

TOWN OF CORTLANDVILLE PLANNING BOARD
Minutes of Regular Meeting - Tuesday, 27 March 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

Geoffrey Tyrrell, Applicant; Egon Wendel & Andrew Porter of Bestway of NY, Inc., Applicant; Bob Lucas of Empire Tractor, Applicant; Richard Young & Pat Stock for Pall Corp., Applicant; David McMasters, Applicant; Richard Osborne, Applicant; Sharon Blakesly, Kathryn Totman, Neil Burns, Scott Fallone (sp?).

REGULAR MEETING

The Regular Meeting of the Town of Cortlandville Planning Board was called to order by Chairperson Kathy Wickwire at 7:30 p.m.

APPROVAL OF MINUTES – 28 FEBRUARY 2012

A motion was made by Member Chris Newell to approve the Minutes of the 28 February 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 #13 of 2012.

OLD BUSINESS

Pall Trinity Micro, Applicant/Reputed Owner – 3643 NYS Route 281 – TM #76.00-01-11.000 – Conditional Permit for Proposed Addition

Chair Wickwire recognized Richard Young, representing the applicant who was seeking a Conditional Permit to construct a 20 ft. by 28 ft. single-story masonry structure, slab on grade, metal roof, for the purpose of NH₃ (anhydrous ammonia) storage and processing, all as described in the “NH₃ Process Study” prepared by C&S Engineers, Inc., dated 21 December 2011, which accompanied the application, as presented at the Board’s 28 February 2012 meeting. At that meeting the application was forwarded to the Cortland County Planning Department for their review. Reference is made to those Minutes for additional details.

Chair Wickwire asked the Pall reps if they had seen the County Planning Board’s recommendations; they responded that they had and there were no objections. In response to Chair Wickwire’s question, Mr. Young stated they had not as yet contacted the Cortlandville Fire Department, but they will when the project is further along. Member Renzi asked if the firefighters would require any special training to handle the contents of the new building in case of

an emergency; Mr. Young did not believe so and added that it was important that they were aware of what materials were kept in this new building.

Chair Wickwire read aloud Part II of the Short Environmental Assessment Form. Negative responses were obtained to all questions in Part II.

A motion was then made by Member Renzi that the action, based on the information submitted, will not cause any significant adverse environmental impact, resulting in a Negative Declaration under SEQRA. 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 #14 of 2012.

A motion was then made by Member Renzi to approve the Conditional Permit and Site Plan application for the proposed process storage building, as requested. 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 #15 of 2012.

Statement for the Record by Member Renzi

Member Renzi advised those present that he felt the Cortland County Planning Department/Board, under the very capable leadership of their Director Dan Dineen, deserved kudos for their excellent review of applications such as the one above; therefore, he read the following comments into the record:

Having just read Dan's report on the Pall Trinity application for a chemical storage building and his presentation of prior activity on the PTM site going back to 1969 prompts me to make this statement.

Over the ten years that I have been on the Cortlandville Planning Board, it has always been apparent that the review of applications by the County Planning Department (specifically Dan Dineen) has been not only necessary but invaluable in making fair and professionally based decisions at the local level.

I have had the pleasure of working with Dan on many projects, and I have read all of his application analysis, and I am always impressed with his thoroughness, professional approach, and objectivity. Having worked with many high-powered people in my career, Dan is second to none.

I feel privileged to work with Dan and I know Cortland County and Cortlandville are very well served by his diligence to detail and professionalism. We are fortunate in many ways to have professional planning guidance by Dan.



(T) Cortlandville Planning Board

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 last month'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. PZO Weber had, at that time, agreed to visit the site and check it out for compliance.)

Chair Wickwire recognized Bob Lucas who said he realized that they needed to revise their Site Plan. Mr. Lucas stated the business had more equipment than planned. He realized the storage trailers needed to be removed and would be within three (3) weeks. The pallets will be taken away. Chair Wickwire commented that NYS Route 13, in this area, is a "gateway to Cortlandville" and the site did not look very nice.

Mr. Lucas added that the now-muddy display area will be graveled this year, used equipment and equipment there for repair will be kept at the rear of the building. A good share of the used equipment is sold (he estimated about 50%). The applicant stated he wanted to draw gravel from his property in the back to spread in the parking/display areas and, perhaps sell about 1000 yards of topsoil from there per year. PZO Weber read from the regulations, as mining is a separate issue. If the gravel/topsoil is used on the same premises, then a permit would not be required.

Chair Wickwire commented that the required setback from the State right-of-way is 50 feet.

Member Renzi asked the applicant to take his original Site Plan, bring it up-to-date, and put on it exactly what they would like to do, with dimensions. Chair Wickwire reiterated, "Give us what you finally would like to do." It would be considered a Revised Site Plan. Mr. Lucas advised that they would like to have more signs to indicate the vendors they have; PZO Weber advised him to contact his office at the time. Member Renzi stated that the applicant could indicate the planned signs on the Revised Site Plan. Mr. Lucas responded he would return before the Board at their April meeting, with a Revised Site Plan.

With no further discussion, **a motion was made by Member Renzi to postpone the review of the Revised Site Plan until 24 April 2012. The motion was seconded by Member John Finamore, with the vote recorded as follows:**

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

Nays: None

Motion carried.

This becomes Action #16 of 2012.

Lisa Thomas, Applicant/PROP, Inc., Reputed Owner – 3903 NYS Route 281 – TM #86.17-01-02.111 – Existing Used Car Sales

(Note: At the 28 February 2012 of this Board, PZO Weber reported that vehicles for sale at the subject site are still being displayed on the grass areas, despite his attempts to end this disallowed

practice. The Board authorized the PZO to request the applicant to appear before the Board at this, the March, meeting. Reference is made to those Minutes for details.)

PZO Weber reported that he had sent a Certified Letter to the applicant, notifying her of the Board's wishes. The letter was delivered and signed for. However, there was no one present to represent the applicant to resolve this matter. PZO Weber reported that the applicant continues to place vehicles on the grass.

Member Renzi then stated he felt that a memo should be put together to give to applicants for Site Plan and Conditional Permit approvals; he distributed an example of what he felt was appropriate, as follows:

DATE: _____
TO: _____
FROM: Cortlandville Planning Board
RE: Site Plan and Conditional Permit approvals

This memo is for your general information if you have been granted a Site Plan approval or a Conditional Permit; it does not supercede any of the official directives that you were given by the County Planning Board or the Cortlandville Planning Board. The basic purpose of this memo is to emphasize that strict conformance to the approved Site Plan or specifics of the Conditional Permit is not only required but is also your responsibility. Failure to comply with what was finally approved by the Planning Board may cause the Planning Board to revoke the Conditional Permit for non-compliance.

The Planning Board will always cooperate with applicants before and after approvals, but it is expected that after approvals are granted, that any changes be brought to the attention of the Planning Board **before** they are implemented so that review, discussion, and final decisions may be made in a way to not circumvent the Town Code while still accommodating the applicant.

Actions that are typically taken by applicants after approvals have been granted are usually because of a lack of knowledge of the specifics of the Town Code. Some of the traditional violations include, but are not limited to, the following:

- *Placing storage trailers on the property*
- *Piling up of skids and other business-related hardware*
- *Alteration to business signs*
- *Storage of drums used for fluids supporting the business*
- *Dumpsters for scrap materials*
- *Erection of storage sheds*
- *Having more vehicles on display than what was approved*
- *Parking of vehicles in areas that were not approved*

The Cortlandville Town Code is available through the Town Clerk's office, or questions may be discussed with the Planning/Zoning Officer or the Code Enforcement Officer, so feel free to contact them if you have any questions.

We strive to accommodate all applicants in a way to help in the growth of business at minimal cost and complexity to the applicant while still following and enforcing the Cortlandville Town Code. You should expect cooperation from us and we, as well, expect your cooperation.

PZO Weber suggested that this matter be reconsidered at the end of the meeting.

NEW BUSINESS

Geoffrey Tyrrell, Applicant/Phillips Edison Co., Reputed Owner – 3816 NYS Route 281 – TM #86.13-01-65.100 – Site Plan for Proposed Fat Jack's BBQ Restaurant

Chair Wickwire recognized the applicant who explained that he would like to bring this casual dining, family-style restaurant to the strip mall located in the front of TOPS Plaza, in a portion of the former Hollywood Video location, as shown on the drawing accompanying the application. The narrative and floor plan layout attached to the application explained what was being proposed, including the chain's website: www.fatjacks.net.

Parking was discussed; Member Renzi commented that there were a total of 63 parking spaces in front of and directly behind this strip mall. He felt this was adequate parking. Member Renzi then questioned the use of the existing handicapped parking spaces. PZO Weber advised that the spaces were in compliance with the Code at the time the strip mall was constructed.

At the conclusion of the parking discussion, **a motion was made by Member Finamore to approve the Site Plan for the proposed Fat Jack's BBQ Restaurant, as requested. The motion was seconded by Member Elizabeth Ambrose, with the vote recorded as follows:**

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

Nays: Member Renzi

Motion carried.

This becomes Action #17 of 2012.

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

Chair Wickwire recognized the Mr. McMasters who was seeking approval to subdivide a 100± lot parcel out of his 320± A. parcel, as shown on the map/aerial photo accompanying the 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 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 #18 of 2012.

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

Chair Wickwire recognized the applicant who explained that he wants to add on to his existing carpet sales facility. He presented three options to the Board, with Option #2 being his preference. This option indicated a new 28 ft. by 30 ft. addition to the existing facility which connected to another 40 ft. by 60 ft. new addition connected to an existing warehouse. Mr.

Osborne stated he was simply coming before the Board at this time to get their input. PZO Weber reminded everyone that no matter what was chosen, it must conform to the Building Code.

Member Renzi stated that he felt that Board should not act on the matter at all because there was "lots of stuff" on the site: dumpster, piles of wood, dumpster full of firewood, etc. PZO Weber stated that a dumpster is legal. Mr. Osborne stated he plans to sell the wood. Member Renzi advised the applicant to come in with a plan for the correct option. PZO Weber commented that drawing on an existing survey map to indicate the proposed location of the addition was not considered an alteration of the survey map. Town Attorney Folmer concurred.

Chair Wickwire asked Mr. Osborne to come back before the Board with the actual dimensions of what he planned to do, indicating what everything was going to look like. She agreed that the site needed to be cleaned/neatened up.

With no further discussion, a motion was made by Member Newell to postpone the Site Plan Review until the Board's meeting on 24 April 2012. **The motion was seconded by Member Finamore, with the vote recorded as follows:**

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

Nays: None

Motion carried.

This becomes Action #19 of 2012.

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 Building

Chair Wickwire recognized Andy Porter, representing the applicant who was seeking a Conditional Permit and an Aquifer Protection District Permit to construct a 10,000 SF building on this site to house a mechanic shop for servicing of their own fleet. A narrative accompanying the application contained all details of the proposed building. PZO Weber advised that a Stormwater Pollution Prevention Plan would be required for this project.

Mr. Porter stated there would be landscaping around the new building, with the building's exterior to match the company's other buildings on the site. Member Renzi commented that the Board should have a Site Plan with details before the application was sent to County Planning for their review. PZO Weber stated that he would consider what was received as a Sketch Plan; the applicant needed to define driveways, etc. The Planning Board makes the decision as to whether or not the application is complete. Member Renzi advised that the Code contains a list of what needs to be on a Site Plan; just provide the Board with this information. He considered this a Sketch Plan Conference.

With no further discussion, **a motion was made by Member Newell to postpone any action on this matter until the 24 April 2012 meeting of this Board. The motion was seconded by Member Finamore, with the vote recorded as follows:**

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

Nays: None

Motion carried.

This becomes Action #20 of 2012.

OTHER BUSINESS

- ✓ Member Finamore asked if the Town of Cortlandville had anything in its Code regarding “puppy mills.” PZO Weber responded by reading from our Code regarding kennels.
- ✓ Member Renzi asked the Board to consider the Conditional Permit/Special Permit memo (as it appears on page 4 of these Minutes). Town Attorney Folmer added that he will review the memo and consideration will be given at the next meeting when everyone has had a chance to review it.
- ✓ **Lisa Thomas, Applicant/PROP, Inc., Reputed Owner – 3903 NYS Route 281 – TM #86.17-01-02.111 – Existing Used Car Sales** – PZO Weber reported that the ongoing problem of parking sale vehicles on the grassy areas has not been solved, despite repeated attempts to make her aware of what is needed. As the Board requested at last month’s meeting, PZO Weber sent a Certified/Return Receipt letter to the applicant regarding this violation of their Conditional Permit. The letter was received and signed for. He now asked the Planning Board what they wanted to do. Attorney Folmer added that he was concerned over the length of time that has passed since the applicant was made aware of the violation. At the conclusion of an extensive discussion, **a motion was made by Member Renzi to set a Public Hearing to revoke the applicant’s Conditional Permit granted on 10/26/11 (Action #67 of 2011) for 24 April 2012 at 7:30 p.m. 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 #21 of 2012.

- ✓ **Training Session – 4/30/12** – Chair Wickwire reminded everyone of this session to be held at the County Office Building.
- ✓ **Motor Homes Parking Behind Dr. Hawkins’ Office on NYS Route 281** - Member Renzi noted that there were four motor homes parked behind this building. This was not permitted. PZO Weber will check on this outside storage which is not permitted.
- ✓ **Sun Auto Parking on Former SCM Lot** – Chair Wickwire 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.
- ✓ **Commercial Wind Mills** – Town Attorney Folmer reported that the Town Board will be holding a Public Hearing regarding this on April 5th, at which time they are expected to act upon a moratorium.
- ✓ **Walmart’s** – Letter of agreement in the works; Attorney Folmer sent to James Trasher for his signature.
- ✓ **Monitoring/Maintaining Stormwater Systems** – Member Renzi stated he had talked w/Amanda Barber regarding an agreement to conduct this; Attorney Folmer advised he had heard nothing as yet.
- ✓ **Transient Businesses** – Town Attorney Folmer commented on last month’s matter regarding a proposed flower tent and apologized for the confusion. PZO Weber explained original purpose of “transient business” and read appropriate portions of the Code. Chair Wickwire thought maybe the Board should talk with the Town Board regarding this. Member Renzi suggested everyone should read the Transient Business section of the Code. Town Attorney Folmer asked if any Board members had any ideas regarding what could be done regarding transient business, they should get them to him.

ADJOURNMENT

At 9:15 p.m., a motion to adjourn the meeting was made by Member Ambrose, 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 4/24/12.