

**TOWN OF CORTLANDVILLE PLANNING BOARD**  
**Minutes of Regular Meeting - Tuesday, 26 March 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**

Jim Gosier, Andrew Ramsgard, Kurt Hackwelder & Nick Marsella for Byrne Dairy, Applicant; Glenn Reisweber (did not sign Attendance Sheet) & Forrest Earl for Lime Hollow Nature Center; David Law for CMY Power Sports, Applicant; Geoff Tyrrell, Applicant; Jeff Carroll (not on Attendance Sheet), Andrew Ramsgard; Sarah Bullock, Cortland Standard Reporter.

<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.**

**APPROVAL OF MINUTES – 26 FEBRUARY 2013**

**A motion was made by Member Nick Renzi to approve the Minutes of the 26 February 2013 Planning Board meeting, as submitted. The motion was seconded by Member Chris 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 #13 of 2013.**

**OLD BUSINESS**

**Byrne Dairy, Inc., Applicant/Reputed Owner - 840 NYS Route 13 (Finger Lakes East Business Park) – TM #s105.00-03-15, 16, 17, 18, 20, 21, 24, 25, 26 & 27 – Site Plan Review & Aquifer Protection District Special Permit for Proposed Manufacturing Facilities, Agri-Tourism Center, Lodge, Etc.**

Chair Wickwire recognized Jim Gosier, General Counsel for Byrne Dairy, who introduced Kurt Hackwelder from QPK Design, LLP; and Nick Marsella, Chief Operating Officer of Byrne Dairy.

Mr. Gosier stated a couple of small changes had been made to the plans reviewed by the Board at their February meeting: they squared off the northern edge of the building (where loading docks are), and have moved their wastewater treatment facility as shown. The dumpster location was indicated as being surrounded by an enclosure and trees. Mr. Gosier also stated that, now, they are thinking that the entire 200 parking spaces will be utilized; before it was 100 spaces, with 100 in “reserve.”

Mr. Gosier stated Byrne representatives did attend the County Planning Board meeting held last week, so they had received the County recommendations and did concur with them. Discussion of the SEQRA process was completed with the IDA who maintains that since they acted as Lead Agency for the development of the Finger Lakes East Business Park, Phase 1 of the subject project does not exceed any

of the environmental thresholds set forth in the “shovel-ready certification.” The IDA, however, will maintain their Lead Agency status and said that no further SEQR review is required.

Chair Wickwire then asked about maintenance of the stormwater system. Mr. Gosier explained that, currently, the Town maintains the stormwater management facilities. County Planning has recommended that Byrne Dairy now take this over; Byrne has no objection, he stated. Mr. Gosier introduced Andy Ramsgard who gave a PowerPoint presentation on the development of the project, including the proposed seven windmills near NYS Route 13. They will be lighted by LED lights which change colors with the windspeed/temperature. Computer-generated images were shown depicting the views of the project from NYS Route 13 as if driving by. Each windmill will be fenced in at its base. This will be an “attractive feature that creates a hallmark for the property and gives everybody something to remember.”

Member Renzi asked Mr. Ramsgard about heights of windmills and distances apart; Mr. Ramsgard stated that they could potentially hit an adjacent windmill if one fell. However, they will be kept clustered together in a tight arrangement. They have small blades and the average windspeed is 8 MPH. He then described the foundation of each windmill. Tallest one is 90 feet.

Chair Wickwire commented on County Planning’s Resolution No. 13-08 dated 20 March 2013; Mr. Gosier stated that the applicant agreed with each recommendation indicated in the Resolution. In addition, there will be an events management plan for the amphitheater. The lighting plan has been submitted; there is no lighting at the amphitheater. Only portable lighting will be used at that location. Only lighting at the “lodge” will be small, walkway lights. No additional lighting will be in the “farm area,” other than along walkway.

Member Renzi asked that any future changes in the drawings be noted as revisions on same.

**A motion was then made by Member Renzi to approve Phase 1 of the submitted Site Plans for the proposed multi-phased dairy product manufacturing and agri-tourism facility, incorporating Items 1 thru 13 of the Cortland County Planning Board’s Resolution No. 13-08 dated 20 March 2013. 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 Ambrose</b>		
	<b>Member Finamore</b>		

**Motion carried.**

**This becomes Action #14 of 2013.**

**A motion was then made by Member Renzi 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. 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 Ambrose</b>		
	<b>Member Finamore</b>		

**Motion carried.**

**This becomes Action #15 of 2013.**

Town Attorney John Folmer cautioned the Planning Board to be very specific as to what it is that’s being approved. The SEQR performed by the IDA does not reflect what may occur in the full buildout of the project. A further SEQR review beyond Phase 1 may be required.

In response to Member John Finamore's question regarding a traffic light on NYS Route 13, Mr. Gosier stated that they had met with their Traffic Engineer and a request for the light had been made to the NYSDOT who responded that one was not required. Mr. Gosier stated that the "pork chop" may be removed or some sort of "widening" done at this location.

**Lime Hollow Nature Center, Inc., Applicant/Reputed Owner – 3277 Gracie Road – TM #s 105.05-01-13.110 & 12.110 – Proposed Environmental Education Center**

It is noted for the record that a Sketch Plan Conference regarding this project was held at the 26 February 2013 meeting of this Board. Reference is made to those Minutes for additional details.)

Chair Wickwire recognized Glenn Reisweber who stated that the locations of the well and septic system were now shown on the plan, and the "architectural survey" is still to be done. The parking lot will be gravel so there may be no spaces indicated. Phase 1 will leave some open green space available if additional parking is needed. Member Renzi commented that the applicant did a good job answering the checklist of questions.

With no further discussion, **a motion was made by Member Renzi to send the applications for a Conditional Permit and an Aquifer Protection District Special Permit for the proposed Environmental Education Center to the Cortland County Planning Department for their review. 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 #16 of 2013.**

**NEW BUSINESS**

**CNY Power Sports, Applicant/David Law, Reputed Owner – 3871 US Route 11 – TM #87.00-04-04.000 – Conditional Permit for Used Oil Storage**

Chair Wickwire recognized the owner who explained that he was looking for a Conditional Permit to store heating oil and used cooking oil on his property in 250-gallon containers, as shown on the map accompanying the application. There is nothing underneath them to act as containment. At the time, he had 9 cooking oil and 6 motor oil containers. He stated that his company has been doing this for a "period" of time and did not realize he should get a permit to do so from the Town. The motor oil is used for heating of their building.

PZO Weber advised that there should be containment at least for the largest container. Mr. Law stated it was difficult to have containment because he never knows what will be there. The majority is used cooking oil and there are no requirements relating to this. Member Newell suggested maybe separating the two oils and providing containment for the motor/heating oil. The applicant stated he could do this. However, he preferred to have the cooking oil around the motor/heating oil so this would not be easily accessible. Member Renzi suggested putting "these" on a slab and have a curbed area equal to 500 gallons of containment.

Coming up with a plan was discussed, and the applicant stated he could have a plan prepared by next month's meeting. Chair Wickwire advised him to do so, and come back next month before this Board. PZO Weber clarified "containment" for Mr. Law, who added that the main problem was getting a forklife into the area to move the containers.

**A motion was then made by Member Renzi to postpone any action on this application until the Planning Board's meeting of 30 April 2013 in order to allow the applicant/rep time to prepare the requested information. 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 Ambrose</b>		
	<b>Member Finamore</b>		

**Motion carried.**

**This becomes Action #17 of 2013.**

**Geoffrey Tyrrell, Applicant/Faith Frost, Reputed Owner (Jamie Yaman on Agenda) – 3561 Page Green Road – TM #96.00-01-23.000 – Two-Lot Subdivision of Land**

PZO Weber advised the Board that Jeff Carroll was present regarding this matter. Mr. Carroll stated he was present instead of Jamie Yaman regarding subdividing a 45±-acre parcel from this 89.9±-acre parcel. He handed out an aerial photo for the Board's use.

PZO Weber asked if there was any way to clean up the small area that would be created by bringing it in line with the existing property lines. If this area was being left for access, he stated, the minimum width of a Town road is 60 feet. PZO Weber noted this was the first time he had seen what was being proposed. Chair Wickwire asked why the property lines were drawn as shown? Mr. Carroll replied that this was a "fairly arbitrary drawing" based on what the survey will show for a 45-acre parcel. Final survey has not been done. Chair Wickwire asked Mr. Carroll if he wanted to come back with a more accurate representation of what it is he wants to do. Member Newell stated that the Board needed a sketch with dimensions.

**A motion was then made by Member Newell to postpone any action on this application until the Planning Board's meeting of 30 April 2013 in order to allow the applicant/rep time to prepare the requested information. 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 Ambrose</b>		
	<b>Member Finamore</b>		

**Motion carried.**

**This becomes Action #18 of 2013.**

**John Barden, Reputed Owner, dba Fastlane Auto – 1799 NYS Route 13 – TM #77.00-01-34.000 – Review Conditions of Special Permit Approval**

PZO Weber addressed the Board and stated that the above owner was not in compliance with the conditions of the previously approved Special Permit at the present time. Vehicles are being parked where not permitted, and no junk vehicles are allowed. Mr. Weber asked Mr. Barden to come in with a revised plan, which he did not do. Mr. Barden's attorney, Mr. Knickerbocker, called PZO Weber today, asking that the matter be postponed until the April meeting of this Board so the attorney could review Mr. Barden's Permit. PZO Weber added that this is the second time the owner has had the same problems in the same area. Neighbors have called and complained, and Mr. Barden took care of it at that time. The same violations have occurred again, so PZO Weber requested that Mr. Barden bring the property into compliance at least with the parking of the vehicles where they are not supposed to be parked. PZO Weber then requested that the Board give Mr. Barden a week to move the vehicles; if not moved, then he asked for a resolution to hold a Public Hearing to review his Conditional Permit.

After a brief discussion, a motion was made by Member Renzi that the subject property be brought into compliance with the Conditional Permit within seven (7) days, and kept that way. Failure to do so will result in the Town of Cortlandville's Planning Board holding a Public Hearing at their 30 April 2013 meeting for the purpose of reviewing said Conditional Permit. 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 Ambrose</b>		
	<b>Member Finamore</b>		

Motion carried.

**This becomes Action #19 of 2013.**

PZO Weber stated that he would notify Mr. Barden and his attorney by phone call and in writing of the Board's action, and give them the process that will proceed. Member Renzi commented that he would like to see Mr. Barden here at the next meeting. Attorney John Folmer stated that not only should the owner comply, but remain in compliance.

## **OTHER MATTERS**

- ✓ **Wind Energy Facilities – Local Law** – Chair Wickwire stated they had received the comments of County Planning and asked if the Board could reject the County recommendations. PZO Weber stated that this Planning Board is only an advisory Board acting in an advisory capacity to the Town Board. This Planning Board has no jurisdiction over whether or not this law is adopted.

At the conclusion their discussion, a motion was made by Member Renzi that the Town of Cortlandville Planning Board is not in agreement with the Cortland County Planning Board's recommendations regarding the proposed Wind Turbine Local Law. 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 Ambrose</b>		
	<b>Member Finamore</b>		

Motion carried.

**This becomes Action #20 of 2013.**

## **ADJOURNMENT**

At 8:50 p.m., a motion to adjourn the meeting was made by Member Newell, seconded by Member Ambrose, with all members present voting in the affirmative.

  
Joan E. Fitch, Board Secretary

E-mailed to Town, KW, JMF,  
CN,  
EA, NR, JF, TW & BW on 6/3/13.