

TOWN OF CORTLANDVILLE PLANNING BOARD
Minutes of Regular Meeting - Tuesday, 30 October 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

Thomas Colledge, Applicant; James Wainman, Applicant; Chas. Feiszli, PE, for Crown Court, Applicant; David McNeil for McNeil Devmt., Applicant; Jason Genson, Applicant; Attorney Mike Shafer, rep. Dr. Charlotte Hawkins; John Finn, Town Councilman John Proud.

REGULAR MEETING

The Regular Meeting of the Town of Cortlandville Planning Board was called to order by Chairperson Katherine Wickwire at 7:38 p.m.

APPROVAL OF MINUTES - 25 SEPTEMBER 2012

A motion was made by Member Chris Newell to approve the Minutes of the 25 September 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 #69 of 2012.

OLD BUSINESS

Charlotte Hawkins, Reputed Owner - 4077 NYS Route 281 - TM #86.09-04-07.000 - Motor Homes, Etc., Parking Behind Medical Office in Violation of Conditional Permit

(Reference is made to the June, July, August, and September Minutes of this Board for further background regarding this owner not being in compliance with the original Site Plan, a copy of which had been provided to the Board members.)

At the September meeting, PZO Weber was authorized by this Board to request Dr. Hawkins' attorney, Mike Shafer, to appear at next month's meeting to provide his client's response to their request to come up with a mutually agreeable solution to bringing the property into conformance with its Site Plan.

Chair Wickwire recognized Attorney Shafer and stated she had visited the subject site and stated that there were two campers parked there; she had no objection to the owner's camper being there, or even the non-conforming shed, but did object to the second camper that was there. She noted the Owl's Head truck was still parked there, but Attorney Shafer assured her it was actually on the adjacent property (Osborn).

PZO Weber commented that, regarding the Owl's Head truck, "a determination would have to be made as to who the property owner is and inform that person." Attorney Shafer stated his client had informed the owner of the Owl's Head truck that he could no longer park on her property. His position, with regard to Dr. Hawkins, he stated, has not changed. The recreational vehicles are licensed and their location is designated as parking, and they are parked there.

Member Renzi suggested that the Zoning Board of Appeals look at the facts in this matter and make a determination. Town Attorney John Folmer advised the Board that they could do that if they were going to pursue it.

With no further discussion, **a motion was made by Member Renzi that the Town of Cortlandville Planning Board will await an interpretation from the Town Zoning Board of Appeals regarding the parking issue on this parcel. 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 #70 of 2012.

Chair Wickwire asked how this referral to the ZBA would proceed. PZO Weber responded that, by his presence at this meeting, understands the intent that he should make a request to the ZBA for an interpretation. With regard to which party should ask the ZBA for an interpretation, it was agreed by Town Attorney John Folmer that he would make the request of the ZBA as a representative of the Town. Attorney Folmer continued, "There's been an alleged violation of ... a Site Plan. It's an unusual situation. Before I enforce that ordinance . . . the Zoning Board of Appeals ought to make a ruling as to which interpretation is correct (Bruce's or Mike's). Once that decision is made by the Zoning Board of Appeals, then I can proceed, or you can tell me to proceed right now and I'll do it by executing my prosecutorial discretion . . ." He concluded by stating that he would see to it that the ZBA is notified, and a notice will appear as required.

Chair Wickwire stated that she wished this matter could have been solved in another way.

NEW BUSINESS

James A. Wainman, Applicant/Flora & Richard Warner Estate, Reputed Owner – Lighthouse Hill Road - TM #77.09-01-12.000 – Lot Line Adjustment

Chair Wickwire recognized Mr. Wainman who was seeking approval to move his one property line 38± feet as shown on the map accompanying the application.

With no further discussion, **a motion was made by Member John Finamore to approve the Lot Line Adjustment, 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 #71 of 2012.

McNeil Development Co., LLC, Applicant/Reputed Owner – 4038 West Road (NYS Route 281) – TM #86.09-01-39.000 – Proposed Canopies/Trellis

Chair Wickwire recognized David McNeil, who was seeking approval of his Site Plan to put canopies on the Family Health Network building as shown on the plans accompanying the application. He stated that the white canopies, needed to protect the people entering the entrances from the weather, will be constructed of structural lumber wrapped with PVC. There will be no signage on them.

Chair Wickwire commented on the brightness of the LED sign along Route 281 at this facility.

At the conclusion a brief discussion, **a motion was made by Member Newell to approve the canopies/trellis, 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 #72 of 2012.

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

Chair Wickwire recognized the applicant's engineer, Chuck Feiszli, who advised the Board that his client has purchased the site next door to the one previously approved by this Board and intends to double the size of the proposed building. Multiple tenants (5) will occupy the building: one or two women's apparel stores, shoe store, nutrition store and perhaps a game store. He displayed plans to the members for their review. Curb cuts will not be changed.

At the conclusion of a very brief discussion, **a motion was made by Member Renzi to send the application 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 #73 of 2012.

Jason & Michelle Genson, Applicants/Lewis & Lida Genson, Reputed Owners – 2166 Blodgett Mills Road – TM #107.00-03-13.000 – Subdivision of Land

Chair Wickwire recognized Jason Genson who explained that he wants to subdivide this 31.3±-acre parcel into three lots, as shown on the map accompanying the application. In response to the Board's question, PZO Weber assured them that there was access to all of the parcels.

With no further discussion, **a motion was made by Member Finamore 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 #74 of 2012.

Thomas Colledge Applicant/Janice Martin, Reputed Owner – 195 Madison Street – TM #86.09-01-34.000 – Site Plan – Proposed Tattoo Business

Chair Wickwire recognized the applicant who explained that he was seeking approval to open a tattoo facility at this location, which was formerly occupied by Executive Limousine. He will be leasing the building, and it is an allowed use. His hours will be noon to 8 p.m., Monday thru Saturday. Mr. College proposes to use the existing 4 ft. by 8 ft. free-standing, illuminated sign on the property. Tattoo services will be by appointment only.

With no further discussion, a motion was made by Member Newell to approve the Site Plan for the proposed tattoo business, as requested. The motion was seconded by Member 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 #75 of 2012.

OTHER BUSINESS

December Meeting: Chair Wickwire noted that the next regularly scheduled meeting of this Board would be on Christmas, December 25th. After a brief discussion, a motion was made by Member Renzi to move December's meeting from December 25th to December 18th, 2012 due to the holiday conflict. The motion was seconded by Member 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 #76 of 2012.

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 11/18/12.