

ON THE MOTION OF Chuck Feiszli  
Ann Swisher

RESOLUTION NO. 20-07

GML#77.00-11-02.000  
Town of Cortlandville  
Site Plan Review &  
Conditional Permit  
Suit Kote Corporation

WHEREAS, on February 4, 2020 the Zoning Officer, Town of Cortlandville, pursuant to General Municipal Law 239 M submitted an application for Site Plan Review and a Conditional Permit because the property is located within 500 feet of NYS Route 13, Lorings Crossing (County Road #112A), the Town of Homer boundary and active farming operations within the Cortland County Consolidated Agricultural District 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 site plan review and a conditional permit to construct a 3,000 sq. ft. pole barn to be used for cold storage of aggregate and laboratory to determine aggregate composition contingent upon the following:

1. That the applicant employs basic Erosion and Sediment Control practices if any vegetated areas are to be disturbed during construction.
2. That a full Stormwater Pollution Prevention Plan is prepared and approved if it is determined that there will be more than 1 acre of land disturbance as a result of this project.
3. That an official determination is made as to whether the proposed building site is located within a FEMA designated 100 year flood zone and/or floodway, and if it is located within a FEMA designated 100 year flood zone, then the applicant must apply for and obtain a floodplain development permit from the Town and the

building would be required to be built at least 2 feet above the base flood elevation..  
If it is determined that the proposed building location is within the floodway, that the proposed building location be moved to be completely outside of the floodway area.

**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# 77.00-11-02.000  
Town of Cortlandville  
Site Plan Review & Conditional  
Permit  
Suit Kote Corporation

**TO: Cortland County Planning Board**

**FROM: Cortland County Planning Department**

---

This application for site plan review and 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 13, Lorings Crossing (County Road #112A), the Town of Homer boundary and active farming operations within the Cortland County Consolidated Agricultural District.

---

**GENERAL INFORMATION**

<b>Date Received:</b>	February 4, 2020
<b>Applicant:</b>	Suit-Kote Corporation 1911 Lorings Crossing Cortland, NY 13045
<b>Status of Applicant:</b>	owner
<b>Requested Action:</b>	site plan review and conditional permit
<b>Purpose:</b>	to construct a 3,000 sq. ft. pole barn to be used for cold storage of aggregate and laboratory to determine aggregate composition
<b>Location:</b>	north side of Lorings Crossing, approximately 1200 ft. east of the NYS Route 13/Lorings Crossing intersection
<b>Size:</b>	12.4 ± acres
<b>Existing Zoning:</b>	B- 2 (Highway Commercial Business) & AG (Agricultural)
<b>Existing Land Use:</b>	Suit-Kote Corporation

**Surrounding Zoning:** B-2 (Highway Commercial Business) & AG (Agricultural)

**Surrounding Land Use:** N – Vacant  
S - Suit-Kote  
E – Suit Kote & East Branch Tioughnioga River  
W –Suit Kote

**Existing Regulations:** Code of the Town of Cortlandville  
Chapter 178: Zoning  
Article II: Zoning Districts  
~178-6. Lots in two districts  
Article VIII: Highway Commercial Business B-2 District  
~178-36.1 Permitted uses subject to site plan approval  
B.  
Article XIV: Conditional Permit  
~178.75. Structure/use requirements for permit approval  
Article XV: Flood Damage Prevention  
Article XVI: Stormwater Management and Erosion and Sediment Control  
~178-90. Jurisdiction and applicability  
C. Exemptions  
(1)

**ANALYSIS:**

The applicant is requesting site plan review and a conditional permit to construct a 3,000 sq. ft. pole barn to be used for cold storage of aggregate and laboratory to determine aggregate composition. The property is located on the north side of Lorings Crossing, approximately 1200 ft. east of the NYS Route 13/Lorings Crossing intersection and is zoned B-2 (Highway Commercial Business).

This is the second time that an application for this property has been before the County Planning Board for review. In December 2000, the Board returned for local determination a use variance, aquifer protection district special permit and site plan review request to construct a 4,560 sq. ft. addition to an existing 15,000 sq. ft. professional office building for use as a laboratory with any positive consideration contingent upon the following:

1. The applicant demonstrating that there are unnecessary hardships in the way of carrying out the strict letter of the "Town of Cortlandville Zoning Law" as is necessary before any use variance may be granted.
2. The applicant documenting the total employees for both the lab and Suit-Kote offices. If there are more than 25 total employees, the facility would be considered a public water supply and must meet the standards as such.
3. The applicant demonstrating the measures to be taken to prevent or minimize

erosion of stored material, and subsequent runoff to the river

4. A negative declaration of environmental impact under SEQR.

The Town subsequently approved the application. The applicant is now requesting site plan review and a conditional permit to construct a 3,000 sq. ft. pole barn on site to be used for cold storage of aggregate and laboratory to determine aggregate composition.

The Coordinated Review Committee (CRC) reviewed this proposal and addressed the following issues. The storage of material related to a permitted use on a site is permitted in the B-2 (Highway Commercial Business) District subject to the issuance of a site plan review and 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 a 3,000 sq. ft. pole barn storage building. The proposed building will be steel frame construction and 10 feet in height and will be located in the back of the parking area of the existing facility. If during the construction of this building any vegetated areas are to be disturbed, basic Erosion and Sediment Control practices are to be employed to prevent the potential mobilization of fine sediments that may impact the water quality of the East Branch Tioughnioga River. Also, if it is determined that more than 1 acre of land is to be disturbed during construction, full Erosion and Sediment Control Practices would be required as well as the preparation of a full Stormwater Pollution Prevention Plan.

The application states that the proposed building will be used for cold storage (storage of aggregate samples and lab equipment) with one section being dedicated to an aggregate study area where aggregates for mix designs will be reviewed to ensure they are up to standard before use in road maintenance and construction. There will be no storage of hazardous materials or chemicals.

It should be noted that the site of the proposed building is very close and may be within a FEMA designated 100 year flood plain. If it is determined that a portion of the new building would be within the 100 year floodplain, it would be required to be built at least 2 feet above the base flood elevation. Also, any construction within an area of special flood hazard is required to obtain a floodplain development permit from the Town. The proposed building site could be moved further south so that it is definitively out of the 100 year flood zone. The proposed site is also located extremely close to a FEMA designated floodway. A larger site plan with a more defined scale would be needed to determine if any part of the building would be located in either the floodplain or floodway. If it is determined that the proposed building location is within the floodway, it is recommended that the proposed building location be moved to be completely outside of the floodway area.

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 site plan review and a conditional permit to construct a 3,000 sq. ft. pole barn to be used for cold storage of aggregate and laboratory to determine aggregate composition contingent upon the following:

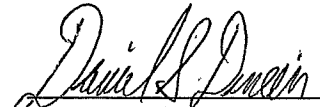
1. That the applicant employs basic Erosion and Sediment Control practices if any vegetated areas are to be disturbed during construction.
2. That a full Stormwater Pollution Prevention Plan is prepared and approved if it is determined that there will be more than 1 acre of land disturbance as a result of this project.
3. That an official determination is made as to whether the proposed building site is located within a FEMA designated 100 year flood zone and/or floodway, and if it is located within a FEMA designated 100 year flood zone, then the applicant must apply for and obtain a floodplain development permit from the Town and the building would be required to be built at least 2 feet above the base flood elevation.. If it is determined that the proposed building location is within the floodway, that the proposed building location be moved to be completely outside of the floodway area.
4. Compliance with SEQR requirements.

Prepared by:



**Kevin J. Pagini**  
Planner

Reviewed/revised by:



**Daniel S. Dineen**  
Director of Planning

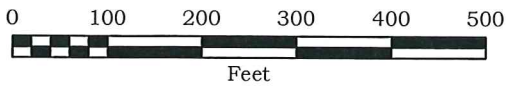
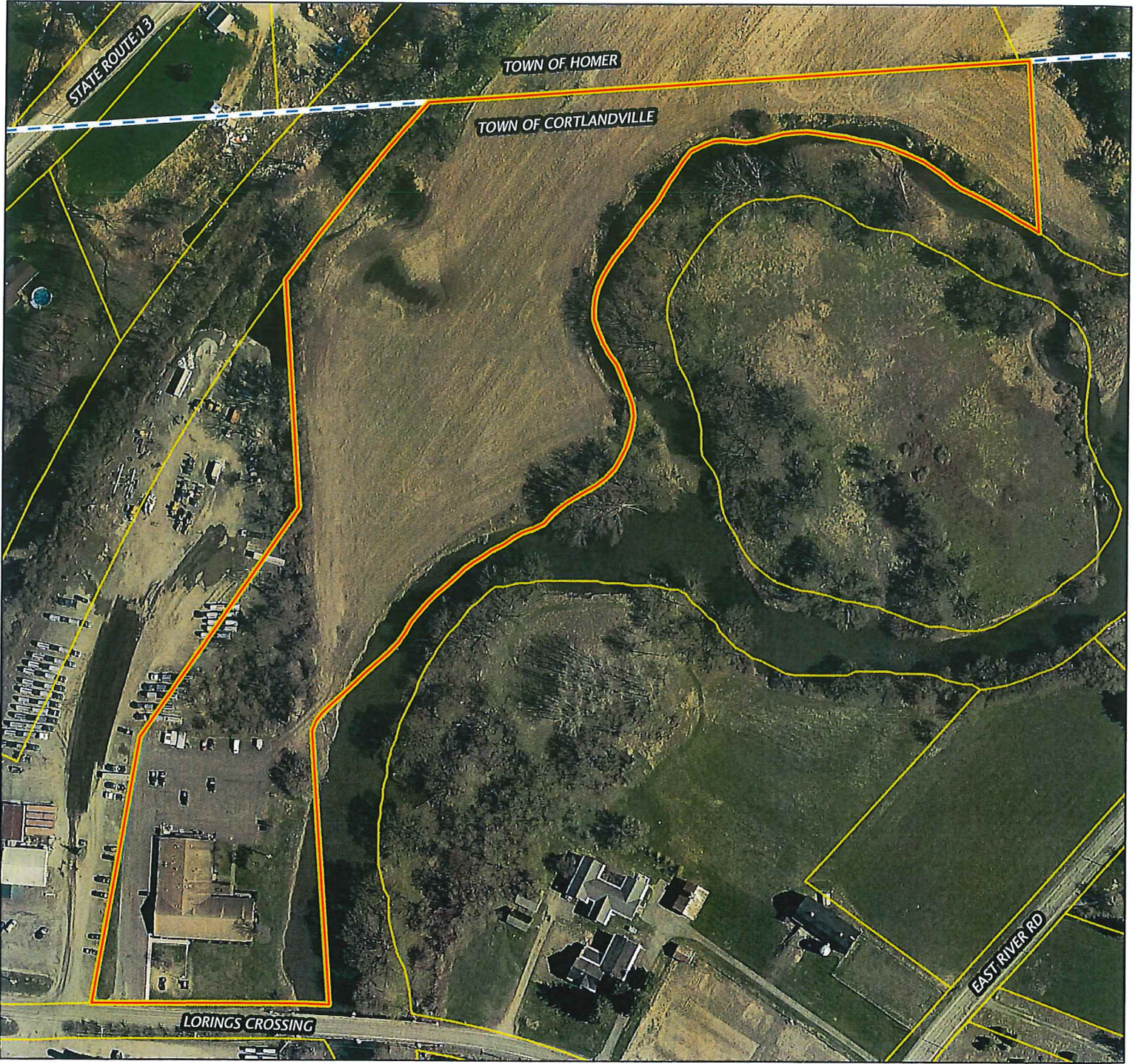
7. Use of this plan for any purpose other than that for which it was prepared is prohibited. The user assumes all liability for any use of this plan for any purpose other than that for which it was prepared.



DATE: DECEMBER 2019  
 SCALE: 1" = 30'  
 SHEET NUMBER: 01  
 PROJECT NUMBER: 914.007.009

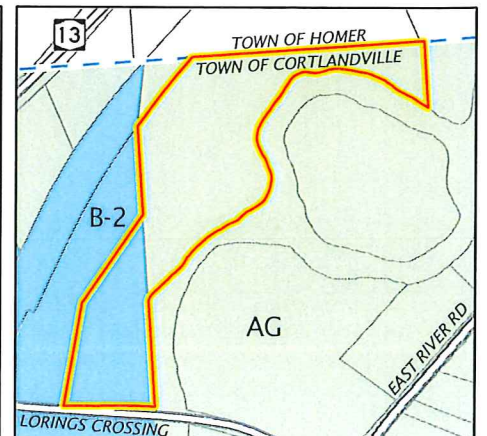
**Barton & Loggins**

SUIT - NOT COMPLETED  
 SUIT NOT CORLAND POLE BARN SITE PLAN  
 SITE PLAN  
 CORLAND COUN., NEW YORK  
 CORLANDVILLE



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