

**TOWN OF CORTLANDVILLE PLANNING BOARD**  
**Minutes of Regular Meeting - Tuesday, 18 December 2012 - 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**

James Reeners, Applicant; Steve Terwilliger, Applicant; Andrew Porter & Attorney Mike Shafer for PROP, Inc., Applicant; Mike Reeners.

<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 – 27 NOVEMBER 2012**

**A motion was made by Member Chris Newell to approve the Minutes of the 27 November 2012 Planning Board meeting, as submitted. The motion was seconded by Member Nick 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 #81 of 2012.**

**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 2012 Minutes of this Board for a chronology of what has transpired on this project.)

Chair Wickwire recognized the applicant who handed out a letter dated 12/18/12 from his Licensed Professional Engineer, Timothy C. Buhl; a copy of this letter has been placed on file for the record. The letter served as a brief explanation regarding the applicant's preliminary access road plan for this property. In response to Mr. Terwilliger's question, PZO Weber advised that this proposed revision (copies of which had been distributed) had not yet been forwarded to County Planning as yet; Mr. Terwilliger advised that he had given Dan Dineen "copies of these maps." At this point, the applicant stated he was looking for the Board's comments.

Mr. Terwilliger stated "we worked with the State quite awhile, and this is what we came up with, and they gave us the blessing on this service road." Chair Wickwire countered that they (NYSDOT) had not given a "blessing" on this as indicated in their September letter from Patricia

Bush which was read aloud by Chair Wickwire. The DOT mentioned that they had requested a drainage study from the applicant; this had not yet been received. Mr. Terwilliger stated he had not done so because the procedure would be to obtain preliminary approval from this Board and once okay with the layout, then “we would go ahead with the rest of the requirements from the DOT.”

Mr. Terwilliger further explained that the DOT was looking for was some kind of plan as to what’s going to happen on the property. The plan was developed in cooperation with John McGee, the NYSDOT, Mr. Terwilliger and Engineer Buhl. Member Renzi commented about the three curb cuts and the access road; the drawing submitted was, in his opinion, a “conceptual drawing.” Conceptually, he said, it was fine. Chair Wickwire added that what the applicant is looking for “is this driveway,” indicating the curb cut in the Town of Cortlandville from NYS Route 13 into the property as shown on the drawing submitted. She stated that the applicant wants to be able to come off Route 13 into the gas station, which is in the Town of Virgil. Member Renzi then commented, “All of the access to the proposed gas station which is in Virgil will be with this curb cut here? People who want gas, people who deliver gas? . . .” Mr. Terwilliger responded, “On 13? Yes.” Vehicles, with the exception of tractor trailers, can egress/ingress from Webb Road. He added that the right-of-way shown will remain there (in the Town of Virgil), but would not be used.

Member Renzi asked Mr. Terwilliger if he had approval of the Site Plan from the Town of Virgil that showed access off Webb Road going into the gas station? He responded “correct.” Member Renzi then asked if he had modified that Site Plan to the Virgil Planning Board; Mr. Terwilliger stated he had. When asked by Member Renzi, “and on that Site Plan you have access to the Virgil gas station via this curb cut on Route 13?” The applicant responded, “I did not go to them last night for this because I haven’t finished . . .” Member Renzi asked, “What did you get approval for last night?” Mr. Terwilliger answered, “What you see right there. Only what lies in Virgil, with the exception of this.” Member Renzi again obtained the applicant’s affirmation that Virgil was okay with using either road for access, even when this service road goes in. Cars that want to get gas can come in Webb Road, or off Route 13. Mr. Terwilliger responded, “that’s the plan. . . We can’t service or fuel large diesel trucks. We have to get delivery for our gasoline, but we are not going to have large diesel tanks to be able to service large trucks.” Fuel delivery trucks can come in via Webb Road or NYS Route 13, he said.

In trying to understand exactly what the applicant was requesting from this Board, PZO Weber stated, “I think that there’s a concept and there’s a request for an approval. I think there’s two things. One is, the service road appears to be conceptual. The access to the gas station is going to be initiated and built. Part of the question is, is that going to be subdivided? Or is this going to be a driveway on that property that’s going to access . . . so basically he’s putting in a roadway, a driveway.” “So what he’s requesting of you, he’s requesting an approval for the driveway onto Route 13 that will provide access to the gas station in the Town of Virgil. That’s what he’s asking from you. He’s also asking that you approve, in concept, the service road, and the additional access points on Route 13.” The original application Mr. Terwilliger submitted for the proposed “office building” has now “gone away.”

Member John Finamore asked how the Board could approve conceptual that’s going across other lands? PZO Weber explained that the NYSDOT will have the “ultimate say-so.”

At the conclusion of this extensive discussion, **a motion was made by Member Newell to send the sketch plan showing the revised access road concept to the Cortland County Planning**

Department for their review. The motion was seconded by Member Elizabeth Ambrose, with the vote recorded as follows:

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

**Nays:** None

**Motion carried.**

**This becomes Action #82 of 2012.**

With no further discussion, 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. 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 #79 of 2012.**

## **NEW BUSINESS**

### **James Reeners – Sketch Plan Conference for Proposed PUD – 19.3± A. Parcel at top of the hill – Commons Ave.**

Chair Wickwire recognized Mr. Reeners who explained to the Board that he has a concept for this property which would necessitate a zoning change from R-1 to a PUD (Planned Unit Development). He displayed a tax map to the Board showing the location of the property, presently owned by Lee Ambrose. Also shown were two lots on Westmore Lane which would not become a part of the PUD; they would remain as available building lots on that street. A small right-of-way would be retained for utilities. Natural gas, water, sewer, and electric utilities are available. A professional engineer will be retained.

Mr. Reeners commented that there is no “retirement community” in this community that is not subsidized in some manner or has assisted living with it. He is proposing a retirement community that is not assisted living and is not subsidized. It would be a combination of apartment living, 8 duplexes, 4 quadriplexes, 28 single-family homes (1500 SF or smaller), and 12 cottage homes (1200 SF maximum). Apartments would range from efficiencies to three-bedrooms. Estimated population: 160 to 180 persons. The PUD would be designated a retirement community which will be written as a deed restriction. He is not sure of the density and is just looking for a consensus. He stated he possibly would retain ownership of the units that are constructed and might have a home owner’s association, but is not sure at this time. PZO Weber asked Mr. Reeners if he had reviewed the regulations; he stated he had not.

Chair Wickwire felt that a development such as this was much-needed.

Mr. Reeners stated that a development such as this would “soften the approach between the two,” meaning the Residential District on Westmore Lane and the area bordering the east side of the subject property which he called “heavy commercial.” With what he planned, houses would be backed up to houses. Town Attorney Folmer commented that the Westmore Lane residents will be concerned about a thru drive. Mr. Reeners stated that there’s still a lot of studying to be done.

PZO Weber advised Mr. Reeners that it was not this Board that had final approval of a PUD, but the Town Board. He noted that Walden Oaks was the last residential PUD in the Town.

The Board agreed that this PUD would be good for Cortlandville.

**No Action Required**

**PROP, Inc., Applicant/Reputed Owner (Karl Ochs) - 3903-3911 NYS Route 281 - TM #86.17-01-02.111 - Conditional & Aquifer Protection District Special Permit - Proposed Millwork Facility**

Chair Wickwire recognized Andrew Porter and Attorney Mike Shafer, both representing the applicant who was seeking a Conditional Permit and an Aquifer Protection District Special Permit to utilize an 18,000 SF portion of this building (former Ames Chevrolet) as a millwork facility. The Town's ZBA had granted a Use Variance for an Industrial Use in a Business District at its meeting held just before this one. It is proposed to produce framing, railings, and other small home-building materials. With the exception of widening an existing overhead door, all changes to occur are on the interior of the building where there was a automotive shop which will be moved across Luker Road by the applicant in the spring. A related company, Best Deck, located in Preble, NY, has been sold, and that is where the milling facility was housed. There are six employees who worked there and are now on layoff until a new location can be obtained.

Attorney Shafer reported there will be some noise associated with the milling process, and they can do some noise mitigation. Member Renzi asked about a formal plan, and also about a dust collection system.

Chair Wickwire acknowledged the County Planning Department's report to the County Planning Board, dated 14 December 2012; the County Board's resolution has not been received as yet.

After a brief discussion, **a motion was made by Member Renzi to approve the Conditional Permit to use part of this existing building as a millwork facility, contingent upon (1) the Cortland County Planning Board concurring with the Cortland County Planning Department's recommendations, and (2) the receipt of a formal plan showing locations, including the height of the dust collection system. 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 #83 of 2012.**

**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 use of a portion of the existing building as a millwork facility. 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.**

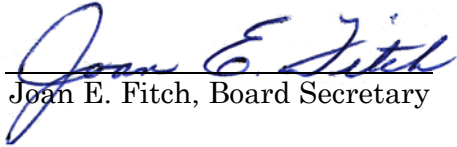
**This becomes Action #84 of 2012.**

## **OTHER MATTERS**

- ✓ **Wind Energy Facilities – Local Law** – Chair Wickwire acknowledged the Board's receipt of a "DRAFT – Town of Cortlandville Local Law – Wind Energy Facilities," dated 3 December 2012. Member Renzi suggested getting the history of this from the Town Board. Attorney Folmer agreed to provide this to them. He also noted that this had nothing to do with TCI, and he provided the Board with an explanation of the procedures for the proposed Local Law. The Town Board is required to have a public hearing, but they want whatever comments/advice the Planning Board may have on the contents of the DRAFT. What questions does this Board have? Are there any red flags you see? Member Renzi asked if Town Board is or is not interested in any technical comments; Attorney Folmer thought they would. Attorney Folmer also reported that the moratorium expires 12/31 unless it is extended; Town Board may add another six months. PZO Weber advised Board members to get any comments to him at least a week before the Town Board's January meeting.

## **ADJOURNMENT**

At 9 p.m., a motion to adjourn the meeting was made by Member Renzi, 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 & BW on 1/11/13.