then we have to have a Positive Declaration, and I don't believe that the consistency with the community plans, question number 17 we have down here, can be mitigated. I don't see how you can mitigate that."

At the conclusion of this very extensive discussion, **a motion was made by Member Renzi to accept Part 3 of the Full Environmental Assessment From as completed, based upon CHA's recommendations contained in their 31 March 2015 letter to Chair Wickwire, and to declare a Positive Declaration under SEQRA. 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 #19 of 2015.

PZO Weber advised that there were "two potential paths." The applicant, if not ready to do an EIS, could chose to go back to the ZBA and tell them the Lead Agency has made a Positive Declaration, so is that enough information for you to continue? Or stay with the Lead Agency and complete an EIS in hopes that they receive a recommendation to the ZBA that there will be no environmental impact. It is now up to the applicant as to how they want to proceed. Chair Wickwire agreed. She provided a completed copy of Part 3 to Attorney Shafer.

Suit-Kote Corporation, Applicant/Reputed Owner – US Route 11 (Polkville) – TMs #97.00-01-30.000, 97.02-01-12.000 & 13.000 – Proposed Rezoning of Parcels from Agriculture to Industrial-2

Chair Wickwire recognized Kathy Bennett, Attorney from Bond, Schoeneck & King, representing the applicant who was seeking rezoning of these three parcels (91± A.) from Agriculture to Industrial 2, so that gravel mining could be allowed, subject to a Conditional Permit. Reference is made to last month's Planning Board Minutes for additional information.

Ms. Bennett stated that the applicant had obtained a Mined Land Reformation Law Permit from the NYSDEC. She asked that this Board make its recommendation to the Town Board regarding this request.

A motion was then made by Member Renzi that the Cortlandville Planning Board recommends to the Cortlandville Town Board that the Suit-Kote Application for Rezoning of three properties with a total area of 90.22 acres from Agricultural to General Industrial I-2 be APPROVED. This positive recommendation by the Planning Board is in support of the County Planning Department's comment in their analysis wherein they state, "The rezoning of this property from Agricultural to General Industrial would allow the applicant to apply for site plan approval and a Conditional Permit for this use rather than a use variance as it is not a permitted use in the

Agricultural District.” The Planning Board expects the applicant to present a site plan for review and a request with details for a conditional permit approval prior to the start of any mining. 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 #20 of 2015.

NEW BUSINESS

Jameson DelVecchio, Applicant/Lois H. Smith, Reputed Owner – 3882 Highland Road – TM #85.19-01-09.000 – Subdivision of Land

(Note: Member DelVecchio recused himself from this matter and took a seat in the audience.) Chair Wickwire recognized the applicant who was seeking approval to subdivide the subject parcel into two equal lots, each containing approximately 29,700 square feet, as shown on the map accompanying the application. It is noted that the Town requires 30,000 SF minimum for a lot, so the applicant had been granted an area variance at the Town’s Zoning Board of Appeals meeting immediately before this meeting. PZO Weber added that the ZBA asked the applicant what will the use of the properties be, single-family or two-family? No problem with a single-family, but at the time an application is received an interpretation for a two-family will be made. The Town Planning Board, he stated, is just looking at the subdivision requested.

With no further discussion, **a motion was made by Member Renzi to approve the subdivision of this parcel into two lots, 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	Absent:	Member DelVecchio

Motion carried.

This becomes Action #21 of 2015.

Cortland Bulk Milk Producers Co-Operative, Inc., Applicant/Reputed Owner – 3819 US Route 11 - TM #97.00-01-07.110 – Lot Line Adjustment

Chair Wickwire recognized the Attorney Dan Ellis, representing the applicant who was seeking approval to sell a 37.5±-foot by 1552.91±-foot strip of land to their neighbor, Suit-Kote, who planned to combine it with their property. As explained in Attorney Ellis’ narrative, “The property is being purchased in association with plans for the relocation of an electric transmission line by Niagara Mohawk Power Corporation. This relocated power line is needed to supply Suit-Kote with additional electrical power required to operate its Polkville facility.”

With no further discussion, **a motion was made by Member Newell to approve the lot line adjustment, 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 #22 of 2015.

Cazenovia Equipment Co., Inc., Applicant/Reputed Owner – 3892 US Route 11 - TM #87.00-04-03.000 – Conditional Permit for New Site Entrance & Parking Lot Improvements

Chair Wickwire recognized Jim Stephenson who explained that the applicant is seeking a Conditional Permit to alter and modify the site entrance locations as well as reconfigure the automobile parking and truck loading at this facility, as shown on the drawing accompanying the application. The new entrance is proposed to connect to the new Cortlandville Propane Terminal driveway to eliminate another ingress/egress on US Route 11.

With no further discussion, **a motion was made by Member Newell to send the Conditional Permit request for a new site entrance and parking lot improvements to the Cortland County Planning Department for their review. 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 #23 of 2015.

Donald Maynard (dba Pyg Vicious BBQ), Applicant/John May, Reputed Owner – 3554 NYS Route 281 - TM #95.16-01-17.100 – Conditional Permit for Mobile BBQ Truck

Chair Wickwire recognized the applicant who was seeking a Conditional Permit to place his mobile food truck at this location, as shown on the rough sketch plan accompanying his application. His hours of operation will be Tuesday thru Sunday, 10:30 a.m. until 8 p.m. Occasionally he will move his truck to another event, but not very often.

With no further discussion, **a motion was made by Member Finamore to approve the Conditional Permit for a mobile barbecue truck in the parking lot, 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 #24 of 2015.

Kajen, LLC, Applicant/John McGee, Reputed Owner – NYS Route 13 - TM #105.00-01-44.000 – Subdivision of Land

Chair Wickwire stated that this application had to go to the Cortland County Planning Department for their review.

With no further discussion, **a motion was made by Member Renzi to send the application 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 #25 of 2015.

OTHER MATTERS

- Chair Wickwire reported that she had received an invitation from Lime Hollow Nature Center advising their Educational Center's grand opening would be Friday, June 5th at 3 p.m. Board members were invited to attend.
- Chair Wickwire advised that Tori's Garden Market, a seasonal flower/produce facility, was constructing some type of building at last year's location on Route 11, just over the Port Watson Street bridge. The Board Secretary reported that it was a three-section carport-type structure that looked very nice. PZO Weber will advise CEO Tom Williams.
- Chair Wickwire reported that she had been told that behind Sun Auto and also Royal Motors there was spray painting being done. PZO Weber noted this.
- Chair Wickwire affirmed with Town Attorney Folmer that the Board had nothing more to do pertaining to Sun Auto until they make their decision as to what they want to do. Timing was discussed.
- Board Member John DeVecchio complimented everyone on the Board regarding their knowledge and professionalism. He stated that he learns something new at every Board meeting.
- Member Finamore advised that he will be absent from the 26 May meeting of this Board.

ADJOURNMENT

At 8:50 p.m., a motion to adjourn the meeting was made by Member Finamore, seconded by Member Renzi, with all members present voting in the affirmative.


Joan E. Fitch, Board Secretary

E-mailed to Town, PB Members,
DD, BW, TW, & DC on 5/25/15.
(Rev. Action #23 on 6/4/15 to correct motion to
read as stated in Index of Actions issued 4/29/15.)