

TOWN OF CORTLANDVILLE PLANNING BOARD

Minutes of Public Hearing & Regular Meeting - Tuesday, 26 September 2017 - 7:30 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
Joan E. Fitch, Board Secretary
John B. Folmer, Town Attorney
Laura Cassalia, PE, Clough Harbour Assoc.

Applicants & Public Present

Jim Huber, Jr. for Storage Squad, LLC, Applicant; Christian Brunelle for Byrne Dairy; Vincent Salvagni for UCK Three, LLC, Applicant; C. Jeffrey Taw, Applicant; Patricia Shenk, Applicant; Douglas Withey, Pam Jenkins, Gary Bush, PE, John Barden, Rob & Laura Corpora; Sharon Stevans, Videographer.

PUBLIC HEARING

(Reference is made to the 29 August 2017 Minutes of this Board which explains reason for holding this Public Hearing.)

Hillside, LLC - 1819 NYS Route 13 - TM #77.00-12-07.000 - Compliance With Site Plan Approval of 5/24/99

The Public Hearing was opened at 7:30 p.m. by Chairman Katherine Wickwire, with the Board Secretary reading aloud the Legal Notice as published in the *Cortland Standard* on 14 September 2017, as follows:

PURSUANT TO CHAPTER 178, ARTICLE XIII, SECTION 69G OF THE CODE OF THE TOWN OF CORTLANDVILLE: **Notice is hereby given** that a public hearing 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 to be held on Tuesday, September 26, 2017 at 7:30 p.m. in the matter of the application of Hillside, LLC, for property located at 1819 Route 13, Tax Map #77.00-12-07.000, to review compliance with the Site Plan Approval granted on May 24, 1999.

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

Chair Wickwire recognized John Barden, an adjacent property/business owner whose property is being affected by runoff from the subject property. which was in 1999. In May of 1999, there was a Stormwater Plan submitted and approved by this Board as a condition of a Conditional Permit. It has come to the attention of County Soil & Water and to Mr. Barden that that Stormwater Management Plan has been altered without any approval, and it is causing water to run down the road, onto the Barden parcel, and onto the highway. Patrick Reidy and Amanda Barber of County Soil & Water have been trying for two years to talk with Mr. Compagni about the fact that he has, without permission, altered the Stormwater Management Plan and is, therefore, in violation of the Conditional Permit that this Board issued to him. The Board, at their 29 August 2017 meeting, listened to Mr. Barden describe the destruction of his property, and discussed the problem. At that meeting, the Board decided to institute proceedings necessary to revoke that Conditional Permit, starting with this Public Hearing.

Chair Wickwire recognized Mr. Barden who, once again, described the situation, distributed photographs of the subject property and described the topography; both before and after photos were submitted and are a part of the record. The problem, he stated, began in 2013. Mr. Barden advised

that he has called Mr. Compagni, sent him videos, and written to him regarding the runoff; Mr. Compagni's reply, according to Mr. Barden, is "when do you want to sell your property?" The neighbors are also affected by the actions of Mr. Compagni.

Member Nasrin Parvizi commented that this Board had viewed the videos provided by Mr. Barden. PZO Weber then read aloud his 12 September 2017 letter to Hillside LLC/Mr. Compagni, advising him of the public hearing to review compliance with the Site Plan Approval granted in May of 1999. Also submitted was a copy of Cortland County Soil & Water's letter dated 12 September 2017 to PZO Weber from Amanda Barber, stating that the subject's stormwater management system does not appear to be functioning as designed; this, too, was read aloud by PZO Weber. Copies of these communications have been placed on file for the record.

PZO Weber reported that he had spoken with Steve Compagni about a week ago, and he indicated he would be unable to attend this meeting. PZO Weber also asked Mr. Compagni if he would send a representative, or could he submit, in writing, what his plan was (if he had one) regarding to bringing the property into compliance. PZO Weber stated he had not heard from Mr. Compagni, nor did Mr. Compagni ever have approval to alter is approved Site Plan. Amanda Barber advised PZO Weber that she has had conversations with Mr. Compagni trying to bring the property into compliance, but has not been successful in doing so.

Chair Wickwire asked if there was anyone present to represent Economy Paving; there was not.

With everyone being heard who wished to be heard, a motion was made by Member Newell at 7:55 p.m. to close the Public Hearing. The motion was seconded by Member Parvizi, with all Board members voting in favor.

REGULAR MEETING

The Regular Meeting of the Town of Cortlandville Planning Board was called to order at 7:55 p.m. by Chair Katherine Wickwire.

NEW BUSINESS

Hillside, LLC – 1819 NYS Route 13 – TM #77.00-12-07.000 – Compliance With Site Plan Approval of 5/24/99

With no further discussion, a motion was made by Member Renzi that the Town of Cortlandville Planning Board hereby revokes the Site Plan Approval of 5/24/99, which includes the Stormwater Management Plan, based upon photos submitted, and the lack of response and compliance with efforts stated by Amanda Barber in her 12 September 2017 letter from Cortland County Soil & Water. The motion was seconded by Member Newell, with the vote recorded as follows:

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

Nays: None

Motion carried.

This becomes Action #67-1 of 2017.

OLD BUSINESS**Storage Squad, LLC, Applicant/Reputed Owner – 1162 NYS Route 13 – TM #96.31-01-11.000 – Conditional Permit & Aquifer Protection District Special Permit – Proposed Warehouse**

(Reference is made to this Board's Minutes of 27 June and 25 July 2017 regarding this project.)

Chair Wickwire recognized Laura C. Cassalia, PE, of Clough Harbour Associates, the Town's engineering firm, who reviewed CHA's 20 September 2017 responses to the SEQR Review, LEAF Part 2, for the subject project. A copy of this letter has been placed on file for the record. The Board acknowledged that they had all read Ms. Cassalia's letter.

The Planning Board, assisted by Engineer Cassalia, completed the SEQR Long Environmental Assessment Form, Part 2, item-by-item as contained in the aforementioned letter. Throughout the review process, Town Attorney Folmer referred the Board to the pertinent comments contained in the 9/20/17 letter from Ms. Cassalia. He also reminded the Board that this review was being completed in advance of the determination by the Zoning Board of Appeals for a requested use variance.

Engineer Cassalia, throughout the review process, reminded the Planning Board that many of the concerns contained in the review would be addressed by this Board if the ZBA should grant the requested variance. She did not feel that Part 3 needed to be completed.

Chair Wickwire commented that the City of Cortland had requested this Board to be Lead Agency, so PZO Weber said he will forward the information to them to advise them of the Town's decision.

At the conclusion of the review and discussion, **a motion was made by Member DelVecchio that, based on the information and analysis of the SEQR available at this time concerning the applications for a self-storage facility, the Town of Cortlandville Planning Board has determined that the proposed action will not produce any significant adverse environmental impact, resulting in a Negative Declaration. 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 #68 of 2017.

The Board then reviewed the Town's use variance requirements, as read aloud by Member Renzi.

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

PZO Weber advised the Board that the Town's Zoning Board of Appeals had granted some variances for signage at its previous meeting, and explained what was granted.

Chair Wickwire recognized Vincent Salvagni who explained that the applicant was seeking a Conditional Permit to make the requested exterior modifications to this existing building (Sun Auto). PZO Weber stated that parking has been "doubled up" along Luker Road and appears to show it encroaching into the right-of-way; this needs to be remedied and was understood by Mr. Salvagni.

Mr. Salvagni stated that they were "re-branding" their facilities and the company wanted exterior modifications on all of their facilities to be consistent. There would be no structural changes to the existing building.

At the conclusion of their discussion, a motion was made by Member Newell to approve a Conditional Permit for proposed exterior improvements, as requested. The motion was seconded by Member DelVecchio, with the vote recorded as follows:

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

Nays: None

Motion carried.

This becomes Action #69 of 2017.

Sonbyrne Sales, Inc. (Byrne Dairy) – 260 Tompkins Street – Sketch Plan Conference for Proposed Retail Store & Fueling Facility

Chair Wickwire recognized Christian Brunelle, Sr. Executive Vice President of SonByrne Sales, Inc., dba Byrne Dairy Stores, who explained that they would like to construct and operate a new Byrne Dairy Retail Store and Fueling Facility at the former Willcox Tire location. A “Cortland Project Narrative,” undated, was submitted to the Board and explained all the details, along with photos of proposed signage, parking, store interior/exterior, dumpster enclosure, and a Preliminary Site Plan. He also commented that the store would contain approximately 4232 SF, there would be 32 parking spaces, 61% green space, 40 ft. by 132 ft. fuel canopy, triple-walled fiberglass fuel tanks (two 20,000-gal. are proposed), ten pumps, a backup generator, and operating hours 24/7. All lighting would be directional/downward on the site.

Mr. Brunelle explained that if the project progresses, he will be in contact with the NYSDOT regarding two proposed entrances into this site. He also described the training that was completed by all employees regarding the operation of their facilities which they have in DeWitt, LaFayette, and Cicero.

In response to Member Renzi’s questions, Mr. Brunelle explained, in detail, the complete operation of the fueling facility: training, equipment, piping, records kept, reporting, monitoring of tanks, safety procedures, etc. Also in response to a question, Mr. Brunelle stated they no longer construct any retail store without a fueling station.

Chair Wickwire thanked Mr. Brunelle for his presentation/information regarding this proposed facility.

No Action Taken.

As Mr. Brunelle was gathering his materials at the end of his presentation, Pam Jenkins, a member of the audience, came up to Chairman Wickwire and placed in front of her what she said was a petition. Chair Wickwire has submitted this to PZO Weber for the record.

C. Jeffrey Taw, Applicant/Cortland County Family YWCA, Reputed Owner – 1318 Carroll Street – TM #s 86.25-01-02 & 76.19-01-30.200 - Proposed Parking Area

Chair Wickwire recognized Mr. Taw, an architect with Holmes, King & Kallquist of Syracuse, NY, and Jeremy Davidheifer (did not sign attendance sheet) who were seeking a Conditional Permit for a proposed parking area at this location, as shown on the documents accompanying the application. The parking lot is part of a housing/office project and is complicated by the fact that the building portion is located within the City of Cortland, and the parking lot with stormwater collection is located within the Town of Cortlandville. PZO Weber advised those present that the application has been forwarded to County Planning by the City.

Lead Agency under SEQR was discussed. PZO Weber explained “involved agencies.” James Trasher, the Town’s engineer from Clough Harbour Associates reported that the City preferred the Town be Lead Agency.

Mr. Davidheifer described the proposed facility. PZO Weber added that emergency access is required for this project.

At the conclusion of a brief discussion, **a motion was made by Member Newell to forward the application for a Conditional Permit for a proposed parking area to the Cortland County Planning Department for their review; the Town of Cortlandville Planning Board agrees to act as Lead Agency under Coordinated Review. 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 #70 of 2017.

Patricia Shenk, Applicant/Robert & Laura Corpora, Reputed Owners – 4505 NYS Route 281 – TM #76.00-06-08.000 – Preliminary Review – Conditional Permit – Proposed Group Home for Elderly

Chair Wickwire recognized the applicant and her engineer, Gary Bush, PE, who explained they were seeking a Conditional Permit to utilize an existing ranch home (former Mauler residence) as a group home for the elderly, called Cortland Elderlodge. Ms. Shenk advised there would be no more than 26 residents, two bedrooms will be added to the existing home, and there will be a staff of thirteen during the day, eight on the evening shift, and five overnight.

Ms. Shenk reported that there was a man from New Jersey who will support this facility. She attached a narrative to her application which explained what she would like to do; there's presently a small facility in Moravia, NY.

PZO Weber advised that a Stormwater Plan will be required, and he also read the definition of group home based on the information that he has received so far. He stated that the Board needed to review the Site Plan that had been submitted and whether or not they considered it to be complete before sending on to County Planning for their review. Parking was discussed, and the engineer explained the addition, and displayed an aerial photo of the subject property.

Chair Wickwire advised that the Board needed more detailed plans, and PZO Weber added that all documents need to be submitted. Engineer Bush responded that he knew what was required and would prepare a full Site Plan w/parking, building plans, etc.; they were before the Board to provide preliminary information and receive the Board's input.

Chair Wickwire commented that, at this point, the Board did not have enough information to forward the application to the County for their review. She would, however, like someone to contact whoever lives in the house(s) along Route 281 at the front of this property.

No Action Taken.

ADJOURNMENT

At 9:35 p.m., a motion to adjourn the meeting was made by Member Renzi, seconded by Member DelVecchio, 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 10/27/17.