

TOWN OF CORTLANDVILLE PLANNING BOARD

**Minutes of Public Hearing & Regular Meeting - Tuesday, 25 November 2014 - 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
John Proud, Town Councilman

Applicants & Public Present

Attorney Mike Shafer & Engineer Chuck Feiszli for Sun Auto, Applicant; Steve Terwilliger for Attorney Meira Hertzberg, rep four property owners; Attorney Matt Neuman for 1657 Hillside, LLC, Applicant; Reed Fuller, Darren Fuller, Ben Essig & Jim Stephenson for HBDR, LLC, Applicant; James Aldrich, Applicant; John Barden, Applicant; Eric Mulvihill of WXHC Radio.

APPROVAL OF MINUTES – 29 JULY 2014

A motion was made by Member Chris Newell to approve the Minutes of the 29 July 2014 Town of Cortlandville Planning Board Minutes, 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 #79 of 2014.

PUBLIC HEARING

Willcox Tompkins Street Properties, Reputed Owner – 1113 NYS Route 13 – TM #96.05-01-19.000 – Violation of Conditional Permit

The Public Hearing was opened at 7:33 p.m. with the reading aloud by the Board Secretary of the Legal Notice published in the *Cortland Standard* on 12 November 2014, as follows:

NOTICE IS HEREBY GIVEN that a public hearing before the Town of Cortlandville Planning Board, Cortland County, New York, at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road in the Town of Cortlandville, New York, to (will) be held on Tuesday, November 25, 2014 at 7:30 p.m., regarding the Conditional Permit of Willcox Tompkins Street Properties, 1113 Route 13, Cortland, New York, Tax Map #96.05-01-19.000.

Katherine S. Wickwire, Chairperson

Proof of publication has been placed on file for the record.

**With everyone heard who wished to be heard,
Chair Wickwire closed the Public Hearing at 7:35 p.m.**

DISCUSSION/DECISION

PZO Bruce Weber advised everyone that he had visited the subject property this date and found that it had been brought into compliance with the Conditional Permit.

No Action Required.

REGULAR MEETING

The regular meeting of the Town of Cortlandville Planning Board was called to order at 7:35 p.m. by Chair Katherine Wickwire.

OLD BUSINESS

Used Car King, LLC, Applicant/Reputed Owner – 3861 NYS Route 281 – TM #86.17-01-11.100 – Lead Agency Determination for Proposed Parking Lot Expansion

Chair Wickwire recognized Attorney Mike Shafer, representing the applicant, who has appeared before this Board before in an effort to obtain approval to expand the applicant's parking lot. (Reference is made to Minutes of 30 July, 29 October 2013, and 28 October 2014). At last month's meeting, the Board agreed to act as Lead Agency under SEQRA for that review. He was present at this meeting to ascertain what progress had been made regarding the review.

Town Attorney John Folmer advised that the Lead Agency letters will be sent out on 1 December. The Town Board has signed off. PZO Weber commented that a coordinated review is not required.

Chair Wickwire stated that she felt the Board needed the input and expertise of Clough Harbour & Associates to proceed with the SEQRA review.

At the conclusion of the discussion, a motion was made by Member Newell that Clough Harbour & Associates is requested to assist in the SEQRA review of the proposed additional parking lot. 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 DeVecchio

Motion carried.

This becomes Action #80 of 2014.

Attorney Shafer stated he would put together a complete package for Clough Harbour's use. PZO Weber advised that Clough Harbour (CH) would be handling the scheduling of this process. Attorney Shafer wanted assurance that the NYSDEC has been notified, and their response obtained, by the January 2015 meeting of this Board. Chair Wickwire said that they should have their response within a couple of weeks.

Town Attorney Folmer commented that the applicant is responsible for reasonable consultation fees, and CH will be asked to provide a fee schedule. Member Renzi then asked PZO Weber to make sure everything is sent to CH; Attorney Shafer again stated that he would do that. Member Renzi also asked for two other communications be forwarded to CH: 2/21/13 memo from Pat Reidy of County Soil & Water, and the 11/18/14 letter to this Board, also from Pat Reidy. ZBA Chairman David Plew should also be copied.

Meira Hertzberg, Attorney for Four Property Owners – TM #105.00-01-48.200 (Donald Osbeck, RO), TM #105.00-01-48.100 (Empire Tractor RE Cortland, Inc., RO), TM #105.00-01-43.111 (Farm East LLC, Gutches Lumber, RO), and TM #105.00-01-44.000 (John A. McGee, RO) – NYS Route 13 - Change of Zone

Chair Wickwire recognized Steve Terwilliger who stated he was present representing “one of the clients that Meira is representing” and he had just talked with her; she did not realize she was on tonight’s Agenda. PZO Weber stated that she had requested to be on this Agenda in her letter of 5 November 2014 to Chair Wickwire, a copy of which is in the file.

PZO Weber advised that this Board has already given their recommendation to the Town Board. It is his understanding that Attorney Hertzberg wants the Town Planning Board to review the County’s letter indicating that the request is being sent back for local determination. Mr. Terwilliger then asked if Attorney Hertzberg should return for the January meeting; Chair Wickwire didn’t think it was necessary as, after polling the Board, no one would change their vote,” but they would be willing to listen to further argument. PZO Weber stated that in order to have a different recommendation from this Board in time for the 21 January meeting of the Town Board, Attorney Hertzberg would need to be on this Board’s 30 December 2014 Agenda. Chair Wickwire then read aloud Action #74 of 2014, carried on 10/28/14, as follows: **“The Cortlandville Town Planning Board recommends denial of the requested zoning change until such time as the Town’s Land Use Plan 2013 is officially adopted.”**

No Action Taken.

1657 Hillside, LLC, Applicant/Reputed Owner (aka Economy Paving) –NYS Route 13 – TM #86.13-01-43.000 – Determination of Outside Storage & Conditional Permit

PZO Weber commented that, for clarification, the County Planning Department’s report stated that a portion of the subject property being indicated for storage is actually in the R-1 District. This would require a use variance if storage is requested on that portion of the property. Attorney Matt Neuman, representing the applicant, felt that the County’s comments “kind of changes where we are.”

PZO Weber stated that lot coverage would not be an issue once the “properties are combined.” However, he would have to review the map to determine what portion, if any, lies in the Wellhead Protection Zone.

Attorney Neuman commented that this was “Phase One of approving this whole campus.” Chair Wickwire then displayed a copy of the County Soil & Water District’s November 2014 Stormwater Inspection Report of the subject property which made recommendations to the owner for remedying runoff problems. Attorney Neuman stated he had seen this report. A “burn pit” was also indicated in the upper storage area. Member Renzi noted that the existing stormwater system is ineffective because flooding comes down and impacts John Barden’s property. He suggested calling Pat Reidy of County Soil & Water to discuss this. Member Renzi felt Economy Paving had been remiss in taking care of these issues.

PZO Weber asked the attorney if he had discussed combining parcels; Attorney Neuman responded that this would be done “only if we have to.” Member Renzi stated that there are a “whole bunch of things that need to be straightened out.” Attorney Neuman said that, right now, all they are looking for is a temporary storage area.” Chair Wickwire replied that if that were approved, it would only be adding to the other problems on the property. Attorney Neuman will meet with PZO Weber to review if and what kind of variance may be required, and answer the Wellhead Protection location, etc.

A motion was then made by Member Newell that the request for outside storage and Conditional Permit for additional parking lot be postponed until the 30 December 2014 meeting in order to receive additional information. 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 DeVecchio		

Motion carried.

This becomes Action #81 of 2014.

HBDR, LLC, Applicant/David Law, Reputed Owner – 3893 US Route 11 – TM #87.00-04-10.000 – Conditional Permit & Aquifer Protection District Special Permit for Proposed Propane Storage Facility

(Reference is made to the September and October 2014 Minutes for additional information.)

Chair Wickwire recognized Darren Fuller, representing the applicant who was seeking a Conditional Permit and an Aquifer Protection District Special Permit to construct a rail siding and equipment to receive rail shipments of propane gas. Mr. Fuller stated that the applicant was continuing to provide requested information to the Town Planning Board and County Planning Department. Three-ring binders containing project information were distributed to the members. Mr. Fuller asked them to review the new information and ask any questions they had.

Chair Wickwire commented that Clough Harbour & Associates should be involved in the required SEQRA review. Member Renzi agreed. Mr. Fuller stated he would be happy to send all the materials to CH. Member Renzi asked if there was anything new regarding this type of facility, and Mr. Fuller answered no, that there was no new technology, chemical properties of propane have not changed, and safe handling practices, valves, etc., are extremely well regulated. He also acknowledged receipt of an email from Jared Gebel, Chief of Department, Cortlandville Fire District, dated 25 November 2014, setting forth the Department's capabilities regarding training and resources to address any emergency situation at the facility; a copy has been placed on file for the record.

No Action Taken.

Attorney Folmer then explained the SEQRA process, including notifications that he will send out, and waiting time for responses. PZO Weber indicated that the applicant will be responsible for Clough Harbour's fees. This Board will act as Lead Agency in accordance with Action #73 of 28 October 2014. The applicant has not yet contacted the NYSDEC or the NYSDOT.

With no further discussion, a motion was made by Member Renzi that the request for an Aquifer Protection District Special Permit and Conditional Permit for the proposed Propane Storage Facility is postponed until the 30 December 2014 meeting of this Board. 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 DeVecchio		

Motion carried.

This becomes Action #82 of 2014.

Willcox Tompkins Street Properties, Reputed Owner – 1113 NYS Route 13 – TM #96.05-01-19.000 – Violation of Conditional Permit

PZO Weber formally stated that the Public Hearing for this matter was held and closed, and there was no action required since the owner has conformed to the Conditional Permit's requirements.

No Action Required.**NEW BUSINESS****John Barden, Applicant/Reputed Owner, dba Fast Lane Auto – 1799 NYS Route 13 – TM #77.00-01-34.000 – Conditional Permit – Motor Vehicle Sales & Repairs**

Chair Wickwire recognized the applicant who has submitted a Site Plan (Rev. 8/5/14) prepared by Ianuzi & Romans Land Surveying, PC, of North Syracuse, NY, requesting approval for a Conditional Permit to operate his business as explained in his narrative attached to the application.

PZO Weber indicated that lot coverage was in conformance with the requirements, but if the applicant extends into areas not shown on the map, that would be a different story. 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."

After a brief discussion, **a motion was made by Member Renzi 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. 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 #83 of 2014.**James Aldrich, Applicant/Saad Saad, Reputed Owner – 1344 Carroll Street – TM #76.19-01-32.32 – Conditional Permit for Proposed Bottle/Can Redemption Center**

Chair Wickwire recognized the applicant who was seeking approval to operate a bottle/can redemption center out of a portion (two-bay garage) of Mr. Saad's building which previously was an auto repair facility, all as described in his 11/25/14 narrative and the Site Plan accompanying the application. The other portion of this building contains the owner's business, SMS Motorsports.

After a very brief discussion, **a motion was made by Member Newell to approve the Conditional Permit as requested. The motion was seconded by Member DelVecchio, with the vote recorded as follows:**

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

Nays: None

Motion carried.

This becomes Action #84 of 2014.

OTHER MATTERS

- Liquid Manure Pits – In response to the Board's concerns regarding construction of these odiferous facilities in the Town, PZO Weber stated that there was not much that could be done to regulate same because of the Right-to-Farm Act. There are no local laws regarding liquid manure pits. Chair Wickwire thought this should be looked into further.
- Clough Harbour & Associates – Town Attorney Folmer advised that he will contact James Trasher at CH regarding the proposed SEQRA reviews "coming their way."
- Proposed Rezoning of Gutchess Properties – PZO Weber distributed copies of two letters received by the Town in opposition to the proposed rezoning change: one letter from Gail Warren of Stupke Road, dated 11/24/14, and a second from Emery and Gail Warren, dated 11/23/14, of Stupke Road.
- Pat Reidy's Stormwater System Inspections – Member Renzi complimented Mr. Reidy on his inspection report completed in 2013. It was very thorough and he had completed ten inspections of these systems. The Town Board has a copy on file.

ADJOURNMENT

At 8:45 p.m., a motion to adjourn the meeting was made by Member Newell, 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 12/14/14.