

TOWN OF CORTLANDVILLE PLANNING BOARD
Minutes of Regular Meeting - Tuesday, 17 December 2013 – 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 Folmer, Town Attorney

Applicants & Public Present

Charles Chappell for Rescue Mission, Applicant; John Barden, Applicant; Gerald Bell, Applicant; Keith Pace, Applicant; Attorney James Baranello for Clearmideo LLC, Applicant; George Mowry, William Cleary, Joe Armideo, Ed Cleary.

REGULAR MEETING

The regular meeting of the Town of Cortlandville Planning Board was called to order at 7:40 p.m. by Chair Katherine Wickwire.

APPROVAL OF MINUTES – 30 JULY, 24 SEPTEMBER & 29 OCTOBER 2013

A motion was made by Member Nick Renzi to approve the Minutes of the 30 July, 24 September, and 29 October meetings, as submitted. The motion was seconded by Member John Finamore, with the vote recorded as follows:

Ayes: Chair Wickwire
Member Newell
Member Renzi

Nays: None

Member Finamore

Abstain: Member DelVecchio

Motion carried.

This becomes Action #54 of 2013.

INTRODUCTION OF NEW BOARD MEMBER

Chair Wickwire introduced and welcomed a new member of the Town of Cortlandville Planning Board, local attorney John Arden DelVecchio. Member DelVecchio assured everyone present that he would recuse himself from any applications which would be a conflict of interest.

OLD BUSINESS

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

(At the 29 October 2013 meeting of this Board, a Public Hearing was held regarding the applicant's failure to comply with his original Conditional Permit. At that time, the Public Hearing was recessed pending receipt of a Revised Site Plan, along with a timetable for its implementation.)

New Board Member John DelVecchio advised everyone present that, in the past, the applicant had been a client.

Board Member Nick Renzi acknowledged the revised Site Plan submitted by Mr. Barden. The plan included more detail. Member Renzi reviewed the undated narrative prepared by the applicant which set forth what he would like to do at his dealership. Member Renzi had prepared his own response to Mr. Barden's narrative, a copy of which is attached to these Minutes. Member Renzi read aloud the "Comments" contained on pages 2 and 3 of the attachment. The dimensions shown on the plan need to be more accurate, and lot coverage needs to be specified. There should be a new drawing showing all dimensions. There was no timetable provided, as requested by the Board. Regarding the fence mentioned at previous meetings, Mr. Barden stated that the new owner of the former Samson property, Economy Paving, might change the grade of their property and so he did not want to construct a new fence.

PZO Weber asked the applicant about placement of the vehicles shown in the photo he had supplied. Is this how they are proposed to be parked? Mr. Barden said, "That's correct." PZO Weber then added, when comparing the photo to the drawing, that on his drawing, the vehicles are parked behind the power line (which is the property line), but in the photo, the vehicles extend beyond that.

Chair Wickwire thought that, since the new plan was so much different that the original, it should be forwarded to County Planning for their review. Member Renzi commented that if this was done, it should also include the timetable, a drawing that was "professionally done, and a formal Conditional Permit request. PZO Weber stated that a revision to the existing CP could be done, and suggested that at the next meeting the Board could review what's being submitted, to see if they feel that the application is complete.

At the conclusion of this lengthy discussion, **a motion was made by Member Chris Newell to postpone the review of the Revised Site Plan until the 28 January 2014 meeting. 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 #55 of 2013.

Rescue Mission, Applicant/Gator Investments, Reputed Owner - 3654 NYS Route 281 (Cortlandville Plaza) - Conditional Permit for Donations Trailer

(Reference is made to the 29 October 2013 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 that time, Chair Wickwire and the Board suggested he explore alternatives and come back with a different plan; Mr. Chappell agreed to do so.)

Chair Wickwire recognized Mr. Chappell who explained that, to improve the proposed look of the trailer, they could gable the roof, place shutters on the windows, and landscape around the unit itself. The sign was removed. The donation trailer was needed as the store they moved from was larger than the subject store, which, they feel, has a superior location. The donation unit is "manned" about eleven hours per day. Anything deposited outside overnight is immediately picked up first thing in the morning.

Regarding placement of bushes onsite to block the view of the storage trailer, PZO Weber stated that if they were placed in the State right-of-way, permission from the State would have to be obtained; they may or may not give that approval.

Member Newell asked if it would be possible to relocate the storage unit to the far side of the property (north) along the fence. Mr. Chappell responded that the location of the unit is specified in their lease. Member Renzi asked if the landlord gave permission for relocating the trailer to the other side of the

parking lot, as suggested by Member Newell, would they do it? Mr. Chappell stated it would be more difficult to operate, having the unit away from the store itself. Chair Wickwire was concerned about setting a precedent, as was Member Newell. She commented that it never should have been placed there in the first place, and they had room enough at the former facility so a storage trailer was not needed. Moving to a smaller place was not the Board's problem.

At the conclusion of the discussion, **a motion was made by Member Newell to postpone the matter until the 28 January 2014 meeting of this Board to allow the applicant's rep time to explore an alternate location, as requested. The motion was seconded by Member Renzi, with the vote taken as follows:**

Ayes: Chair Wickwire

Nays: None

Member Newell

Member Renzi

Member Finamore

Member DelVecchio

Motion carried.

This becomes Action #56 of 2013.

NEW BUSINESS

Clearmideo LLC, Applicant/Reputed Owner – 3246 South Cortland-Virgil Road – TM #s 105.08-01-14 & 7 and 105.00-02-02 – Conditional Permit for Proposed Gas Station

Chair Wickwire recognized Town Attorney John Folmer who advised that the Board that Zoning Board of Appeals, at their meeting just before this one, had granted a use variance for construction of a gas station in a B-2 District. Therefore, they are not fully prepared to make a presentation to this Board. The applicant's attorney, James Baranello, concurred and requested to come back before this Board at their 28 January 2014 meeting; if unable to do so at that time, he would contact the Board.

A motion was then made by Member Renzi to postpone the request for a Conditional Permit until the 28 January 2014 meeting of the (T) Cortlandville Planning Board as requested by Attorney James Baranello. 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 #57 of 2013.

Gerald R. & FAYANNE L. Bell, Applicants/Reputed Owners – 1136 Blue Creek Road – TM #76.00-04-12.111 – Subdivision of Land

PZO Weber advised the Board that the owners had previously subdivided a couple of parcels out of this property without Town Planning Board approval. PZO Weber stated, and he also informed the applicants, that until such time as they get approval for that subdivision (which has already been filed), no action should be taken on this application. He further stated that he had asked Mr. Bell to make application for the previous subdivision at the same time as he made application for this one; this was not done. It was not understood how the previous subdivision could have been filed with the County without Town Planning Board approval; this should not have occurred.

Chair Wickwire and the Board then reviewed the copy of an aerial photo, which accompanied the current application. Mr. Bell explained the right-of-way shown to Mr. Stevens' property. PZO Weber also stated

that, regarding Mr. Stevens' property, that should have had a lot line adjustment by the Town Planning Board; this, too, was never applied for. Both Mr. Bell and Mr. Stevens had been so informed by PZO Weber; they chose not to do what was required.

The application before the Board at this time is to subdivide the house from the remainder of the property.

Town Attorney Folmer then commented "somewhere along the line, someone filed a subdivision in the County Clerk's Office improperly." It was his suggestion that the subdivisions should be done simultaneously. "Bring it all here, get it all done, do it all at one time." He also suggested trying to find out how got filed without Town Planning Board approval.

At the conclusion of the discussion, **a motion was made by Member Newell to postpone the subdivision until the 28 January 2014 meeting to allow the applicant time to submit the requested paperwork. 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 #58 of 2013.

Keith Pace, Applicant/Reputed Owner – 277 Tompkins Street – TM #96.09-01-55.000 – Site Plan for Proposed Addition

Chair Wickwire recognized the applicant who was seeking approval to construct a 24 ft. by 27 ft. one-story addition (at the rear of this existing building), shown as Tenant C on the Site Plan accompanying the application.

With no further discussion, a motion was made by Member John Finamore to approve the Site Plan for the proposed addition, 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 DeVecchio		

Motion carried.

This becomes Action #59 of 2013.

OTHER MATTERS

- ✓ **Walmart Storage Trailers** – PZO Weber reported solar panels are still being installed on the roof. PZO Weber will review the storage trailer issue to see what had been approved.
- ✓ **Grand Rental Station on McLean Road** – Chair Wickwire had received a complaint about the appearance of this business—too much equipment/lot coverage. PZO Weber will check on this.

- ✓ **Upstate Auto – Cor. Kinney Gulf Road & NYS Rte. 281** – PZO Weber left a message with them and only one vehicle is there now.
- ✓ **Cortlandville's Land Use Plan** – Board members received their copy. The Committee has done its job. Public and Town Board comments not made yet.
- ✓ **Employee Handbook** – Distributed to Board members.
- ✓ **Rescue Mission Trailer** – Member Finamore stated that other trailers (Tropical Wheels, Pall Trinity, etc.) are being used to “do their business.” This is done everywhere. He supports the donation unit as it is.

ADJOURNMENT

At 8:48 p.m., a motion to adjourn the meeting was made by Member Renzi, seconded by Member Newell, with all members present voting in the affirmative.


Joan E. Fitch, Board Secretary

E-mailed to Town, KW, JMF,
CN,
EA, NR, JF, TW, DC & BW on 1/27/14.

Attachment: Renzi Comments, 12/17/13



**NICK RENZI'S COMMENTS RELATIVE TO THE CONDITIONAL PERMIT APPLICATION
OF
JOHN BARDEN / FAST LANE AUTO
DECEMBER 17, 2013**

BACKGROUND:

The following Background statement was made in my Comments summary dated June 25, 2013.

Currently Mr. Barden is in violation of the original conditional permit and the owner (Samson) of the adjoining property has been negatively impacted by Mr. Barden's lack of conformance. The property appears to be packed to capacity with trucks, truck caps, boats assorted pieces of vehicles far in excess of the originally granted conditional permit.

The original conditional permit allowed ten road worthy vehicles to be displayed, currently there are about twenty five trucks parked three deep in front of the main building. To the rear of the main building is an accumulation of tires, truck caps and miscellaneous hardware with weeds growing through this accumulation. The entire side and rear areas are packed with trucks in various states of repair.

The entire site is in violation of the originally granted conditional permit.

Additional and most recent background information:

At the Planning Board meeting of October 29, 2013 there was a lengthy discussion with John Barden relative to course of action to be taken. The minutes of that meeting document that discussion. Essentially the Planning Board wanted:

A revised site Plan

A revised Conditional Permit request

A timetable to implement the revisions.

REQUESTED CHANGES TO THE CONDITIONAL PERMIT

Mr. Barden in his memo to Kathy Wickwire, Planning Board Chair is requesting the following as extracted from his memo:

1. Would like to have 30 trucks maximum
2. Usually 20 will be displayed in front of the dealership on blacktop.
3. On the North side of the building I would like to have 5 trucks ready to come in next.
4. Way out back and out of sight, 10 trucks waiting to go into queue.
5. We also have a 6-ton garbage container placed next to the building.

6. On the back of the building we store about fifty 30-gallon containers of vegetable oil for heating purposes.
7. I would like to build 3 wooden fenced compartments out back to house tires, tin and short steel.
8. A small amount of land out of sight shall be designated for our extra parts for our trucks. These parts would be bumpers, toolboxes, hoods, doors and any good used parts for my trucks.
9. Truck caps will be moved, stacked and stored at the back of the property.

The proposed and submitted marked up site plan shows:

1. A black topped area for 28 vehicles in front of the main building.
2. A black topped area with 5 cars in queue.
3. A Waste Management container is shown on this blacktopped area.
4. An area with crusher run for an additional 10 trucks to be worked on, three storage bins, storage shed and a 1000 square foot space for parts.

The above noted areas are shown on a hand made sketch not completely dimensioned.

COMMENTS:

I made there following comments in my June 25, 2013 report and they are still relevant:

1. The site plan should be resubmitted with accurate and readable dimensions showing all of the areas and access there to for not only business use but also for fire fighting equipment access. Aisles and roadway should be shown and dimensioned. Dimensions to reference points should show the actual location of the various parking areas.
2. Reasonable setbacks from all property lines should be shown by dimension. Vehicles and other hardware should not be placed up to the property lines. At least six feet on sides, rear and ten feet at the front.
3. A fence between the Barden property and the Samson property should be erected that would avoid Fast Lane customers and Barden employees from infringing on the Samson property. This fence should be in accordance with the town code and be aesthetically pleasing to the Samson's. This fence should block the view of any vehicles or equipment from the Samson's.
4. Comments and specifics as to the resulting lot coverage should be submitted reflecting on Section 178-2.2 A.
5. Define business hours and normal working days.

6. There shall be no parking of vehicles on Route 13 blocking the line of sight of traffic traveling south as viewed from the Samson's driveway.
7. The outside storage of tires, short steel and tin shall not be allowed. Consideration will be given to a storage building.

New comments:

8. The outside storage of tires, short steel and tin should not be granted since it is detrimental to the surrounding property and more than likely these storage areas will become over loaded and unmanaged.
9. Although the memo submitted by Mr. Barden states a maximum of **thirty** trucks the site plan sketch shows **forty-three**.
10. Considering all of the outside storage areas being requested there is no conformity to the Town Code relative to outside storage reference 178-36.5

I recommend that a code compliant and detailed site plan be submitted before the Planning Board acts on this request. In addition a timetable for execution as requested by the Planning Board in October is still due.

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