

**TOWN OF CORTLANDVILLE PLANNING BOARD**  
**Minutes of Regular Meeting - Tuesday, 24 June 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**

Mike Major for Watson Engineering, Applicant; Rod Ives, PE, for DMK Development, Applicant; Roger Simpson, Applicant; Charles Chappell III for Rescue Mission, Applicant; Attorney Russ Ruthig for Cortlandville Mine Holdings, LLC, Applicant; Steve Terwilliger for KAJEN, LLC, Applicant; Joshua Compagni for Jax Service Center, LLC, Applicant; Attorney Ed Purser for Estate of Carolene Kinney, Applicant; C. Jeff Utter, Sean Smith, David Huckle.

<b>REGULAR MEETING</b>
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**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 – 29 APRIL & 27 MAY 2014**

**A motion was made by Member Chris Newell to approve the Minutes of the 29 April and 27 May 2014 Town of Cortlandville Planning Board Minutes, as submitted. The motion was seconded by Member Nick Renzi, with the vote recorded as follows:**

<b>Ayes:</b> Chair Wickwire Member Newell Member Renzi Member Finamore Member DelVecchio	<b>Nays:</b> None
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**Motion carried.**

**This becomes Action #41 of 2014.**

**OLD BUSINESS**

**Rescue Mission, Applicant/Gator Investments, Reputed Owner – 819 Bennie Road (Walmart) – Conditional Permit for Donations Center Trailer**

(Reference is made to the 29 October, 17 December 2013, 25 February, 29 April and 27 May 2014 Minutes of this Board when Charles Chappell, representing the applicant who was seeking a Conditional Permit to place a 12 ft. by 32 ft. storage trailer in the parking lot alongside McLean Road, appeared. At those meetings, Chair Wickwire and the Board suggested he explore alternatives and come back with a different plan; Mr. Chappell agreed to do so and, on 25 February 2014, a new location behind Doug's Fish Fry was approved. At the 29 April 2014 meeting, the Board discussed the applicant's failure to relocate the trailer to the approved location as requested. Member Renzi suggested inviting their representative to come back to this meeting to answer their questions).

Chair Wickwire recognized Mr. Chappell, the applicant's rep, who stated they had now been granted permission to relocate the subject Donation Center to the Walmart parking lot on Bennie Road, as shown on the photos accompanying this new application. He stated that he would like the move to be made by

the 12<sup>th</sup> of July. They have a partnership with the YWCA who will provide some of the labor associated with this Center.

With no further discussion, **a motion was made by Member Newell to approve a Conditional Permit, as requested, for the Rescue Mission's Donation Center to be relocated to this site by 12 July 2014. The motion was seconded by Member Renzi, with the vote recorded as follows:**

<b>Ayes:</b>	<b>Chair Wickwire</b>	<b>Nays:</b>	<b>None</b>
	<b>Member Newell</b>		
	<b>Member Renzi</b>		
	<b>Member Finamore</b>		
	<b>Member DeVecchio</b>		

**Motion carried.**

**This becomes Action #42 of 2014.**

**Watson Engineering, Applicant/Pyrotek Inc., Reputed Owner – 641 NYS Route 13 – TM #105.00-03-12.000 – Conditional & Aquifer Protection District Special Permit – Proposed Warehouse**

(Reference is made to the 29 April & 27 May 2014 Minutes of this Board at which meetings the applicant's representatives appeared.)

PZO Weber advised that the Stormwater Pollution Prevention Plan has been approved by Patrick Reidy of County Soil and Water; in addition, a color sample of the proposed building's exterior had been submitted as requested.

Chair Wickwire recognized Mike Major of Watson Engineering, representing the owner, who stated that they were moving the trees farther apart as requested.

With no further discussion, **a motion was made by Member Newell to approve the Conditional Permit, as requested, for the proposed 39,000 SF warehouse, incorporating Items 1 thru 6 of the Cortland County Planning Board's Resolution No. 14-15 of 21 May 2014. The motion was seconded by Member John DeVecchio, with the vote recorded as follows:**

<b>Ayes:</b>	<b>Chair Wickwire</b>	<b>Nays:</b>	<b>None</b>
	<b>Member Newell</b>		
	<b>Member Renzi</b>		
	<b>Member Finamore</b>		
	<b>Member DeVecchio</b>		

**Motion carried.**

**This becomes Action #43 of 2014.**

**DMK Development-Cortland LLC, Applicant/Joann Clowser, Reputed Owner – 706 NYS Route 13 – TM #105.00-01-49.100 – Conditional Permit & Aquifer Protection District Special Permit for Proposed Tractor Supply Co., Inc.**

(Reference is made to this Board's Minutes of 29 April and 27 May 2014 regarding this project).

Chair Wickwire recognized Rodney Ives, Jr., PE, of Napierala Consulting, Manlius, NY, representing DMK Development, LLC, who had submitted the "last set" of plans to the Board for this project.

Chair Wickwire commented that County Planning was concerned with storage of fertilizer. Engineer Ives stated that Tractor Supply Co., Inc., has agreed that there will not be any outdoor storage of fertilizer, and the manager is willing to make this a condition for this facility. He stated that MSDS sheets can be supplied for all materials they will have: oil, batteries, mulch, etc. They will have no large quantities of product (55-gallon drums).

The Town's Design Guidelines were discussed. Exteriors will be in earth tones w/red accent, proposed sign is no higher than eight feet, parking lot will be screened. The location of proposed trailers was indicated to Member Newell. Mr. Ives stated that they have talked with Peter Alteri regarding sewer and water services. The NYSDOT wants one driveway w/shared access. They will install new 8-inch waterline and hydrant. The Red Maple trees have been changed to Red Oaks, which are more salt-tolerant. Other varieties have also been planned, as shown. Lighting is directed downward.

At the conclusion of this review, **a motion was made by Member Newell to approve the Conditional Permit for the proposed Tractor Supply facility, incorporating Items 1 thru 11 of the Cortland County Planning Board's Resolution No. 14-20 dated 18 June 2014, with a recommendation made 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  
Member Newell  
Member Renzi  
Member Finamore  
Member DelVecchio**

**Nays: None**

**Motion carried.**

**This becomes Action #44 of 2014.**

## **NEW BUSINESS**

### **Estate of Carolene M. Kinney, Applicant/Reputed Owner – Blodgett Mills Road – TM #s 102.00-03-18 & 111 – Subdivision of Land**

Chair Wickwire recognized Attorney Ed Purser, representing the applicant who was seeking approval to subdivide this 65±-acre parcel into five lots which will be combined with certain other parcels owned by the survivors, as shown on the map accompanying the application.

With no further discussion, **a motion was made by Member Newell to approve the subdivision of land, as requested, with Parcel #5 on the map to be combined with the adjacent Robert Kinney property. 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 #45 of 2014.**

### **KAJEN, LLC, Applicant/John McGee, Reputed Owner – NYS Route 13 – TM #105.00-01-44.000 – Sketch Plan Conference – Proposed Car Wash & Office Complex**

Chair Wickwire recognized Steve Terwilliger, dba KAJEN, LLC, who advised the Board that he was seeking approval to construct a car wash and office building on this site which is adjacent to another development of his (in the Town of Virgil) containing a gas station; construction of the station is underway, he stated. He also reported that the NYSDOT has given permission for an entrance from NYS Route 13, as shown on the Site Plan presented to the Board. The road has not changed since he last approached this Board to develop this parcel as his real estate office. However, he now would like a car wash in addition to an office building, as shown on the plan. PZO Weber advised Mr. Terwilliger that, under the present zoning, retail sales would require a use variance. If office space, it would be an allowed use. In response to the Board's question, Mr. Terwilliger stated that he hoped to open the adjacent gas station in August; access will be either from Webb Road or NYS Route 13.

Chair Wickwire asked Mr. Terwilliger if he had been in “contact with the DOT with this plan?” Mr. Terwilliger responded that he had not; “we did this cut with the DOT . . . a year and a half, two years ago.” It’s very preliminary, he said. Chair Wickwire asked that “this time we need an actual letter from the DOT; remember we wrote a letter and it went back and forth . . .” Mr. Terwilliger stated that he remembered that.

**No Action Taken.**

**Roger Simpson, Applicant/Reputed Owner – 4300 Homer Avenue (US Route 11) – TM #79.19-01-47.200 – Conditional Permit for Proposed BBQ**

Chair Wickwire recognized the applicant who stated that he had appeared before this Board in October of 2011 for a bagged coal business, but he never went through with it. He was now seeking approval for an outdoor barbecue with an expansion of the existing building as indicated in the application. He described his Site Plan and dimensions. Member Renzi advised that all of these should be shown on the Site Plan, and that the applicant should talk with the Health Department regarding the use of portable toilets; apparently there is a problem with the sewer lateral.

Chair Wickwire questioned the “second-story” deck that was indicated on his sketches. The applicant would have to have engineered drawings to do this. Member DelVecchio commented that there should be a little more detail to his plan, especially with regard to proposed traffic pattern.

Mr. Simpson stated he was trying to purchase the adjacent house which would solve his sewer problem; if successful, the house would be taken down. He also would like to continue “doing what we are doing.” PZO Weber suggested that the Board could indicate that the present operation could continue while forwarding the application to County Planning. The Board would like to see details regarding pedestrian traffic, parking, lighting, landscaping, color of building, etc. Presently, it is being operated as a takeout.

At the conclusion of the discussion, **a motion was made by Member DelVecchio that the continued use as a takeout for food be allowed for a period of six months, with application for a Conditional Permit sent to the Cortland County Planning Department for their review. The motion was seconded by Member Newell, with the vote recorded as follows:**

<b>Ayes:</b>	<b>Chair Wickwire</b>	<b>Nays:</b>	<b>None</b>
	<b>Member Newell</b>		
	<b>Member Renzi</b>		
	<b>Member Finamore</b>		
	<b>Member DelVecchio</b>		

**Motion carried.**

**This becomes Action #46 of 2014.**

Mr. Simpson asked about the deck; is he allowed to do that? He was advised that he needed approval from the Planning Board before he could obtain a Building Permit.

**Jax Service Center, LLC, Applicant/Kmart Corp., Reputed Owner – 845 NYS Route 13 – TM #95.20-02-06.000 – Conditional Permit for Proposed Automotive Repair Facility**

Chair Wickwire recognized Sean Smith, representing the applicant who was seeking a Conditional Permit to operate a full-service automotive center business out of the existing Kmart garage space as detailed in the narrative accompanying the application. The space will be leased from Kmart. One bay will be removed and changed to office space. Existing lifts will be used. Kmart restrooms will be utilized.

At the conclusion of a brief discussion, a motion was made by Member John Finamore to approve the Conditional Permit for the proposed Automotive Repair Facility, as requested. The motion was seconded by Member DelVecchio, with the vote recorded as follows:

<b>Ayes:</b>	<b>Chair Wickwire</b>	<b>Nays:</b>	<b>None</b>
	<b>Member Newell</b>		
	<b>Member Renzi</b>		
	<b>Member Finamore</b>		
	<b>Member DelVecchio</b>		

Motion carried.

**This becomes Action #47 of 2014.**

**Marietta Corp. – Aquifer Permit**

PZO Weber stated that he had no information/application from Marietta, and there was no representative present. It was his understanding that they may be considering the use of Borg-Warner as a warehouse for their products. He had no idea what they were going to do. The matter was dropped.

**Cortlandville Mine Holdings, LLC, Applicant/Reputed Owner – 785 NYS Route 13 – TM #105.00-03-06.000 – Subdivision of Land**

Chair Wickwire recognized Attorney Russ Ruthig, representing the applicant who was seeking approval to subdivide 22.75± acres into two lots of 15.85± acres and 7± acres, as shown on the sketch accompanying the application. The purchaser, he stated, is also buying the mine property.

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 DelVecchio, with the vote recorded as follows:

<b>Ayes:</b>	<b>Chair Wickwire</b>	<b>Nays:</b>	<b>None</b>
	<b>Member Newell</b>		
	<b>Member Renzi</b>		
	<b>Member Finamore</b>		
	<b>Member DelVecchio</b>		

Motion carried.

**This becomes Action #48 of 2014.**

**Thomas & Kim Van Cise, Applicants/Reputed Owners – 4403 McCloy Road – TM #74.00-03-07.000 – Subdivision of Land**

Chair Wickwire recognized Mr. Van Cise who explained that he wanted to separate the subject parcel into two lots using the road as the dividing line; the subject parcel lies on both sides of McCloy Road, as shown on the aerial photo and map accompanying the application.

With no further discussion, a motion was made by Member Finamore to approve the Subdivision of Land, as requested. The motion was seconded by Member Newell, with the vote recorded as follows:

<b>Ayes:</b>	<b>Chair Wickwire</b>	<b>Nays:</b>	<b>None</b>
	<b>Member Newell</b>		
	<b>Member Renzi</b>		
	<b>Member Finamore</b>		
	<b>Member DelVecchio</b>		

Motion carried.

**This becomes Action #49 of 2014.**

## **OTHER BUSINESS**

### **Used Car King/Sun Auto – NYS Route 281**

Town Attorney Folmer explained to the Town Planning Board what had transpired at this evening's Zoning Board of Appeals. The applicant's attorney, Mike Shafer, had appeared before the ZBA to explain a couple of alternatives that they were considering to alleviate the lot coverage problem for this business. The information is as contained in the Town of Cortlandville Zoning Board Appeals Minutes of 24 June 2014, a public record.

### **Matt Petrella Concern**

Chair Wickwire reported that, according to Mr. Petrella, Karl Ochs, a few years ago, had obtained permission to construct something on his land which is adjacent to the Petrella property. Some grading was done back then, but nothing else was ever done on the property. Because of the grading, it has changed the elevation and stormwater runoff now is flooding his property (a body shop business) and pooling in his driveway. Dust from mounds blows onto his customers' newly painted vehicles. Mr. Petrella has talked with Mr. Ochs, but nothing has been done. Mr. Petrella would like the land put back to the way it was if there is not going to be anything constructed there. PZO Weber reported that Mr. Ochs' Building Permit has run out; the Conditional Permit has also expired. PZO Weber stated that he could conceivably contact Mr. Ochs and indicate that should he wish to proceed with putting a building in, that he would need to come back before the Board. If he does not, then the property should be put back to its original condition if that's what the Board would like. Drainage/dust problems are actually a civil matter. Town Attorney Folmer said that the record should be reviewed to see what the timing is; that should be done first.

### **Clearmideo**

PZO Weber advised that the applicant proceeded with a geologic plan/report with no direction given by the Town. Anything they did was done on their own. It was then submitted to County Planning without coming through the Town. From PZO Weber's perspective, they have proceeded in a manner contrary to normal procedure. The applicant needed a variance, he stated, so the application goes to County Planning before it comes to the Town ZBA for action. If the variance isn't granted, then it never proceeds to this Board. PZO Weber reported that "all of a sudden I get a County Resolution; I'm sitting here going what's going on?" Town input is non-existent. There's been no communication between the applicant and the Town. Member Renzi commented that PZO Weber should have received a copy of the report. Chair Wickwire felt that "nothing was handled well."

### **John Barden, Applicant/Reputed Owner, dba Fast Lane Auto – 1799 NYS Route 13 – TM #77.00-01-34.000**

Chair Wickwire asked if anything had transpired regarding this matter. PZO Weber advised that Mr. Barden is in violation if he is still operating in any manner after July 1<sup>st</sup>, 2014. Town Attorney Folmer added that he and CEO Tom Williams have already talked about the fact that on July 1<sup>st</sup> they will see what's going on on the site, and if it's still in operation on July 2<sup>nd</sup>, we'll undertake the process to remedy the situation.

## **ADJOURNMENT**

At 9:15 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, KW, JMF, CN,  
EA, NR, JF, BW, TW, & DC on 7/27/14.