

TOWN OF CORTLANDVILLE PLANNING BOARD
Minutes of Regular Meeting - Tuesday, 28 August 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

Laura Dayton, Applicant; Lucille Rathbun, Applicant; Andrew Porter & Attorney Mike Shafer for Bestway of NY, Inc., Applicant; Randall Fox & Susan Feiszli, Applicants; Phyllis & Stewart Hatfield, Lou Rathbun, Steve Dayton, Engineer Chuck Feiszli, Patrick Reidy of Cortland Co. Soil & Water, Dennis Norwood, Eric Mulvihill.

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 - 31 JULY 2012

A motion was made by Member Chris Newell to approve the Minutes of the 31 July 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 #53 of 2012.

FOLLOW-UP DISCUSSION - OPERATION/MAINTENANCE OF STORMWATER FACILITIES

At the July meeting of this Board, Amanda Barber and Patrick Reidy of the Cortland County Soil & Water District (CCSWD), appeared with regard to the operation and maintenance of stormwater facilities for the Town of Cortlandville. At the Town's request, they had put together a plan on how the CCSWD could assist them in evaluating and monitoring these facilities. At the end of their presentation, they asked for any specific input from the Town Planning Board that they may have, and agreed to come before this Board at this time.

Chair Wickwire recognized Pat Reidy who had submitted a copy of a proposal to everyone. Member Renzi complimented him on a job well done, and made some suggestions which Mr. Reidy will review.

After a brief discussion of the proposal, **a motion was made by Member Renzi to recommend to the Cortlandville Town Board that they approve an expenditure of \$6,000 to fund the Cortland County Soil & Water District's Phase 1 of a Stormwater Maintenance System Program. 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 #54 of 2012.

Member Renzi volunteered to be the "point person," acting as liaison with County Soil & Water.

OLD BUSINESS

Bestway of New York, Inc., Applicant/Bestway Enterprises, Inc., Reputed Owner - Luker Road - TM #86.17-02-01.000 - Conditional Permit for Proposed 10,000 SF Mechanic's Building

Chair Wickwire recognized Andrew Porter and Attorney Mike Shafer, representing the applicant who was seeking approval to construct a 10,000 SF building to house a mechanic's shop to service their own vehicles, as shown in the attachments to the applications. Reference is made to May and June 2012 Minutes of this Board for details.

At the June meeting, Mr. Porter had been asked to prepare a narrative in response to the County Planning Board's recommendations contained in their report of 15 June 2012; Attorney Shafer provided the applicant's response in his letter to PZO Weber of 20 August 2012, a copy of which has been placed on file for the record. PZO Weber stated that all County concerns had been answered. FAA approval was also received. There will be no truck washing.

Chair Wickwire asked about containment for the storage tanks; PZO Weber explained what the usual procedure was.

At the conclusion of their discussion, **a motion was made by Member Renzi to approve the Conditional Permit for the proposed 10,000 SF building, with a recommendation made to the Cortlandville 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:**

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

Nays: None

Motion carried.

This becomes Action #55 of 2012.

Charlotte Hawkins, Reputed Owner – 4077 NYS Route 281 – TM #?? - Motor Homes Parking Behind Dr. Hawkins' Medical Office

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

Attorney Mike Shafer stated he was appearing on behalf of Ms. Hawkins in response to PZO Weber's request.

Chair Wickwire explained that the Board was concerned with the items stored in what was considered the "overflow" portion of the parking lot, e.g., large motor homes, Owl's head truck, small trailer, etc., in addition to a storage shed. Ms. Hawkins started out with storing one motor home; no one had an issue with this. But then at least two more were added. It has become "more than parking for her business." PZO Weber stated that, in addition, there were two other unlicensed vehicles: a 1999 camper and a 2000 Mercury. Attorney Shafer stated that these were not present at this time. From a legal standpoint, Attorney Shafer commented that PZO Weber felt that Dr. Hawkins should file for a new Conditional Permit, and he disagreed with that.

Attorney Shafer stated there may be an issue with the storage shed, as it was placed without obtaining a Building Permit. The overflow parking area has never been needed for the medical practice.

PZO Weber stated "it is my contention that the Site Plan Approval that was granted originally called for this to be as an accessory parking area, a parking area accessory to the use of the property for Dr. Hawkins' medical office; that the parking there of anything other than vehicles associated with that use is not accessory to that use and, therefore, is a distinct and different service or process. That's where my interpretation of that section (178-36.1B) comes in." Attorney Shafer disagreed. The 50-some parking spaces continue to be used for parking.

Member Elizabeth Ambrose asked what was the reason that Dr. Hawkins is "doing what she's doing." Attorney Shafer explained that Dr. Hawkins and her husband belong to an RV club and she has adequate space for her friends to parking their motor homes. The Owl's Head truck parks there with her permission as he lives across the street and does not have room enough to park on his property. Attorney Shafer stated that Dr. Hawkins receives nothing in return for this; she does it as a friend. He stated he would talk with her regarding making it look better, cleaning it up, organizing it, etc. Chair Wickwire appreciated this. Member Renzi commented "if she could get rid of all the other stuff other than her camper, it would be a good solution."

In conclusion, Chair Wickwire asked Attorney Shafer to "find out what she would like to do with that property. We don't want five campers parked there because they are her friends; if she wants to park her camper there, nobody's going to go crazy over something like that . . ." The Board would like to work this out with a mutual solution. Attorney Shafer will convey the Board's wishes to Dr. Hawkins. Member Renzi added that, "If she could, in the spirit of cooperation, get rid of all the other stuff except her camper . . . I have no problem with the storage shed, I think this would be a great solution to this whole thing."

No Action Taken.

Crown Court, LLC, Applicant/Walmart Stores East, LP, Reputed Owner – 818 Bennie Road – TM #105.00-02-04.000 – Site Plan & Aquifer Protection District Special Permit for Proposed Retail Facility (Cont'd Review)

Chair Wickwire recognized Chuck Feiszli, PE, and Dennis Norwood, representing the applicant. The Site Plan review for this proposed retail facility was being continued from the July meeting of this Board. Reference is made to those Minutes for further details.

Board members had received a 20 August 2012 memo from Town Highway Superintendent Carl Bush who felt that the driveway as proposed (closest to NYS Route 13) would cause a lot of confusion due to the fact that there's another driveway into Walmart, right across the way. Engineer Feiszli stated the plans had been revised to a right-hand out with no left-hand turn onto Bennie Road; everything else on the plan remains the same.

In response to the Board's previous request to view the materials/color selections for the exterior of the proposed building, Mr. Norwood displayed color photos of the new building.

At the conclusion of their review/discussion, **a motion was made by Member Renzi to approve the Site Plan for the proposed 12,000 SF multi-tenant retail facility, with a recommendation made to the Cortlandville 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:**

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

Nays: None

Motion carried.

This becomes Action #56 of 2012.

Intertek Testing Services NA, Inc., Applicant/Electrical Testing Laboratories, Inc., Reputed Owner – 3933 US Route 11 – TM #s 87.00-03-17.100 & 20.000 – Conditional Permit & Aquifer Protection District Permit – Proposed Lab Expansion (Cont'd Review)

(Reference is made to the July Minutes of this Board for details.)

Chair Wickwire recognized Engineer Chuck Feiszli, representing the applicant, who was seeking approval to construct a new 38 ft. by 84 ft. single-story metal building on the southwest corner of the original building complex. The Board was in receipt of the Cortland County Planning Board's recommendations concerning this project. Engineer Feiszli stated he had no problems with the County Board's recommendations.

With no further discussion, **a motion was made by Member Newell approve the Conditional Permit for the proposed 3200 SF testing lab expansion, incorporating Items 1 thru 4 of the Cortland County Planning Department's recommendations contained in their 15 August 2012 report, with a recommendation made to the Cortlandville 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 #57 of 2012.

NEW BUSINESS

Lucille Rathbun, Applicant/Reputed Owner – 260 Hatfield Road – TM #74.00-02-03.100 – Subdivision of Land

Chair Wickwire recognized the applicant who was seeking approval to subdivide 9.26± acres from her 18±-acre parcel, as shown on the aerial photo accompanying her application.

With no further discussion, **a motion was made by Member Newell to approve the subdivision of land as requested. 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 #58 of 2012.

Laura Dayton, Applicant/Reputed Owner – 3427 Page Green Road – TM #96.00-10-06.000 – Subdivision of Land

Chair Wickwire recognized Steve Dayton, representing the applicant who was seeking approval to subdivide 92± acres of vacant land (all of the parcel on the east side of the road) from her 178± acre parcel, as shown on the annotated tax map accompanying her application. The remaining 86± acres are on the west side of the road.

With no further discussion, **a motion was made by Member Newell to approve the subdivision of land as requested. 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 #59 of 2012.

Randall Fox & Susan Feiszli, Applicants/Doug Clark, Reputed Owner – 4015 West Rd. (Doug's PowerSports) & Steve Timmons, Reputed Owner - 3901 West Rd. (Tropical Wheels) – Conditional Permit for Mobile Food Cart

Chair Wickwire recognized the Mr. Fox who was seeking a Conditional Permit to operate a mobile food cart from both of these locations, as stated in the narrative/maps accompanying both applications. There will be a 10 ft. by 10 ft. canopy on the site, over a couple tables w/chairs. He plans to operate (year 'round) two days at Tropical Wheels and three days at Doug's PowerSports, Monday thru Friday, 10 a.m. to 2 p.m. or 11 a.m. to 3 p.m. He stated he would use sandwich boards at the sites; PZO Weber advised he would need a permit for this.

Member Renzi commented that this was a nice thing to have, but he did not think it was the right place for it, nor did he like its appearance.

At the conclusion of the discussion, **a motion was made by Member Elizabeth Ambrose to approve the Conditional Permit for proposed Foxy's Franks at both locations, as requested,**

from 10 a.m. o 3 p.m., Monday thru Friday. The motion was seconded by Member John Finamore, with the vote recorded as follows:

Ayes: Chair Wickwire
Member Newell
Member Ambrose
Member Finamore

Nays: Member Renzi

Motion carried.

This becomes Action #60 of 2012.

OTHER BUSINESS

Walgreen's - Town Attorney Folmer reported that he had talked with Engineer Chuck Feiszli today and the remedial work at this facility at the corner of NYS Routes 222 and 281 has brought the stormwater management system to a 95% level of repair. The remaining 5% would require that everything be dug up. The stormwater will not flow into the City's water wells. Member Renzi thought that there should be another meeting with Engineer Feiszli; Attorney Folmer said this system should be revisited in a couple of years, and he will talk with Engineer Feiszli.

ADJOURNMENT

At 8:45 p.m., a motion to adjourn the meeting was made by Member Finamore, 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 9/26/12.