

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

Jeremiah Williams, Applicant; Paul Gallow, Applicant; Rod Ives for DMK Development-Cortland, LLC, Applicant; Attorney Meira Hertzberg, rep four property owners; Attorney Matt Neuman for 1657 Hillside, LLC, Applicant; Darren Fuller for HBDR, LLC, Applicant; Haley Lowie, Applicant; Reed & Had Fuller, Ben Essig, Matt Hiltz, Jim Stephenson, Steve Servies, Jeff Breed, Benjamin Stuart, Heather Shimer, Eric Mulvihill, Andrew Porter, 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

DMK Development-Cortland LLC, Applicant/Joann Clowser, Reputed Owner – 706 NYS Route 13 – TM #105.00-01-49.110 – Subdivision of Land

Chair Wickwire recognized Rod Ives, representing the applicant, who was seeking to subdivide 4.227± acres from this 77.75± acre parcel. The smaller parcel will be used for a proposed retail sales business (TSC), and would have 252 feet of road frontage.

Chair Wickwire acknowledged receipt of the Cortland County Planning Department and Board's report and asked Mr. Ives about the shared driveway mentioned therein. Mr. Ives stated that the easement has been shown on the map. She then asked what had been discovered about the "junkyard" on the adjoining property, and Mr. Ives reported it was not on this property.

Mr. Ives reported he had not seen the County's report; Chair Wickwire read aloud the one recommendation regarding the shared driveway.

Chair Wickwire then read aloud Part II of the SEAF. Negative responses were obtained to all questions in Part II.

With no further discussion, **a motion was made by Member Chris Newell that the action, based on the information and analysis of the SEQR concerning this application for a proposed Subdivision of Land, the Town of Cortlandville Planning Board has determined that the proposed action will not produce any significant adverse environmental impact, resulting in a Negative Declaration. 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 #61 of 2014.

With no further discussion, a motion was made by Member Newell to approve the Subdivision of Land, as requested, incorporating Contingency #1 of the Cortland County Planning Board's Resolution No. 14-31 of 16 September 2014. 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
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Motion carried.

This becomes Action #62 of 2014.

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 last month's 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. A B-1 designation is more compatible with what the properties are being used for. An undated letter from Attorney Hertzberg, addressed to Richard Tupper, Town Supervisor, explained in detail the request for rezoning the subject parcels. The request was forwarded to County Planning for their recommendation.

PZO Bruce Weber reported that since the County's review of this proposed Zoning Change, additional information had been submitted regarding the proposed roadway, and Attorney Hertzberg was now requesting resubmittal to County Planning. PZO Weber stated he had consulted with Dan Dineen, County Director of Planning, regarding doing so.

With no further discussion, a motion was made by Member Nick Renzi to resubmit the requested Zoning Map Amendment for the change of zone from a B-1 to a B-2 to the Cortland County Planning Department for their review. The motion was seconded by Member Finamore, with the vote recorded as follows:

Ayes: Chair Wickwire Member Newell Member Renzi Member Finamore Member DelVecchio	Nays: None
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Motion carried.

This becomes Action #63 of 2014.

NEW BUSINESS

Jeremiah Williams, Applicant/Reputed Owner – 4562 Albany Street – TM #76.00-03-09.000 – Subdivision of Land

Chair Wickwire recognized the applicant, who was seeking to subdivide this parcel as shown on the aerial photos accompanying the application, thus creating two residential lots. It is noted that the two subject parcels are in the Town of Cortlandville, with a proposed third parcel being in the Town of Homer.

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 DeVecchio		

Motion carried.

This becomes Action #64 of 2014.

Paul Gallow Applicant/Benjamin & Carol Turner, Reputed Owners – 987 NYS Route 222 – TM #86.13-01-43.000 – Subdivision of Land

Chair Wickwire recognized the applicant who was seeking approval to subdivide the subject parcel as shown on the survey map (dated 8/15/14) by Denkenberger Surveying, PC, which accompanied the application.

With no further discussion, a motion was made by Member Newell to send the application to the Cortland County Planning Department for their review. 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 DeVecchio		

Motion carried.

This becomes Action #65 of 2014.

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

Chair Wickwire recognized Attorney Matt Neuman, representing the applicant, who was 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. This property adjoins Economy Paving and its proposed use is for the storage of their equipment.

PZO Weber questioned the amount of lot coverage involved. Chair Wickwire also felt that the Board should have more information, e.g., a map showing green space and other uses. What are the other uses in the area? How close to homes will the equipment be stored? Where is access to the parcel? Member Renzi agreed that a more comprehensive site plan was needed.

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. Outside storage is prohibited unless this Board determines that it is not detrimental to the area. It's a new use on this property and must be in compliance with the Zoning Ordinance. Chair Wickwire reiterated that the Board needed more information. Again, Member Renzi agreed that a more comprehensive drawing showing adjoining properties and access to the triangular piece is needed as a decision cannot be made on what has been submitted at this time.

PZO Weber advised that a SWPPP also comes into play. In addition, the property is within 500 feet of a State Highway, so submittal to County Planning for their review is required.

At the conclusion of this discussion, a motion was made by Member Renzi to postpone any determination on outside storage, and the Conditional Permit, to allow time for submittal of the

requested information. 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 #66 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

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. The propane will be stored in above-ground storage tanks and piped to a loading rack. Transport trucks will fill and deliver the propane to customers in the surrounding area.

Chair Wickwire asked about truck traffic, which he explained as being somewhere around 20 trucks per day, serving a 150-mile radius±. They are a terminal operator, having consolidated storage for supplying propane companies. Mr. Fuller stated that HBDR had secured a purchase option from Mr. Law.

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 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 #67 of 2014.

Haley Lowie, Applicant/Theodore V. Testa, Reputed Owner – Groton Avenue Plaza (former Tropical Sun Tanning Salon) – TM #86.13-01-65.210 – Conditional Permit for Proposed Restaurant

Chair Wickwire recognized the applicant who was seeking a Conditional Permit for a restaurant and bar with indoor and outdoor seating (Rex's Hot Pasta) which she would operate with her sister, Heather Shimer. An undated narrative of what was planned accompanied the application, along with a proposed floor plan. They would like to open within the next few months; it will take from six to nine months to obtain a State Liquor License.

After a brief discussion, a motion was made by Member Newell to approve the Conditional Permit 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 #68 of 2014.

Bestway Enterprises, Inc., Applicant/Reputed Owner – 3832 Luker Road – TM #86.17-02-01.100 – Conditional Permit for Proposed Restaurant

Chair Wickwire recognized Andrew Porter whose company was seeking approval of their Site Plan to construct a 10,000 SF facility on this 2.56± acre flat parcel. This is the same request as was granted on 12 August 2012 by this Board (Action #55 of 2012); however, due to “circumstances beyond our control,” they were unable to complete construction within the time permitted under the original Conditional Permit.

Chairman Wickwire commented that if the construction is not completed, the subject parcel should be returned to the way it was.

At the conclusion of a brief discussion, **a motion was made by Member Renzi to approve the Conditional Permit as requested, with the work to be done within one year and, if not, the land shall be returned to its original condition. 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 DeVecchio

Motion carried.

This becomes Action #69 of 2014.

OTHER BUSINESS

- 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. It is the same problem as before, and complaints have been received from neighbors, e.g. tires are piled up out back. PZO Weber asked the Board what they would like do. Chair Wickwire suggested asking Mr. Willcox to appear before the Board at the next meeting, or bring the property into compliance. PZO Weber will convey the Board’s wishes to Mr. Willcox.
- J. B. Smith – NYS Route 13 – PZO Weber reported that the subject property has a large propane tank that is not placed at the location shown on their Site Plan. He’s in compliance with the Building Code, but not the Conditional Permit. The only fencing around the tank is around the controls. Chair Wickwire suggested asking Mr. Smith to hide the tank. It was agreed that PZO Weber would ask Mr. Smith to appear before the Board with some ideas.
- TC3 Training – Oct. 30th – Chair Wickwire reminded everyone of this upcoming training. Member Finamore stated he would be attending.
- Submittal of Plans to County Planning – PZO Weber advised the Board of the correct process for submittal of plans to the County Board, as there were plans recently submitted directly to County Planning that had not been authorized by this Board.
- PZO Weber advised that he and Tom Williams have formulated a regulation with regard to trucks being used for advertising and where they can and cannot be located. If that goes thru, that type of situation will be taken care of.
- Carter’s Transmission – Route 281 (next to Tyler’s) – Member Finamore commented that there are vehicles parked on the house’s lawn, as well as junk onsite at the adjacent garage.

- Gutchess Lumber Reps – re Rezoning – Benjamin Stuart and Jeff Breed, representing Gutchess Lumber, invited Board members, officials, to take a tour of their new sales facility, formerly Friendly's, on Route 281. They also added that the company has never been contacted by anyone regarding the proposed re-zoning of their parcel (see Hertzberg above).
- Land Use Plan – Chair Wickwire asked if the Land Use Plan had been adopted by the Town as yet. PZO Weber said that it had not, as the Town was waiting on Ag District and grant information. and also grant.
- Attorney Folmer conveyed Town Board's thank you for holding its Special Meeting on September 16th for Forkey Construction & Fabricating.

ADJOURNMENT

At 8:45 p.m., a motion to adjourn the meeting was made by Member Newell, seconded by Member DelVecchio, with all members present voting in the affirmative.



Joan E. Fitch, Board Secretary

E-mailed to Town, PB Members,
DD, BW, TW, & DC on 11/25/14.