

ON THE MOTION OF Amy Bertini
Ann Swisher

RESOLUTION NO. 20-06

GML#86.17-01-01.000
Town of Cortlandville
Conditional Permit
Prop, Inc.

WHEREAS, on February 4, 2020 the Zoning Officer, Town of Cortlandville, pursuant to General Municipal Law 239 M submitted an application for a Conditional Permit because the property is located within 500 feet of NYS Route 281 and the Cortland County Airport which has been received by the Cortland County Planning Department, AND

WHEREAS, the Cortland County Planning Department has reviewed this request and submitted a written report dated February 14, 2020, which is on file, AND

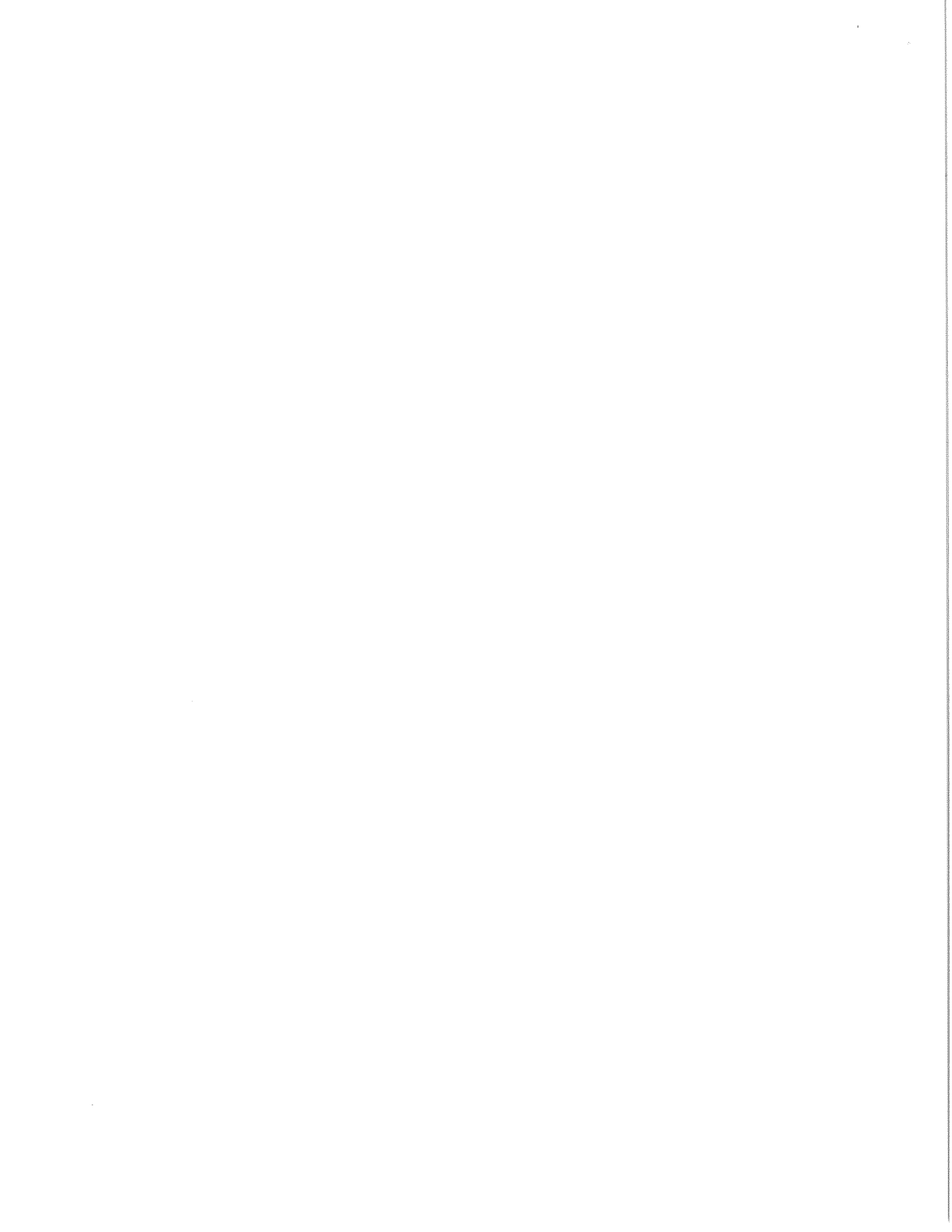
WHEREAS, the Cortland County Planning Board on February 19, 2020 held a regular meeting with a quorum and did consider this request, AND

WHEREAS, the Cortland County Planning Board did thoroughly consider the material submitted by the petitioner, Department comments and all other relevant reports on file, NOW THEREFORE BE IT

RESOLVED, that the Board recommends approval of this application for a conditional permit to renovate an existing 3,700 sq. ft. building and to construct three additions to this building with a total area of 1,248 sq. ft. contingent upon the following:

1. The applicant either reducing the impervious surface on the lot by 5% as part of this proposal or applying for and obtaining a bulk variance to forgo this requirement per the Town's Wellhead Protection Zones lot coverage requirements.
2. That data collected from the monitoring wells being forwarded to the County Health Department due to the chemicals stored on site and its close proximity to the City of Cortland water supply.
3. The applicant's submittal of notification to the FAA (Federal Aviation Administration) of the proposed construction given its close proximity to the airport.
4. Compliance with SEQR requirements, AND

BE IT FURTHER RESOLVED, that the Board reminds the Town of the

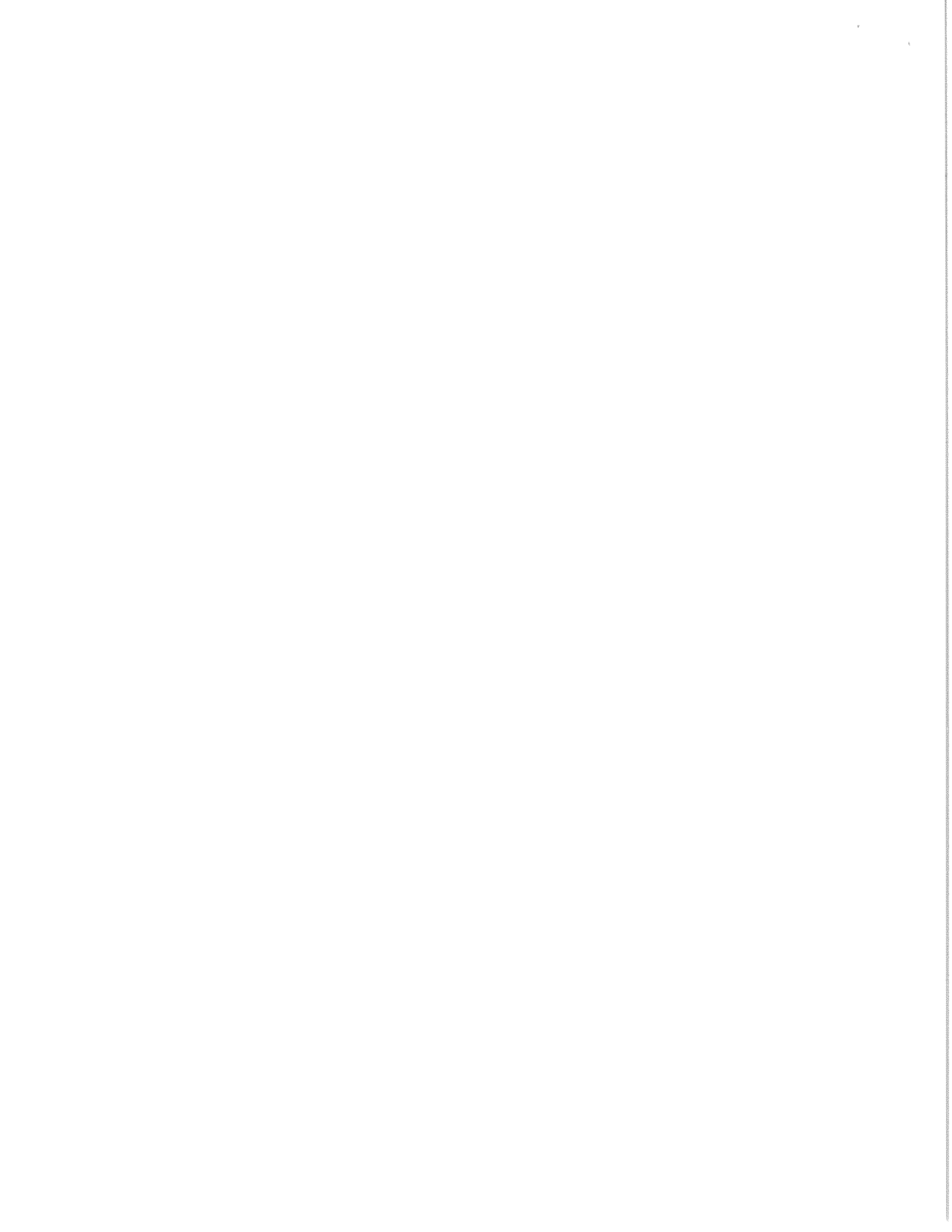


requirements of General Municipal Law Section 239 M that a supermajority vote is to be attained by the Town in order to approve this application unless every contingency documented in this resolution is followed, AND

BE IT FURTHER RESOLVED, that the Planning Department is hereby authorized to convey this action to the Zoning Officer, Town of Cortlandville.

**Wendy Miller, Secretary
Cortland County Planning Board
February 19, 2020**

**Ayes: 7
Nays: 0**



February 14, 2020

GML# 86.17-01-01.000
Town of Cortlandville
Conditional Permit
Prop, Inc.

TO: Cortland County Planning Board

FROM: Cortland County Planning Department

This application for a conditional permit is being referred to the Cortland County Planning Board pursuant to General Municipal Law 239 M because the property is located within 500 feet of NYS Route 281 and the Cortland County Airport.

GENERAL INFORMATION

Date Received:	February 4, 2020
Applicant:	Prop, Inc. (Bestway) 3877 Luker Rd. Cortland, NY 13045
Status of Applicant:	owner
Requested Action:	conditional permit
Purpose:	to renovate an existing 3,700 sq. ft. building and to construct three additions to this building with a total area of 1,248 sq. ft.
Location:	west side of Luker Road, approximately 250 ft. southwest of the NYS Route 281/Luker Road intersection
Size:	19.9 ± acres
Existing Zoning:	B-3 (Planned Commercial Business)
Existing Land Use:	Bestway Lumber
Surrounding Zoning:	B-3 (Planned Commercial Business)
Surrounding Land Use:	N – Cortland County Airport S - Sun Auto Warehouse

E – Action Auto
W –Cortland County Airport & U.S. Fish and
Wildlife Service

- Existing Regulations:** **Code of the Town of Cortlandville**
 Chapter 178: Zoning
 Article IA: Wellhead Protection Areas
 ~178-2.2. Provisions applicable to B-1, B-2, B-3, I-1
 and I-2 Districts
 A. Lot coverage
 (1)
 (8)
 **Article VIIIA: Planned Commercial Business B-3
District**
 ~178-36.9. Uses subject to conditional permit
 I. Storage warehouses
 Article XIV: Conditional Permit
 ~178.75. Structure/use requirements for permit
 approval
 **Article XVI: Stormwater Management and Erosion
and Sediment Control**
 ~178-90. Jurisdiction and applicability
 C. Exemptions
 (1)

ANALYSIS:

The applicant is requesting a conditional permit to renovate an existing 3,700 sq. ft. building and to construct three additions to this building with a total area of 1,248 sq. ft. The property is located on the west side of Luker Road, approximately 250 ft. southwest of the NYS Route 281/Luker Road intersection and is zoned B-3 (Planned Commercial Business).

This is the ninth time that an application for this property has been before the County Planning Board for review. In May 1991, the Board recommended denial of a conditional permit and aquifer protection district special permit application to construct a 58,420 sq. ft. steel frame building for lumber storage. In April 1995, the Board recommended approval of a conditional permit and aquifer protection district special permit application to construct a roof over a 12,000 sq. ft. concrete pad for the purpose of air drying treated lumber contingent upon the following:

1. That the groundwater monitoring program at Bestway Enterprises, Inc. be continued.
2. That all groundwater monitoring data be sent to the Cortland County Health and Planning Departments.

In October 1998, the Board recommended approval of a use variance, site plan review, and aquifer protection district special permit application to construct a new 2,300 sq. ft. building containing two dry kilns for drying lumber contingent upon the following:

1. The applicant's demonstration of unnecessary hardship preventing him from

making any reasonable use of the specific parcel of land in question for the purposes permitted in the Business District, as is necessary before any use variance may be granted.

2. The existing Stormwater Pollution Prevention Plan for the site being updated to incorporate the proposed use and other recent development activities on the site.
3. A negative declaration of environmental impact under SEQR.

In September 2001, the Board recommended approval of a conditional permit and aquifer protection district special permit application to replace three wood framed storage buildings, with a total size of 22,400 sq. ft., with an 18,000 sq. ft. steel framed building contingent upon the following:

1. Removal of the concrete footprints from the three wood framed storage buildings and replacement of these areas with a pervious material. If the concrete building footprints are not removed, the total impervious surface of the site would increase which may require a stormwater pollution prevention plan to be completed under the Town's stormwater ordinance.
2. A program being developed for on-site monitoring wells testing for arsenic, copper, chromium, and volatile organics.
3. A negative declaration of environmental impact under SEQR.

In October 2005, the Board recommended approval of an application for a conditional permit and an aquifer protection district special permit to remove two existing buildings with a total size of 7,176 sq. ft. and replace with a single 15,000 sq. ft. building contingent upon the following:

1. the existing stormwater pollution prevention plan for the site being updated to incorporate the proposed site changes.
2. that all groundwater monitoring data be sent to the County Health Department.
3. a negative declaration of environmental impact under SEQR.

In August 2006, the Board recommended approval of an application for a conditional permit and an aquifer protection district special permit to replace an existing 3,770 sq. ft. wood storage building and 415 sq. ft. of concrete aprons with a new 5,880 sq. ft. metal building for building insulation storage contingent upon the following:

1. the existing stormwater pollution prevention plan for the site being updated to incorporate the proposed site changes.
2. that all groundwater monitoring data be sent to the County Health Department.
3. a negative declaration of environmental impact under SEQR, and

In July 2017, the Board recommended approval of a conditional permit and aquifer protection district special permit to construct a 12,000 sq. ft. steel framed cold storage building for the purpose of storing lumber contingent upon the following:

1. The applicant either reducing the impervious surface on the lot by 5% as part of this proposal or applying for and obtaining a bulk variance to forgo this requirement per the Town's Wellhead Protection Zones lot coverage requirements.
2. That data collected from the monitoring wells be forwarded to the County Health Department due to the chemicals stored on site and its close proximity to the City of Cortland water supply.
3. Compliance with SEQR requirements

In February 2018, the Board recommended approval of a conditional permit and aquifer protection district special permit to construct a 12,000 square foot cold storage warehouse for the purpose of storing lumber and a to construct 2,304 square foot utility building contingent upon the following:

1. The applicant either reducing the impervious surface on the lot by 5% as part of this proposal or applying for and obtaining a bulk variance to forgo this requirement per the Town's Wellhead Protection Zones lot coverage requirements.
2. That data collected from the monitoring wells be forwarded to the County Health Department due to the chemicals stored on site and its close proximity to the City of Cortland water supply.
3. Compliance with SEQR requirements.

The applicant is now requesting a conditional permit to renovate an existing 3,700 sq. ft. building and to construct three additions to this building with a total area of 1,248 sq. ft.

The Coordinated Review Committee (CRC) reviewed this proposal and addressed the following issues. Storage buildings are permitted in the B-3 (Planned Commercial Business) District subject to a conditional permit. No aquifer protection district special permit is required as the development cost of the project would be less than \$150,000. The applicant is proposing to construct three additions to an existing 3,700 sq. ft. warehouse building. One addition would extend the south side of the building facing Luker Road with a 16 ft. deep by 48 ft. wide addition (768 sq. ft.). Additionally, the northeast corner of the building currently has a cut out and this cut out would be squared off with an addition of 192 sq. ft. Finally, a 12 ft. by 24 ft. (288 sq. ft.) addition would be constructed on the northeast side of the building. This section would house the controls and components of a new truck wash system. The applicant is proposing to continue to use half the building as a warehouse and use the other half as a truck washing system. The building is already equipped with an oil water separator from its previous use as a mechanic shop and is tied into the Town's sewer system. That system would remain and the floor drains for the truck wash would be tied into that service.

The new truck wash would use non-hazardous, citrus based detergents. No oil or other chemicals would be stored in the building. While the detergents used are non-hazardous, the applicant intends to install curbed diking in the 12 ft. by 24 ft. addition to capture any spills. The dike would be approximately 11 ft. by 23 ft. by 6 ft. and would hold a volume of 946 gallons. Per the manufacturer, the system would house two 275 gallon totes. This dike would be coated with an impervious urethane based chemical resistant sealer designed for vehicle wash systems. The applicant also intends to install a secondary containment for the totes themselves.

It is unclear from the application as to whether the proposed building additions would be over existing greenspace or impervious surfaces. It should be noted that the property is located in Zone 1a of the Town's Wellhead Protection Area. The parcel currently is approximately 35% covered by buildings and another approximately 49% is covered by gravel driveways/roads. The existing 84% lot coverage exceeds the maximum permitted lot coverage of 50%. The Town's wellhead protection zones lot coverage requirements state that for any properties that do not presently conform to lot coverage required, any change in the size of an existing building, structure, parking lot and/or driveway that is 500 square feet or more shall result in a reduction of the amount of the parcel's impervious surface by 5%. The applicant is therefore required to either reduce the impervious surface on the lot by 5% as part of this proposal or apply for and obtain a bulk variance to forgo this requirement.

There are a number of existing monitoring wells on the site. It is recommended that data collected from these monitoring wells be forwarded to the County Health Department due to the chemicals stored on site and its close proximity to the City of Cortland water supply.

The site is also in close proximity to the Cortland County Airport. It does not appear that the proposed building additions would penetrate the lateral runway transitional surfaces established by the FAA (Federal Aviation Administration) Part 77 requirements given the ground elevation of the site and the proposed heights (25 ft. and 20 ft.) of the buildings. The applicant however should submit notification to the FAA of the proposed construction given its close proximity to the airport.

Finally, this proposal is considered an Unlisted Action under SEQR. The applicant has completed Part I of a Short Environmental Assessment Form for this project. Parts II & III would then be completed by the Town to determine if there may be any significant adverse environmental impacts as a result of the proposed development.

RECOMMENDATION:

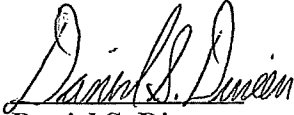
The staff recommends approval of this application for a conditional permit to renovate an existing 3,700 sq. ft. building and to construct three additions to this building with a total area of 1,248 sq. ft. contingent upon the following:

1. The applicant either reducing the impervious surface on the lot by 5% as part of this proposal or applying for and obtaining a bulk variance to forgo this requirement per the Town's Wellhead Protection Zones lot coverage requirements.
2. That data collected from the monitoring wells being forwarded to the County Health Department due to the chemicals stored on site and its close proximity to the City of

Cortland water supply.

- 3. The applicant's submittal of notification to the FAA (Federal Aviation Administration) of the proposed construction given its close proximity to the airport.**
- 4. Compliance with SEQR requirements.**

Prepared by:

A handwritten signature in black ink, appearing to read "Daniel S. Dineen". The signature is written in a cursive style with a large initial 'D'.

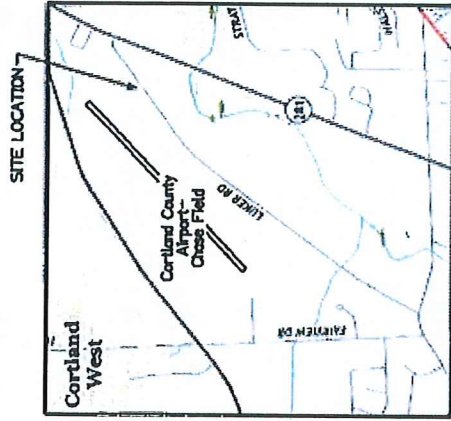
**Daniel S. Dineen
Director of Planning**

SHEET 8 OF 8
 DATE 06 JUN 19
 DRAWN BY J. 28
 CHECKED BY MS
 DATE 1984
 DATE 23 JAN 28
 SITE PLAN

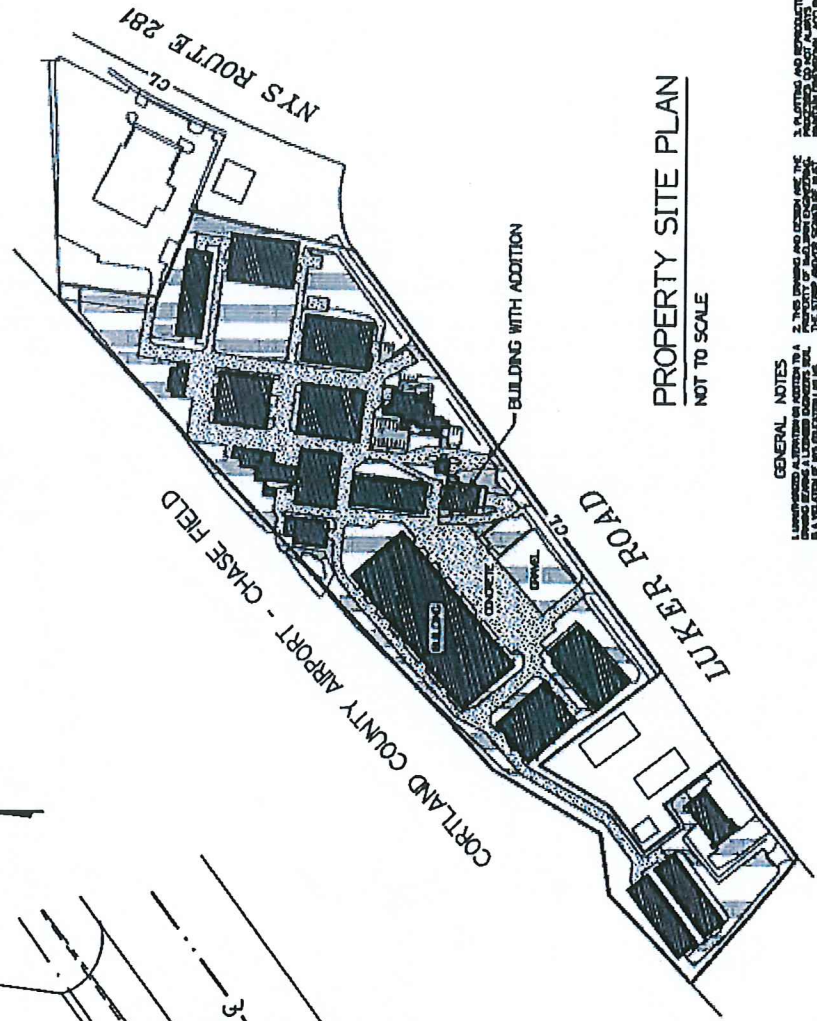
TRUCK WASH POLE BUILDING

BUILDERS BEST
 3877 LUKER ROAD, TOWN OF CORTLANDVILLE
 CORTLAND COUNTY, NEW YORK

McDermott
 Engineering
 PO BOX 127, 5 PARK STREET
 NEWARK VALLEY, NEW YORK 13811
 607-453-0000

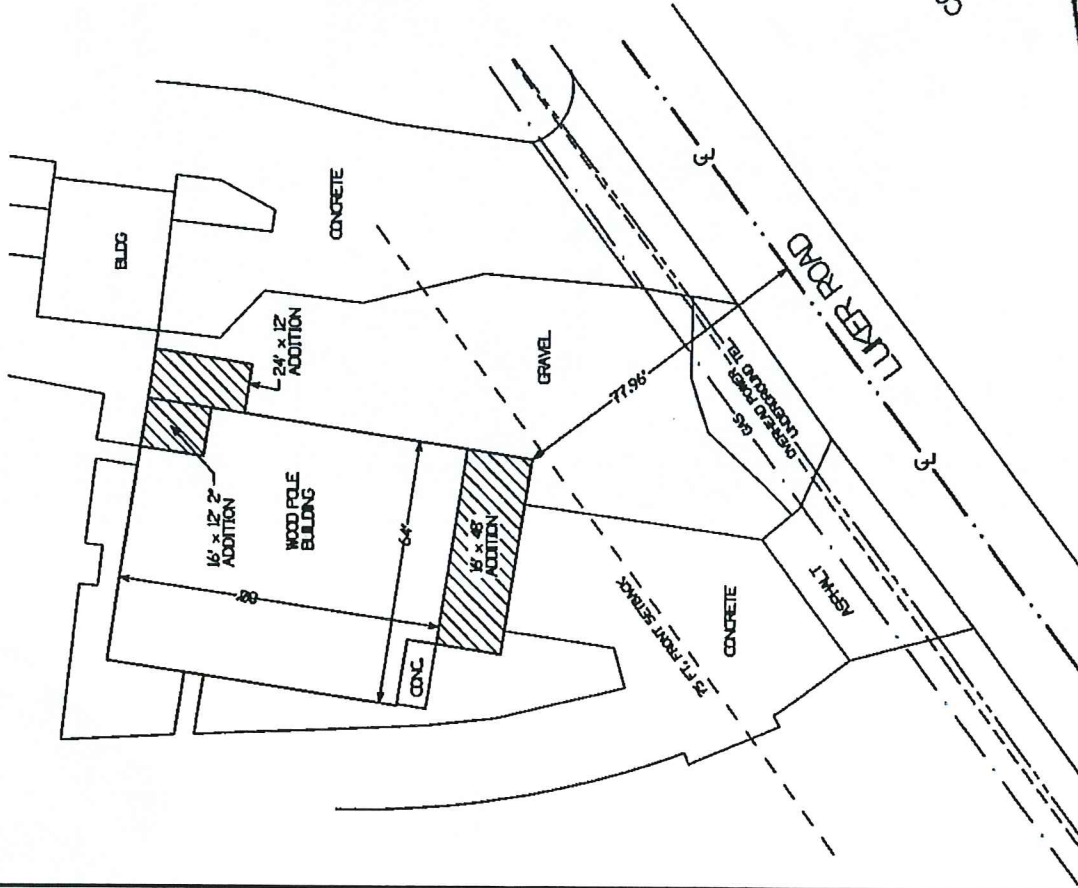


3877 LUKER ROAD, TOWN OF CORTLANDVILLE
 CORTLAND COUNTY, NEW YORK
 PARCEL NUMBER: 8617-01-01-020
 ZONING DISTRICT: BUSINESS B-3
 FRONT YARD SETBACKS 75 FT.

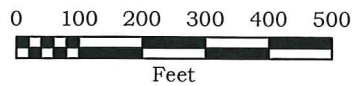
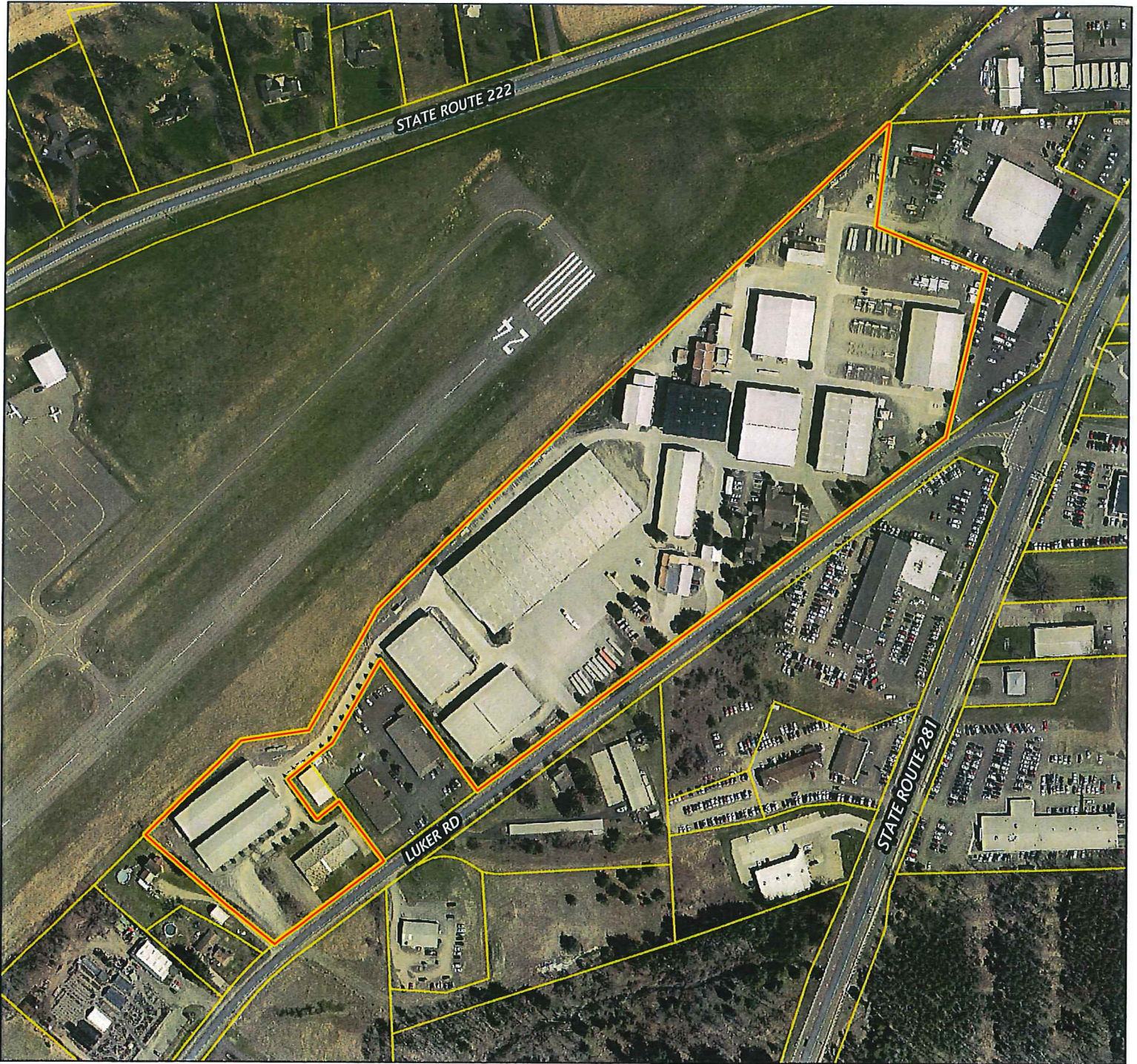


PROPERTY SITE PLAN
 NOT TO SCALE

GENERAL NOTES
 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 2. THE ENGINEER AND DESIGNER ARE NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS PLAN.
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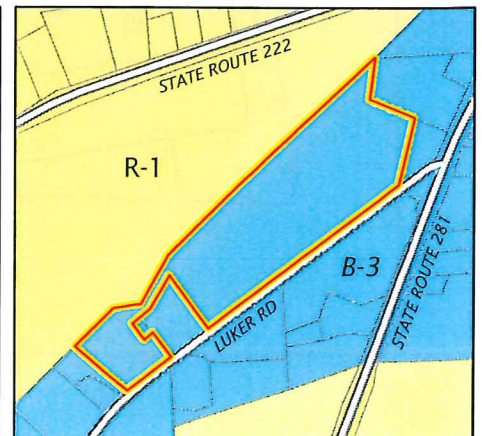


ADDITION SITE PLAN
 SCALE 1" = 20'



ZONING DISTRICTS

- AG
- R-1
- R-2
- R-3
- B-1
- B-2
- B-3
- I-1
- I-2
- PUD



Cortland County
 Planning Department
 37 Church Street
 Cortland, NY 13045