

**TOWN OF CORTLANDVILLE PLANNING BOARD**  
**Minutes of Regular Meeting - Tuesday, 29 January 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**

Steve Terwilliger, Applicant; Tim O'Brien for Bohler Engineering, Applicant; Scott Matukas, Jim Gosier, Nick Marsella, & David Harding for Byrne Dairy, Applicant; Mack Cook, Forrest Earl (?), Dianne Higgins, Glenn Reisweber, James Jr. & Kathy McKenna, Paul Allen, David Yaman, Michael Barylski, Randy Young, Paul Heider, Robert Beard, Victor Siegle, Althea Heider, Mecke Nagel, Town Councilmen John Proud & Gregory Leach.

**REGULAR MEETING**

**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 - 18 DECEMBER 2012**

**A motion was made by Member John Finamore to approve the Minutes of the 18 December 2012 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 Finamore**

**Nays: None**

**Absent: Member Ambrose**

**Motion carried.**

**This becomes Action #1 of 2013.**

**OLD BUSINESS**

**Steve Terwilliger, Applicant/John McGee, Reputed Owner - NYS Route 13 So. - TM #105.00-01-44.000 - Subdivision, Site Plan Approval, and Aquifer Protection District Special Permit - Proposed Office Building (REVISION TO EXISTING APPLICATION)**

(Reference is made to the 27 November and 18 December 2012 Minutes of this Board for a chronology of what has transpired on this project.)

Chair Wickwire recognized the applicant who handed out an annotated copy of the Cortland County Planning Department's memo to the Cortland County Planning Board dated 14 January 2013 to Board members who were present. The applicant's engineer, he stated, had responded to each of the County's recommendations as highlighted in yellow. Chair Wickwire, as affirmed by PZO Weber, then clarified what Mr. Terwilliger was seeking: (1) approval of the Revised Site Plan for a proposed office building/subdivision submitted at the 12/28/10 meeting of this Board. The Revised Site Plan is now only for the access drive from NYS Route 13 into the subject parcel, as per the drawing submitted which was forwarded to the Cortland County Planning Department for their review at the 18 December 2012 meeting and (2); this Board's approval of the *concept* for a proposed access road which ran along the rear of the subject property, entering off Webb Road in

the neighboring Town of Virgil and proceeding along the McGee property in Cortlandville. Member Newell commented that the *Conceptual Plan* was fine.

**A motion was then made by Member Newell to approve the access road concept as submitted. The motion was seconded by Member Nick 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 Finamore</b>	<b>Absent:</b>	<b>Member Ambrose</b>

**Motion carried.**

**This becomes Action #2 of 2013.**

The Board then considered the Revised Site Plan for an access road/drive from NYS Route 13 into the subject parcel. The plan was revised, according to the applicant, because of site distances. The proposed entrance was now at its “optimum” location.

With no further discussion, **a motion was made by Member Newell to approve the Revised Site Plan for the access road off NYS Route 13. The motion was seconded by Member Finamore, 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 Finamore</b>	<b>Absent:</b>	<b>Member Ambrose</b>

**Motion carried.**

**This becomes Action #3 of 2013.**

**NEW BUSINESS**

**Byrne Dairy - Sketch Plan Conference for Proposed Manufacturing Facilities, Agri-Tourism Center, Lodge, Etc. – 840 NYS Route 13 (Finger Lakes East Business Park)**

Chair Wickwire recognized Jim Gosier, General Counsel for Byrne Dairy, who introduced David Harding, Registered Landscape Architect from QPK Design, LLP; Scott Matukas, Chief Financial Officer of Byrne Dairy; and Nick Marsella, Chief Operating Officer of Byrne Dairy.

Mr. Gosier stated that Byrne Dairy has entered into an option agreement with Cortland County IDA for purchase of a portion of the Finger Lakes East Business Park as shown on the Overall Master Plan displayed for the Board, as well as the Osbeck farm on Route 13. A Project Narrative, dated 17 January 2013/QPK Design, was also included in the information packet received by all Board members, a copy of which has been placed on file for the record and is attached to these Minutes (Attachment “A”).

Mr. Gosier explained that Byrne wants to bring in the public to “see what we do and how we do it.” He explained Phase 1 of the construction: retaining/refurbishing of the Osbeck farm (to give the experience of a working dairy farm), the manufacturing plants, and the Visitor’s Center (40,000 SF yogurt plant, 10,000 SF cheese plant, 10,000 SF Visitor’s Center). Decorative windmills are proposed for the Osbeck farm, like the old farm windmill. Parking spaces were described, as well as areas for future expansion. Phase 2 would be for the proposed expansion of the yogurt plant and construction of a refrigerated warehouse. A four-suite “lodge” is proposed for the northwest portion of the property to handle in-house conferences/meetings and visiting dignitaries. They are also proposing an outdoor entertainment venue along the northerly line (indicated as an amphitheater). It would be a concrete pad where a temporary stage would be erected “a couple of times a year” to entertain the community. They will construct wastewater pre-treatment facilities for treatment of by-products (fats and solids) generated by the plants.

According to Mr. Gosier, a traffic light at the main intersection with NYS Route 13 is being proposed; they are in the process of discussing with the NYSDOT. He also reported that they would have results of a traffic study by the middle of February.

Member Newell asked if the applicant had a timetable; Mr. Gosier stated that they would like to have their Site Plan ready for this Board's February meeting. Also, a variance may be needed for the decorative windmills. He said that they wanted to be "in the ground by June 1<sup>st</sup>."

Member Finamore asked about truck traffic into the site. Mr. Gosier commented that, in Phase 1, they estimated 2.1 bulk tankers of milk per day. After another expansion of the facilities, it is estimated 8 per day. Supply trucks come in once a day and will carry out finish product twice a day. Trash trucks visits once a week; bulk tanker for sludge removal comes twice a week. When fully operational, the plant will employ from 50 to 75 persons, most of them being new hires. If there's an event at the proposed amphitheater, there could be 1,000± visitors. Overall expenditures, he stated, total around \$23 million.

Mr. Gosier explained that they had talked with Lime Hollow Nature Center about their concerns, and it has been a "very constructive dialogue."

Member Renzi had some questions about the stormwater management system which were answered by David Harding. Member Renzi requested that specific details (landscape plans, lighting plans, stormwater management and maintenance program, etc.) be shown on the site drawings. When asked by Member Renzi if they would be using chlorinated municipal water or de-chlorinated (by their own process), they answered both.

Chair Wickwire commented the applicant's representatives for what was being planned. She advised that they make sure there was enough parking, especially for the proposed amphitheater. Details of the amphitheater, according to Mr. Gosier, are not high on the priority list. Member Renzi asked if the buildings to be constructed would be built to LEED standards. Mr. Gosier responded possibly to LEED standards, but not LEED certification. They will be as "green as possible."

PZO Weber asked about pedestrian traffic, asking the reps to take a look at this as they develop their plans. Mr. Gosier stated they were considering creating a crosswalk from their facility to the proposed Best Western across the main road. They have not, however, had any discussion with the hotel owners.

**No Action Taken.**

**Bohler Engineering, Presenter - 840 NYS Route 13 (former Golden Skillet) – Sketch Plan Conference for Proposed Auto Service Facility & Retail Sales Area**

Chair Wickwire recognized Tim O'Brien of Bohler Engineering who advised that they their client was looking at the former Golden Skillet site to construct an 8-bay auto service center (5900± SF) which would also contain a 900± SF retail sales area, as shown on the Concept Plan dated 1/20/13 provided to the Board. Thirty parking spaces were proposed, along with a loading area, and a dumpster enclosure. It is planned to connect to the Walmart site.

Member Newell asked if the proposed tenant was a major chain, and Mr. O'Brien responded yes. Member Newell commented that some of these major chains erected garish-looking buildings and signs; the Town has been attempting to make new facilities more aesthetically pleasing. Chair Wickwire commented that the neighboring Walmart did not put in an auto service facility due to the location of the Town's aquifer. Protecting the aquifer is of major concern to the Town. Mr. O'Brien stated that the proposed business would be "mainly tires, some service, no service pits." There will be no outside storage. Regarding truck traffic, Mr. O'Brien said there may be one box truck per day and one tractor-trailer per week.

Member Renzi stated he would like to see the eight overhead doors faced away from Route 13. Chair Wickwire agreed and commented that landscaping and the exterior look of the proposed building are very important to the Board.

Town Attorney Folmer added that the Town Board has been approached for Aquifer Protection Permits for gas stations in that area and three have been turned down in the 1A area. He also updated Mr. O'Brien on the status of the fire-damaged Golden Skillet building which is about to be demolished. The Town, he stated, now has the ability to enter the subject property and "destroy that building." "That may happen," he said.

Member Renzi informed Mr. O'Brien that Walmart, in its Site Plan approval phase, agreed to rotate their building on their site, as requested by this Board; the same should be done here. He also reminded Mr. O'Brien about the required size of parking spaces: 10 ft. by 20 ft.

In conclusion, Mr. O'Brien stated that he would be coming back with more details: investigation of aquifer permit, aesthetics of the building, signage, boundary line survey, etc.

**No Action Taken.**

**Joseph & Kathy Eggleston, Applicants/Reputed Owners – 3634 South Hill Road (McGraw) – TM #98.00-04-17.000 - Two-Lot Subdivision**

Chair Wickwire acknowledged that the applicants were not present; however, since it was a simple subdivision, the Board agreed to act on the request. A letter accompanying the application and map indicated that the Eggleston's wished to subdivide a 5±-acre lot (which contains a mobile home) off from the main parcel. The mobile home will be removed and a new home constructed in its place for the Egglestons.

With no discussion, **a motion was made by Member Renzi to approve the subdivision of land as requested. The motion was seconded by Member Finamore, with the vote recorded as follows:**

<b>Ayes: Chair Wickwire</b>	<b>Nays: None</b>
<b>Member Newell</b>	
<b>Member Renzi</b>	
<b>Member Finamore</b>	<b>Absent: Member Ambrose</b>

**Motion carried.**

**This becomes Action #4 of 2013.**

**OTHER MATTERS**

- ✓ **Wind Energy Facilities – Local Law** – Chair Wickwire stated that the Board had a lot to look at, as listed on Attachment B of these Minutes. They discussed other ordinances from other municipalities and also from various websites. Chair Wickwire talked about the 490± ft. height of the proposed wind turbines—equal to the height of a 50-story building. She thought that setback distances and height should be looked at. Board members should each write a report giving their recommendations regarding this, and provide same at the 26 February meeting. She thanked Member Finamore for already providing his comments. Member Renzi read aloud an email he had received from the Chair of a Montville, ME Committee who investigated/authored their Wind Turbine Generator Ordinance. He stated their ordinance was very good. Member Renzi stated that the Rensselaerville Local Law, etc., he received via email from Mr. Siegle was even a step beyond that and should be reviewed. There was a lot of thought and research put into these two municipality's regulations; they were extremely thorough. Attachment B, "Reference Documents . . ." was prepared by Member Renzi for everyone's use in making

their comments regarding the Town's proposed local law. Mike Barylski commented that the turbines should have a height limit because of an aviation hazard. He added that he was very encouraged by this Board's discussion. Chair Wickwire thought the Board should consider that "years down the road these may be dinosaurs, and not what wind power will eventually be." Mecke Nagel spoke regarding regulations and setbacks in Germany. She reported that local attorney Lee Miller had prepared a list of 70-80 questions the Board should consider and would provide it to Chair Wickwire via email thru Victor Siegle.

Town Attorney Folmer reminded the Board that the charge given them by the Town Board was to "draft a proposed Local Law that would allow the placement of wind turbines in the Town in a reasonable, safe basis." Member Renzi thought this was the "wrong charge."

County Planning's comments were briefly discussed. Chair Wickwire concluded the review by thanking everyone for their input.

- ✓ **Golden Skillet Site - NYS Route 13** - Town Attorney Folmer provided the Planning Board with an update on the pending demolition of this fire-damaged building, including notifications issued and received, required waiting periods, assignment of demolition costs, etc., related to this "eyesore." He added that "it will be gone within 48 hours of an order to demolish."

**ADJOURNMENT**

At 9:05 p.m., a motion to adjourn the meeting was made by Member Renzi, seconded by Member Finamore, with all members present voting in the affirmative.

  
Joan E. Fitch, Board Secretary

E-mailed to Town, KW, JMF, CN,  
EA, NR, JF & BW on 2/6/13.

ATTACHMENT A



Cortlandville Planning Board

Re: Byrne Dairy Cortlandville Facility  
Finger Lakes East Business Park  
NYS Rt. 13, Cortlandville NY

January 17, 2013

Project Narrative

Per the attached concept plans, the proposed Byrne Dairy Cortlandville Facility project includes dairy product manufacturing facilities, an agritourism center and lodge. The agritourism center will include a retail component, interactive tours of the dairy plants and associated facilities. The proposed development has been arranged to accommodate future potential expansion of manufacturing facilities. The plan proposes to consolidate several parcels on the south side of the loop drive including the Osbeck parcel.

Three new buildings are proposed. The main building, which includes a yoghurt plant, cheese plant and agritourism center, will be no more than 40' in height and associated silos will be less than 90' in height. A small wastewater treatment building and associated silos less than 90' in height are proposed adjacent to the yoghurt plant. Additionally, a lodge for visiting business associates is proposed at the northwest corner of the site near the existing bog.

Several buildings on the Osbeck property will be renovated, repurposed or demolished. The original portion of the barn and silos will be renovated to serve as a proposed dairy barn. The main house will be renovated or rebuilt to serve as the caretaker's house. All other outbuildings in this area will be demolished. The Route 13 frontage also will include a facility identification sign, fencing, and decorative windmills less than 90' in height.

A truck scale is proposed for inside of the loop drive on the west side of the property. An open-air amphitheater with lawn seating is proposed on the northern portion of the site. A level crushed stone pad will be constructed to provide a level area for temporary stages.

**ATTACHMENT B**

**REFERENCE DOCUMENTS  
USEFUL IN REVIEWING THE PROPOSED LOCAL LAW  
FOR  
WIND ENERGY FACILITIES**

1. CORTLANDVILLE PROPOSED LOCAL LAW FOR WIND ENERGY FACILITIES 12-3-12
2. CORTLAND COUNTY PLANNING DEPARTMENT REPORT ON THE PROPOSED LOCAL LAW DATED 12-10-12. REFERENCE PLANNING BOARD REPORT RESOLUTION NO. 13-01 DATED 1-16-13.
3. TOWN OF MONTVILLE WIND TURBINE GENERATOR ORDINANCE DATED MARCH 2010.
4. WEB SITE [www.MontvilleWind.org](http://www.MontvilleWind.org) AVAILABLE UNTIL FEBRUARY 15, 2013. CONTAINS BACKGROUND FOR THE ORDINANCE THAT WAS APPROVED BY THE TOWN. EXCELLENT NARRATIVES ON HOW SET BACK (5 PAGES) WAS ESTABLISHED, NOISE LIMITS (7 PAGES) AND MEASUREMENTS. CONTAINS BIBLIOGRAPHY (7 PAGES) IN SUPPORT OF THE ORDINANCE. ALSO HAS VIDEO FOR THIS SUBJECT AS EXPERIENCED BY NEARBY TOWNS.
5. VICTOR SIEGLE LETTER OF JANUARY 22, 2013
6. PAUL HEIDER LETTER OF JANUARY 18, 2013
7. REPORT TITLED WIND TURBINE NOISE, SLEEP AND HEALTH BY DR. CHRISTOPHER HANNING
8. GOOGLE SEARCH INPUT WIND TURBINE DIMENSIONS
9. GOOGLE SEARCH INPUT WIND TURBINE HEALTH ISSUES
10. VICTOR SIEGLE E-MAIL OF JANUARY 29, 2013 RE RENSSELAERVILLE LOCAL LAW, COMPREHENSIVE PLAN COMMENTS AND WIND POWER COMMITTEE RECOMMENDATIONS REPORT FOR INDUSTRIAL WIND POWER.