

TOWN OF CORTLANDVILLE PLANNING BOARD
Minutes of Regular Meeting - Tuesday, 28 August 2018 – 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
John B. Folmer, Town Attorney
Joan E. Fitch, Board Secretary

Applicants & Public Present

Al Kryger & Timothy C. Buhl, PE for Leonidas Group of Virgil, LLC, Applicant; Laura Cassalia for Clough Harbour Associates; Jeff Taw for Cortland YMCA, Applicant; Gina Gammage-Sikora, Applicant; Robert Osterhoudt for O'Reilly Auto Enterprises, Applicant; Richard Small for Economy Paving, Applicant; John Congdon, Applicant; Al Kryger & Tim Buhl for Leonidas, Applicant; Pam Jenkins, Joe Gigliuto, John Barden, John Reynolds, Kevin Pristash, Jeremy David Heiser(?); Peter Blanchard, Cortland Voice Reporter; Laura Cassalia of CHA; John Finn.

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| REGULAR MEETING |
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The Regular Meeting of the Town of Cortlandville Planning Board was called to order at 7:30 p.m. by Chair Katherine Wickwire.

APPROVAL OF MINUTES – 31 JULY 2018

A motion was made by Member Chris Newell to approve the Minutes of the 31 July 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 #35-1 of 2018.

OLD BUSINESS

Leonidas Group of Virgil, LLC, Applicant/Reputed Owner - Northway Drive – South Side of Starr Road - TM #96.10-01-19.100 – Site Plan Approval/PUD

(Reference is made to this Board's Minutes of 31 July 2018 for other information regarding this application.)

Chair Wickwire recognized Tim Buhl, PE, the applicant's engineer who stated that he had received a letter from the Town's engineering firm, Clough Harbour (CHA), who had reviewed their last submittal. Chair Wickwire stated there needed to be a public hearing scheduled for September and the Board would like a full-sized copy of the "absolute final plans" at least two weeks ahead of time.

With no further discussion, a motion was made by Member Newell to set a Public Hearing for 25 September 2018 at 7:30 p.m. for Site Plan Approval/PUD. The motion was seconded by Member Nasrin Parvizi, with the vote recorded as follows:

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

Motion carried.

This becomes Action #35-2 of 2018.

Board Member Renzi made his comments regarding the CHA letter of 24 August 2018, a copy of which has been placed on file for the record. Engineer Buhl responded to all of the comments, and Laura Cassalia of CHA clarified some of the questions Member Renzi had. The Board discussed a Performance Bond and/or a Maintenance Bond. Member John DelVecchio asked about the Town's special access to the area. Town Attorney John Folmer responded that "there are certainly requirements that must be met." Engineer Buhl explained his method of runoff calculations to Member Renzi who then reviewed his own comments, item by item.

Chair Wickwire asked Engineer Cassalia about the "one-year warranty" mentioned in her letter, and Ms. Cassalia responded. Chair Wickwire then asked about CHA's hydrologist's review of this project which had been asked for at the previous Planning Board meeting.

Chair Wickwire mentioned that she saw there was another project in Dryden and was told by Mr. Kryger that it was a different project, and he is acting as a consultant only. She also asked "who's behind the subject project?" Leonidas was the answer. Chair Wickwire asked who was building this development, and Mr. Kryger stated they did not know as they have not yet gone out to bid. She then asked who was investing in the subject project who had done this type of work previously? Who's going to be responsible once it's done? Mr. Kryger responded he had people "who would come in once I have approval for the project. They won't come in and say they're going to do it until they know there's approval." Chair Wickwire responded she wanted to know if these "people" are involved in other complexes like this and what they have done before? Mr. Kryger answered he couldn't provide that yet; there're several people they are "negotiating with." Then, she replied, give me other projects in which they had been involved and who they are. "I want to know who is going to be responsible for this project once it's done," she continued. Engineer Buhl stated that Mr. Kryger did not know yet who "the final players" are going to be. This concern continued until Mr. Kryger stated that he and Tom Hatfield were Leonidas Group.

No Action Taken.

Economy Paving Co., Inc., Applicant/1657 Hillside, LLC, Reputed Owner - 1819 NYS Route 13 - TM #77.00-12-07.000 - Site Plan Approval - Reinstatement of 1999 Permit(s)

Chair Wickwire announced that the Board accepted the information provided in their packet; however the Agenda item (#4) has been pulled, she stated. She advised those present that John Barden was going to provide more information than what had been provided. Chair Wickwire recognized Mr. Barden who submitted "a NYSDOT application and what they originally had back in 1999." He also told the Board that they had the RZ Engineering report for the record. Chair Wickwire stated that the Board had all of the same information that had been submitted to PZO Weber. PZO Weber stated "it's also on the website." Mr. Barden also gave each Board member, and its secretary, a flash drive for their use. However, not everyone wished to put someone's flash drive in their computer; the photos appearing on this flash drive were submitted. The flash drive was placed on file for the record.

Town Attorney Folmer then stated "With all due respect I'm advising the Board to have no further discussion with you on this matter because it is subject to litigation currently on the calendar . . ."

He continued, "I'm not going to discuss as litigated matter in a public forum. On top of that, you probably shouldn't be talking to this Board without your attorney present, because you are the plaintiff in an action currently pending. . ."

No Action Taken.

Holmes•King•Kallquist & Associates, Architects, LLP, Applicant/YMCA of Cortland, NY, Reputed Owner – 1318 Carroll Street – TM #76.19-01-30.200 – Conditional Permit – Proposed Parking Lot/Stormwater System

Chair Wickwire recognized Jeff Taw, representing the architectural firm, and Jeremy David Heiser (sp) of Christopher Community, who are collaborating on an apartment building for the YMCA, located on an adjacent parcel which is in the City of Cortland. The parking lot and stormwater system fall on this parcel in the Town of Cortlandville. He noted that the Town will be Lead Agency under SEQRA, and they have submitted the Long Form EAF paperwork.

City and Town requirements were discussed for parking, which differ. PZO Weber asked the representatives if the agency they are working with is interested in being Lead Agency under SEQRA since they had indicated they were very concerned about the process. The representatives responded they were typically not interested, but they are willing to participate.

Funding is being applied for to complete this project, the representatives stated.

At the close of this brief discussion, **a motion was made by Member Newell to send the application for the proposed parking lot/stormwater system to the Cortland County Planning Department for their review. The motion was seconded by Member DelVecchio, with the vote recorded as follows:**

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

Motion carried.

This becomes Action #36 of 2018.

A motion was then made by Member Newell that the Town of Cortlandville Planning Board will act as Lead Agency under SEQRA for the proposed parking lot/stormwater system. The motion was seconded by Member Parvizi, with the vote recorded as follows:

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

Motion carried.

This becomes Action #37 of 2018.

NEW BUSINESS

Robert & Gina Sikora, Applicants/John P. Sikora, Reputed Owner – 1010 McLean Road - TM #96.09-02-25.000 – Conditional Permit – Proposed Art Studio

PZO Bruce Weber explained that the Town of Cortlandville Zoning Board of Appeals, in their meeting immediately before this one, supported his interpretation that the proposed art studio/gallery with public viewings is a retail business.

PZO Weber advised that this was “a home occupation for an artist’s studio for herself, which is in compliance with the regulations, subject to a Conditional Permit.” She is also requesting additional parking on the subject property.

Chair Wickwire recognized Mrs. Sikora who stated her son, John, was the reputed owner of the property. Member Parvizi asked if there would be any teaching involved, and Mrs. Sikora explained there was not. She then asked if having a gathering of friends for a “party or to talk about art” would be allowed; the Board had no objection to this.

A motion was then made by Member DelVecchio to approve the Conditional Permit for a home occupation as an art studio. 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 #38 of 2018.

O'Reilly Auto Enterprises, LLC, Applicant/John G. May, Reputed Owner - 3554 West Road (NYS Route 281) - TM #95.16-01-17.100 – Sketch Plan Conference for Proposed Automotive Parts Retail Building

Chair Wickwire recognized Robert Osterhoudt of Bohler Engineering, representing the applicant who will be seeking Site Plan Review to demolish the existing buildings on this 1.03±-acre parcel and redevelop this site (currently Quick Stop/Quick Stop Redemption Center) by constructing a new 7500± SF single-story auto parts retail store, all as described in the narrative and drawings accompanying the application. He stated they were not sure at this time if there is a connection to the public water sewer system.

Full detailed plans will be provided in the near future. Curb cuts will be reduced from two to just one, with 23 parking spaces proposed. More green space is proposed along the front of the site. Member Renzi noted that the spaces should be 10 ft. by 20 ft. and a snow storage area should be shown on the plan. Also, all stormwater maintenance procedures should be set forth in the Stormwater Management Plan, plus exterior elevations should be shown (brick exterior). Design Guidelines should be thoroughly reviewed by the engineer, especially the eight-foot height limitation of a business sign. PZO Weber explained other signage requirements.

No Action Taken.

John R. Congdon, Applicant/John R. & Cheri L. Congdon, Reputed Owners - 3709 Luker Road - TM #95.08-01-14.000 – Conditional Permit for Proposed Used Auto Sales Office

Chair Wickwire recognized the applicant who explained what is being proposed has nothing to do with the storage facility; this is a different building. He wants to move his used auto sales office to this location, but it is not intended to be a commercial business. An August 17, 2018 letter to the Town explains exactly what he plans to do. Mr. Congdon explained that he has a small wholesale operation buying and selling to dealers in Pennsylvania; occasionally he may display retail vehicles on the site. NYS requires a car dealer within the State to maintain a sales office/lot in order to have a dealer license. In addition he has a potential tenant interested in office space for a one-person accounting office, as described. There would be no modification to the building, lot, etc.

With no further discussion, a motion was made by Member Renzi to approve the Conditional Permit for a proposed used auto sales office, with a maximum of five (5) roadworthy vehicles to be displayed, 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 #39 of 2017.

OTHER MATTERS

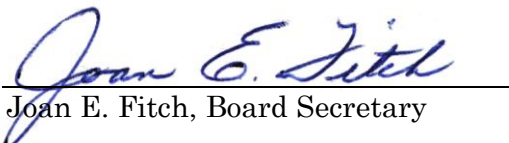
- Economy Paving Co., Inc. – Town Attorney John Folmer stated at the same time the aforementioned application was received, the Town has filed paperwork with the local criminal court charging Economy with two separate violations of the Code: (1) operating without a permit and (2) a building being placed on the site without appropriate permit. He summarized process to date, including lack of communication between Economy, Mr. Compagni, and Stormwater Management people. Meetings have been scheduled regarding drainage system. Received communication this morning from Economy's attorney, Matt Neuman, and Attorney Folmer has agreed to postpone the matter until this Board's next meeting in order to allow County Soil & Water time to provide this Board with a revised Stormwater Management Plan. Mr. Barden, in addition, has instituted a litigation matter; a motion has been made to dismiss that complaint and will be returnable before Judge Griffiss (sp) in Binghamton on September 20th. Attorney Folmer has asked Attorney Neuman to provide his consent, in writing, to the postponement of this matter. This ended his update of the matter.

Board Member DelVecchio understood Economy was asking for "recertification of the original Site Plan." PZO Weber responded that he considered "this a new application." Attorney Folmer commented that there has been an enlargement of one of the drainage pipes—and there will be no recertification. PZO Weber added that it will be up to this Board to determine if the application is complete or not.

- Starrlite Development/Leonidas – CHA Engineer Laura Cassalia was asked by Chair Wickwire if the Board was proceeding correctly. Engineer Cassalia responded that it was important for the Board to see a maintenance agreement. Member Renzi would like to see a complete Stormwater Management Plan including a Maintenance Plan. Engineer Cassalia stated that their "resident stormwater expert" Kristy (sp) saw no problem with the Stormwater Management Plan. A third-party inspection of construction was discussed; this could be made a part of the Board's approval. Engineer Cassalia responded that there should be someone onsite all the time, not just periodically. She also suggested that the developer's engineer "sign off and certify that it was constructed per the drawings."

ADJOURNMENT

At 9:15 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 9/29/18.