

ON THE MOTION OF Wendy Miller  
Craig Umbehauer

RESOLUTION NO. 20-08

GML# 95.00-09-01.000  
Town of Cortlandville  
Site Plan Review & Aquifer  
Protection District Special  
Permit  
Builder's Best Home  
Improvement Center

WHEREAS, on June 16, 2020 the Zoning Officer, Town of Cortlandville, pursuant to General Municipal Law 239 M submitted an application for Site Plan Review and an Aquifer Protection District Special 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 July 10, 2020, which is on file, AND

WHEREAS, the Cortland County Planning Board on July 15, 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 approval and aquifer protection district special permit to construct a 2,000+/- sq. ft. addition to an existing home improvement center for use as office space and to expand the existing parking area by 3,400 sq. ft. contingent upon the following:

1. the applicant applying for and receiving a bulk variance in order to decrease the lot coverage on a lot which already does not meet the Wellhead Protection Zone 1a minimum greenspace requirement.
2. the Town weighing the benefit of increasing the lot coverage on a lot which already does not meet the minimum greenspace requirement to the applicant vs. the health, safety and welfare of the community/neighborhood, as is required before this bulk variance may be granted.
3. the applicant preparing and receiving approval of a stormwater pollution

prevention plan for the site from the Town if it is determined that a stormwater pollution prevention plan is required per the Town's stormwater ordinance.

4. the applicant obtaining a General Permit GP-0-15-002 for stormwater discharges from construction sites from the New York State Department of Environmental Conservation (NYSDEC) per State Pollution Discharge Elimination System (SPDES) program since the proposed addition will involve the disturbance of land in which construction activities may result in the discharge of stormwater from the property into neighboring Otter Creek.
5. 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 Board notes that the applicant should submit a revised SEQR Short Form as question #7 regarding the project's close proximity to a State listed Critical Environmental Area is answered incorrectly, AND

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

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Wendy Miller, Secretary  
Cortland County Planning Board  
July 15, 2020

Ayes: 7

Nays: 1 (Beau Harbin)

July 10, 2020

GML# 95.00-09-01.000  
Town of Cortlandville  
Site Plan Approval & Aquifer Protection  
District Special Permit  
Builder's Best Home Improvement Center

**TO: Cortland County Planning Board**

**FROM: Cortland County Planning Department**

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This application for a site plan approval and aquifer protection district special permit is being referred to the Cortland County Planning Board pursuant to General Municipal Law 239 M because the property is located within 500 ft. of NYS Route 281 and the Cortland County Airport.

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**GENERAL INFORMATION**

**Date Received:** June 16, 2020

**Applicant:** Builder's Best Home Improvement Center, Inc.  
3798 Luker Road  
Cortland, NY 13045

**Status of Applicant:** owner

**Requested Action:** site plan approval and aquifer protection district special permit

**Purpose:** to construct a 2,000+/- sq. ft. addition to an existing home improvement center for use as office space and to expand the existing parking area by 3,400 sq. ft.

**Location:** southeast side of Luker Road, approximately 1,525 ft. southwest of the NYS Route 281/Luker Road intersection

**Size:** 11.6± acres

**Existing Zoning:** B-3 (Planned Commercial Business)

**Existing Land Use:** Builder's Best Home Improvement Center

**Surrounding Zoning:** B-3 (Planned Commercial Business) & R-1 (Residential)

**Surrounding Land Uses:** N – Valley View Gardens nursery  
S – Cortland Self Storage

E – City of Cortland Water Works property  
W – Kristen Clark-Lowell dental office and single family residential

**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**

**(1)**

**(8)**

**Article VIIIA – Planned Commercial Business B-3 District**

**Section 178-36.8. Permitted structures and uses subject to site plan approval**

**A. Permitted uses subject to site plan approval shall be as follows:**

**(1)**

**Article X – Aquifer Protection District**

**Section 178-46. Special permits**

**B.**

**Article XIII – Site Plan Approval**

**Section 178-72. Planning Board review of site plan**

**A. General considerations**

**ANALYSIS -**

The applicant is requesting site plan approval and aquifer protection district special permit to construct a 2,000+/- sq. ft. addition to an existing home improvement center for use as office space and to expand the existing parking area by 3,400 sq. ft. The property is located on the southeast side of Luker Road, approximately 1,525 ft. southwest of the NYS Route 281/Luker Road intersection south side of U. S. Route 11/NYS Route 41, and is zoned B-3 (Planned Commercial Business).

This is the third time that an application for this property has been before the County Planning Board for review. In June 1989, the Board recommended approval of an application for a subdivision, conditional permit and an aquifer protection district special permit to subdivide a 7 acre lot from a 53.5 acre parcel and to construct a 38,880 sq. ft. lumber and home improvement center on the 7 acre lot. In September 1989, the Board recommended approval of a subdivision, conditional permit and aquifer protection district special permit application to subdivide .88+/- acres from an adjoining 46.5+/- acre parcel and to consolidate this .88+/- acre lot with the 7 acre lot to allow area to construct an additional 29,200+/- sq. ft. building for lumber storage at the proposed home improvement center. The applicant is now requesting site plan approval and an aquifer protection district special permit to construct a 2,000+/- sq. ft. addition to an existing home improvement center for use as office space and to expand the existing parking area by 3,400 sq. ft.

The Coordinated Review Committee (CRC) reviewed this proposal and addressed the following issues. Retail stores and sales are permitted in the B-3 District subject to site plan approval. An aquifer protection district special permit is also required as the development cost of the project exceeds \$150,000. The proposed single story 2,000 sq. ft addition would be located on the northern side of the existing building and would be used as office space for the existing home improvement center. The proposed addition would be constructed on an area that is currently a paved parking area. The applicant however is also proposing to replace this paved parking area by adding 3,400+/- sq. ft. of new paved parking area immediately north of the proposed addition which is an area of primarily currently greenspace. It is unclear from the application as to the total existing and proposed lot coverage of the site but both appear to be over the maximum 50% lot coverage allowance for lots within Wellhead Protection Zone 1a. The Wellhead Protection Zones lot coverage requirements states that for any properties that do not presently conform to the lot coverage requirements, any change in 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 however is proposing to increase the impervious surface of the lot, not decrease it. The applicant is therefore required to apply for and receive a bulk variance in order to decrease the lot coverage on a lot which already does not meet the Wellhead Protection Zone 1a minimum greenspace requirement. In order for this bulk variance to be granted, the Town must weigh the benefit of increasing the lot coverage on a lot which already does not meet the minimum greenspace requirement to the applicant vs. the health, safety and welfare of the community/neighborhood.

It is unclear as to whether this proposal would require a stormwater pollution prevention plan (SWPPP) per the Town's stormwater ordinance as while the project would result in less than one acre of land disturbance, the total impervious surface of the lot is more than 35% of the lot. If it is determined that a stormwater pollution prevention plan is required, the stormwater pollution prevention plan would require review and approval from the Town. The proposed addition will also involve the disturbance of land in which construction activities may result in the discharge of stormwater from the property into neighboring Otter Creek. As such, the project will be subject to the New York State Department of Environmental Conservation (NYSDEC) State Pollution Discharge Elimination System (SPDES) program which includes the General Permit GP-0-15-002 for stormwater discharges from construction sites. Because the project will disturb less than one acre of land, the applicant has prepared a SWPPP without post-construction controls for stormwater quantity control.

It should be noted that the proposed addition would have no additional bathroom facilities so there would be no change to the existing private well and septic system permits.

Finally, the proposed development is considered an Unlisted Action under SEQRA. The applicant has completed Part I of the 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 result of the proposed development.

**RECOMMENDATION -**

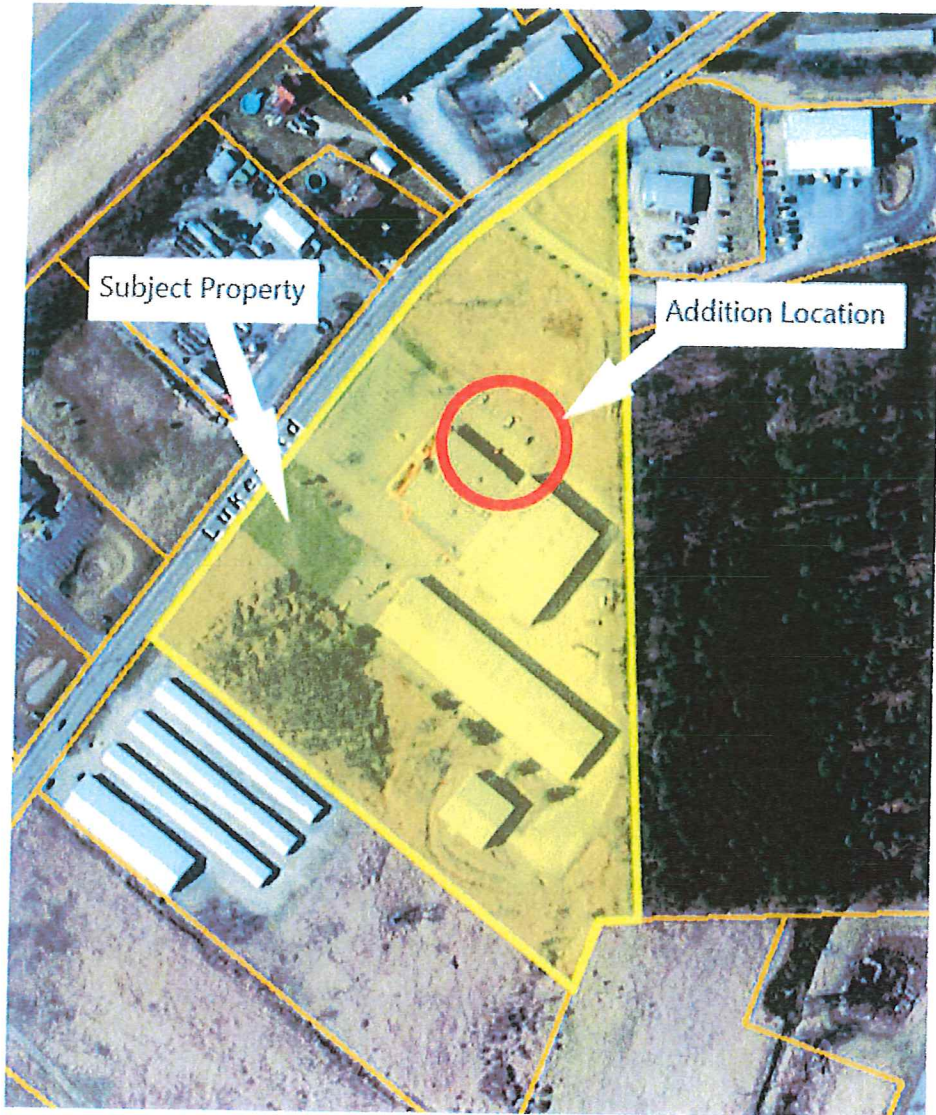
The staff recommends approval of this application for site plan approval and aquifer protection district special permit contingent upon the following:

1. the applicant applying for and receiving a bulk variance in order to decrease the lot coverage on a lot which already does not meet the Wellhead Protection Zone 1a minimum greenspace requirement.
2. the Town weighing the benefit of increasing the lot coverage on a lot which already does not meet the minimum greenspace requirement to the applicant vs. the health, safety and welfare of the community/neighborhood, as is required before this bulk variance may be granted.
3. the applicant preparing and receiving approval of a stormwater pollution prevention plan for the site from the Town if it is determined that a stormwater pollution prevention plan is required per the Town's stormwater ordinance.
4. the applicant obtaining a General Permit GP-0-15-002 for stormwater discharges from construction sites from the New York State Department of Environmental Conservation (NYSDEC) per State Pollution Discharge Elimination System (SPDES) program since the proposed addition will involve the disturbance of land in which construction activities may result in the discharge of stormwater from the property into neighboring Otter Creek.
5. compliance with SEQR requirements.

Prepared by:



**Daniel S. Dineen**  
**Director of Planning**



**Builder's Best Home Improvement Center, Inc. Building Expansion**

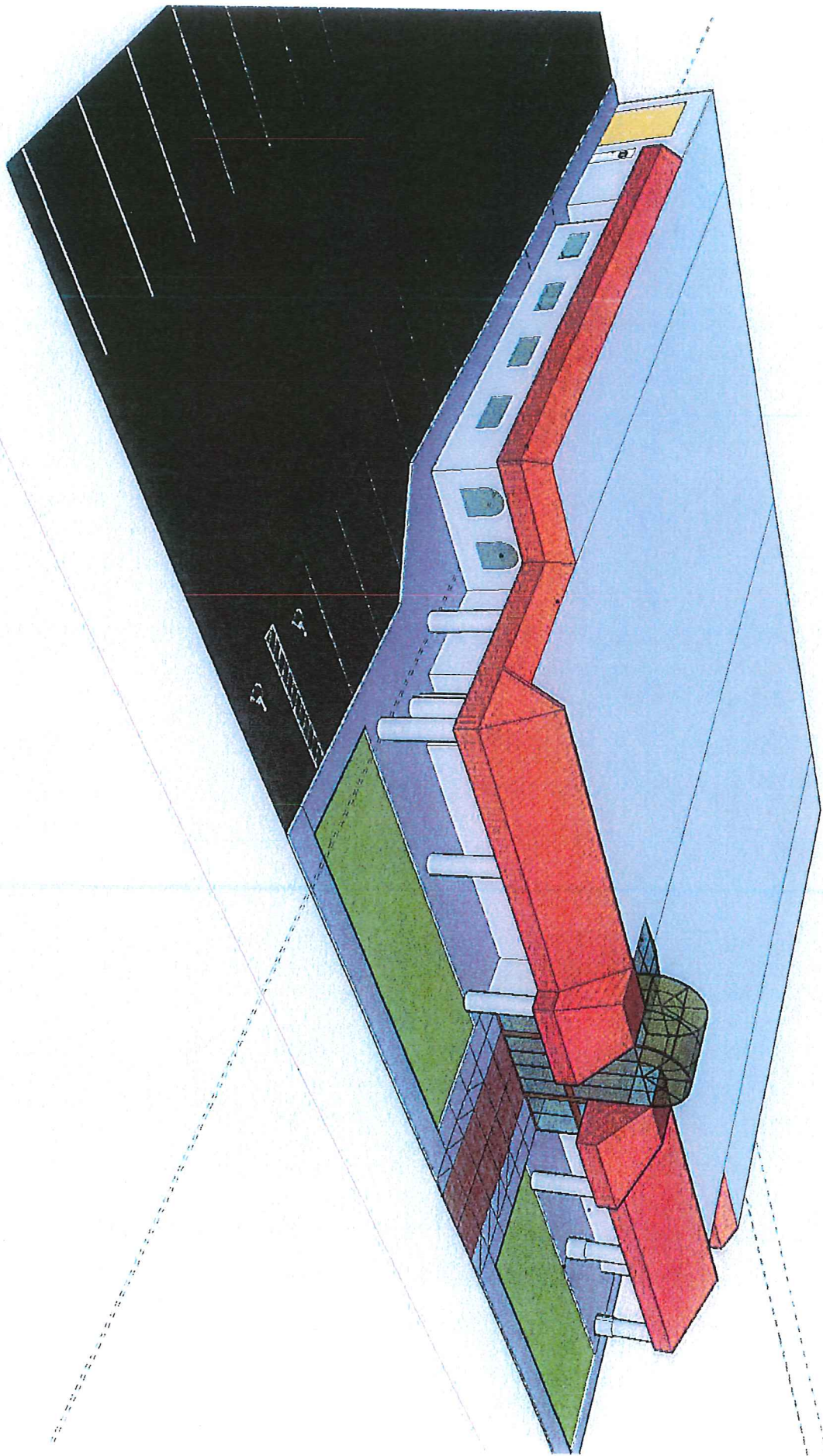
Tax Parcel 95.00-09-01.000

3798 Luker Road

Town of Cortlandville

Cortland County, New York

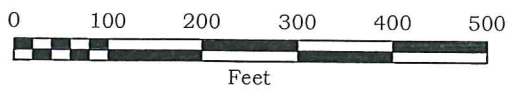
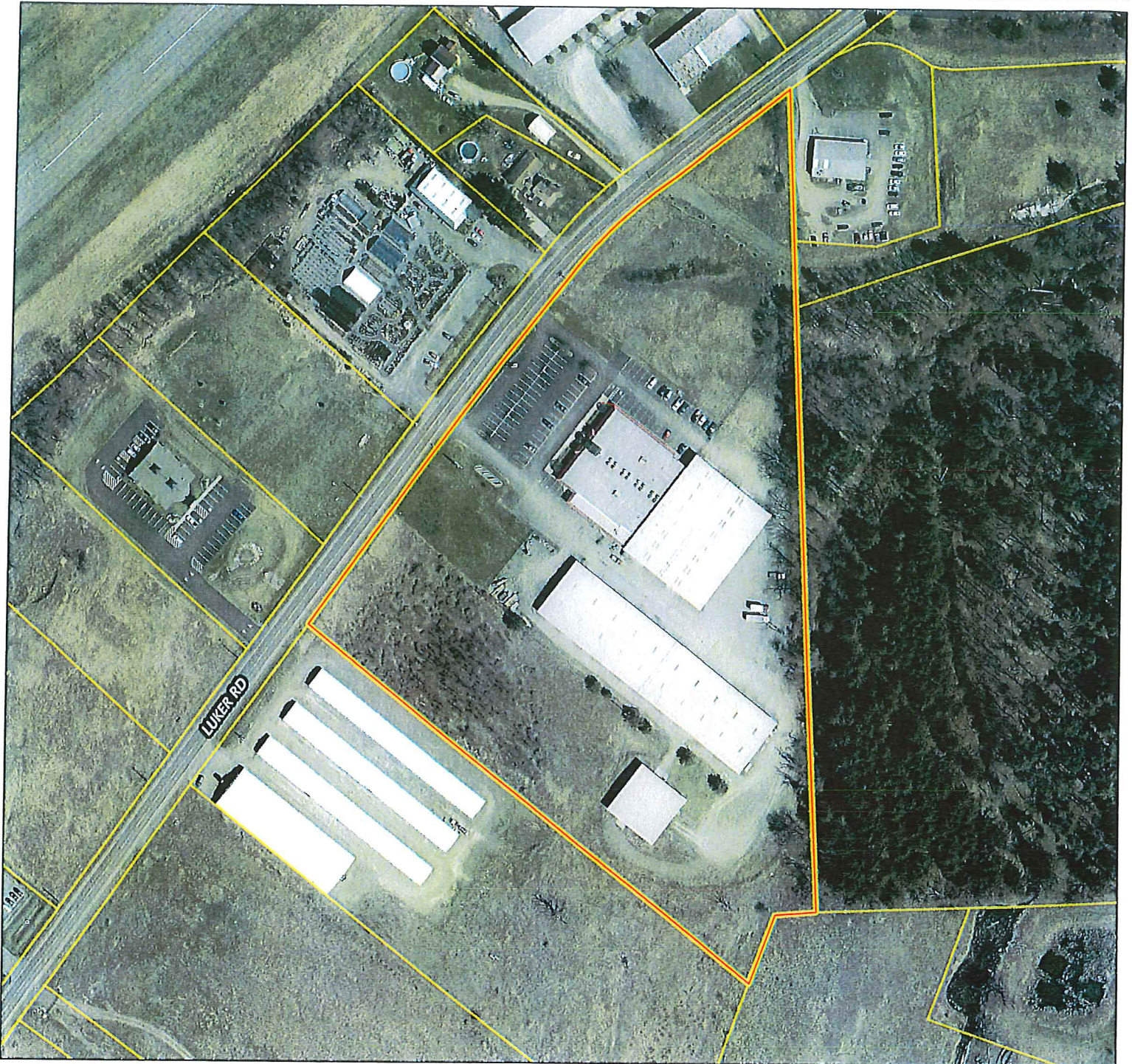
June 2020



SketchUp

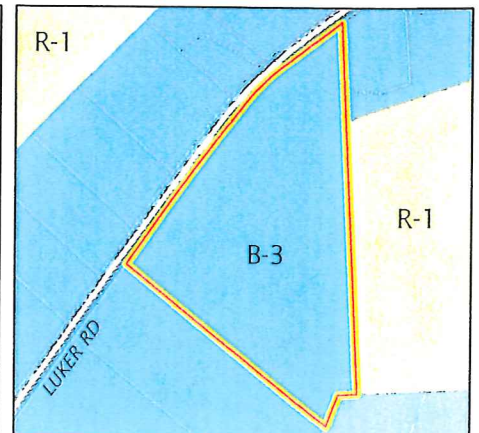
SketchUp





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