

TOWN OF CORTLANDVILLE PLANNING BOARD
Minutes of Public Hearing & Regular Meeting - Tuesday, 24 April 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; John DelVecchio, Applicant; Scott Smith, Applicant; Art Bell, Applicant; Matt N. (Cortland Standard Reporter).

PUBLIC HEARING

Lisa Thomas, Applicant/PROP, Inc., Reputed Owner - 3903 NYS Route 281 - TM #86.17-01-02.111 - Violation of Conditional Permit

Board Secretary Fitch read aloud the Public Hearing Notice as published in the *Cortland Standard* on 10 April 2012, as follows:

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Town of Cortlandville Planning Board, Cortland County, New York, at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, in the Town of Cortlandville, New York on Tuesday, April 24, 2012 at 7:30 p.m., regarding the Conditional Permit for the following:

1. Lisa Thomas , 3903 West Road, Tax Map # 86.17-01-02.111

DATED: April 10, 2012

KATHERINE S. WICKWIRE, CHAIRPERSON
Cortlandville Planning Board
3577 Terrace Road
Cortland, New York 13045

Acting Chair Newell acknowledged that neither the applicant, nor a representative, was present at this Hearing. PZO Bruce Weber reported that the applicant was familiar with the Conditional Permit, and he has personally inspected the subject premises and found the violation of parking display vehicles on the grass along NYS Route 281. He further advised that the applicant had been informed that there was no parking on the grass. Vehicles have been parked there on an intermittent basis. PZO Weber continued that he has visited the site between four and six times and there has been no change in action by the applicant. A Certified letter was sent to her requesting her presence at last month's meeting of this Board. The letter was signed for, but she, or a representative, failed to appear.

He last observed the premises today and there was a white Corvette parked on the north side grass. There are from 15 to 20 vehicles in the lot as a whole. A second letter to the applicant had been sent, Certified, with Return Receipt Requested, asking her to be present at this hearing; no receipt has been returned at this time; proof of mailing has been placed on file.

In response to Town Attorney John Folmer's questions, PZO Weber affirmed that Lisa Thomas rented the property and she is the person of record for the business, she was informed of the conditions on the permit at the time it was issued and agreed to those conditions, she continues to park vehicles on the grassy area where she's not supposed to, and she has been asked (once by Certified Mail, Return Receipt – which was received) to appear before the Planning Board regarding this violation and has failed to do so.

Acting Chair Newell asked if there was anyone from the public who wished to speak on this matter; there was no one.

With everyone heard who wished to be heard, Acting Chair Newell closed the Public Hearing at 7:40 PM.

NO ACTION TAKEN.

REGULAR MEETING

The Regular Meeting of the Town of Cortlandville Planning Board was called to order by Acting Chairman Chris Newell at 7:40 p.m.

OLD BUSINESS

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

(The Board, at February's meeting, had reported that this new facility was unsightly and not in keeping with their original Site Plan. There was a pile of broken-up pallets on the site, along with a couple of storage trailers, etc. Mr. Lucas appeared at the March Planning Board meeting at which time they asked him to return before the Board at this meeting with a Revised Site Plan).

Acting Chair Newell recognized Bob Lucas who explained the Revised Site Plan that had been distributed to the Board members by his engineer, Charles R. Feiszli, PE, of Resource Associates. Mr. Lucas indicated to the Board where graveled areas will be. Member Renzi reviewed the comments he had prepared, as follows:

Background:

The complete history of the applications submitted for this property are contained in the County Planning Department's report dated September 10, 2010. It should be noted that this report states that "In August 2009 the County Planning Board recommended denial of an application for an aquifer protection district special permit, conditional permit and use variance to construct a 20,000 sq. ft. building for the purpose of selling and servicing farm equipment as the proposed use is not a permitted use in the B-1 (Neighborhood Business) District. The use variance portion of the application was subsequently approved by the Town." Reference the Cortland ZBA Minutes of August 25, 2009 where there was a unanimous approval of the variance request.

Since the originally approved site plan and conditional permit were not being adhered to the Planning Board requested a revised site plan. Originally the site plan provided an area 70 ft. by 164ft. (11480 sq. ft.) for equipment display, reference the County Planning Department report dated September 10, 2010.

The revised site plan defines the location and number of pieces of new, used and to be repaired equipment. In addition the location of dumpsters and a loading dock is also provided.

The various display and storage areas are summarized as follows:

NUMBER	DESCRIPTION	DIMENSIONS	TOTAL AREA	NUMBER OF PIECES
27-1	LARGE EQUIPMENT	70X205	14350 SQ. FT.	30 TO 40
27-2	LARGE EQUIPMENT	70X205	14350	30 TO 40
27-3	LARGE EQUIPMENT	70X205	14350	30 TO 40
35	USED EQUIPMENT	70X205	14350	30 TO 40
36	EQUIPMENT FOR REPAIR	30X202	6060	15 TO 20
37	NEW SMALL EQUIPMENT	10X154	1540	30 TO 40
40	NEW MEDIUM SIZE EQUIPMENT	20X90	1800	15 TO 20
TOTAL OF ALL AREAS			66800 SQ. FT.	180 TO 240

COMMENTS:

1. The originally approved site plan had a display area of 70x164 ft or 11480 sq. ft. The revised plan has a total display area of 66800 sq. ft, which is almost six times larger than what was approved by the Planning Board in September 2010.

The expansion of the display area coupled with the display of 180 to 240 pieces of equipment is unacceptable from a visual and environmental standpoint. A complete review of the site plan by the County Planning department and Soil and Water is recommended. The visual impact and environmental impact should be carefully studied.

2. The site plan shows two dumpster on the south side of the main building and another 2 scrap material dumpsters at the north east corner of the property. The latter two dumpsters are visible from Route 13 and should be either relocated or shielded.
3. The raised loading dock identified as item 38 needs some description.

The business owners have provided good response to the Planning Board's request for a definition of what is the plan for the display of equipment and other site plan related items. The 180 to 240 pieces of equipment coupled with four dumpsters and a raised loading dock are beyond what I would have imagined this business operation would contain. The volume of pieces of equipment and the request to have four dumpsters on the property and a raised loading dock requires a complete review of the site plan by County Planning and Soil and Water.

My opinion is that if the equipment is to be displayed as described it should be set back as far as possible from the Route 13 highway since this is the gateway to the Town of Cortlandville. The parking lot surfacing perimeter per Note 5 should be defined. Note 5 specifies GRAVEL PARKING LOT. Does this mean all areas where cars and equipment are parked?

The Planning Board needs to evaluate the impact of this operation both visually and environmentally keeping in mind that this is not an allowed use normally and it is only by a use variance that it is allowed now.

The County Planning department and Soil and Water should review the revised site plan.

The recommendations contained in the County Planning Departments report should be addressed by the Cortlandville Code Enforcement Officer to assure that there is compliance.

Until we get comments from the County Planning Board and a report from the Cortlandville Code Enforcement officer on the conformity of the site to the County's recommendations no formal action should be taken.

The two trailers that are currently on site are a violation of the original conditional permit should be removed by May 15, 2012.

Nick Renzi
Planning Board Member
April 24, 2012

Member Renzi stated that the present condition of the site could be impacting the stormwater management system, and the status/revised site plan should be reviewed by Patrick Reidy of County Soil & Water. With regard to the storage trailers, Mr. Lucas stated that the owner of these units has been notified to pick them up, but hadn't done so yet.

Acting Chair Newell commented that maybe the Revised Site Plan should be re-evaluated/reviewed by Cortland County Planning. Get rid of the storage trailers, do what you can to improve the site, and come back before this Board at the May meeting, Mr. Lucas was advised. Mr. Lucas reported he has asked for bids to gravel the areas indicated. PZO Weber advised the applicant to go back and look at the use variance previously granted and see what was applied for; PZO Weber stated he, too, will look in the file. The Board assured Mr. Lucas that they, in no way, wanted to hinder his business.

Member Renzi reiterated that the applicant needs to remove the storage trailers.

Regarding stormwater management, Mr. Lucas mentioned that perhaps a culvert should be installed; this should be discussed with Mr. Reidy. Mr. Lucas stated his engineer was supposed to make modifications to the plan. Engineer Feiszli should call Mr. Reidy and talk to him about the modifications he was supposed to make. PZO Weber commented that there might be a whole different set of conditions, so the applicant should wait until CEO Tom Williams can review the site for conformity to the County's recommendations.

With no further discussion, **a motion was made by Member Renzi to send the Revised Site Plan to Cortland County for review by the Planning Department and Patrick Reidy. The motion was seconded by Member John Finamore, with the vote recorded as follows:**

**Ayes: Acting Chair Newell
Member Renzi
Member Finamore**

Nays: None

**Absent: Chair Wickwire
Member Ambrose**

Motion carried.

This becomes Action #22 of 2012.

John DelVecchio, Applicant/DelVecchio Family, LLC, Reputed Owner – 1703 NYS Route 13 – TM #86.17-01-02.111 – Revised Site Plan for Proposed Two-Family Residence

Acting Chair Newell recognized the applicant who was returning to the Board with a Revised Site Plan for a proposed two-family dwelling as he had changed the configuration of the dwelling. Setbacks are in conformance with the Code.

With no further discussion, a motion was made by Member Renzi to approve the Revised Site Plan as requested. The motion was seconded by Member Finamore, with the vote recorded as follows:

Ayes: Acting Chair Newell
Member Renzi
Member Finamore

Nays: None

Absent: Chair Wickwire
Member Ambrose

Motion carried.

This becomes Action #23 of 2012.

Richard Osborne, Applicant/Reputed Owner – 4073 West Road (NYS Route 281) – TM #86.09-01-27.000 – Site Plan Review – Proposed Additions

PZO Weber advised that the applicant had not as yet submitted the plans.

With no further discussion, a motion was made by Member Finamore to postpone the Site Plan Review until the Board's meeting on 29 May 2012. The motion was seconded by Member Renzi, with the vote recorded as follows:

Ayes: Acting Chair Newell
Member Renzi
Member Finamore

Nays: None

Absent: Chair Wickwire
Member Ambrose

Motion carried.

This becomes Action #24 of 2012.

NEW BUSINESS

Arthur C. Bell, Jr., Applicant/Gerald & Fay Bell, Reputed Owners – Blue Creek Road – TM #76.04-12.111 – Subdivision of Land

Acting Chair Newell recognized the applicant who explained that this parcel had been subdivided in 2003±, but the map was never filed. He now wants to build a home on a portion of this lot, so needs to get its approval again. The acreage of the parcel to be subdivided is now larger, as the Code has changed since the original subdivision was approved; the lot size was increased from 1.23± A. to 2.73± A. to conform to the requirements.

With no further discussion, a motion was made by Member Renzi to approve the subdivision, as requested. The motion was seconded by Member Finamore, with the vote recorded as follows:

Ayes: Acting Chair Newell
Member Renzi
Member Finamore

Nays: None

Absent: Chair Wickwire
Member Ambrose

Motion carried.

This becomes Action #25 of 2012.

Scott Smith, Applicant/Reputed Owner – 730 NYS Route 13 – TM #105.00-01-49.200 – Conditional Permit for 18,000-Gal. LPG Tank

Acting Chair Newell recognized the applicant who explained that he was seeking approval to add a new 18,000-gallon LPG tank on this business site, as shown on the Site Plan accompanying the applications. The Board reviewed safety concerns with the applicant. Mr. Smith stated that there will be a fence to protect the pump for this facility.

With no further discussion, **a motion was made by Member Renzi to approve the Conditional Permit for the 18,000-gallon LPG tank, as requested. The motion was seconded by Member Finamore, with the vote recorded as follows:**

**Ayes: Acting Chair Newell
Member Renzi
Member Finamore**

Nays: None

**Absent: Chair Wickwire
Member Ambrose**

Motion carried.

This becomes Action #26 of 2012.

Lisa Thomas, Applicant/PROP, Inc., Reputed Owner – 3903 NYS Route 281 – TM #86.17-01-02.111 – Violation of Conditional Permit

Discussion of this matter was taken up by the Board. PZO Weber offered to hand carry the Board's request to be present at their May meeting directly to Lisa Thomas. Acting Chair Newell added that applicants need to respect this Board. Member Renzi would like to ask Ms. Thomas a few questions. PZO Weber asked the Board if they wished to revoke her Conditional Permit, and Member Renzi responded no, but she was wasting the Board's time by not complying with her Permit. He stated he would like to stop in and visit Ms. Thomas; PZO Weber had no objection, nor did Attorney Folmer. Acting Chair Newell questioned if it was Member Renzi's place to do so. He felt the bigger issue was the fact that she should have the courtesy to show up so the Board could resolve the matter. Acting Chair Newell was in favor of having PZO Weber hand carry a letter to her asking that she come to the May meeting.

Town Attorney Folmer advised the Board that they could take action at this meeting as a result of the Public Hearing; however, he felt that the full Board should be in attendance. He advised PZO Weber to take a notice to Ms. Thomas to be here next month, and if Member Renzi wanted to go as a concerned person, he could do so. Ms. Thomas, he stated, needs to be told by PZO Weber that the Board expects her to be at the May meeting and, if she does not appear, there is no guarantee as to what the Board will do. Acting Chair Newell stated that he wanted to "hear from her one way or the other."

OTHER BUSINESS

- ✓ **Walgreen's** – Attorney Folmer reported that he had received a signed Agreement from James Trasher.
- ✓ **Sun Auto Parking** - Member Renzi said there were 75± cars in the former SCM parking lot, placed there for storage by Sun Auto. PZO Weber informed him that "they are putting together an application to use that space."
- ✓ **Motor Homes Parking Behind Dr. Hawkins' Office on NYS Route 281** - Member Renzi noted that there were four motor homes, a trailer, and an Owl's Head Truck parked behind this building. Town Attorney Folmer stated this was in an on-going discussion w/Dr. Hawkins' attorney, Mike Shafer, who will get back to Attorney Folmer.

- ✓ **Sun Auto Parking on Former SCM Lot** – Acting Chair Newell noted that there appeared to be a greater number of vehicles stored on this lot by Sun Auto. PZO Weber will contact David Yaman regarding this.
- ✓ **Trailers in Former SCM Parking Lot** – Member Renzi questioned this; PZO Weber responded that trailers will be parked there.
- ✓ **R. Homer Carpets** – Member Renzi stated there was a roll-off container at the rear of this store on NYS Route 13.
- ✓ **Snow Removal Equipment on Walmart Site** – Member Renzi stated that snow removal equipment was parked in a rear parking lot at Walmart. Is this satisfactory?

ADJOURNMENT

At 8:30 p.m., a motion to adjourn the meeting was made by Member Renzi, seconded by Member Finamore, 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 4/26/12. (R)