

TOWN OF CORTLANDVILLE PLANNING BOARD
Minutes of Regular Meeting - Tuesday, 31 July 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

Bob Lucas of Empire Tractor, Applicant; Rod Ives, PE, & Applicant Bob Frazee; Chuck Feiszli, PE, for Empire Tractor and Crown Court, Applicants; Tad Murray of Intertek, Applicant; Suzanne Kelley, Applicant; Pat Reidy & Amanda Barber of Cort. Co. Soil & Water Dist.; Jack Kelley, Town Councilman John Proud, Eric Mulvihill of WXHC; Matt Nojiri (?), Cortland Standard Reporter.

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 - 26 JUNE 2012

A motion was made by Member John Finamore to approve the Minutes of the 26 June 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 #46 of 2012.

NEW BUSINESS #1

Suzanne Kelley, Paul Kreitner, John Kreitner, Applicants/Reputed Oners - 3257 Gracie Road - TM #105.00-01-12.000 - Lot Line Adjustment

Chair Wickwire recognized Jack Kelley, representing the applicant who was seeking approval to subdivide this 10.2± A. parcel into two lots of 10± A. and 10.2± A., as shown in the attachment to the application. The 10-acre parcel is to be sold, and the 10.2-acre parcel is to be combined with the adjacent Kelley parcel at 3237 Gracie Road.

With no further discussion, a motion was made by Member Newell to approve the Lot Line Adjustment as requested. 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 #47 of 2012.

DISCUSSION – OPERATION/MAINTENANCE OF STORMWATER FACILITIES

Amanda Barber and Patrick Reidy of the Cortland County Soil & Water District (CCSWD), appeared before the Board 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. Ms. Barber stated they needed to have specific input from the Town Planning Board.

Mr. Reidy handed Board members a list of questions that they would like answered, followed by an extensive discussion pertaining to establishing a baseline/starting place for existing facilities, frequency of inspections/reports, looking at other communities to see how they handle this O & M monitoring, etc.

Member Renzi gave a brief history of the stormwater maintenance facilities in the Town, starting in 2007-2008. He stated that the Planning Board members should provide written input to CCSWD within a time frame, e.g., within the next two weeks. Then, at the next Planning Board meeting, they should come back with a revised proposal.

No Action Required.

OLD BUSINESS

James & Robert Lucas, Applicants/Reputed Owners (Empire Tractor) – NYS Route 13 (So. Cortland) – TM #105.00-01-48.100 – Continued Review of Revised Site Plan

(Robert Lucas, at June's meeting, had agreed to take up the Board's concerns with the subject property not conforming to the original Site Plan with his engineer and Dan Dineen of County Planning. Reference is made to April, May and June's Minutes for previous discussions.)

Chair Wickwire recognized Bob Lucas and his engineer Chuck Feiszli, PE, who had prepared a revised (6/19/12) Site Plan and a response (6/24/12) to the Cortland County Planning Board's recommendations contained in their Resolution No. 12-17 of 16 May 2012, a copy of which has been placed on file for the record. The Board reviewed the plan and the comments. Member Renzi felt that the answers to the County's recommendations were "good" as was the designation of specific areas on the site for equipment, etc. He then asked the applicant for a timetable; Mr. Lucas responded within the next 30 to 60 days. Member Renzi advised that what was proposed should be accomplished by 1 November 2012.

At the conclusion of the Board's discussion, **a motion was made by Member Renzi to approve the revised Site Plan as submitted, with the Conditional Permit to be modified accordingly, including berm and all responses made by Engineer Feiszli on 24 July 2012, and incorporate all of the sitework which shall be completed by November 1, 2012. 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 #48 of 2012.

Robert Frazee, Applicant/Cazenovia Equipment, Reputed Owner – US Route 11 (Polkville) – TM #97.00-02-06.000 – Continued Site Plan/Conditional Permit Review for Proposed Building Addition

(Reference is made to May and June's Minutes of this Board for additional information.)

Chair Wickwire recognized Rod Ives, PE, who responded to the Cortland County Planning Board's recommendations contained in their Resolution No. 12-25 of 18 July 2012. Mr. Ives stated that, with regard to the County's Items 1 & 11, provide the wastewater treatment plant with data regarding effluent from wash bay, they tested two of the subject's facilities and sent the results to Bruce Adams of the treatment plant; Mr. Adams responded via email and stated that the "outflow was inconsequential" – a copy was provided for the file. Therefore, he had no concern about "the facility being connected to the municipal sanitary sewer system." They will put in the oil/water separator for the wash bay. The engineer stated that Item 5 was not applicable as there are no drums with spigots nor stored on racks in a horizontal position. With regard to Item 8, he advised there was an existing Stormwater Pollution Prevention Plan and he will have that updated. The applicant will provide PZO Weber with written assurance that this has been done.

Regarding the floor drain, which is still there, the discharge has been capped off with concrete.

At the conclusion of the Board's discussion, **a motion was made by Member Renzi to approve the Conditional Permit for the proposed building addition, incorporating Items 1 thru 12 of the Cortland County Planning Board's Resolution No. 12-25 of 7/18/12, 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 #49 of 2012.

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

Chair Wickwire recognized Chuck Feiszli, PE. The Board had received a packet containing a set of drawings, and a copy of a letter from Jim Napoleon & Associates, dated 7/23/12, regarding the "Proposed Driveway" at this location. Copies have been placed on file for the record. The Board reviewed the "driveway" as shown on the plan. Town Attorney John Folmer stated that he had received a comment from the Town's 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.

PZO Weber reported that this project had been sent to County Planning a year ago, and if substantial changes are being considered, then this Board could send it back. Chair Wickwire asked if the Walden Place berm was being touched, and Engineer Feiszli reported that they will be "trimming it a little bit on the side" next to the applicant's building. It will not affect Walden Place at all. Member Newell commented that he did not like the looks of the building. Member Renzi asked if they could redo the exterior to resemble Walmart. Member Elizabeth Ambrose asked that the exterior be consistent with other businesses in the area. Engineer Feiszli will come back with a different exterior for the building being planned.

PZO Weber advised the engineer not to take any action until he has heard from Highway Superintendent Bush. He also reminded the engineer that the Planning Board is looking for material samples, colors, and drawing of what the proposed building will look like.

With no further discussion, **a motion was made by Member Renzi to continue review of the Site Plan for the proposed multi-tenant retail facility until this Board's 28 August 2012 meeting to allow the applicant time to acquire the requested information. 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 #50 of 2012.

NEW BUSINESS #2

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

Chair Wickwire recognized Tad Murray and 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. Reference is made to the engineer's narrative dated 24 July 2012, a copy of which has been placed on file for the record. This new addition will expand an existing testing laboratory.

At the conclusion of a brief discussion, **a motion was made by Member Newell to send the applications to the Cortland County Planning Department for their review. 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 #51 of 2012.

William Porter, Applicant/281 Groton Corp., Inc. & Wm. Porter Real Estate, Inc. Reputed Owner - Groton Ave. Plaza - Part of TM #86.13-01-55.220 - Request for Conditional Permit Extension

Chair Wickwire acknowledged receipt of a letter from Mr. Porter (dated 7/23/12) requesting an extension of time until at least 30 November 2012 for the display of Fred's Sheds for sale at this location. Board members saw no problem with this request.

With no further discussion, a motion was made by Member Ambrose to approve the Conditional Permit for the placement of three (3) sheds (Fred's Sheds) at this location until 30 November 2012, as requested. 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 #52 of 2012.

OTHER BUSINESS

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

(Reference is made to the June 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.)

PZO Weber reported that Board members had received a copy of Attorney Mike Shafer's response (dated 7/17/12) made on behalf of his client, Charlotte Hawkins. Attorney Shafer reported that he had discussed this matter with Dr. Hawkins, and he asked PZO Weber to provide him with an "outline of the points the Board would like to address." PO Weber stated that he could not do that as he was not given that information by this Board.

Chair Wickwire stated that the Board wanted to discuss all of the vehicles (RVs, Owl's Head Truck, unlicensed vehicle(s), etc.) that were parked in the overflow area in the back, along with a storage shed that is there and parking on the grass. No one cared about the one camper that was originally parked there, but now there are others being stored in this area.

Member Ambrose commented that "it really doesn't look that great for the people going in and out of Cayuga Medical."

PZO Weber stated he would write to the attorney and provide an agenda for him to utilize at the 28 August 2012 Town Planning Board meeting.

No Action Taken.

Walgreen's - Town Attorney Folmer stated that the testing of this system had been accomplished, a report prepared, and the system needs to be replaced. It was a totally mismanaged project.

Member Renzi prepared a statement regarding this stormwater management system which stated:

"The system supposedly was repaired last year without the Town approving the initial repair work as requested in the CHA report of July 2011. Recent testing of the system witnessed by Chuck Feiszli indicates that the system is still leaking. On October 10, 2006 Cortland Soil and Water noted construction discrepancies. Over the last six years the system has been tested, repaired, tested with an over abundance of delays and miscommunications. I feel that we are at a point where all confidence in CHA is gone and that the town should

consider hiring an independent engineering company to determine if the system as designed was suitable for the intended purpose, what is the current status of the system's functionality, can the existing system be repaired and finally what should that repair procedure be in detail.

Unless the Town gets a technical representative representing them this project is destined to continue to be a mismanaged mess as it has been for the last six years."

General Memo to Applicants

Member Renzi had prepared a general memorandum to be provided to applicants for Site Plan and Conditional Permit approvals. He asked Board members if they wanted to use it or not. PZO Weber commented that this form could be provided to those applicants at the time of a Site Plan or Conditional Permit approval.

Town Attorney re Wind Turbines

Town Attorney Folmer reported that tomorrow night (August 1st) he will be presenting a draft Wind Turbine Ordinance to the Town Board. Copies will be made so that Planning Board and ZBA will have them. He asked the Board to give it some thought and let him know their opinion as to how it should be done; this information would be most helpful.

ADJOURNMENT

At 9:05 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 8/9/12.