

TOWN OF CORTLANDVILLE PLANNING BOARD
Minutes of Regular Meeting - Tuesday, 27 November 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

Chas. Feiszli, PE, for Crown Court, Applicant; Steve Terwilliger, David Alexander.

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 – 30 OCTOBER 2012

A motion was made by Member Nick Renzi to approve the Minutes of the 30 October 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 Ambrose
Member Finamore

Nays: None

Motion carried.

This becomes Action #77 of 2012.

OLD BUSINESS

Crown Court, LLC, Applicant/Walmart Stores East, LP, Reputed Owner – 818 Bennie Road – TM #105.00-02-04.000 & 05.000 – Revised Site Plan

Chair Wickwire recognized the applicant's engineer, Chuck Feiszli, who advised the Board that he had revised the set of plans for this project by adding an erosion control plan (Drawing #S1.4).

Chair Wickwire then reviewed those recommendations contained in the Cortland County Planning Board's Resolution No. 12-33 of 14 November 2012. Items 1 and 2 either have been or will be taken care of. Item #3, an erosion and sediment control plan for the site, has not been submitted yet, nor has Pat Reidy seen it. Item #4 has also not been submitted yet, but will be; the same for the drainage plan (#4). Engineer Feiszli assured the Board that the two parcels will be consolidated into a single parcel (#5).

Member Renzi asked the engineer about the parking spaces. Chair Wickwire was concerned that the berm between the proposed retail stores and Walden Place not be disturbed.

At the conclusion the discussion, **a motion was made by Member Renzi to approve the revised Site Plan, incorporating Items 1 thru 6 of the Cortland County Planning Board's Resolution**

No. 12-33 of 14 November 2012. The motion was seconded by Member Newell, with the vote recorded as follows:

Ayes:	Chair Wickwire	Nays:	None
	Member Newell		
	Member Renzi		
	Member Ambrose		
	Member Finamore		

Motion carried.

This becomes Action #78 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	Nays:	None
	Member Newell		
	Member Renzi		
	Member Ambrose		
	Member Finamore		

Motion carried.

This becomes Action #79 of 2012.

NEW BUSINESS

Key Bank (c/o Bohler Engineering), Applicant/KeyBank National Association, Reputed Owner – 320 Tompkins Street - TM #96.09-02-32.000 – Site Plan

Chair Wickwire recognized Tim O'Brien of Bohler Engineering, representing Key Bank who was seeking approval to of a Site Plan to construct an ADA-accessible parking space along with an ADA-compliant accessible route to the main entrance of the subject bank, as shown on the plans accompanying the application. The HA parking would be moved closer to the front door; it is now 80 feet from the front door. The front sidewalk would be removed as he indicated, and a new ramp would be installed. Only one handicapped parking space is required. Mr. O'Brien explained the proposed signs and stated that the proposed parking spaces were 8 ft. long by 18 ft. wide to accommodate wheelchair vans. Member Renzi advised him that the Town's standard was 10 ft. by 20 ft. Mr. O'Brien stated that would be no problem, and noted that the ADA requires an 8-ft. wide no-parking area next to the actual parking space. PZO Weber advised that "since you have a No Parking Area adjacent to where the vehicle is going to be parked, the parking space is actually 16-foot wide . . . it is my interpretation that the parking space is the total area that's being utilized for the parking of one vehicle which would exceed the width of what the requirement is."

With no further discussion, a motion was made by Member John Finamore to approve the Site Plan, with the parking spaces to be 20 feet in length. The motion was seconded by Member Elizabeth Ambrose, with the vote recorded as follows:

Ayes:	Chair Wickwire	Nays:	None
	Member Newell		
	Member Renzi		
	Member Ambrose		
	Member Finamore		

Motion carried.

This becomes Action #80 of 2012.

OTHER 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)

(It is noted for the record that this application first appeared on this Board's Agenda for their 28 December 2010 meeting when it was postponed until 25 January 2011. Since that time, the following has occurred:

- ✓ On 25 January 2011, a Sketch Plan Conference was held.
- ✓ At the 22 February 2011 meeting, the applicant was given a list of items that needed to be taken care of and, once received, everything would be forwarded to County Planning (which was done shortly thereafter by PZO Weber); no formal action was taken at this meeting.
- ✓ Then, at the 31 May 2011 meeting of this Board, review of the submittals continued. The Board reviewed County Planning's report and asked the applicant to address their concerns, in writing, provide a landscaping plan, and come back when he had everything together. Again, no formal action was taken.
- ✓ Mr. Terwilliger was on the 27 September 11 Agenda, but asked to have the matter postponed, which was done. He never came back.)

Chair Wickwire recognized Mr. Terwilliger who had requested permission to speak to the Planning Board regarding this property. He displayed a copy of a map which he stated was "what the DOT wanted to do with Route 13." When asked if this had to do with the original application for the proposed office building, he stated "it was, but it's not now. I'm not going to build any building because there has to be a road there, so there's no subdivision." Mr. Terwilliger stated that the plan was "what the DOT would accept" and "I have a letter to that effect."

Member Renzi asked if the gas station/convenience store (in neighboring Town of Virgil) was going to become a reality; the applicant responded yes.

PZO Weber then explained, "So that everybody understands, I would view this as a revision to the original application. You may want to send this to the County in regard to a service road, and you should be giving consideration to what the future development of the area will be." PZO Weber stated that he had indicated to the applicant that he was welcome to attend this meeting, and the Board would decide what needed to be done once they saw what was being planned. "If I understand this correctly, you are being shown a proposed plan for future development of the property with a roadway." The applicant would not need a new application, and the Board should consider it a revision to the original application.

Member Renzi asked if there was any narrative that would indicate what the intent of this service road was, what does it do, what does it service? Mr. Terwilliger responded that this is something the Board "should take up with DOT because they are looking for something that we really don't know. They want to know what's going to happen with the rest of the property . . . We have no idea, but their premise was they wanted to see a service road to obviously cut down on the cuts on Route 13." He stated that this plan was a result of months of negotiating; the Governor's office and the Senator were involved.

PZO Weber further explained, "This is a concept that has been presented to DOT in regard to a road running parallel to Route 13 with minimal curb cuts to Route 13, for proposed future development. It does not mean that you have to accept this concept. You may say this concept is good, but we want to see the roadway moved, you want to see details for A, B, and C. I'm not sure the DOT has the ability to approve that service road that's on the Town's property. They are requiring Steve to come up with a plan to limit the number of access points to Route 13. You may decide you don't like three, you'd rather see two. You might decide you don't like where the access road is, you think it should be closer. You might think it should be farther away to give more room for development between that access road and Route 13. The conceptual plan is something

in concept, but with really no basis for you to make any decision on because there's no detail to it."

Mr. Terwilliger stated that the NYSDOT wanted everything "dimensioned out."

Chair Wickwire commented that "what this is, is a driveway to your gas station from Route 13. Let's admit it. The rest of it is all conceptual . . ." In response to her question, Mr. Terwilliger stated that he would not be building the road; whoever the developer was would build it. PZO Weber then stated to Mr. Terwilliger that he was proposing something on someone else's property that he had no control over, to which the applicant responded "Talk to the DOT; this is what they asked for." PZO Weber further explained that the Board may be, in the future, in concert with the DOT in coming up with a plan for this area, so that anybody in the future who comes in, you can say "here's the basis by which we want this land developed, and this has been an agreement with DOT in regard to that access."

Member Renzi said that he felt the concept was okay, but there's nothing firm here that the Board can approve. Conceptually, he had no problem with it.

PZO Weber advised that the only plan provided was the one that Mr. Terwilliger displayed at this meeting. Mr. Terwilliger stated that he wanted to start construction in the spring, so what he would now do is get a "full-blown plan with dimensions and then bring it back to you and then you'd want to refer it on to the County." PZO Weber then reiterated that what the Planning Board had done at this meeting was to say that, conceptually, the plan looks okay. Now the applicant should come back with the working drawings. Chair Wickwire concluded that she liked the idea because it would get a lot of traffic off the main highway. PZO Weber advised that the plans needed to be received at least one week before the next meeting.


No Action Taken

OTHER MATTERS

- ✓ **Hawkins' Property – Route 281** – PZO Weber advised he had sent a letter to her attorney, Mike Shafer, giving him some deadlines for action. He has not responded as of this date. Town Attorney Folmer has left a message for Attorney Shafer, but he has not heard back yet.
- ✓ **Ponderosa** – Member John Finamore stated that this restaurant's back parking lot is flooded all the time; is this a concern? PZO Weber stated that, at this time, there was nothing the Board could do.
- ✓ **Kinney Gulf Road Horse Barn** – Member Finamore reported there was a problem at this location, and PZO Weber advised that the Code Officer is aware of it.
- ✓ **Car on Lime Hollow Road** – Chair Wickwire reported that a car continues to be parked here, only now the trunk lid is up.

ADJOURNMENT

At 8:15 p.m., a motion to adjourn the meeting was made by Member Finamore, 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 & BW on 12/9/12.