

TOWN OF CORTLANDVILLE PLANNING BOARD
Minutes of Regular Meeting - Tuesday, 6 March 2018 – 7 PM
Town Hall Board Room – 3577 Terrace Road – Cortland, NY

Board Members (*absent)

Katherine Wickwire, Chairperson
Christopher Newell
Nicholas Renzi
John A. DelVecchio
Nasrin Parvizi

Others Present

Bruce Weber, Town Planning/Zoning Officer
John B. Folmer, Town Attorney
Joan E. Fitch, Board Secretary
John Proud, Town Board Member

Applicants & Public Present

Andrew Porter for Prop, Inc., Applicant; Gregory Leach, Applicant; David Yaman, Applicant; Zach Plonka for UCK Three, LLC, Applicant; Doug Withey, Ronald Denniston, Attorney William Pomeroy, Pamela Jenkins, Barbara Leach, Andrea Niggli, John Woodward, Matt Steele, Andrea Rankin, LaVonne Mack, Ed Keplinger.

REGULAR MEETING

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

APPROVAL OF MINUTES – 30 JANUARY 2018

A motion was made by Member Chris Newell to approve the Minutes of the 30 January 2018 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 DelVecchio
Member Parvizi**

Nays: None

Motion carried.

This becomes Action #6 of 2018.

OLD BUSINESS

Prop, Inc., Applicant/Reputed Owner – 3877 Luker Road – TM #86.17-01-01.000 – Conditional Permit & Aquifer Protection District Special Permit – Proposed Cold Storage Warehouse & Utility Building

Chair Wickwire recognized Andrew Porter, representing the applicant who was seeking a Conditional Permit and an Aquifer Protection District Special Permit to construct a 12,000 SF Cold Storage Warehouse and a 2,304 SF Utility Building on the subject parcel as shown on the maps accompanying the application. These applications appeared on the 30 January 2018 Agenda and, at that time, they were forwarded to County Planning for their review. Reference is made to those Minutes for additional information.

In reference to the County's review, Chair Wickwire asked reducing the impervious surface on the lot. Mr. Porter, who said he had seen the County's reports, stated this had been covered previously; PZO Weber explained that the relevant section of the Stormwater Regulations does not come into play as it's still an impervious surface and this is not being increased.

Chair Wickwire then about data to be collected from the monitoring wells, Mr. Porter responded that stormwater testing was done on a regular basis; it's part of the SPDES permit.

At completion of the discussion, **a motion was made by Member Newell to approve the Conditional Permit, as requested, 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 Renzi, with the vote recorded as follows:**

Ayes:	Chair Wickwire	Nays:	None
	Member Newell		
	Member Renzi		
	Member DelVecchio		
	Member Parvizi		

Motion carried.

This becomes Action #7 of 2018.

David Yaman, Applicant/Cortland Commerce Center, LLC, Reputed Owner – 850 Lime Hollow Road – TM #s 95.00-10-01.000 & 02.000 – Lot Line Adjustment & Conditional Permit for Proposed Medical Manufacturing Facility

(Reference is made to the 30 January 2018 meeting Minutes for additional information.)

Chair Wickwire recognized Mr. Yaman who submitted drawings to the Board for the proposed 35,000 SF medical manufacturing facility on 3.5±-acres in the Town at the former SCM location, explained to the Board at their January meeting. Time is of the essence as the manufacturer would like to occupy the proposed building in October. County Planning has reviewed what is being proposed and Mr. Yaman stated adjustments had been made to the drawings based on those. Also, Chair Wickwire stated that Member Renzi had submitted some comments to the applicant and those, too, had been addressed.

Chair Wickwire commented that she had received a letter (no date) from Garry VanGorder, Executive Director of the Cortland County Industrial Development Agency, stating that the IDA intends to designate itself as the Lead Agency under the SEQR process. PZO Weber explained that the Planning Board could ask the Town Board make a decision as to who shall be Lead Agency. Town Attorney Folmer advised that at the last meeting of the Town Board it had consented to the IDA acting as Lead Agency, and he added that he will verify that resolution.

Mr. Yaman introduced Ed Keplinger from the landscape, architecture and land planning firm of Keplinger Freeman Associates, Syracuse, NY, who displayed a Site Plan to the Board. Parking spaces would be 10 ft. by 20 ft. and it would be an attractive building. A dumpster enclosure and loading dock were pointed out, and Mr. Keplinger stated that this plan had been “updated” to meet all Cortlandville Town Planning and Zoning Codes. Utility connections were completed, a SWPPP and drainage report has been prepared and submitted to Pat Reidy of County Soil & Water; he has a few minor comments on this. PZO Weber stated he did receive an email from Mr. Reidy who indicated the project was generally in compliance and only a few minor details to work out, but it is basically in compliance. Landscaping had been added on east and north sides of the building, plus site lighting in the parking lot/access drive. Parking/no parking of trucks was discussed, along with shipments and loading. Member Nasrin Parvizi asked about tree selection, and runoff around the loading dock.

Chair Wickwire asked what the exterior of the building would look like, and Mr. Yaman responded that has not been determined yet, but he would most likely be using “some stone on the front, halfway up, and add some color.” He did state that one-half of the blacktop was being eliminated. Member Parvizi asked about the site lighting and the response was that they would be downward-shining LED lights in the parking lot.

Chair Wickwire asked Mr. Yaman if he had reviewed the County’s report; he had, and had no problem with the sixteen items contained in the Cortland County Planning Board’s Resolution 18-6 of 13 February 2018.

At the conclusion of the discussion, a motion was made by Member Renzi to approve the Conditional Permit and Lot Line Adjustment for the proposed 35,000 SF medical manufacturing facility, 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 DelVecchio		
	Member Parvizi		

Motion carried.

This becomes Action #8 of 2018.

With no further discussion, a motion was made by Member Parvizi that the Town of Cortlandville Planning Board recommends to the Town Board that they issue an Aquifer Protection District Special Permit to the applicant, as requested, for a 35,000 SF medical manufacturing facility, and that the Town Board make a determination as to who will act as Lead Agency under SEQRA. The motion was seconded by Member John DelVecchio, with the vote recorded as follows:

Ayes:	Chair Wickwire	Nays:	None
	Member Newell		
	Member Renzi		
	Member DelVecchio		
	Member Parvizi		

Motion carried.

This becomes Action #9 of 2018.

Gregory Leach, Applicant/Leach Properties, LLC, Reputed Owner – 1834 NYS Route 13 – TM #77.00-13-11.000 – Continued Review of Conditional Permit Approval

(Reference is made to the 26 December 2017 and 30 January 2018 Minutes of this Board for additional information.)

Chair Wickwire announced that the Board had not received enough information to take care of this matter at this meeting, but should have what's needed by their next meeting. Town Attorney John Folmer added that he's been promised that he would have everything by this Board's meeting of 27 March 2018, and asked that the matter be tabled until that time.

A motion was then made by Member DelVecchio that the review of the Conditional Permit Approval for a proposed addition to an existing building be postponed until the 27 March 2018 meeting of this Board, as requested by the Town Attorney. The motion was seconded by Member Newell, with the vote recorded as follows:

Ayes:	Chair Wickwire	Nays:	None
	Member Newell		
	Member Renzi		
	Member DelVecchio		
	Member Parvizi		

Motion carried.

This becomes Action #10 of 2018.

Change of Zone Request (B2 to B3) from Town Board – Tompkins Street (NYS Route 13) – Numerous TM Parcels

Chair Kathy Wickwire asked everyone for their written comments regarding this proposed zoning change; she has received comments from Members Renzi and Parvizi, as well as her own. PZO Weber stated that he had Members Newell and DelVecchio's. Copies have been placed on file for the record. It is noted that all comments were in opposition to changing the zone.

Member Renzi read aloud his comments to those present, as follows:

“Tonight we are charged to make a recommendation to the Cortlandville Town Board relative to the proposed rezoning of the properties from McLean Road along Route 13 to the City line from B-2 to B-3, which would basically allow gasoline stations.

Over the last few years the Town Board has, several times, recommended changes to the Town Code which all had the same objective, to allow gasoline stations over the sole source aquifer. All of these efforts failed for various reasons.

Finally, possibly out of desperation or frustration, Sonbyrne Sales Inc., aka Byrne Dairy, formally wrote to the Town Board on November 13, 2017 requesting a zone change from B-2 to B-3 specifically for the Wilcox Tire property currently owned by the First National Bank of Dryden.

This request for spot zoning is illegal but the Town Board in December of 2017 in an effort to assist Sonbyrne in getting approval for a gas station at the Wilcox property generated the Local Law under currently under discussion. The proposed law would change the zoning classification from B-2 to B-3 for *all* of the properties in the area of the Wilcox property. This in the mind of the Town Board would get away from the illegality of the spot zoning request made by Sonbyrne while satisfying Sonbyrne's objective of having the Town Code changed to accommodate their gas station.

Considering the fact that the Town Board has positioned themselves as sponsors of a zoning change which is “*SPOTS*” zoning brought about by the one and only request being from Sonbyrne, and that no other request for rezoning to accommodate gas stations has been made public, gives me pause as to whether to give this issue any serious consideration.

The rezoning of an entire area to satisfy Sonbyrne's desire to construct a gas station over the sole source aquifer is probably illegal but at least morally corrupt.

The proposed zoning change request is inconsistent with the 2002 Land Use and Aquifer Protection Plan and the County Planning Board's recommendation that the aquifer in the Town of Cortlandville be designated as a critical environmental area (CEA). The Town Board has devoted much time addressing the special interests of Byrne Dairy and ignoring the will of the people of Cortlandville and the importance of protecting our fragile sole source aquifer.

My recommendation on this matter is for the Town to stop promoting changes to the Town Code that would increase the threat to our sole source aquifer and to devote serious time to the development of a new updated Comprehensive Plan, including the analysis of future drinking water requirements, Town well locations and pumping considerations. Let's stop trying to spot zone this Town and instead develop a well thought out plan for future smart development with preservation of the sole source aquifer and the character of our neighborhoods.

This is the position of Nick Renzi, Planning Board Member, and in no way represents the position of the Cortlandville Planning Board."

Member Newell added that it would also open the door for Storage Squad, who had proposed construction of many storage units in a B-2 District adjacent to a residential section in what he stated was "the wrong place at the wrong time." Chair Wickwire added that the B-2 District is supposed to be a transitional area between commercial and residential. B-2 still needs to be there. She felt it would be a "terrible precedent" to set. Chair Wickwire then reported on an article appearing in the February 20, 2018 of *The Post Standard*, regarding a controversial convenience store/gas station being constructed in Onondaga County by Byrne, stating this appeared to be their "modus operandi." She commented, "you should never change zoning for one company; it doesn't work and the Town should know that."

In addition to Planning Board members, opposition comments, in writing, were also received from: John Woodward, VP of Village Park Condo Association; the Trianos (sp) of Lamont Circle, Frank Kelly, Patricia Roiger, Jill Holl, Pam Jenkins, Ellen Wright, and Susan Fitts. Member Newell added that he had received three or four in his personal email also. These comments have been placed on file for the record. Town Attorney John Folmer commented that the Town Board needs to receive all of these written comments and he would make sure they were submitted to them, as that Board needs to be aware of the various comments made. PZO Weber advised that he had copies of all communications and they would be "copied and forwarded to the Board."

At the completion of this lengthy discussion, **a motion was made by Member DelVecchio that the Cortlandville Planning Board recommends to the Town Board that they not grant the proposed zoning change for all of the reasons specified in the written letters and memos, as well as any other materials submitted. The motion was seconded by Member Newell, with the vote recorded as follows:**

Ayes:	Chair Wickwire	Nays:	None
	Member Newell		
	Member Renzi		
	Member DelVecchio		
	Member Parvizi		

Motion carried.

This becomes Action #11 of 2018.

NEW BUSINESS

UCK Three, LLC, Applicant/Reputed Owner - 3861 NYS Route 281 - TM #86.17-01-11.100 - Conditional Permit - Revised Lighting Plan

Chair Wickwire recognized Zack Plonka, representing the applicant who was seeking approval of a revised lighting plan, which he explained to the Board. The lighting was changed because of safety/security, he said, as there was no lighting at the rear of the building. Member Renzi asked when the lights would be on, and Mr. Plonka said "10 to 5, give and take an hour or two; two-thirds of them will be off, enough to keep security lighting and safety."

At the conclusion of this discussion, **a motion was made by Member Renzi to approve the revised lighting plan for the proposed exterior improvements, as requested, with exterior lighting to be minimized within two hours after closing. The motion was seconded by Member DelVecchio, with the vote recorded as follows:**

Ayes:	Chair Wickwire	Nays:	None
	Member Newell		
	Member Renzi		
	Member DelVecchio		
	Member Parvizi		

Motion carried.

This becomes Action #12 of 2018.

OTHER DISCUSSION

Cortlandville Sand & Gravel Mining Permit Request - 765 NYS Route 13 - TM #105.00-03-06.200

Town Attorney Folmer reported that nothing had been received yet from the NYSDEC in response to the lengthy request for more specifics in regard to this matter, and Mr. Doug Withey has written a letter to Senator Seward expressing his concerns for this proposed project. Also, Town Board Member John Proud and the Town Attorney have drafted a letter to Senator Seward and Assembly Representatives Barbara Lifton and Gary Finch raising the Town's concerns with proximity to the well and aquifer, etc. Once approved by the Board, this letter will be sent out. Chair Wickwire added that the proposed mining expansion is a "very dangerous situation. Nothing has come to this level of hurting the aquifer like this gravel mine."

After a brief discussion as to what they would like to do, **a motion was made by Member Newell that the Cortlandville Planning Board supports the Town Board's correspondence to officials regarding the applicant's request for a Conditional Permit to modify its mine area and asks that our concerns be included in the letter. The motion was seconded by Member Parvizi, with the vote recorded as follows:**

**Ayes: Chair Wickwire
Member Newell
Member Renzi
Member DelVecchio
Member Parvizi**

Nays: None

Motion carried.

This becomes Action #13 of 2018.

John Barden & Hillside, LLC (dba Economy Paving) – 1819 NYS Route 13 – TM #77.00-12-07.000

Town Attorney Folmer advised that Economy Paving was given until 22 February 2018 to send an application to revised their permit; they have not done so. But on the 21st, he stated the Town had received communication that their engineering plan had been submitted to Amanda Barber at County Water & Sewer; there has been no report from her as yet. On 5 March 2018, CEO Desiree Campbell made an inspection of the property and it appears that "not only do we have the question remaining as to whether or not the stormwater situation has been solved, but it appears that there is also a structure located on the property for which does not appear to be any permit. That changes the context within which a prosecution for the violation . . . changes. . ." He continued, "I made a proposal toward its resolve because Mr. Weber and I agree that in order to satisfy your requirements there needs to be a new application filed with the Town to establish a Conditional Permit. That's what we've done in the past for other people who have had their permits revoked. And so, I have to tell you the matter is still, in my view in a prosecutorial situation, is still ongoing and may have to be altered given the information that I learned yesterday." In response to Chair Wickwire's question, Town Attorney Folmer acknowledged he had received a Memorandum from Brent Cross, PE, dated 21 February 2018, entitled "Engineer's Report." Amanda Barber will determine if everything "matched conformity."

Town Attorney Folmer concluded that he may have to file with the Court.

No Action Taken.

Training – Chair Wickwire advised that there was a training session to be held on March 12th at the County Office Building; anyone interested should contact her.

Leonidas Group of Virgil, LLC, Applicant/Reputed Owner – Starr Road – TM #96.10-01-19.100 – Site Plan Approval for Multi-Family Residential PUD

PZO Weber reported that he has received this application for property in a PUD. Originally, when it was submitted to County Planning in August of 2015, it was reviewed. He now asked the Board if they, given the time lapse, wanted it to go back to County Planning, or did they feel they had enough information to proceed without another County Planning review. A copy of the County Planning Board's resolution back then was provided to the Board members.

Member Renzi felt that nothing had changed in the design, etc. Chair Wickwire commented that it wouldn't hurt to send it back.

A motion was then made by Member Newell to send the application for Site Plan Approval for a multi-family residential PUD to the Cortland County Planning Department for their review. The motion was seconded by Member DelVecchio, with the vote recorded as follows:

Ayes:	Chair Wickwire	Nays:	None
	Member Newell		
	Member Renzi		
	Member DelVecchio		
	Member Parvizi		

Motion carried.

This becomes Action #14 of 2018.

ADJOURNMENT

At 8:15 p.m., a motion to adjourn the meeting was made by Member Newell, seconded by Member Parvizi, with all members present voting in the affirmative.


Joan E. Fitch, Board Secretary

E-mailed to Town Clerk, JBF, PB Members,
DD, BW, KM & DC on 3/17/18. (R)