

TOWN OF CORTLANDVILLE PLANNING BOARD
Minutes of Regular Meeting - Tuesday, 25 March 2014 - 7:30 PM
Town Hall Board Room - 3577 Terrace Road - Cortland, NY

Board Members (*absent)

Katherine Wickwire, Chairperson
Christopher Newell, Acting Chair
Nicholas Renzi
John M. Finamore
John A. DelVecchio

Others Present

Bruce Weber, Town Planning/Zoning Officer
Joan E. Fitch, Board Secretary
John Folmer, Town Attorney

Applicants & Public Present

Peter Crissey & Clifford Malzman for Cannon Pools, Applicant; Bart A. Besley for NYSEG, Applicant; Brian Buttner, RA, for Crossroads Veterinary Clinic, Applicant; James Aldrich, Applicant; Jeff Utter for Utter Firearms, Applicant; Cindy Utter; John DelVecchio & Attorney John A. DelVecchio.

REGULAR MEETING

The regular meeting of the Town of Cortlandville Planning Board was called to order at 7:55 p.m. by Chair Katherine Wickwire.

APPROVAL OF MINUTES – 25 FEBRUARY 2014

A motion was made by Member Chris Newell to approve the Minutes of the 25 February 2014 meeting, as submitted. The motion was seconded by Member Nick 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 2014.

OLD BUSINESS

Peter Crissey, Applicant/Clifford Malzman, Reputed Owner – 807 NYS Route 13 – TM #105.08-01-04.000 – Site Plan Review & Aquifer Protection District Permit (Cannon Pools)

Chair Wickwire recognized Peter Crissey, Architect, and Clifford Malzman, representing Cannon Pools who is planning to relocate their NYS Route 281 business facility to this location, the former Grange Hall site. (Reference is made to the 28 January Minutes of this Board when a Sketch Plan Conference was held, and 25 February when Site Plan Review commenced.)

Chair Wickwire asked the representatives if they had reviewed the Cortland County Planning Board's recommendations, and they replied that they had. Mr. Crissey added that the only thing that they needed was the drainage report which is forthcoming. They assured this Board that they were aware of all regulations governing swimming pools. They also had the list of chemicals that would be onsite. PZO Weber added that the Stormwater Plan had not been done as yet because percolation test data was required which could not be done until the ground conditions were satisfactory.

At the conclusion of the discussion, a **motion was made by Member John Finamore to approve the Site Plan for the proposed swimming pool/supplies sales business, incorporating Items 1 thru 9 of the Cortland County Planning Board Resolution No. 14-10, dated 3/19/14, and with a recommendation to the Cortlandville 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 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 #20 of 2014.

Brian R. Buttner, RA, Applicant/Elizabeth Wood, DVM, Reputed Owner – 3512 NYS Route 281 (Crossroads Veterinary Clinic) – TM #95.16-01-23.000 – Proposed Addition/Renovation

(Reference is made to this Board's Minutes of 25 February 2014 for the initial review of this project.)

Chair Wickwire recognized the applicant who stated he had reviewed the recommendations contained in the Cortland County Planning Board's Report and had no objections to same.

At the conclusion of a very brief discussion, a **motion was made by Member Newell to approve a Conditional Permit for the proposed addition/renovation, as requested, incorporating Items 1 and 2 of the Cortland County Planning Board Resolution No. 14-09, dated 3/19/14, and with a recommendation to the Cortlandville Town Board that they issue an Aquifer Protection District Special Permit and act as Lead Agency under SEQRA. 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 DelVecchio		

Motion carried.

This becomes Action #21 of 2014.

NEW BUSINESS

NYSEG, Applicant/Suit-Kote Corporation, Reputed Owner – 3911 NYS Route 11 (Polkville) – TM #87.00-03-16.11 – Structure to House Regulation Equipment

Chair Wickwire recognized Bart Besley, representing New York State Electric & Gas (NYSEG) who was seeking a Conditional Permit to construct an 8 ft. by 12 ft. "Parkline" building to protect natural gas regulation equipment, as shown on the photos accompanying the application.

After a brief discussion, a **motion was made by Member Newell to approve the Conditional Permit for the gas regulation equipment building, 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 2014.

Utter Firearms, LLC, Applicant/Abe-Rich Enterprises LLC, Reputed Owner – 1830 NYS Route 13 – TM #77.00-04-12.000 – Proposed Gunsmith/Firearms Retail Store

Chair Wickwire recognized Jeffrey Utter who was seeking Site Plan approval to open a gunsmith/firearms retail store in a leased 400 SF office area in the main building of Cortland Self Storage (previously occupied by Rick Smith Motor Sports Outlet). Member Renzi complimented Mr. Utter on the thoroughness of his narrative which accompanied his application. There will be no gunpowder there of any type. The store will be open by appointment only. PZO Weber advised that CEO Tom Williams had met with Mr. Utter regarding the Town's Building Code.

With no further discussion, **a motion was made by Member Renzi to approve the Conditional Permit for the proposed gunsmith/firearms dealer retail store, 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 #23 of 2014.

James Aldrich (dba Tori's Garden Market), Applicant/Jeffrey Campbell, Reputed Owner – 3957 US Route 11 (Polkville) – TM #87.13-01-41.100 – Seasonal Produce Market

(Board Member John DelVecchio recused himself from this agenda item as the applicant is a client.)

Chair Wickwire recognized the applicant who stated that he was seeking a Conditional Permit to place a 20 ft. by 30 ft. event-type tent at this location where he would like to conduct seasonal sales of produce, plants, flowers, bakery products, honey, maple syrup, preserves, small antiques, handmade crafts, garden accessories and primitive/rustic art, concluding with Christmas trees, etc. He stated it would be similar to Hannah's Flowers on Groton Avenue in the Town of Cortlandville, and be open a maximum of nine months. The proposed tent could be white or striped, as shown in the attachment accompanying the application. This auto sales site will lease some space to Mr. Aldrich.

There are no curbs at this site, and there is ample parking/driveway space. Some flowers and produce will be outside of the tent; there will be no "flea market." Mr. Aldrich stated he would also like to have some sort of a "kiosk" containing brochures of local tourist attractions. Regarding security, he plans to enclose the tent with sidewall curtains and orange-type flexible fencing when the business is not open. Operating hours are planned to be Monday thru Sunday, 10 a.m. until 7 p.m. (or dusk), as stated in his narrative.

After a brief discussion, **a motion was made by Member Newell to approve the Conditional Permit for the proposed seasonal market, as requested, with the tent to be as pictured in the application. The motion was seconded by Member Finamore, with the vote recorded as follows:**

Ayes:	Chair Wickwire	Nays:	None
	Member Newell		
	Member Renzi		
	Member Finamore	Abstain:	Member DelVecchio

Motion carried.

This becomes Action #24 of 2014.

Gutchess Lumber Co., Inc., Applicant/Reputed Owner – NYS Route 281, McLean & Stupke Roads – TM #s 95.12-0-19, 95.11-3-18, 95.15-1-12, 13, 14.11, 14.12 & 14.2 AND DeMarchi, Reputed Owner – NYS Route 281 – TM #95.12-1-13 AND NYS, Reputed Owner – NYS Route 281 – TM #95.12-1-12 AND (T) Cortlandville, Reputed Owner – NYS Route 281 – TM #s 95.16-1-5 & 7 – Proposed Rezoning
(Reference is made to this Board's Minutes of 25 February 2014 wherein there is an explanation of the applicant's request to rezone these properties to Industrial.)

Chair Wickwire acknowledged receipt of an email received March 24th from Dan Dineen, County Planning Director, who advised that the County Planning Board had tabled this zoning map amendment request until the applicant submits a plan for future development of these properties. A copy of this email has been placed on file for the record.

Town Attorney John Folmer suggested that this Board postpone any recommendation until the County Planning Board receives the requested information from the applicant.

After a very brief discussion, **a motion was made by Member DelVecchio to postpone the Cortlandville Planning Board's recommendation to the Town Board regarding the request to rezone twelve (12) parcels to Industrial (Zoning Map Amendment) until such time as the applicant provides the information requested by the Cortland County Planning Board. 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 #25 of 2014.

Chair Wickwire stated that she was concerned with the McLean Road residential properties. Attorney Folmer stated he would share her concerns with the Town Board.

Pall Corporation - Storage Trailers at Former SCM Parking Lot

(At the 25 February 2014 meeting of this Board, Member Finamore reported that 6± storage trailers had been placed at the rear (northwest corner) of this parking lot, off Lime Hollow Road. PZO Weber offered to contact Pall and have someone appear at this meeting to explain the trailers.)

PZO Weber reported that he had spoken with a Pall rep, in addition to receiving numerous emails, regarding this issue. Member Renzi commented that there should be a "designated area" indicated for a "certain number" of these units/containers to be parked. Pall should indicate what they would like to have, and this would be specified for the subject property. PZO Weber stated he would contact Pall tomorrow to convey the Board's wishes.

No Action Taken.

Walmart – NYS Route 13 – Groundwater Monitoring

Member Renzi reported that everything is good with regard to Walmart's well monitoring. Therefore, the frequency of sampling has been reduced to two times a year—March and September.

No Action Required.

John Barden, Applicant/Reputed Owner, dba Fast Lane Auto – 1799 NYS Route 13 – TM #77.00-01-34.000 – Close October 2013 Public Hearing & Continued Review of Revised Site Plan

(Reference is made to previous Minutes of this Board to obtain an overview of what has transpired since last year regarding the violation of the applicant's Conditional Permit.)

Chair Wickwire reported that she had talked with Mr. Barden who informed her that he plans on moving his business to Syracuse by the end of June. Town Attorney Folmer stated that this Board had taken all the required steps to revoke Mr. Barden's Conditional Permit, and that the violation of his permit has gone on for months. Therefore, the Board needs to commence the process to follow through with the revocation after balancing all the issues. He suggested revoking the Permit as of 1 July 2014; if the applicant moves by then, then the issue is moot. If the applicant comes in with what the Board has requested, then the Board could reconsider whether the revocation would stand.

With no further discussion, **a motion was made by Member Newell to revoke the applicant's Conditional Permit effective 1 July 2014. 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

Motion carried.

This becomes Action #26 of 2014.

OTHER DISCUSSION

- ✓ Board Member Finamore – Member Finamore stated that he owned property in the Town (Highland Road) and he wants to subdivide it. He will complete an application for next month's meeting.
- ✓ (T) Cortlandville's Land Use Plan – PZO Weber stated that the committee had met and recommended withholding any action until such time as the Town decides on a Farm Protection Plan. Farmland protection is being looked at.

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

Del'd to KS/KP on 4/13/14 for emailing.