

TOWN OF CORTLANDVILLE PLANNING BOARD
Minutes of Public Hearing & Regular Meeting - Tuesday, 29 October 2013 - 7:30 PM
Town Hall Board Room - 3577 Terrace Road - Cortland, NY

Board Members (*absent)

Katherine Wickwire, Chairperson
Christopher Newell
Nicholas Renzi
*Elizabeth Ambrose
John M. Finamore

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; Attorney Mike Shafer & Engineer Chuck Feiszli for Used Car King, LLC, Applicant; Attorney David Hartnett for Cortland County, Applicant; John Barden, Applicant; David J. Adams, Applicant; Daniel Freelove, Applicant; Karen Howe, James McNamara, David W. Adams, Agnes Renzi.

PUBLIC HEARING

John Barden, Applicant/Reputed Owner, dba Fastlane Auto - 1799 NYS Route 13 - TM #77.00-01-34.000 - Compliance w/Conditional Permit

At 7:34 p.m., Board Secretary Fitch read aloud the Public Hearing notice as published in the Cortland Standard on 15 October 2012. Proof of Publication has been placed on file for the record.

Chair Katherine Wickwire recognized Mr. Barden who reported what he had accomplished (since his last appearance before this Board) by way of cleaning up the subject property to bring it into compliance with his Conditional Permit; he also provided photographs. PZO Weber stated he had visited the subject site today and had also taken photos which were shown to Board members, and have been placed on file for the record. Member Nick Renzi then asked the applicant what was the point of informing the Board of what has been removed. Mr. Barden went on to explain that his previous agreement/contract to purchase the Samson property next door did not go through; the property was sold to someone else (Economy Paving). He advised the Board that he currently has two other offers "on the table at two other locations." The subject facility will be kept, regardless, he stated. He expects to hear about the other offers "within 60 days." Those parcels would be used for "overflow storage," one being located in Syracuse, and one in the Town of Cortlandville. Mr. Barden then added that "by the end of this week, I'll have a lot more stuff out of there." He would also like to erect a fence between the Samson property and his property, back to the rear property line. He then asked the Board to work with him to continue to do business at this location.

Chair Wickwire advised Mr. Barden that the Board did not try to put people out of business, but he had a Conditional Permit and, because of a complaint, it was brought to everyone's attention; it was then discovered that he was not in compliance with his Conditional Permit. Chair Wickwire then acknowledged receipt of a 10/1/13 letter from Larry Knickerbocker, Mr. Barden's attorney. She added that the Planning Board wanted to work with him, but he should come up "with a Revised Plan because you are going to have other land and you can get rid of some of this . . ." Mr. Barden stated that PZO Weber had previously advised him, regarding display vehicles, that he had "way too many up front, like 32 or 34," and he's now down to two rows (19 or 20). He also has removed 25 vehicles "from out back," and lots of other stuff. PZO Weber added that there are presently two-to-three piles of tires, piles of scrap, etc. still there, and the conditions he witnessed today are "still pretty bad." Stuff is sitting in weeds with weeds growing up between them. Mr. Barden advised that within 30 days, "there will be no tires, no scrap. I can guarantee that. I would say probably another five vehicles will be gone." He further stated that he would like to be able to display up to 25 vehicles and service vehicles there. Mr. Barden stated he never constructed the storage building he received approval for on 29 April 2008 (Action #39 of 2008). However, he may return before this Board to see if he could "build a storage

building out back just for parts and what-not.” He will “definitely come back and amend that with a plan.” Chair Wickwire asked when that would be, and the applicant responded “I would say we could come back with a plan at the next meeting if you want.”

Member Renzi stated, in a recap, that the applicant had appeared before this Board in March of 2013, and it has now been seven months and he is still not in compliance with his Conditional Permit. The Board understands he needs to run a business and he does not have lots of employees, but it is the applicant’s problem to solve. Member Renzi advised, “You’ve got to come back at the next meeting—and we’re being very lenient—with a definitive plan to get this property in conformance with the Conditional Permit. No excuses, no weather, no limited people, none of that stuff.” Chair Wickwire advised the applicant that he could make a revision request. Member Renzi clarified this by stating, “Whatever it is that you’re going to do, get it done. You haven’t applied for a Conditional Permit extension or modification. So if you want to do that, come in with a request to change the Conditional Permit, and a set of plans that defines what you’re going to do with this revised Conditional Permit by the next meeting.” Mr. Barden responded by stating that, at the last meeting he was here, with Attorney Knickerbocker, he did have a plan that was not looked at. PZO Weber stated there were discussions at that time, but he did not recall anything in writing. Member Newell responded he had seen nothing that reflected an increase from 20 vehicles to 30 vehicles. PZO Weber said that Attorney Knickerbocker’s letter referred to coming back to another meeting with a revised plan. Mr. Barden then said that what he wanted to do had been explained at a previous meeting, but there was “nothing on paper.” He then stated, “so we’ll bring that back on paper for you, by the next meeting.”

PZO Weber explained to the applicant that his Conditional Permit limited him to the sale of vehicles, not the storage of tires, scrap metal, and junk vehicles; if he wanted to do those things, he needed to come back with a revised plan. Mr. Barden disagreed with PZO Weber’s use of the word “junk.” Chair Wickwire interrupted the beginning of a “junk” discussion and advised the applicant, “What we want you to do is bring back either a revised plan or tell us that you’re in compliance to this plan that you have now. You said you could bring back a revised plan . . . then that’s it. We should have pulled your Permit right now, but we’re not doing that because we like you, believe it or not, and we like your business. We want to make sure that you do well in business, but you can’t just keep telling us yes, I want to do this and I want this and I want to do this and nothing is done. You have been cleaning out. Fine, but you need to come back with a revised Conditional Permit request.” Member Renzi thought this was fine, with one addition—a timetable to execute what he would like to do, to get it done.

Member Renzi again clarified what Mr. Barden needed to do: come back with a revised plan, a revised Conditional Permit request, and a timetable to implement the revisions. PZO Weber stated the applicant had issues that he will have to address based on lot coverage and what he proposed to do. If Mr. Barden exceeds the lot coverage, he’ll need a variance for that. However, without a plan, that determination cannot be made.

Town Attorney Folmer advised that what the Board had requested of the applicant needed to be submitted at least a week before the meeting so it can be circulated. Chair Wickwire thought that would not give Mr. Barden enough time, and maybe the Board should give additional time to receive the requested materials. Chair Wickwire reviewed the calendar. The submittal date for the 26 November meeting would be 19 November, not enough time, she said. After a brief discussion, the Board thought it best to change their December 31st meeting date to 17 December 2013, with the requested materials to be received by 10 December.

Chair Wickwire recognized James McNamara who wished to address the Board regarding this applicant. Mr. McNamara stated he traveled by the applicant’s business every day. Customers park on the shoulder of the road. Vehicles are loaded/unloaded on the shoulder also. He stated he complained to the Town in June, and was told the applicant was allowed to park any place that he wanted to and had no restriction on the number of vehicles. Chair Wickwire asked Mr. McNamara whom he had talked with, and he answered Tom Williams. Mr. McNamara stated he expected to see a Site Plan here at this Public Hearing. He added that “this place is a traffic hazard. Somebody’s going to have an accident out there at some point in time.”

At the conclusion of this extensive discussion, a motion was made by Member Newell to recess the Public Hearing until 17 December 2013 at 7:30 p.m., pending receipt of a Revised Site Plan and a timetable for its implementation. The motion was seconded by Member Renzi, with the vote recorded as follows:

Ayes: Chair Wickwire

Nays: None

Member Newell

Member Renzi

Member Finamore

Absent: Member Ambrose

Motion carried.

This becomes Action #47 of 2013.

REGULAR MEETING

The regular meeting of the Town of Cortlandville Planning Board was called to order by Chair Wickwire.

OLD BUSINESS

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

Chair Wickwire recognized 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. The trailer, which is already there, is being used as a drop-off place for Rescue Mission Donations. He apologized for placing the trailer before approval of a permit.

Mr. Chappell explained the “donation center” would be skirted. This center is staffed from 9 a.m. to 8 p.m., seven days a week. If anything is left outside after the main store closes at 9 p.m., the staff of the main store will retrieve it for their nightly truck pickup, which also occurs seven nights a week. He stated that they have five donation centers in Wegman’s parking lots and they are pleased with their facility. Heat is provided by propane heaters; lights are solar-powered.

Chair Wickwire commented that she had a problem with the location of the donation center. She thought it was “ugly” and very visible, next to McLean Road, is a trailer. This has never been allowed before and is permanent, not temporary. Mr. Chappell offered to provide some sort of visual buffer between the road and the trailer – some greenery on the berm he stated. Chair Wickwire thought this would be an improvement. PZO Weber stated that plantings would not shield the trailer from view and it also should not obstruct the line of sight from the nearby driveway onto the McLean Road.

When asked what was done at the Groton Ave. Plaza store, Mr. Chappell stated they had no donation trailer outside because the store itself was larger and donations were taken inside.

Member Renzi asked if a different, Amish-type of building had been considered; Mr. Chappell said he’d never been asked that question but thought “trimming it out” might be a possibility, but the subject trailer is most economical and holds enough product for a truckload. Member Renzi asked Mr. Chappell if it would be an imposition for him to look at some other type of storage building, perhaps with a peaked roof, which would look better. Chair Wickwire suggested he come back with a different plan and maybe some plantings to dress up the area; Mr. Chappell agreed to do so.

At the conclusion of this discussion, a motion was made by Member Newell to postpone the request for a Conditional Permit until the 26 November 2013 meeting of the (T) Cortlandville Planning Board to provide the applicant's rep to explore alternatives 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

Absent: Member Ambrose

Motion carried.

This becomes Action #48 of 2013.

Used Car King, LLC, Applicant/Reputed Owner – 3861 NYS Route 281 – TM #86.17-01-11.100 – Conditional Permit

Chair Wickwire recognized Attorney Mike Shafer and Engineer Chuck Feiszli, representing the applicant. Mr. Feiszli had put together a revised plan for this proposed project (expansion of parking lot for sales vehicles), and he explained the drainage revisions, etc., for the additional 130 vehicles (down from previous 170 vehicles). PZO Weber reminded them that a variance would be required for exceeding lot coverage, and also that the ZBA has requested this Board act as Lead Agency under SEQRA. A Full EAF needs to be completed and submitted.

Attorney Shafer spoke about recharge issues, and Engineer Feiszli stated he had not yet talked with Pat Reidy of County Soil & Water. They were present to consult with the Board regarding the process. Attorney Shafer stated they needed to put the design elements together and come back with a formalized SWPPP. They will go back to the ZBA with their revised plan which includes using semi-permeable materials to lessen the impact on drainage issues. Attorney Shafer asked if the Board had anything they were concerned about. Chair Wickwire stated she would like comments from Pat Reidy after he reviews what the engineer has prepared.

Member Renzi reiterated that lot coverage and green space are the big issues they need to address. Engineer Feiszli stated he would talk with Mr. Reidy. Member Renzi would like to be invited to that discussion. The applicant is looking to spring to build.

No Action Taken.

NEW BUSINESS

Daniel J. Freelove, Applicant/Reputed Owner – 3550 Loope Road – TM #97.04-01-03.000 – Conditional Permit for MVR Business in Ag District

Chair Wickwire recognized the applicant who was seeking a Conditional Permit to operate an auto repair business as described in his application. The ZBA had met prior to this meeting and granted Mr. Freelove a variance to conduct this business in an Agricultural District.

Chair Wickwire and the Board reviewed the Cortland County Planning Board's Resolution No 13-34, a copy of which has been placed on file for the record. The resolution recommended approval of the application with contingencies. Mr. Freelove stated that he had no problem with any of the contingencies therein.

With no further discussion, a motion was then made by Member Newell to approve the Conditional Permit for an auto repair business, as requested, as long as all ZBA and Cortland County Planning

Board's recommendations are met. The motion was seconded by Member Renzi, with the vote recorded as follows:

Ayes: Chair Wickwire

Nays: None

Member Newell

Member Renzi

Member Finamore

Absent: Member Ambrose

Motion carried.

This becomes Action #49 of 2013.

Cortland County, Applicant/Reputed Owner - 4267-4272 Miller Street - TM #76.19-01-55.000 - Subdivision of Land

AND

Land Essentials, Inc., Applicant/Reputed Owner - 4316 US Route 11 - TM #76.19-01-19.120 - Subdivision of Land

Chair Wickwire recognized David Hartnett, Assistant County Attorney, representing the applicants who were seeking a "land swap" as shown on the aerial map accompanying the applications. Each applicant had subdivided a portion of their parcels and were exchanging it as indicated

A motion was made by Member Newell to approve the subdivision of TM #76.19-01-55.000 (Cortland County, Reputed Owner), 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

Absent: Member Ambrose

Motion carried.

This becomes Action #50 of 2013.

A motion was then made by Member Newell to approve the subdivision of TM #76.19-01-19.120 (Land Essentials, Reputed Owner), 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

Absent: Member Ambrose

Motion carried.

This becomes Action #51 of 2013.

David Adams, Applicant/Connie Triscari, Reputed Owner - 4316 US Route 11 - TM #95.16-01-12.000 - Conditional Permit for Proposed Woodworking Business

Chair Wickwire recognized David J. Adams (son) and David W. Adams (father) who were seeking a Conditional Permit to conduct a woodworking business at this location (former Damian Auto). A narrative attached to the application stated that they were proposing to operate this wood carving business (chainsaw carvings) Tuesday thru Sundays, 9 a.m. to 6 p.m. Logs would be carved on the north side of the building, with a display area on the south side front of the building, all as shown on the sketch plan accompanying the application. They would also like to sell Christmas trees during the season and eventually build and sell swing sets. Concern was voiced over possible loud noise from using the chainsaw(s) outdoors. The Board thought approving a Conditional Permit for a set period would allow time for possible complaints to be received.

After a brief discussion, a motion was made by Member Newell to approve the Conditional Permit for the woodworking business, as requested, with review of the Permit in six (6) months if any complaints have been received. The motion was seconded by Member Renzi, with the vote recorded as follows:

Ayes: Chair Wickwire

Nays: None

Member Newell

Member Renzi

Member Finamore

Absent: Member Ambrose

Motion carried.

This becomes Action #52 of 2013.

Anthony & Patricia DiGiovanna, Applicants/Reputed Owners – 869 Wen Lane - TM #s 86.16-01-05.000, 85.16-02-02.000 & 03.000 – Lot Line Adjustment

PZO Weber explained that the applicants were simply adding a portion to the existing house and the remaining lands will be combined with another parcel to the south that they own, as shown on a map accompanying the application.

With no further discussion, a motion was made by Member Renzi to approve the Lot Line Adjustment 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

Absent: Member Ambrose

Motion carried.

This becomes Action #53 of 2013.

OTHER MATTERS

- ✓ **Walmart Storage Trailers** – PZO Weber reported that these storage units were moved from the rear of the facility to the side while they were installing solar panels on the roof. They have layaway goods in them for Christmas, and they will be moved back where they originally were. Part of them will be gone. PZO Weber will review the storage trailer issue to see what had been approved.
- ✓ **Letter from VanDeusen (sp) – Gwen Lane** – Board members had received a copy of a letter complaining about someone who has not hooked up to public sewer as they are required to do.
- ✓ **Upstate Auto – Cor. Kinney Gulf Road & NYS Rte. 281** – Member John Finamore asked about pre-owned vehicles being display for sale on this vacant lot. This makes the line of sight obstructed when exiting onto Route 281 from Kinney Gulf. PZO Weber stated that the owner is not authorized to have cars there, but he is welcome to come in and make application for same.
- ✓ **Cortland Co. Surplus Land (next to Lime Hollow NC)** – Chair Wickwire advised that she did not send out letter as indicated in last month's Planning Board Minutes after talking with Town Attorney.
- ✓ **Vacant Land at Top of Commons Ave.** – Chair Wickwire reported that one of the neighbors to this property had purchased it.

ADJOURNMENT

At 9:05 p.m., a motion to adjourn the meeting was made by Member Newell, seconded by Member Renzi, 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 11/16/13.