

TOWN OF CORTLANDVILLE PLANNING BOARD
Minutes of Regular Meeting - Tuesday, 26 June 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; Andrew Porter, for Bestway of NY, Applicant; Rod Ives, PE, for Bob Frazee, Applicant; David Potter & Chris Wrinn for Time Buyer, Inc., Applicant; Phil Silvestri, Lowell Dewey & John Cleary for C & S Cos., Applicant; Todd Markevich of APD Engineering, Applicant; Carin Roubeau, rep. Walmart; Gary VanGorder of Cort. Co. IDA; Jodi Cohen, Applicant; Ravi & Bharati Desai; Steve Jordan, Attorney Victoria Monty & Reginald Stanley, Applicant; Danielle Endress, Ketun Kuny (?).

REGULAR MEETING

The Regular Meeting of the Town of Cortlandville Planning Board was called to order by Chairperson Katherine Wickwire at 7:33 p.m.

APPROVAL OF MINUTES – 27 MARCH & 29 MAY 2012

A motion was made by Member John Finamore to approve the Minutes of the 27 March & 29 May 2012 Planning Board meetings, as submitted. The motion was seconded by Member Elizabeth Ambrose, with the vote recorded as follows:

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

Nays: None

Absent: Member Newell

Motion carried.

This becomes Action #35 of 2012.

OLD BUSINESS

Bestway of New York, Inc., Applicant/Bestway Enterprises, Inc., Reputed Owner – Luker Road – TM #86.17-02-01.000 – Conditional & APDSP for Proposed Mechanic's Building

Chair Wickwire recognized Andrew Porter, 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. At last month's meeting, the Planning Board forwarded the application to County Planning for their review. Mr. Porter acknowledged receipt of the County's recommendations and went over them with the Board, as follows:

Item 1. Applicant has a permit.

Item 2. Floor drains will be connected.

Item 3. Degreasing solvents currently are, and will continue to be, stored/disposed of.

Item 4. Agreed.

- Item 5. Will be done.
- Item 6. Don't have a lot of this, but will adhere to recommendation.
- Item 7. Spill Prevention & Response Plan is being developed.
- Item 8. No vehicle washing will be done on site.
- Item 9. Easement being worked on by Attorney Mike Shafer.
- Item 10. Mr. Porter will contact Highway Supt. on 6/27/12.
- Item 11. SWPPP – Engineer completing and has discussed w/Pat Reidy of CCS&W.
- Item 12. Still have to do this.
- Item 13. Snow storage areas are on stormwater plan; it's 90% complete.
- Item 14. It's below transitional surface elevation re County Airport.
- Item 15. Landscaping Plan. Mr. Porter asked about maintenance; Chair Wickwire explained it should be written down on plan.
- Item 16. Private well permit will be obtained from County Health Department.
- Item 17. This will be done.
- Item 18. SEQR cannot be done until all other things have been completed.

Member Nick Renzi suggested that the applicant submit a written commentary for all of the above items so that there will be an official record in the file and provide the attachments not received as of this date.

At the conclusion of the discussion, **a motion was made by Member Renzi to postpone any action on the applications for a Conditional Permit and Aquifer Protection District Special Permit for the proposed 10,000 SF building until the 31 July 2012 meeting of this Board. The motion was seconded by Member Finamore, with the vote recorded as follows:**

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

**Nays: None

Absent: Member Newell**

Motion carried.

This becomes Action #36 of 2012.

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 May'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. Reference is made to both April and May's Minutes for previous discussions.)

Chair Wickwire recognized Bob Lucas who had supplied the Board with his engineer's (Chuck Feiszli, PE) 6/19/12 response to the County's recommendations, along with a Revised Site Plan (6/19/12) indicating different equipment parking. Chair Wickwire commented that there was no Landscaping Plan as had been requested by the Board. Mr. Lucas responded that the trees could not be put where the Board wanted them because of the septic system. He then explained what he planned to do. Gravel will be put through the swale.

Member Renzi advised Mr. Lucas that he should respond, in writing, to every recommendation made by County Planning in their recommendations contained in their Resolution No. 12-17. There are things occurring on the subject site that are not even on the drawing (racks in back, etc.). What the applicant intends to have onsite should be indicated on the drawing. Member Renzi stated that the applicant needs to maintain a sense of orderliness to this business; there are other businesses in the area, and coming to the area, that want their surroundings to be attractive. Minimize the clutter and improve the looks of the subject property.

Regarding the lack of a Landscaping Plan, Mr. Lucas responded that he hadn't planned on doing any.

Layout of the farm equipment was discussed. Chair Wickwire again stated that the Board needs to have a plan with all things incorporated thereon. PZO Weber stated there should be some type of buffer there to soften the visual impact; the Board is trying to treat this as an attractive entrance into the Town.

Member Renzi added that there should be a minimum of fifty (50) feet from the State's right-of-way. Mr. Lucas stated that currently it's 30 feet. Chair Wickwire commented that Mr. Lucas should get going with the placement of gravel in order to put equipment on it, and put in some fast-growing trees. Chair Wickwire stated he could keep the front setback at 30 feet, but if it could be more than that, it would be preferred.

PZO Weber stated that, due to the size of various types of farm equipment, it would be more appropriate to set aside areas and designate an area where the equipment will be, and the equipment cannot go out of that area. Does not make sense to designate a number of pieces to be allowed. Proceed cautiously in saying okay to gravel an area without a Landscaping Plan. This Plan, and the location of equipment, he stated, go hand in hand. Attorney John Folmer advised that the Board should be careful in encouraging a piecemeal approach; once allowed, the applicant would have the opportunity to make the argument that, "based upon your letting me do Step 1 I've invested thus and so, and now you may well be arguing an estoppel that presumably you cannot estop a municipality, but it's an argument that you don't need to have if you can avoid it."

Chair Wickwire then reviewed Engineer Feiszli's 6/19/12 comments, item by item; a copy of the comments have been placed on file for the record. At the conclusion of her review, Chair Wickwire then advised Mr. Lucas that he needed to provide a map showing what landscaping he wanted to put on the site. Mr. Lucas stated that he did not want to put any. Chair Wickwire told Mr. Lucas that he had to put some; he indicated the area where he would be willing to do so. She also suggested that, in addition to trees along the south side, the dumpster area also needed to be obscured from view, and that Item #9 should be answered between the engineer and Mr. Lucas.

PZO Weber stated that Mr. Lucas needs to go back to the original approval and the conditions from County Planning and make sure everything was done. Mr. Lucas then responded that regarding Item 10, there are no new tanks; Item 11, cost is not less than \$150,000.

In conclusion, Member Renzi advised Mr. Lucas to sit down with Chuck Feiszli and Dan Dineen and go over these issues.

No Action Taken.

C&S Companies, Applicant/Ravi & Bharti Desai, Reputed Owners – NYS Route 13 (So. Cortland) – TM #105.00-03-08.000 – Sketch Plan Review for Proposed Best Western Hotel

(Reference is made to the Planning Board Minutes of last month for this project; at that time it was referred to Cortland County Planning for their review.)

Chair Wickwire recognized Lowell Dewey of C&S, who stated he had met with the NYSDO and responded to their request regarding access to this site from State Route 13. The landscaping plan remains the same, and the SWPPP has been completed. Chair Wickwire asked about snow storage, and Mr. Dewey explained where it will be put.

Member Renzi had prepared and submitted his comments to Mr. Dewey, to which Mr. Dewey has responded. Mr. Dewey and Phil Silvestri, the architect, brought in samples of the exterior materials to be utilized for this building. They have also talked with Carl Bush, Peter Alteri, and

the Cortlandville Fire Chief. PZO Weber asked if they had discussed the project with Pat Reidy of County Soil & Water, and Mr. Dewey advised that they had submitted the plans to him. PZO Weber stated he had not received anything from Mr. Reidy as yet.

Member Renzi asked if there were any LEED features, and Mr. Dewey answered that this was a possibility; Member Renzi would like to hear about them. Maintenance of the stormwater system was discussed. When asked what the plans were for the remainder of the property, Mr. Dewey responded that there were no plans to develop it, but it would be maintained; they will have an agreement with a landscaping company.

Chair Wickwire asked about a suggested walkway connection between the hotel and the adjacent Shipwreck Golf facility. Mr. Dewey stated that John Clary (?) had spoken with the owners of the miniature golf facility and they were interested in having the connection.

Chair Wickwire reviewed the County Planning Board's recommendations; all have been done except the approval by Mr. Reidy. Town Attorney John Folmer then explained the approval process that the Town Board will undertake regarding the SEQR and the Aquifer Protection District Special Permit.

With no further discussion, **a motion was made by Member Renzi to approve the Conditional Permit for the proposed Best Western Hotel, as requested, contingent upon the County Planning Board's recommendations being addressed, with a recommendation 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 Finamore, with the vote recorded as follows:**

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

Nays: None

Absent: Member Newell

Motion carried.

This becomes Action #37 of 2012.

Robert Frazee, Applicant/Cazenovia Equipment, Reputed Owner – US Route 11 (Polkville) – TM #97.00-02-06.000 – Site Plan Review for Proposed Building Addition
(Reference is made to May's Minutes of this Board for additional information.)

Chair Wickwire recognized Rod Ives, PE, who had submitted updated plans for the proposed addition; original plan indicated a building size of 7,500± SF, and this updated plan now indicates a size of 8,740± SF. The additional space was needed by the owner, so another 15 feet was added to the pre-engineered building. This addition will be attached to the existing building and will be connected to the public water and sewer system.

Member Renzi asked if they will be washing equipment in the building; Engineer Ives responded yes. PZO Weber cautioned that the owner may be on the threshold of a SWPPP as the building size has increased. Engineer Ives commented that they may drop the size of the concrete pads; he will talk with PZO Weber on 6/27.

With no further discussion, **a motion was made by Member Renzi to send the requests for a Conditional Permit and an Aquifer Protection District Permit for the proposed 7600± SF building addition to the Cortland County Planning Department for their review. The motion was seconded by Member Finamore, with the vote recorded as follows:**

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

**Nays: None

Absent: Member Newell**

Motion carried.

This becomes Action #38 of 2012.

NEW BUSINESS

APD Engineering, PLLC, Applicant/Walmart Stores East, RO – NYS Route 13 – So. Cortland – TM #105.00-01-22.211 – Revised Site Plan - Berm

Chair Wickwire recognized Todd Markevich, PE, who was present seeking approval of a Revised Site Plan to modify the existing berm along NYS Route 13. They want to lower the berm to provide a gentler slope and easier maintenance. The plans had been submitted, along with a letter of explanation (dated 6/18/12 – a copy of which has been placed on file) explaining what was being requested. In addition to changing the height of the existing berm, they would also like to change the seed mix in three areas, as described in the letter.

The berm along Walden Place will be maintained, once again, by Walmart; he assured the Board that it will have a much better appearance.

At the conclusion of a brief discussion, **a motion was made by Member Renzi to approve the Revised Site Plan, as submitted. The motion was seconded by Member Ambrose, with the vote recorded as follows:**

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

**Nays: None

Absent: Member Newell**

Motion carried.

This becomes Action #39 of 2012.

Time Buyer, Inc., Applicant/Colonial Finance Group, Inc., Reputed Owner – 4033 NYS Route 281 – TM #86.09-01-22.100 – Revised Site Plan

Chair Wickwire recognized Nick Potter who was present seeking approval of a Revised Site Plan for additional parking and auto display. He stated that they had previously been approved for 25-26 vehicles on this 2.31± A. parcel, but now need approval for more, about 55 cars on average, including employee parking and service vehicles. He stated he added another 6 vehicles to make a total of 61 vehicles to be parked on the subject parcel, as shown on the sketch accompanying the application. They do not do any repairs or painting, they only prep the cars.

Chair Wickwire brought up the problems with the adjacent business, Doug's PowerSports. Doug's places their equipment on Time Buyer's property and visa versa. The Board wants each business to keep their own equipment on their own properties. Mr. Potter stated that they have no vehicles on Doug's property at this time.

With no further discussion, a motion was made by Member Finamore to approve the Revised Site Plan for the used car lot, as requested (maximum of 61 vehicles). The motion was seconded by Member Renzi, with the vote recorded as follows:

Ayes: Chair Wickwire
Member Renzi
Member Ambrose
Member Finamore

Nays: None

Absent: Member Newell

Motion carried.

This becomes Action #40 of 2012.

Jodi Cohen, Applicant/281 Groton Corp., Reputed Owner (Wm. Porter) –NYS Route 222 (Groton Ave. Plaza) – TM #86.13-01-60.100 – Conditional Permit for Food Truck

Chair Wickwire recognized the applicant who was present seeking a Conditional Permit to park her food truck, Cookin' On Wheels, at the Fred's Sheds space adjacent to Tropical Sun Tanning, from 8 a.m. to 2 p.m. She stated that she had already been approved for the OCM BOCES site on Port Watson Street. She was also considering obtaining permission to park in the vicinity of CoffeeMania, also at the Groton Avenue Plaza. PZO Weber advised that she would need two applications, one for each site. He explained the ownership of the parcels included in the Plaza; Mr. Porter did not own all of them and had piece-mealed them off over the years. Ms. Cohen stated she would be happy to park anywhere and displayed a map showing a proposed location by CoffeeMania. PZO Weber obtained a copy of the tax map for the Plaza and indicated to the applicant who owns which parcel. After an extensive discussion and viewing of maps, the Board decided that they would consider her request to locate on the Porter-owned parcel next to CoffeeMania.

At the conclusion of the discussion, a motion was made by Member Finamore to approve the Conditional Permit for the food truck to occupy Tax Map Parcel #86.13-01-60.10 from 7 a.m. to 8 p.m., seven days per week. The motion was seconded by Member Ambrose, with the vote recorded as follows:

Ayes: Chair Wickwire
Member Ambrose
Member Finamore

Nays: Member Renzi

Absent: Member Newell

Motion carried.

This becomes Action #41 of 2012.

Reginald C. Stanley, Jr., Applicant/Reputed Owner – 3720 Hedgemoor Drive – TM #95.07-01-07.000 – Conditional Permit for Fitness Instruction

Chair Wickwire recognized Attorney Victoria Monty, representing the applicant who was seeking a Conditional Permit to teach fitness to individuals in the basement of at his home, by appointment only. There would be no more than two clients at one time. No signs will be used, and there was plenty of room for parking in the driveway.

After a very brief discussion, a motion was made by Member Renzi to approve a Conditional Permit for teaching fitness to individuals, contingent upon having no more than ten (10) users per day, Monday thru Friday. The motion was seconded by Member Finamore, with the vote recorded as follows:

Ayes: Chair Wickwire
Member Renzi
Member Ambrose
Member Finamore

Nays: None

Absent: Member Newell

Motion carried.

This becomes Action #42 of 2012.

David & Jennifer McMasters, Applicants/Reputed Owners – 4224 McCloy Road – TM #85.00-05-200.000 – Subdivision of Land

Chair Wickwire acknowledged that the applicants were not present. PZO Weber explained that the applicants simply wanted to take a 24.481± A. “house lot” out of their larger parcel to satisfy the banks, as shown on the survey map accompanying the application.

With no further discussion, **a motion was made by Member Renzi to approve the Subdivision of Land, as requested. The motion was seconded by Member Ambrose, with the vote recorded as follows:**

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

Nays: None

Absent: Member Newell

Motion carried.

This becomes Action #43 of 2012.

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

PZO Weber reported that as noted at previous Board meetings, this owner is not in compliance with the original Site Plan, a copy of which was provided to the Board members. He explained their alternatives for correcting this violation (vehicle storage) after regarding this violation. The area where numerous motor homes, an Owl's Head truck, small trailer, etc., some without licenses, were parked was, in the original Site Plan, considered as overflow parking for the medical facility. This constitutes a change in use, requiring a Conditional Permit. One vehicle may be encroaching the right-of-way. The Owl's Head truck may be on Osborne's adjacent property. In addition, there is a storage shed there for which there has been no approval.

Member Renzi stated he thought it was wrong for these things to be parked where they are; it's unsightly. PZO Weber suggested sending the owner a letter indicating a public hearing will be held for non-compliance with the original site plan. After a public hearing is held, the Planning Board can state she is not in compliance with the original site plan that was approved and, as such, the Board has the ability to revoke the permit. Or, the owner can bring the property into compliance by removing the offending vehicles, etc. Another alternative, if the Board feels that the property is in compliance, is to go to the ZBA for PZO Weber's interpretation that a Conditional Permit is needed for the change in use.

At the conclusion of their discussion, **a motion was made by Member Finamore that the Town of Cortlandville Planning Board authorizes the Planning/Zoning Officer to correspond with the property owner and Attorney Mike Shafer with regard to bringing this property into compliance with the Original Site Plan. The motion was seconded by Member Ambrose, with the vote recorded as follows:**

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

Nays: None

Absent: Member Newell

Motion carried.

This becomes Action #44 of 2012.

John Barden, Reputed Owner dba Fastlane Auto – 1799 NYS Route 13 – TM #77.00-01-34.000 – Parking on Lawn Space

PZO Weber explained to the Board that CEO Tom Williams had notified Mr. Barden on 18 June 2012 of his non-compliance with his original Site Plan. Mr. Barden is parking trucks on the lawn to the south of his building, an area which was to remain green space. He advised Mr. Barden that if he wished to request a change in use, he should contact PZO Weber. Additionally, the offending vehicles/associated parts were to be removed from that area, and the grass/weeds mowed by 25 June 2012. This has not been done. PZO Weber asked the Planning Board what they wished to do.

After a brief discussion, **a motion was made by Member Finamore that the Town of Cortlandville Planning Board authorizes the Planning/Zoning Officer to correspond with the property owner with regard to bringing the property into compliance with the original Site Plan. The motion was seconded by Member Renzi, with the vote recorded as follows:**

Ayes: Chair Wickwire

Nays: None

Member Renzi

Member Ambrose

Member Finamore

Absent: Member Newell

Motion carried.

This becomes Action #45 of 2012.

Walgreen's - Town Attorney Folmer stated that he had been informed that the "work will be done by July 9th."

ADJOURNMENT

At 10 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 7/11/12.