

**TOWN OF CORTLANDVILLE PLANNING BOARD**  
**Minutes of Regular Meeting - Tuesday, 25 June 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**

Glenn Reisweber for Lime Hollow Nature Center, Inc., Applicant; John Barden, Applicant & Attorney  
Larry Knickerbocker (did not sign Attendance Sheet); Fred & Trevor Schadewald; Nancy & Sandy Samson  
& Attorney Mike Shafer.

<b>REGULAR MEETING</b>
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**The Regular Meeting of the Town of Cortlandville Planning Board was called to order by Chairperson Katherine Wickwire at 7:30 p.m. Board Member Elizabeth Ambrose had not arrived at this time.**

**APPROVAL OF MINUTES – 27 MARCH, 30 APRIL & 28 MAY 2013**

**A motion was made by Member Chris Newell to approve the Minutes of the 27 March, 30 April, and 28 May 2013 Planning Board meetings, 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**

**Absent: Member Ambrose**

**Motion carried.**

**This becomes Action #29 of 2013.**

(Member Ambrose arrived.)

**OLD BUSINESS**

**Lime Hollow Nature Center, Inc., Applicant/Lee Webster, Reputed Owner – 3269 Gracie Road – TM #105.05-01-12.110 – Lot Line Adjustment**

Chair Wickwire recognized Glenn Reisweber, representing the applicant who was seeking a Lot Line Adjustment to acquire a 20-foot strip from this parcel to serve as driveway access to the new Lime Hollow Education Center. Since the acquisition of this 20-foot strip made this parcel less than the required acreage, a variance was obtained at the ZBA meeting held prior to this one.

A motion was made by Member Newell to approve the Lot Line Adjustment, as requested. 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 Ambrose</b>		
	<b>Member Finamore</b>		

Motion carried.

**This becomes Action #30 of 2013.**

**Lime Hollow Nature Center, Inc., Applicant/Reputed Owner – 3277 Gracie Road – TM #s 105.05-13.110 & 12.110 – Conditional Permit & Aquifer Protection District Special Permit**

Chair Wickwire once again acknowledged Glenn Reisweber, representing the applicant who was seeking a Conditional Permit for the proposed Environmental Educational Center at this facility, as shown on the Site Plan submitted, and as described in the 28 May 2013 Minutes of this Board.

In response to Chair Wickwire's question, Mr. Reisweber stated that the bridge would be one lane only. CEO Weber advised the Board that he had just received the stormwater plan, so Patrick Reidy of County Soil & Water had not had the opportunity to review it yet.

Chair Wickwire acknowledged receipt of the County Planning Board's Resolution No. 13-11, dated 17 April 2013, regarding this project.

With no further discussion, a motion was made by Member Newell to approve a Conditional Permit for the proposed Environmental Education Center, incorporating Items 1 thru 8 of the Cortland County Planning Board's Resolution No. 13-11, dated 17 April 2013. 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 Ambrose</b>		
	<b>Member Finamore</b>		

Motion carried.

**This becomes Action #31 of 2013.**

A motion was then made by Member Newell that the Town of Cortlandville Planning Board recommends to the Town Board that they issue an Aquifer Protection District Special Permit and act as Lead Agency under SEQRA for the proposed Environmental Education Center. 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 Ambrose</b>		
	<b>Member Finamore</b>		

Motion carried.

**This becomes Action #32 of 2013.**

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

CEO Weber advised Chair Wickwire that Attorney Mike Shafer was present regarding this matter, representing Nancy and Sandy Samson, owners of the adjoining property, and he had requested Privilege of the Floor.

Chair Wickwire then recognized the applicant and his attorney, Larry Knickerbocker, who stated he had submitted a letter (not dated) along with a copy of a survey map (rev. 10/12/07) to give the Board an idea of what Mr. Barden wanted to do regarding expansion of his business, Fast Lane Auto. Mr. Barden was asked at last month's Planning Board meeting to come up with a detailed plan "so we know exactly what you are asking for," including dimensions of the area(s) where the vehicles will be parked. (Reference is made to those Minutes for further details.) He also explained what was transpiring on a daily basis at this business.

Chair Wickwire then acknowledged Attorney Shafer, who had requested privilege of the floor, as stated above. Representing the Samsons, Attorney Shafer re-visited what has transpired at this property since its Conditional Permit was approved in 2007. The Permit set forth certain requirements for the business which has since been determined by the CEO to be not in conformance. Mr. Barden now has some 30± vehicles parked on the site, with some in the Route 13 ROW. The Samsons claim Mr. Barden's customers drive vehicles on their property and ongoing trespasses are occurring. Photographs were submitted showing the general conditions of how the Barden property is being maintained. He does not understand how Mr. Barden can come before this Board to seek an expansion of this business which is not in conformance with the original Conditional Permit. According to Attorney Shafer, Mr. Barden has totally ignored the responsibilities under the existing Conditional Permit.

Chair Wickwire stated she visited the site today and she considered it "pretty bad." Every inch of that piece of property, she stated, is covered in something, whether a boat, junk, tires, parts of vehicles, or cars, dumpster w/weeds growing around it, etc. She advised the owner that he had violated the Conditional Permit that was issued, and if he wanted more vehicles there, the Board needed a better map showing more detail. Member Renzi continued by saying that the Board was "not here to put you out of business. . ." but when it became obvious that the Conditional Permit was being violated, Mr. Barden should have come back before the Board to resolve the situation. The new conditions being requested will not exacerbate the problem. Member Renzi advised him to "get into performance with the Conditional Permit, and then let's talk about this expansion." He then recommended resubmitting the Site Plan w/dimensions of the areas showing placement of gravel, blacktop, grass. What's the area? How much green space will there be? Member Renzi read aloud and then submitted his written comments (see Attachment A at the end of these Minutes), providing a copy to Mr. Barden and his attorney. After returning with a new Site Plan, it will be sent to County Planning for their review.

Chair Wickwire commented that the subject property is just too small to do the kind of business that he is doing. Mr. Barden stated he will try to make the Planning Board happy while looking for another property.

Town Attorney Folmer advised the Board that they needed to let Mr. Barden go through the recommendations that had been made and not commit to any decision in advance of seeing the drawing that had been requested. Attorney Shafer commented that if a fence was installed, and the appropriate setbacks were maintained, it might solve the Samson's problems. Attorney Knickerbocker stated that he will review the comments and come back with their response. CEO Weber asked the applicant to contact him to make sure he has the correct forms since they would be changing the Conditional Permit.

Mr. Barden then mentioned the he has wanted to excavate the rear hilly portion of this property because if he had that portion flattened, he could then be more organized. CEO Weber added that he also could have potentially more lot coverage than what's allowed as a portion of the subject property is in the Wellhead Protection District.

Member Newell requested the applicant submit a cut sheet/photo/rendering of the type of fence that he would propose.

At the conclusion of this extensive discussion, a motion was made by Member Renzi to postpone the review of the Conditional Permit until the 30 July 2013 meeting of the Town of Cortlandville Planning Board. The motion was seconded by Member Newell, with the vote recorded as follows:

**Ayes:** Chair Wickwire  
Member Newell  
Member Renzi  
Member Ambrose  
Member Finamore

**Nays:** None

Motion carried.

**This becomes Action #33 of 2013.**

## **NEW BUSINESS**

### **Dickey's BBQ, Applicant/SMS Motor Sports, LLC, Reputed Owner – 1346-1344 Carroll Street – TM #76.19-01-32.120 – Conditional Permit for Food Sales Trailer**

Chair Wickwire acknowledged that neither the applicant nor the owner was present, so PZO Weber explained that that applicant was seeking a Conditional Permit to set up a mobile food trailer at this location during the County Fair, from 8 July thru 13 July 2013, operating from 10 a.m. until dark. Planning Board members had no problem with this.

With very little discussion, a motion was made by Member Newell to approve the Subdivision, as requested. The motion was seconded by Member Renzi, with the vote recorded as follows:

**Ayes:** Chair Wickwire  
Member Newell  
Member Renzi  
Member Ambrose  
Member Finamore

**Nays:** None

Motion carried.

**This becomes Action #34 of 2013.**

## **OTHER MATTERS**

- ✓ **Jim Reeners' Proposed Senior Project** – Member Renzi said that he had received an email from Mr. Reeners stating that the owner of the property was not willing to extend the purchase offer on this property any later than 28 June. The owner will then seek other offers. Member Ambrose thought that the entire Board needs to keep in mind that the Town has an explosive senior population coming in the near future, everywhere, and this type of senior housing was really needed. The Board felt that Mr. Reeners had received the wrong impression from them; a better job communicating needed to be done.
- ✓ **Training** – Upcoming training was briefly discussed. Those members who planned to attend should contact Chair Wickwire or Town Clerk Karen Snyder.

## **ADJOURNMENT**

At 8:30 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. (Member Ambrose left before adjournment.)

  
Joan E. Fitch, Board Secretary

E-mailed to Town, KW, JMF,  
CN,  
EA, NR, JF, TW & BW on 7/28/13. (R)

ATTACHMENT A

**COMMENTS RELATIVE TO THE CONDITIONAL PERMIT APPLICATION  
OF  
JOHN BARDEN / FAST LANE AUTO**

**BACKGROUND:**

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 roadworthy 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.

**REQUESTED AMENDMENT TO THE PREVIOUSLY GRANTED CONDITIONAL PERMIT:**

The proposed and submitted marked up site plan shows:

1. A blacktopped area for 32 vehicles in front of the main building.
2. An area with crusher run for an additional 15 roadworthy vehicles.
3. An area at the rear of the property for the storage of an unknown quantity of vehicles awaiting repair.
4. An area for temporary tire storage.
5. An area for temporary storage of short steel and tin.

The above noted areas are not clearly dimensioned and located on the submitted site drawing.

**COMMENTS:**

Considering the total disregard that Mr. Barden has shown for the stipulations of the original conditional permit, it is highly doubtful that his performance with enlarged storage areas will result in anything more than more areas of mismanaged vehicles and assorted hardware.

Mr. Barden has not shown the level of responsibility to support his request for an amended conditional permit, but if the Planning Board wishes to act on the submitted amendment, then the following should be addressed:

1. The site plan should be resubmitted with accurate and readable dimensions showing all of the areas and access thereto 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 Samsons. This fence should block the view of any vehicles or equipment from the Samsons.
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.

Mr. Barden has proven to be oblivious to the responsibilities that are part of a conditional permit and site plan approval. Without very specific definitions of the previously mentioned storage areas, there will be a constant and continual code enforcement activity which will consume a department that is already overburdened. In addition, 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 overloaded and unmanaged.

I recommend that a more refined and detailed site plan be submitted before the Planning Board acts on this request.

Submitted by Nick Renzi  
Planning Board member  
June 25, 2013