

August 14, 2020

GML#95.20-02-07.000
Town of Cortlandville
Aquifer Protection District Special Permit
and Conditional Permit
Guggenheim Development Services, LLC

TO: Cortland County Planning Board

FROM: Cortland County Planning Department

This application for an Aquifer Protection District Special Permit and Conditional Permit is being referred to the Cortland County Planning Board pursuant to General Municipal Law 239-M because the property is located within approximately 500 feet of NYS Route 13.

GENERAL INFORMATION

Date Received: July 30, 2020

Applicant: Guggenheim Development Services, LLC
c/o Bohler Engineering MA, LLC
17 Computer Drive West
Albany, NY 12205

Status of Applicant: purchase agreement

Requested Action: Aquifer Protection District Special Permit & Conditional Permit

Purpose: to construct a 3,000 sq. ft. motor vehicle service facility

Location: east side of NYS Route 13, approximately 1/4 mile north of the NYS Route 13/Bennie Rd. intersection

Size: 0.76± acres

Existing Zoning: B-3 (Planned Commercial Business)

Existing Land Use: vacant (former Golden Skillet restaurant)

Surrounding Zoning: PUD (Planned Unit Development), B-3 (Planned Commercial Business) & I-2 (General Industrial)

Surrounding Land Uses: N – Applebee’s/Cortlandville Crossing
S – Wal-Mart
E – Marshall’s/Cortlandville Crossing
W– Cortland Commerce Center

Existing Regulations: Code of the Town of Cortlandville

Chapter 178 Zoning

Article IA – Wellhead Protection Areas

Section 178.2.2- Provisions applicable to B-1, B-2, B-3, I-1 and I-2 Districts

- A. Lot coverage
(4)

Article VIIIA – Planned Commercial Business B-3 District

Section 178.36.9- Uses subject to conditional permit

- F. Commercial garages and automotive repair shops

Article X – Aquifer Protection District

Section 178.45 – Restrictions and requirements

- B. Other requirements

Section 178.46 – Special permits

- A. Is a development, other than residential, of real property exceeding \$150,000 in development cost

Article XIV – Conditional Permit

Section 178-75. Structure/Use Requirements for Permit Approval

Section 178-76. Additional Specific Requirements

- H. Business Uses

Article XVI - Stormwater Management and Erosion and Sediment Control

Section 178-90. Jurisdiction and applicability

Section 178-92. Contents of a Stormwater Pollution Prevention Plan (SWPPP)

Article XVIII – Signs

Section 178-112 – Permitted signs

Section 178-113 – Regulations for permitted signs

ANALYSIS -

The applicant is requesting an Aquifer Protection District Special Permit and Conditional Permit to redevelop a vacant 0.76 acre parcel (site of the former Golden Skillet restaurant) and construct a 3,000 sq. ft. motor vehicle service facility. The property is located on the east side of NYS Route 13, approximately 1/4 mile north of the NYS Route 13/Bennie Road intersection, and is zoned B-3 (Planned Commercial Business).

The Coordinated Review Committee (CRC) reviewed this proposal and addressed the following issues. A conditional permit is required for commercial garages and

automotive repair facilities in the B-3 District. An Aquifer Protection District Special Permit is also required for this project as the development cost of the project would exceed \$150,000. The applicant is proposing to redevelop a vacant 0.76 acre parcel and construct a 3,000 sq. ft. building for use as a motor vehicle oil change facility which would include minor vehicle servicing. The proposed business will be a drive thru automobile service center consisting of four service bays. The site plan indicates approximately 69% lot coverage (building, parking/display areas, sidewalk) on the 0.76 +/- acre parcel leaving 31% as greenspace. The "Zoning Local Law of the Town of Cortlandville" requires that lots or parcels less than 3 acres in size shall provide 20% greenspace. The proposed project therefore meets the Town's minimum greenspace requirements.

The site plan includes the addition of 12 parking spaces including one accessible parking space. The proposed customer parking spaces comply with the Town's minimum parking space dimensional requirement of 10 feet by 20 feet. There appears to be ample room for vehicles to maneuver on site and for customers to get in and out of spaces without interfering with customers exiting the service bays. The applicant is not proposing to add any new driveway entrances/exits to NYS Route 13 as the site would be accessed via the southernmost driveway entrance to Cortlandville crossing from NYS Route 13. It is recommended that an easement be written into the deeds of this property and the Cortlandville Crossing property to insure that continued access to this site is provided from the Cortlandville Crossing property in the future.

The applicant has proposed one ground sign and four building mounted signs for the proposed business. The "Zoning Local Law of the Town of Cortlandville" permits a maximum of two building mounted signs with up to 2 sq. ft. for each linear foot of building façade facing the major street. Since the proposed building would have 92 linear feet of building façade facing NYS Route 13, the proposed use is permitted to have 184 sq. ft. of building mounted signage. It is unclear from the application as to the dimensions of the building mounted signs. The proposed building mounted signage must conform to these requirements unless the applicant applies for and obtains a bulk variance. In order for a bulk variance to be granted, the Town must weigh the benefit of the increase number and square footage of signs to the applicant vs. the health, safety and welfare of the community/neighborhood. The proposed ground sign would be placed 15 feet from the property line adjacent to the NYS Route 13 right of way. The sign would be approximately 62 sq. ft. in size with a height of approximately 7 ft. 6 in. Freestanding or ground signs are allowed to have a maximum size of 100 sq. ft. and maximum height of 8 ft.

The proposed facility would include a four bay vehicle repair/service area primarily used for oil and fluid changes on motor vehicles. The property is within Area I (Primary aquifer area) of the Aquifer Protection District. Vehicle servicing within the Aquifer Protection District is subject to the following requirements:

1. Floor drains must be connected to a holding tank or sanitary sewer equipped with an oil and grit separating tank.

2. Wastes collected in a holding tank must be disposed of through a licensed waste hauler.
3. Waste degreasing solvents must be stored in drums or a holding tank and disposed of through a licensed waste hauler.
4. Waste oil must be stored in tanks or drums for disposal by a licensed waste hauler.
5. Storage facilities for tanks and/or drums require coated concrete floors and dikes to retain accidental spills or leaks; a permanent roof to protect tanks or drums and to prevent precipitation from entering dikes. Drums should be sealed, and tanks and drums must be located away from floor drains.
6. Large drip pans should be kept beneath drums which have spigots and are stored in horizontal position on racks.
7. Potentially contaminated scrap, including but not limited to scrap parts, batteries and used filters shall be stored in proper containers to prevent environmental release of contaminants.

It is recommended that the applicant provide to the Town a list and quantity of all chemicals to be stored on site, including a plan of primary and secondary containment for these chemicals. The property is within Area I of the Aquifer Protection District and the parcel splits the boundary line between 1a and 1b of the wellhead protection area. This site is upgradient of the Cortlandville Terrace Road public water supply well, with an approximately 2 year travel time for groundwater (or a potential pollutant) to reach the Terrace Road well. It is therefore critical that the applicant submits to the Town a Spill Response Plan and Spill Prevention, Control & Countermeasures Plan for the facility for review and approval. It should be noted that the Walmart on an adjoining property originally proposed to include an automobile service facility similar to this proposal as part of its store but removed this facility from its plans because of negative feedback due to its location upgradient to the Terrace Road public water supply well.

The applicant is proposing to connect this facility to public water and sewer. The public water and sewer connections, including the installation of a backflow prevention device for the public water connection, require County Health Department and Town approval.

A Stormwater Pollution Prevention Plan (SWPPP) would not be required for this development per the Town and State's stormwater ordinance as there would not be more than 10,000 sq. ft. of impervious surface being added to the site and there would not be more than one acre of soil disturbance. The site plan indicates that the impervious surface of the site would actually be reduced from 75.4% to 68.7%. Although a SWPPP is not required, it is recommended that no net loss of pervious surface be permitted to protect and preferably improve infiltration capacity of the site and reduce effects of stormwater on adjacent properties during low-frequency high rainfall storm events. Standard erosion and

sediment control best management practices such as silt fencing, stable construction entrance, and revegetation should be employed during construction.

The proposed dumpster enclosure will be located on the southeast corner of the lot, but the site plan does not indicate if this enclosure will be fenced in and screened from view. It is recommended that visual screening is erected around the dumpster area.

The site plan indicates lawn areas around the perimeter of the site and in front of the proposed building. It is recommended that the applicant provide a more detailed landscaping plan for the site to the Town to include additional landscaping other than just lawn areas. There is also no indication of snow storage areas on site. It is recommended that the applicant submits a revised site plan to the Town showing locations of snow storage areas on site.

The applicant has not submitted a lighting plan for the site. A lighting plan for the site should be submitted to the Town which indicates that there would be no lighting from this property in excess of 1.0 footcandle outside of the property boundaries.

It should be noted that the Town's zoning law includes design and development guidelines for all new nonresidential and nonagricultural development and redevelopment projects. The applicant has submitted drawings indicating the proposed building design. It is recommended that the Town review the proposed building design for conformance with the Town's Design and Development Guidelines.

Finally, this proposal is considered an Unlisted Action under SEQR. The applicant has completed Part I of a Short Environmental Assessment Form. Parts II and III should 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 an aquifer protection district special permit and conditional permit contingent upon the following:

1. That an easement be written into the deeds of this property and the Cortlandville Crossing property to insure that continued access to this site is provided from the Cortlandville Crossing property in the future.
2. The applicant either reducing the number and square footage of building mounted signage on site to conform to the "Zoning Local Law of the Town of Cortlandville" or the applicant applying for and receiving a bulk variance for the increased number and square footage of signage.
3. The Town weighing the benefit of the increase number and square footage of signs to the applicant vs. the health, safety and welfare of the community/neighborhood as is required before any bulk variance may be granted.

4. **Any floor drains in the facility being connected to a holding tank or sanitary sewer equipped with an oil and grit separating tank.**
5. **Wastes collected in a holding tank must be disposed of through a licensed waste hauler.**
6. **Waste degreasing solvents must be stored in drums or a holding tank and disposed of through a licensed waste hauler.**
7. **Waste oil must be stored in tanks or drums for disposal by a licensed waste hauler.**
8. **Storage facilities for tanks and/or drums require coated concrete floors and dikes to retain accidental spills or leaks; a permanent roof to protect tanks or drums and to prevent precipitation from entering dikes. Drums should be sealed, and tanks and drums must be located away from floor drains.**
9. **Large drip pans should be kept beneath drums which have spigots and are stored in horizontal position on racks.**
10. **Potentially contaminated scrap, including but not limited to scrap parts, batteries and used filters shall be stored in proper containers to prevent environmental release of contaminants.**
11. **The applicant's submittal of a list and quantity of proposed chemicals to be stored on site to the Town, and a plan of primary and secondary storage facilities for these chemicals.**
12. **The applicant's submittal and the Town's acceptance of the Spill Response Plan and Spill Prevention, Control & Countermeasures Plan for the site.**
13. **The applicant obtaining approval of the public water and sewer connection, including the installation of a backflow prevention device for the public water connection, from the County Health Department and Town.**
14. **That no net loss of pervious surface be permitted to protect and preferably improve infiltration capacity of the site and reduce effects of stormwater on adjacent properties during low-frequency high rainfall storm events, and that standard erosion and sediment control best management practices such as silt fencing, stable construction entrance, and revegetation are employed during construction.**
15. **That visual screening is erected around the dumpster area.**
16. **The applicant providing to and obtaining approval from the Town of a more detailed landscaping plan for the site to include additional landscaping other than just lawn areas.**

17. **The applicant's submittal of a revised site plan indicating locations of snow storage on site.**
18. **The applicant's submittal of a lighting plan for the site to the Town which indicates that there would be no lighting from this property in excess of 1.0 footcandle outside of the property boundaries.**
19. **The Town reviewing the proposed building design for conformance with the Town's Design and Development Guidelines.**
20. **Compliance with SEQR requirements.**

Prepared by:

Reviewed/revised by:

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DSD/kp