

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

Applicants & Public Present

Attorney Mike Shafer, Vincent Salvagno(?), & Chuck Feiszli for Sun Auto, Applicant; Attorney Dan Ellis, Ginn(?) Puzo & Eric Barden for Barden Management, Applicant; Attorney Meira Hertzberg, rep four property owners; Attorney Matt Neuman for 1657 Hillside, LLC, Applicant; Reed Fuller, Matt Hiltz, Ben Essig & Jim Stephenson for HBDR, LLC, Applicant; Michael Sweeney, Applicant; Scott Smith of J. B. Smith, Applicant; Jeff Breed of Gutchess Lumber; Jim Peloski of Marvin Windows; Eric Mulvihill of WXHC Radio; Tyrone Heppard, Cortland Standard Reporter.

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

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 and 29 October 2013.) Attorney Shafer gave a brief overview of the proposed expansion and stated the applicant was ready to go ahead with the SEQRA Review. Town Attorney Folmer stated that it was his opinion, and that of the Town Board, that the Town Planning Board act as Lead Agency for this review. He then proceeded to outline the process for those present.

At the conclusion of the discussion, **a motion was made by Member Chris Newell that the Cortlandville Town Planning Board will act as Lead Agency under SEQRA for the proposed additional parking lot. The motion was seconded by Member John 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 #70 of 2014.

Attorney Shafer stated that he would ask Pat Reidy of County Soil & Water to provide his comments regarding the Stormwater Pollution Prevention Plan that was submitted to him, and he asked to be placed on next month's Agenda. He added that the applicant will comply with all recommendations of the Cortland County Planning Board.

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

(Note: Board Member John DelVecchio recused himself from consideration and deliberation on this matter and took a seat in the audience due to a conflict of interested.)

Chair Wickwire recognized Attorney Matt Neuman, representing the applicant, who appeared at the September meeting of this Board, seeking a determination regarding outside storage as outlined in his letter of 18 September 2014 to PZO Weber, a copy of which has been placed on file for the record. At that meeting, the Town Planning Board voted to postpone any determination on outside storage, and the Conditional Permit, to allow time for submittal of additional information (a more comprehensive drawing showing adjoining properties and access to the triangular parcel). Reference is made to the September 2014 Minutes of this Board. It is proposed to use this parcel for storage of heavy equipment utilized by Economy Paving.

At this time, Attorney Neuman presented a survey map for the Board's review; also provided was an aerial photo of the area. Access to the triangular parcel will be through Economy Paving's parcel to the north. Attorney Neuman also stated that, at some time in the future, the applicant will be back for approval to convert the Samson house into offices, or for some alternate plan. PZO Weber also advised that the Board should look at future expansion of the existing use.

Chair Wickwire stated that she had heard that the applicant was burning "stuff" back in there, that there were drainage problems, and that equipment was sitting in water and rusting. If this is the case, she stated, then there was a problem with "making it bigger."

Member Nick Renzi commented that he saw no major problems; green space was in line with the Code. PZO Weber stated that outside storage is the first thing that needed to be determined. If it is, then a Conditional Permit would be needed, along with a Stormwater Plan. Existing property is also being impacted. Another consideration would be should this parcel be combined with another parcel?

At the conclusion of this discussion, **a motion was made by Member Renzi that the Cortlandville Town Planning Board determines that outside storage is permitted at this location. 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

Recused: Member DelVecchio

Motion carried.

This becomes Action #71 of 2014.

Member Renzi stated that he would like stormwater management input from the applicant based on comments by PZO Weber.

A motion was then made by Member Newell that the request for outside storage and Conditional Permit for additional parking lot be sent 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

Recused: Member DelVecchio

Motion carried.

This becomes Action #72 of 2014.

PZO Weber commented that the applicant should apply for a permit to expand use on the existing site. A roadway will be created in an area where there was none previously, thus increasing the use on the parcel.

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 2014 Minutes for the applicant's first-time appearance before this Board.)

Chair Wickwire recognized Ben Essig and Jim Stephenson, 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.

Chair Wickwire noted that she had received a 27 October 2014 letter from Marvin Windows who was currently having odor problems from Suburban Propane located in the vicinity of their property and also nearby the proposed location of this storage facility. She had also received a copy of an undated letter from Mary Beilby to Dan Dineen, et al, and an email (10/23/14) from Garry VanGorder to Ms. Beilby in response to her questions, copies of which have been placed on file for the record.

Mr. Essig responded that what they are proposing is different from what's taking place at Suburban Propane. HBDR will be emitting no propane into the air. They will not be refurbishing tanks or doing anything of that nature. Propane arrives by rail in tank cars; a positive, screw-on connection is made to a large storage tank for unloading. Propane distribution trucks, again using a positive, screw-on connection, are filled from here; there is no propane leakage as it's a closed system.

Plans showing the entire site were received for the facility. Lighting was also shown, and the entrance was relocated to be closer to where the office building is proposed. Mr. Essig explained the plan to the Board. Access will be by a card-lock key system.

Mr. Essig stated they have spoken with the Cortlandville Fire Department and Peter Alteri; the fire safety analysis was done along with the water flow test. Railroad cars are off-loaded typically within 24 hours, then picked up, so they will not be just sitting there on the siding.

Town Attorney Folmer then advised the Board with regard to the SEQRA process. The Town Board feels that this Board has more experience to act as Lead Agency and would prefer that designation remain with the Cortlandville Planning Board.

With no further discussion, **a motion was made by Member Renzi that the Cortlandville Planning Board will act as Lead Agency under SEQRA for a proposed Propane Storage Facility. 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 DeVecchio

Motion carried.

This becomes Action #73 of 2014.

Chair Wickwire commented that the Board needed time to review all of the information presented. Jim Stephenson stated that they would like to be put on next month's Agenda (11/25/14).

Scott Smith, Applicant/Reputed Owner (dba J. B. Smith Heating & Air Conditioning, LLC) – 730 NYS Route 13 – TM #105.00-01-49.200 – Location of Large LPG Tank

Chair Wickwire recognized Scott Smith who was asked to come before this Board as it appeared that he was not in conformance with his approved Site Plan with regard to the placement of the large propane storage tank on his property, and a complaint had been received about the way it looked. He explained to the Board the setbacks that were required. When conforming to the rear setback (50 ft.) for the tank, it moved the tank farther to the front. Chair Wickwire asked if the tank could be hidden by landscaping, and Mr. Smith responded yes. Town PZO Weber explained that the original map that indicated the

location of this tank indicated farther toward the rear property line. Once he went to set the tank and meet the Building Code, it had to be moved closer to the road than what had originally been proposed.

Mr. Smith said he could plant fast-growing evergreens. Chair Wickwire suggested he come back in the spring and bring in a good landscaping drawing showing what he will do. The applicant then asked about signage, perhaps on the tank. PZO Weber advised that they needed to take a look at what he would like to put on the tank and determine if that constitutes a sign. The Board would like to have him return with a landscaping plan and what he planned for signage.

No Action Required.

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 Attorney Hertzberg who, at the 26 August 2014 meeting, stated that she was representing several property owners who were requesting that the Town Board change the present zoning of these parcels from B-1 to B-2, as shown on a map she displayed. The subject parcels are located on the east side of NYS Route 13. Reference is made to those Minutes for additional details.

Attorney Hertzberg displayed a map and explained the service road that will go behind the parcels. PZO Weber stated that the proposed car wash on one of the parcels may have precipitated the request for the Change of Zone in that the proposed car wash would require a variance given the present zoning.

Attorney Hertzberg stated that Cortland County Planning took no action on this request at their 15 October 2014 meeting. The service road, which was of concern to County Planning, will now be paved “tomorrow morning.” Chair Wickwire commented that, at this Board’s last meeting, there was a representative present from Gutches Lumber who informed the Board that they knew nothing about the proposed rezoning of their property and had, in fact, never been contacted. Attorney Hertzberg stated they had been contacted, and they said “they were in favor of it.”

Chair Wickwire read from the yet-to-be-adopted Land Use Plan; Member Renzi read from Dan Dineen’s report.

PZO Weber reminded those present that, at first, County Planning had recommended denial of the rezoning request; then, after the applicant provided additional information, the request was resubmitted to County Planning who then was unable to take any action on the request. Town Attorney Folmer stated that this Board had no vote on the matter, but was only to make a recommendation to the Town Board for their action.

An extensive discussion was held, culminating with Chair Wickwire’s opinion that the zoning should not be changed at this time, but to wait until the Land Use Plan is adopted, then reconsider it. Member Renzi agreed.

With no further discussion, **a motion was made by Member Nick Renzi that the Cortlandville Planning Board recommends denial of the requested zoning change until such time as the Town’s Land Use Plan 2013 is officially adopted. 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 #74 of 2014.

NEW BUSINESS

Michael & Melissa Sweeney, Applicants/Robert J. Sweeney, Reputed Owner – 4423 Sweeney Road – TM #75.00-01-24.110 – Subdivision of Land

Chair Wickwire recognized Michael Sweeney, who was seeking to subdivide a 12±-acre parcel from the main parcel, as shown on the aerial photo accompanying the application.

After a very brief 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 DeVecchio		

Motion carried.

This becomes Action #75 of 2014.

Barden Management Services, Applicant – Luker Road – TM #85.20-01-32.111 – Sketch Plan Conference – Proposed Building Construction

Chair Wickwire recognized Attorney Dan Ellis, representing the applicant, and Eric Barden, who were present for a Sketch Plan Conference to discuss basic site design concepts and determine what information would be required for further review. A rough sketch accompanied the attorney's 21 October 2014 letter.

The proposed building would be used as offices, show room, and warehouse. PZO Weber advised the Board that the applicant had been provided with a copy of the Checklist indicating what the Board requires. Construction is planned for 2015.

No Action Taken.

Gutchess Lumber Co., Inc., Applicant/Reputed Owner - NYS Route 281, McLean & Stupke Roads - TM #s 95.12-1-19, 95.11-3-18, 95.15-1-12, 13, 14.11, 14.12 & 14.2 and DeMarchi, R. O. - (NYS Rte. 281) - TM #95.12-1-18 and Kessler, R. O. - (NYS Rte. 281) - TM #95.12-1-13 and NYS, - (NYS Rte. 281) - TM #95.12-1-12 and (T) Cortlandville, R. O. - (NYS Route 281) - TM #s 95.16-1-5 & 7 – Proposed Change of Zone

A motion was made by Member Renzi that the Cortlandville Planning Board consents to the Town Board acting as Lead Agency under SEQRA for a proposed Change of Zoning. 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 DeVecchio		

Motion carried.

This becomes Action #76 of 2014.

NYSEG, Applicant/Cortland Industrial Center LLC, Reputed Owner – 3727 Kellogg Road – TM #97.00-01-02.000 – Proposed Gas Regulator Station

Chair Wickwire asked if there was anyone present to represent the applicant; there was no one.

With no further discussion, **a motion was made by Member Newell to postpone consideration of this Conditional Permit for a proposed Gas Regulator Station until the 25 November 2014 meeting of this Board to allow a representative to be present. 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 #77 of 2014.

OTHER MATTERS

- Willcox Tire – Tompkins Street – PZO Weber stated that the subject property is not in compliance with the Town's regulations, and Tom Williams, the Town's CEO, had made numerous contacts with Chris Willcox with no response made. PZO Weber asked the Board what they would like to do. After a brief discussion, **a motion was made by Member Newell to schedule a Public Hearing for 25 November 2014 regarding the possible revocation of their Conditional Permit. 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 #78 of 2014.

- Suburban Propane - NYS Route 13 – Board briefly discussed odor problem from Suburban Propane to Marvin Windows.
- Manure Pits – Chair Wickwire attended meeting in Homer. Does Town have any control over large pits? PZO Weber thought Town will address this if they receive a grant.
- John Barden – Chair Wickwire said that Mr. Barden had visited her and showed her a drawing.

ADJOURNMENT

At 9:25 p.m., a motion to adjourn the meeting was made by Member Newell, seconded by Member Finamore, with all members present voting in the affirmative.


Joan E. Fitch, Board Secretary

E-mailed to Town, PB Members,
DD, BW, TW, & DC on 12/12/14.