

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

Timothy Buhl, PE, & Al Kryger for Leonidas Group of Virgil, LLC, Applicant; Jeff Taw & Jeremy David Heiser(?) for Holmes•King•Kallquist & Assocs., Applicant; Steven White, Applicant; Kevin Pristash, Kathleen & Mike Reagan, Tom Crompton, Doug Withey, Pam Jenkins, Carol & David Wayman, Jill Holl, Barbara Wood, Leoleadia & Daniel Mieras, Geraldine Zattoski, Teresa Dailey; Town Councilman John Proud.

REGULAR MEETING – PART 1

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 – 30 OCTOBER 2018

A motion was made by Member Chris Newell to approve the Minutes of the 30 October 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 #51 of 2018.

PUBLIC HEARING

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

At 7:31 p.m., Board Secretary Fitch read aloud the Public Hearing notice as published in the Cortland Standard on 14 November 2018. Proof of Publication has been placed on file for the record.

Chair Kathy Wickwire asked if there were any comments from the audience; there were, as follows:

Kathleen Reagan – 1181 Starr Road – Lives across from proposed development. Raised family here. Huge concern is traffic because of number of proposed units. It's bad now and expect it to get much worse. Mailbox has been destroyed a few times, cars have had accidents in front of house w/damage. Lots of mishaps with cars in front of house. Figured vacant land would be developed eventually, but expected something "quiet and residential." Property deed

guarantees us “quiet enjoyment.” Asking Planning Board to “put yourself in our shoes.” Magnitude of this project is quite overdone. Please consider greater good and the detriment to our neighborhood.

Michael Reagan – 1181 Starr Road – Lived here since 1992. Reiterated comments of wife, Kathleen Reagan. Concerned with ponds at bottom of hill and construction traffic. Starr Road has no good walkways. Road is fourteen feet wide. Concerned with turning traffic. “Taking your life in your hands now.” His home is on private well; concerned that water quality will go downhill. Concerned with how ponds and rain gardens will work.

David Wayman – 22 Abdallah Avenue – Concerned with traffic flow increase on Abdallah Avenue. Lots of young families there going from Starr Road to Tompkins Street. Traffic flow and drainage are our big concerns, he stated.

Kevin Pristash – 3607 Parti Drive – Neighbors got together a few weeks ago at the Red Dragon, people from Abdallah Avenue, Starr Road, Levysdale, Parti Drive. Concerns voiced about water supply and protecting of aquifer, mutual aid, flooding, density vs. slope, kind of lighting, lights shining into homes, traffic, closeness of project, property values, ponding. (Comments submitted to PZO Weber.) No traffic study has been done. Too large a project for that piece of property; it defies logic.

Pam Jenkins – 4023 Gallagher Road – The Town of Cortlandville has violated SEQRA law in 2016 when it gave a Negative Declaration to this project in the absence of review or investigation of any of the expected impacts. They also violated NYS Law when it illegally spot zoned the property, above objection of people in surrounding area. As Lead Agency, the Planning Board could do better. Give this project a Positive Declaration and require a draft EIS we can comment on. Insist a traffic study is done. Many items in their assessment form are incorrect (she gave them all in her comments). There are no sidewalks. The Racker house is within 200 feet of the proposed project. “Don’t give this a free pass like the Cortlandville Town Board did.” Ms. Jenkins’ extensive written comments, dated 11/27/18, were submitted to PZO Weber.

Douglas Withey – 447 Hoy Road – Owns property on Starr Road. There’s a “huge enticement” for kids on the back side of his property. Lots of equipment/trailers/cars stored there. Worried about his liability in that respect. Gets some flooding there.

Jill Holl – 25 Abdallah Avenue – Frustrated that project still being considered. Wrote letter/memo, dated today, which she read aloud; each Board member, PZO, and Board Secretary received a copy which has been placed on file for the record. Against this development which does not fit in with the neighborhood. No one “would be wasting yours and our time if someone was interested in developing the property with single-family homes.”

Tom Crompton – 23 Abdallah Avenue – Not much traffic right now, but concerned with increase in traffic and speeding. Traffic now backs up on Starr Road and there’s school bus stop at the corner where the trailer park is; it’s a very dangerous intersection. There are no sidewalks so kids play in the road. Property values are an issue. Has watched City go downhill, so moved out of City to quiet street. Project very disturbing to me. Don’t need rental properties. No jobs here; who’s going to fill these units? Young people are not staying here. Take a better look at this project. No traffic study has been done.

With all those having been heard who wished to be heard, on a motion by Member Newell, seconded by Member DelVecchio, with all Board members present voting in favor, the Public Hearing was closed at 8:05 p.m.

REGULAR MEETING – PART 2

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

Chair Wickwire announced to everyone that the Board was simply accepting the Long Environmental Assessment Form. The Board will take into consideration all of the comments received and, at the next meeting, they will complete their portion of the FEAF. Meeting date will be decided later.

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

(Reference is made to previous Minutes regarding this project: August and September 2018.) Chair Wickwire recognized Jeff Taw who submitted additional clarifications for this project. The Site Plan had been modified to accommodate “their needs.” Changes were explained. Parking is now where building used to be. A draft Quit Claim Deed has been prepared, along with a 30-foot easement for property access. Draft deed is under review right now. PZO Weber commented that the applicant seems to be complying with the revised plan.

Town Attorney Folmer and Board Member John DeVecchio, also an attorney, discussed certain “what if” items. PZO Weber stated that the deed is being circulated and the parties involved like it better “than the old plan.” He also commented that the Cortland County Planning Department’s/Board’s have been received. Town Attorney Folmer commented on “adverse possession.”

Mr. Taw showed a map to Board members and explained where the property line to be moved was located. His associated commented that the building is now in the Town and the parking lot is in the City. The retention pond has been moved as shown on the new Site Plan. The building is exactly the same as before. PZO Weber advised that County Soil & Water has not completed their review of the Stormwater Pollution Prevention Plan; they have received the plans, but he has received no communication from them as yet. The applicant’s representatives acknowledged they had seen the reports from County Planning. PZO Weber reported that the Fire Department was satisfied with access. He also said that a “sign-off” was needed from County Soil & Water. Member Renzi stated he had no problem approving the project, with contingencies. Attorney Folmer suggested waiting for County Soil & Water’s approval.

At the conclusion of this lengthy discussion, a **motion was made by Member Newell that the Cortlandville Planning Board will proceed with the Short Environmental Assessment Form under SEQRA. The motion was seconded by Member Renzi, with the vote recorded as follows:**

**Ayes: Chair Wickwire
Member Newell
Member Renzi
Member DeVecchio**

Nays: Member Parvizi

Motion carried.

This becomes Action #52 of 2018.

Chair Wickwire then read aloud Part II of the Short Environmental Assessment Form. Negative responses were obtained to all questions in Part II, but they felt that Items 9 and 10 were contingent upon a positive recommendation by Cortland County Soil & Water; this would be included in Part 3, and would not become effective until that was done.

Therefore, it was determined by the Planning Board, **on a motion made by Member Newell, that the action, based on the information and analysis of the SEQR concerning this application for a Conditional Permit and a Lot Line Adjustment, the Town of Cortlandville Planning Board has determined that the proposed action will not produce any significant adverse environmental**

impact, resulting in a Conditional Negative Declaration, conditioned upon approval of the Stormwater Plan by Cortland County Soil & Water. 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 #53 of 2018.

PZO Weber commented that County Planning had brought up that in the B-2/B-3 Districts for multi-family dwellings there is a requirement for commercial space. He stated he did not consider the subject strictly a multi-family dwelling subject to that requirement as the units will be occupied by tenants who are not from the public; there will be no advertising for rentals. PZO Weber stated he looked at it more as somewhere between a clinic and a nursing home.

After a brief discussion, a motion was made by Member Newell to approved the Lot Line Adjustment, as requested. 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 #54 of 2018.

With no further discussion, a motion was then made by Member DelVecchio to approved the Conditional Permit, as requested, incorporating Items 1 & 2 and 5 thru 12 of the Cortland County Planning Board's Resolution No. 18-35 dated 19 November 2018, and conditioned upon approval by Cortland County Soil & Water. 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 #55 of 2018.

NEW BUSINESS

William J. & Colleen F. Thomas, Applicants/Reputed Owners – 4355 Locust Avenue – TM #76.20-01-01.000 – Lot Line Adjustment

Chair Wickwire acknowledged that the applicants were not present but, after reviewing the application and its attachments, and discussing the requested Lot Line Adjustment, a motion was made by Member Newell to approve the Lot Line Adjustment, as requested. 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 #56 of 2018.

Steven White, Executor, Applicant/Estate of Russell E. White, Reputed Owner – 322 McLean Road – TM #95.00-01-23.100 – Lot Line Adjustment

Chair Wickwire recognized the applicant who explained he was seeking approval to move his lot line as shown on the maps accompanying his application in order for the adjacent landowner to add 6± acres to his property.

At the conclusion of the applicant's explanation, **a motion was made by Member Newell to approve the Lot Line Adjustment, as requested. 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 #57 of 2018.

OTHER MATTERS

- The Planning Board thanked Town Attorney John B. Folmer for his 28 years of dedicated service to the Town upon his retirement at the end of this year. Everyone has enjoyed working with him over the years and wish him well.
- **December Meeting Date** – At the conclusion of the Board's discussion, **a motion was made by Member Newell to re-schedule its December 2018 meeting to 8 January 2019 at 7:30 p.m. 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 #58 of 2018.

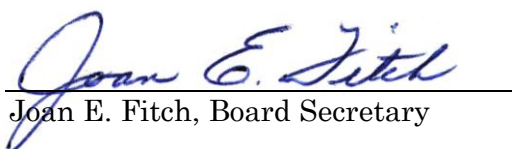
- **Executive Session** – At 8:55 p.m., on a motion by Member Newell, seconded by Member Parvizi, and with all members voting in favor, the Town Planning Board went into Executive Session to discuss pending litigation.

At 9:07 p.m., on a motion by Member Newell, seconded by Member Parvizi, and with all members voting in favor, the Town Planning Board came out of Executive Session. No decisions were made.

- **Training** - Board Member Newell reported that there will be training for Planning and Zoning Boards during March, given by County Planning at the County Office Building. More information will be forthcoming.

ADJOURNMENT

At 9:15 p.m., a motion to adjourn the meeting was made by Member Newell, seconded by Member Renzi, 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 12/4/18. Rev.