



RUSSELL E. MAINES, ATTORNEY
LICENSED IN NEW YORK & FLORIDA
109 EAST SENECA STREET #206
ITHACA, NEW YORK 14850

PHONE: (607) 279-1775
FAX: (888) 876-6608

AUGUST 21, 2018

Town of Cortlandville Planning Board
c/o Bruce Weber
The Raymond G. Thorpe Municipal Building
3577 Terrace Road
Cortland, New York 13045

RE Site Plan Application
Stephen Compagni / Economy Paving Co., Inc.
1819 Route 13

Dear Town of Cortlandville Planning Board:

I represent John Barden, Richard Smalls and Sharon Smalls, who are neighbors and opponents of the pending site plan application. We submit that the site plan application should be denied because it fails to represent the current site conditions on the Economy Paving property, and it fails to address the documented environmental problems; including the stormwater issues.

Mr. Barden and the Smalls request an opportunity to place their concerns on the record verbally at the next meeting at which Economy Paving's application is considered.

Submitted herewith please find an engineering report dated April 18, 2018 by Rudy Zona, an engineer, addressing the specific deficiencies.

The Economy Paving property has changed substantially since the initial site plan was granted in 1999. A whole new site plan should be submitted that adequately takes into account the current configuration and usage of the property. The owner has broadened and regraded the driveway to Route 13. The volume of truck traffic has increased dramatically, with the vehicles now using the Route 13 driveway as a primary entrance and exit (formerly it had provided secondary ingress and egress). We have reason to believe that Economy Paving has made other changes to the physical layout of the property and the extent of use, that have caused and exacerbated the well-documented flooding and related problems experienced by Mr. Barden and the Smalls. In sum, the property appears to be a transportation depot for the paving business, with a volume of use far surpassing what had been anticipated by the previous site and stormwater

management plans. We believe there are additional structures on the property that need to be reflected in the plan analysis.

Mr. Barden has documented repeated instances of flooding to his adjacent property at 1799 Route 13, and associated mud, dirt, grime and dust. He reports that these problems had not occurred before Economy Paving made the alterations. The Smalls report that they have experienced flooding on their property across the street, as well as associated problems with airborne dust.

As the Board may be aware, I brought this matter to the Town Attorney's attention in late May, and we discussed the situation on June 1. At that time I was assured that a revised application was forthcoming. When an application had not been submitted as of late July, Mr. Barden and the Smalls commenced legal action. We view this is a last resort. My clients would like peace with their neighbor, provided they have a clean environment and an assurance that their neighbor will be a respectful environmental steward of the property.

Concurrently, Mr. Barden is submitting seven flash drives with identical contents for the Board's consideration.

We thank the Board for its consideration of these matters.

Respectfully,

Russell E. Maines
Digitally signed
by Russell E.
Maines
Date: 2018.08.21
14:26:54 -04'00'

Russell E. Maines

RZ Engineering, PLLC

STORMWATER

SANITARY

WATER

ENVIRONMENTAL

TRANSPORTATION

April 12, 2018

Mr. John Barden
Fastlane Automotive
1799 NYS Route 13
Cortland, NY 13045

Re: RZE #18026
Drainage Evaluation
1799/1819 NYS Route 13
Cortlandville, NY

Dear Mr. Barden,

On April 12, 2018, a representative of RZ Engineering performed a site visit at the above referenced site to evaluate drainage conditions. Our office also reviewed materials provided by you regarding the adjacent property. Evaluation of drainage conditions were focused on the influence of stormwater runoff from 1819 Route 13 on your neighboring parcel (#1799 NYS Route 13). The materials reviewed include the following.

1. Photos and video of rain events at both sites from the past few years.
2. Photos obtained during our site visit.
3. Surveys of the properties located at 1819 and 1799 NYS Route 13 from 1998 thru 2014 provided by licensed land surveyors.
4. Town meeting minutes from 1999 thru 2018.
5. Plans for the property located at 1819 NYS Route 13 (known as Economy Paving) proposing site development from 1999 thru 2001 prepared by Karl H. Wendt Architect.
6. Engineering reports and supplemental Engineering analyses prepared by Lacross Development from 1999 thru 2018.
7. Engineering reports prepared by Resource Associates from 2001.
8. County comments and resolutions from 1999 thru 2001.
9. Site plan applications and SEQR documents submitted to the town from 1999 thru 2001.
10. Cortland County Soil & Water Conservation District comments and inspection records from 1999 thru 2014.

Our observations, analysis and conclusions were based on information provided within these materials.

RZ Engineering, PLLC is a Licensed Professional Engineering firm in the State of New York with additional certificates as a Certified Professionals in Erosion and Sediment Control, Storm Water Quality and Erosion, Sediment and Stormwater Inspectors. RZ Engineering staff possess approximately 24 years of experience in Civil Engineering design which includes expertise in Stormwater Collection and Conveyance Systems, Stormwater Best Management Practice and Green Infrastructure Design, NYSDEC regulatory compliance with NYSDEC Phase II Stormwater Regulations, General Permit for Construction Activity and the NYSDEC Stormwater Design Manual. These regulations have been enacted to ensure property treatment and control of stormwater runoff when developing sites in NYS. Outlined in these regulations are requirements

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for treatment and control of discharge including maintenance of existing drainage flows and drainageways.

During our evaluation of the materials noted above we reviewed surveys for the two properties. One survey of both properties dated 10/28/98 (Attachment A) shows topography and site features for both sites at a time prior to any development on the 1819 parcel. Drainage patterns show existing flows from the upland areas to the north flowing south toward NYS Route 13, generally. Areas within both sites (1799 and 1819 NYS Route 13) both contain high points and low points which direct runoff to the southwest and northeast. One main path appears to flow between the two properties almost exactly north to south toward NYS Route 13 following their mutual property boundary. It appears water flowed around the buildings and paved areas located on 1799 eastward and southward along the mutual boundary toward NYS Route 13 under conditions prior to development in the year 1999. In addition, only a small sliver of land flowed along this mutual property path. Surveyed topography contained in the 1999 Stockwin Survey document shows a high point ridge located on 1799 from it's northwest corner thru the garage noted on the 1799 property and to approximately a point on the mutual property boundary about 80-100 feet north of NYS Route 13. Additionally, another high ridge appears to be located along a path between the area designated as "future shop" on that survey and NYS Route 13. This would allow only a small watershed to be contributory to an area between 1799 and 1819 along the mutual property line for any runoff to flow.

These patterns appear to have been altered as part of the 1999 Wendt Design Attachment B). The 1999 Wendt design includes a "future shop" and shows drainage labeled as "ed" (assumed to be "existing drainage") and "fs" (assumed to be "future swale"). This "fs" depicts what is assumed to be channelized drainage around the "future shop" instead of thru it as the "ed" and existing contours would suggest happens under pre development conditions. This "fs" or future swale" appears to discharge to an area labeled "retention pond" which makes reference to a common stormwater management practice in 1999. The retention pond noted also appears to accept runoff from the office building and impervious surfaces around it in an effort to mitigate the increases in runoff generated by the development. This rerouting of runoff from upland areas to the north around the "future shop" and to the retention pond would significantly reduce the amount of runoff flowing along the 1799/1819 mutual property boundary. As part of the 1999 application and project approval, an Engineer's Report on Stormwater Management Plan, prepared by LaCross Development was submitted. This Engineer's Report further confirms that water from upland areas to the north and west was to be routed behind (to the north of) the future shop and to the "detention pond" (as it's referred to in the Engineer's Report). The site plan sketch included with this Engineer's report is presented as Attachment C. It should be noted that the "future shop" was not constructed as part of this application. After comment by the Cortland County Soil Water Conservation District in August of 1999, Wendt resubmitted a map (Attachment D) showing drainage patterns and how they would be constructed as part of the development in September of 1999. As we understand it, some time after the resubmittal the office was constructed in accordance with these documents.

The drainage patterns appeared to have then been altered again, in contradiction with the 1999 plans when Economy Paving attempted to build the Mechanic Facility (previously referred to as the "future shop"). As part of Economy Paving's application an "Application for Aquifer Permit and Conditional Permit" was prepared by Resource Associates in May of 2001. This application included a "Site Plan" showing a new culvert to the existing "Stormwater Retention Basin" on the basin's western side to the south of the new Mechanic Facility. This culvert is shown to start east

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of the Mechanic Facility Driveway and flow to daylight within the basin. The drawing does not denote whether this pipe is existing or proposed. However, we would conclude that it would be proposed, since the 1999 plan shows the majority of the drainage from upland areas to flow around the rear (north) of the Mechanic Facility and such a culvert would be unnecessary if the 1999 plan was adhered to. Additionally, a Site Grading Plan (Attachment E) was included within the Engineer's report. This plan further defines the proposed drainage concept and shows the new culvert to the pond accepting runoff from the driveway and areas west of it between the driveway and the 1799 NYS Route 13 property. Grading proposed on this plan severely alters the drainage concept from the 1999 plan and appears to no longer send runoff around the rear (north) of the Mechanic Facility. A low point is created by this plan located between the new Mechanic Facility and the 1799 property to the west by a local high point within the new driveway. No provisions to divert runoff away from 1799 NYS Route 13 are visible, however, it appears the intent is to send runoff thru this new culvert, under the new driveway to the Mechanic Facility and into the basin. No pipe sizing calculations or other engineering design such as spot elevations or flow directions, flood routing or integration into existing topography appear to be shown within this document.

As evident from the existing topography and design intent from the 1999 approved Economy Paving plans, the property at 1799 NYS Route 13 is not a defined or designated drainageway for runoff from the Economy Paving site or its upland areas to the north and west. A topographical Survey was performed by Ianuzi & Romans Land Surveying PC of the 1799 property in July of 2014 (Attachment F). The survey shows a low point of elevation 1112 located on the mutual property line between properties 1799 and 1819 NYS Route 13 approximately 80-100 feet north of Route 13. This low point appears to correspond with the low point proposed to be created as part of Economy Paving's 2001 Mechanic Facility site plan (Attachment E). While no inverts of the proposed culverts were identified on the 2001 Site Plan by Resource Associates, one could estimate the inverts (based on appropriate pipe cover required) to be somewhere around 1111-1112 for the inlet and 1110 for the outlet to the pond. With surrounding grades of 1113-1114 on both properties and the top of berm elevation within the basin of 2014, it is unclear to us how the proposed plan from 2001 would prevent uncontrolled runoff from the Economy Paving site at 1819 NYS Route 13 from flowing onto the 1799 property. Furthermore, it appears the 1799 property may be subject to backflow from the basin during storm events that fill it.

Our office has reviewed several photos and videos taken by you during various rain events over the past few years (Attachment G). That visual evidence appears to support what we witnessed when visiting the site. In our professional opinion that runoff from upland areas owned by Economy Paving to the north and west flow south to your property. Instead of being diverted around the Mechanic Facility as designed in 1999 or flowing easterly across the driveway to a culvert shown in the 2001 Economy Paving proposal, runoff appears to flow along the 1799/1819 mutual property boundary. Photos and video show smaller storm runoff flows using this path and bypassing the culvert identified in the 2001 design. Larger storms appear to fill the Economy Paving driveway and use it as a flood route prior to overtopping into the basin or backfilling directly from the basin itself. These visually evident conditions appear to indicate the 1999 design was not adhered to and 2001 design may not be existing or even be sufficient to meet runoff requirements.

Additionally, you have provided photos and video showing the removal of an earthen berm in or about 2012, that previously existed along the mutual property boundary between 1799 and 1819 NYS Route 13. This berm presumably would have attempted to direct runoff into the culvert

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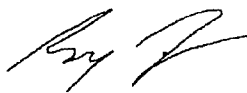
pipe before flowing onto your property or divert runoff directly to the basin itself (Attachment G). It is our understanding that flooding issues at your property significantly increased after removal of this berm and paving of the Mechanic Facility driveway.

On 2/21/18 Lacross Development provided a review of existing conditions at the site. It notes that the site has been regraded, a new pipe larger in diameter than the original has been installed and sediment accumulation has been removed. While Lacross has certified these statements, no measurements, survey data or design calculations have been provided to verify certified conditions or to verify the work put the site in compliance with approved documents and plans. In fact, based on our assessment of the elevations provided within the 1999 and 2001 designs, along with our field observations; we still question the drainageways created in 2001, which contradict the original design plans from 1999 and whether or not they were installed in accordance with the plans which has ultimately altered the landscape in a way that has negatively impacted adjacent properties.

It is our opinion, based on field observations, historical aerial photography, photographic and video evidence, a review of surveys, design data and previous plans that the Economy Paving property is a significant contributor to the stormwater issues associated with 1799 NYS Route 13 and the associated NYSDOT roadway frontage. Several other downstream areas have experienced flooding conditions in addition to flooding conditions experienced at the 1799 property. Based on current conditions, it appears several modifications to the Economy Paving site at 1819 NYS Route 13 will be required to mitigate runoff from being misdirected toward 1799 NYS Route 13 parcel and the NYSDOT road right of way. We feel immediate action should be taken to avoid further impacts to these areas. Significant damage to the property and merchandise at 1799 NYS Route 13, damage and undermining of the road surface and subsoils on NYS Route 13, along with road safety concerns with ponded water within the traveled way have already occurred and continue to occur under current conditions.

Please feel free to contact me at (315)432-1089 or email rzengineering@twcny.rr.com should you have any questions.

Very Truly Yours,



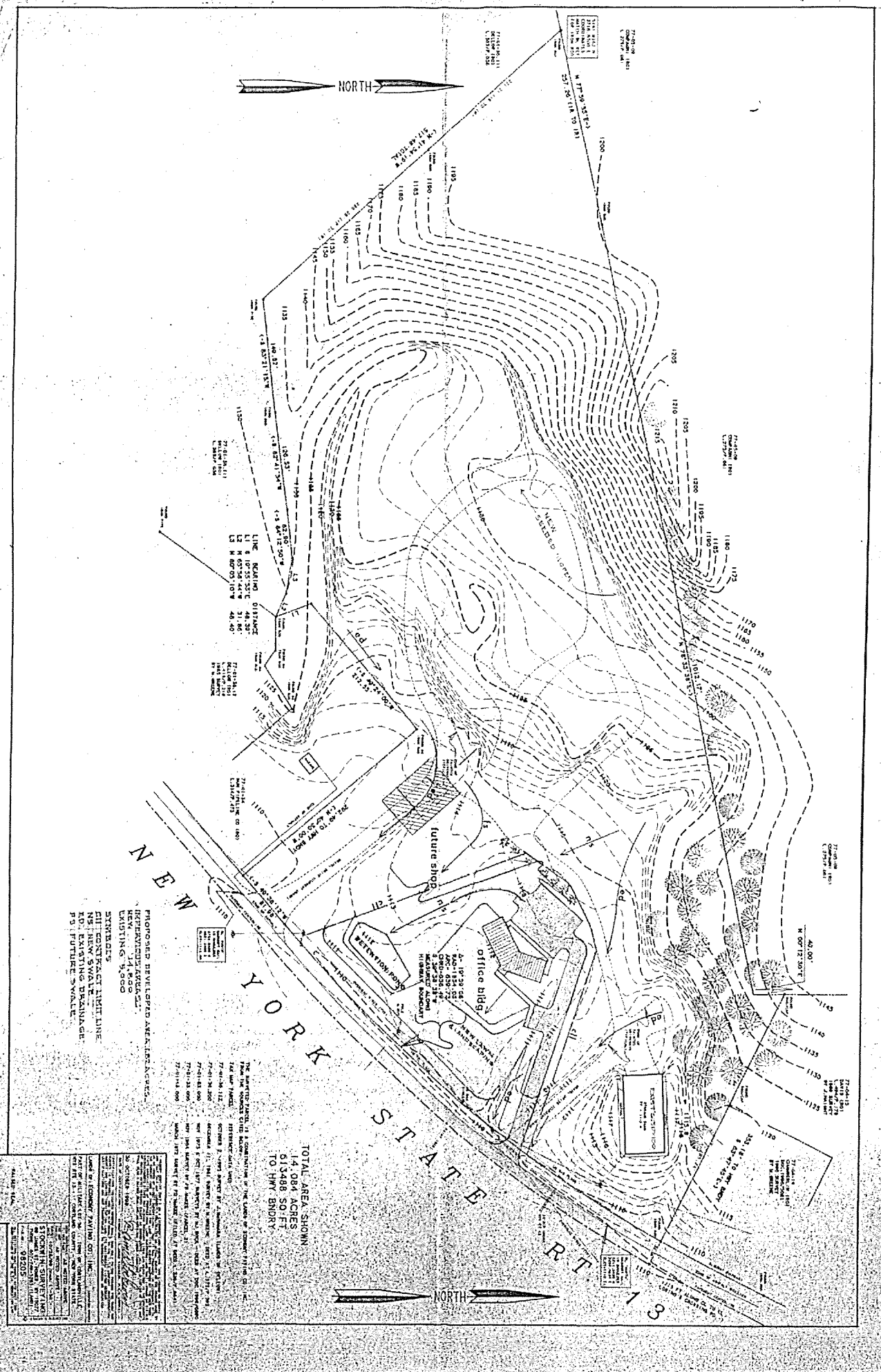
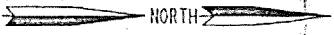
Rudy L. Zona, P.E.

ATTACHMENT A

1998 Survey

ATTACHMENT B

1999 Wendt Design



PROPOSED REVEGETATION AREA
 REVEGETATION AREA
 EXISTING 14,000
 SQUARE FEET
 EXISTING 1,500
 SQUARE FEET
 EXISTING 1,500
 SQUARE FEET
 EXISTING 1,500
 SQUARE FEET

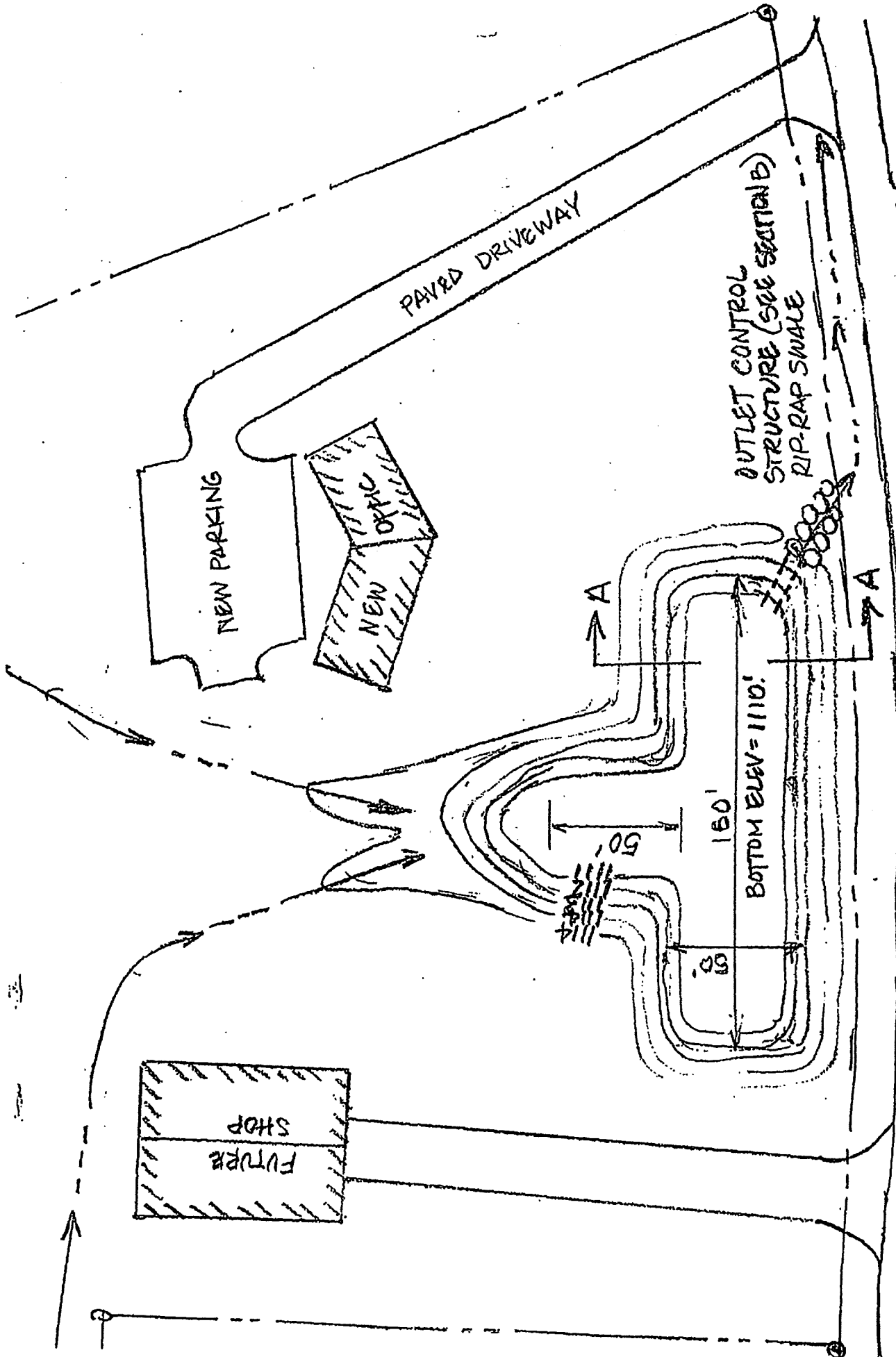
THE BENTON/BOSS BUILDING
 14,000 SQ. FT.
 1,500 SQ. FT.
 1,500 SQ. FT.
 1,500 SQ. FT.

TOTAL AREA SHOWN
 14,004 ACRES
 613,488 SQ. FT.
 TO H.V.M. BNDRY.



<p>1. ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 08/20/01 BY 60322 UC/BAW/STP</p> <p>2. EXCEPT WHERE SHOWN OTHERWISE, THIS DOCUMENT IS IN THE PUBLIC DOMAIN AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.</p> <p>3. THIS DOCUMENT IS THE PROPERTY OF THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION. IT IS LOANED TO YOUR AGENCY AND IS NOT TO BE DISTRIBUTED OUTSIDE YOUR AGENCY.</p> <p>4. THIS DOCUMENT IS THE PROPERTY OF THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION. IT IS LOANED TO YOUR AGENCY AND IS NOT TO BE DISTRIBUTED OUTSIDE YOUR AGENCY.</p>	<p>5. ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 08/20/01 BY 60322 UC/BAW/STP</p> <p>6. EXCEPT WHERE SHOWN OTHERWISE, THIS DOCUMENT IS IN THE PUBLIC DOMAIN AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.</p> <p>7. THIS DOCUMENT IS THE PROPERTY OF THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION. IT IS LOANED TO YOUR AGENCY AND IS NOT TO BE DISTRIBUTED OUTSIDE YOUR AGENCY.</p> <p>8. THIS DOCUMENT IS THE PROPERTY OF THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION. IT IS LOANED TO YOUR AGENCY AND IS NOT TO BE DISTRIBUTED OUTSIDE YOUR AGENCY.</p>
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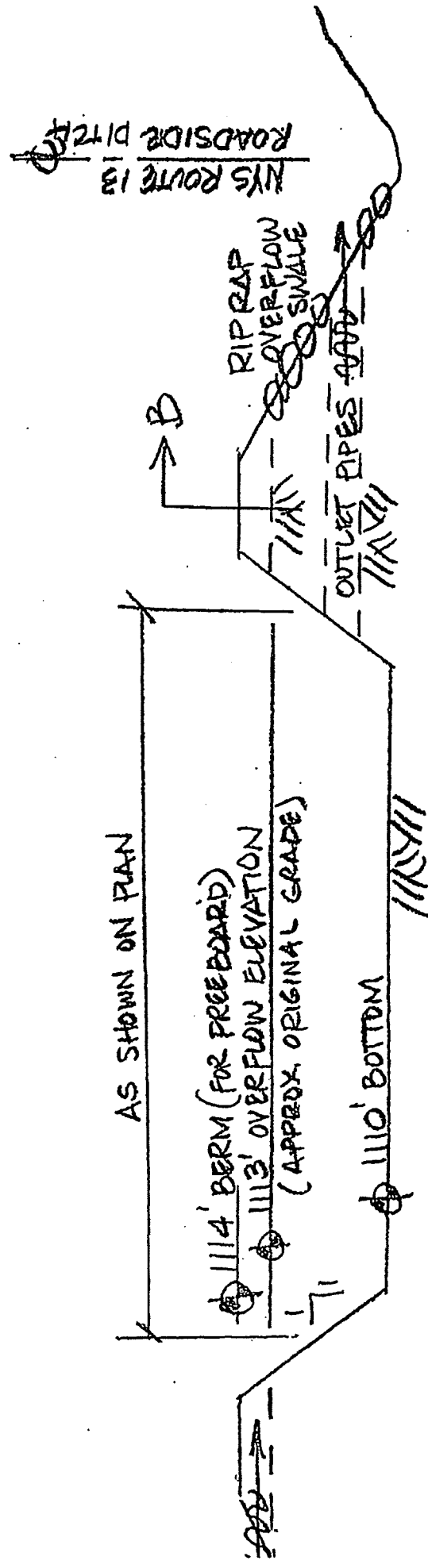
ATTACHMENT C
1999 Lacross Sketch Plan



NEW OFFICE
 ECONOMY PAVING
 RTE. 13
 CHATTANOOGUE, NY

DETENTION POND LAYOUT PLAN

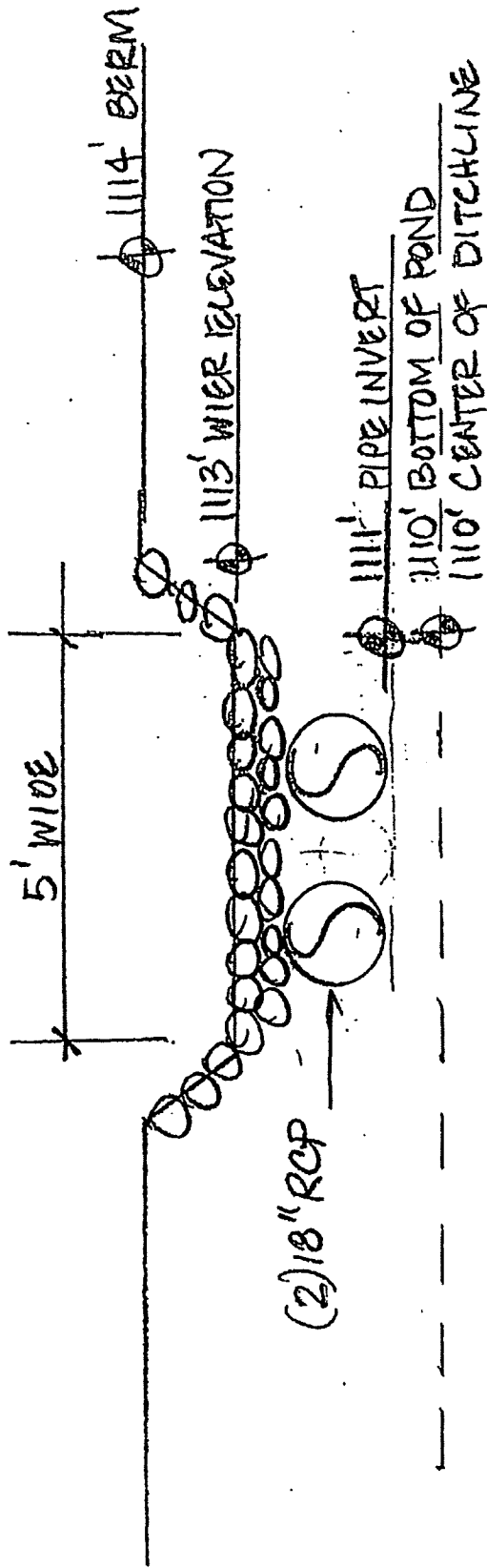
NEW OFFICE
 ECONOMY PAVING
 RTE. 13
 CHATTANOOGUE, NY



POND SECTION A-A

SCALE: NONE

NEW OFFICE
ECONOMY PAVING
RTE. 13
CORTLANDVILLE, NY



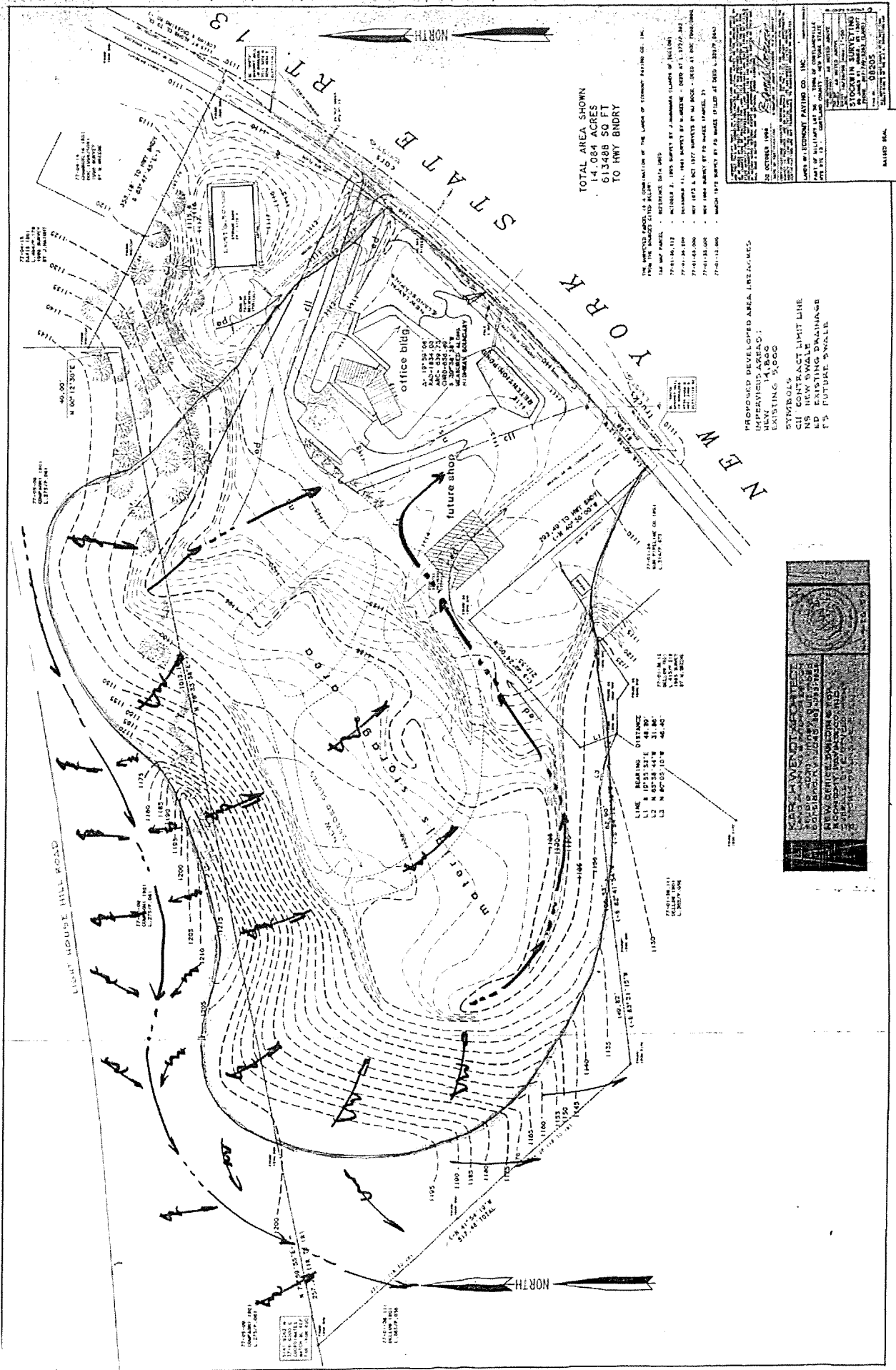
OVERFLOW/OUTLET SECTION - B

SCALE: NONE

NEW OFFICE
ECONOMY PAVING
RTE 13
TOWN OF CARTERSVILLE

ATTACHMENT D

1999 Wendt Drainage Flow Map

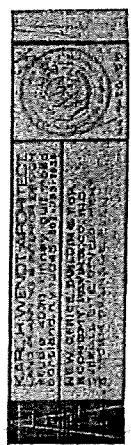


TOTAL AREA SHOWN
14,084 ACRES
613488 SQ. FT.
TO HWY BNDRY

THE FOLLOWING ARE THE SECTIONS OF THE LANDS OF STATEWAY PARKING CO. INC.
 77-01-11-112 - INTEREST IN 1/2 ACRES
 77-01-11-113 - INTEREST IN 1/2 ACRES
 77-01-11-114 - INTEREST IN 1/2 ACRES
 77-01-11-115 - INTEREST IN 1/2 ACRES
 77-01-11-116 - INTEREST IN 1/2 ACRES
 77-01-11-117 - INTEREST IN 1/2 ACRES
 77-01-11-118 - INTEREST IN 1/2 ACRES
 77-01-11-119 - INTEREST IN 1/2 ACRES
 77-01-11-120 - INTEREST IN 1/2 ACRES
 77-01-11-121 - INTEREST IN 1/2 ACRES
 77-01-11-122 - INTEREST IN 1/2 ACRES
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 77-01-11-125 - INTEREST IN 1/2 ACRES
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 77-01-11-197 - INTEREST IN 1/2 ACRES
 77-01-11-198 - INTEREST IN 1/2 ACRES
 77-01-11-199 - INTEREST IN 1/2 ACRES
 77-01-11-200 - INTEREST IN 1/2 ACRES

STOCKWELL SURVEYING
 100 WEST 100TH STREET
 NEW YORK, N.Y. 10024
 PHONE: (212) 247-1111
 TELETYPE: (212) 247-1111
 FACSIMILE: (212) 247-1111
 CABLE: 212-247-1111
 REGISTERED PROFESSIONAL SURVEYOR
 STATE OF NEW YORK
 NO. 08503

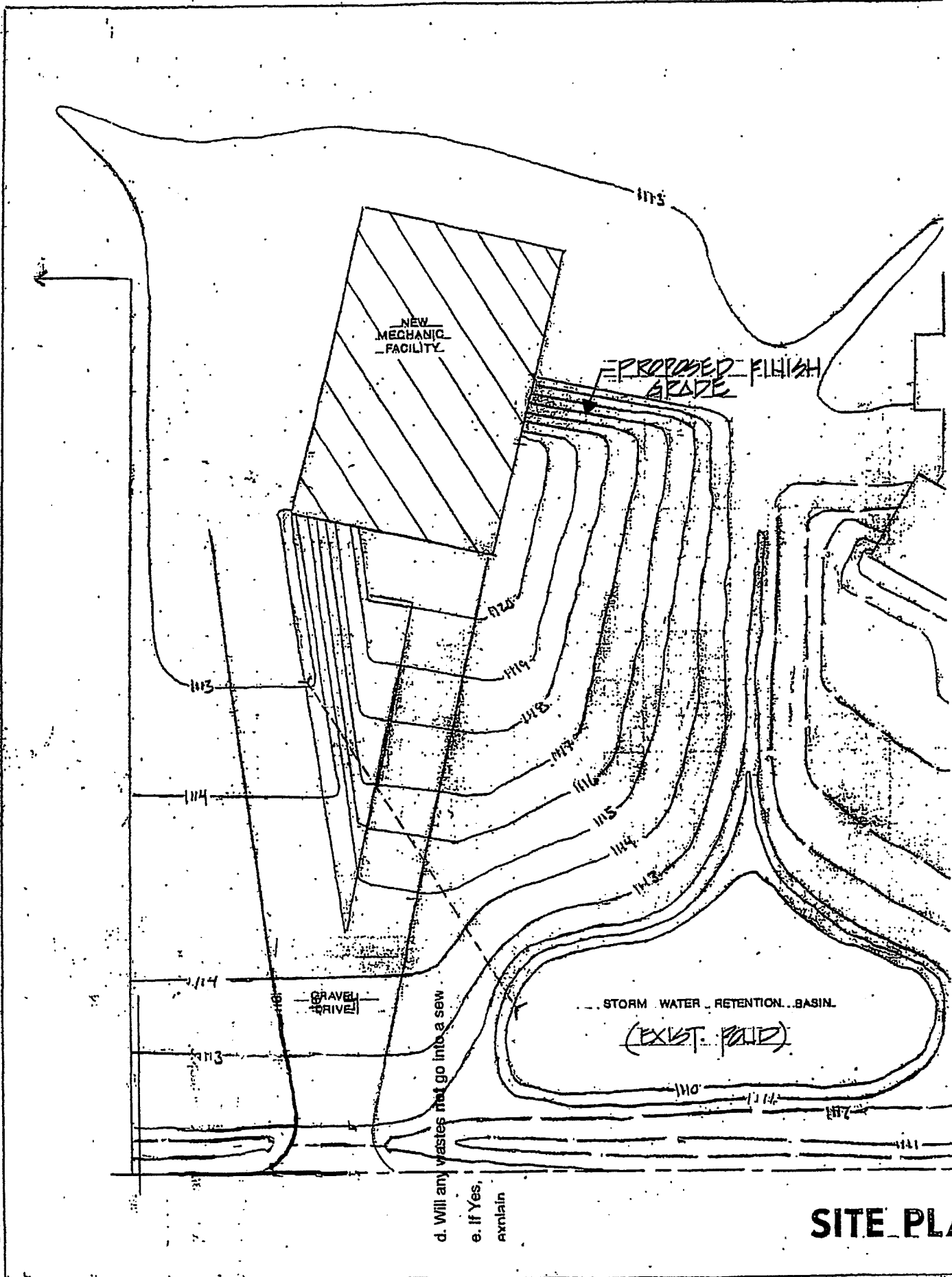
PROPOSED DEVELOPED AREA IRRIGATES:
 IMPERVIOUS AREAS:
 EXISTING 1,000
 FUTURE 1,000
 CH CONTRACT LIMIT LINE
 NS NEW SWALE
 LD EXISTING DRAINAGE
 FS FUTURE SWALE



MAILED 8/64

ATTACHMENT E

2001 Resource Associates “Mechanic Facility” Site Grading Plan



d. Will any wastes that go into a sewer go into a storm water retention basin?

e. If Yes, explain

SITE PLAN

ATTACHMENT F


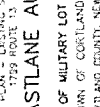
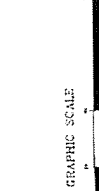
2014 Ianuzi & Romans Survey of 1799 NYS Route 13

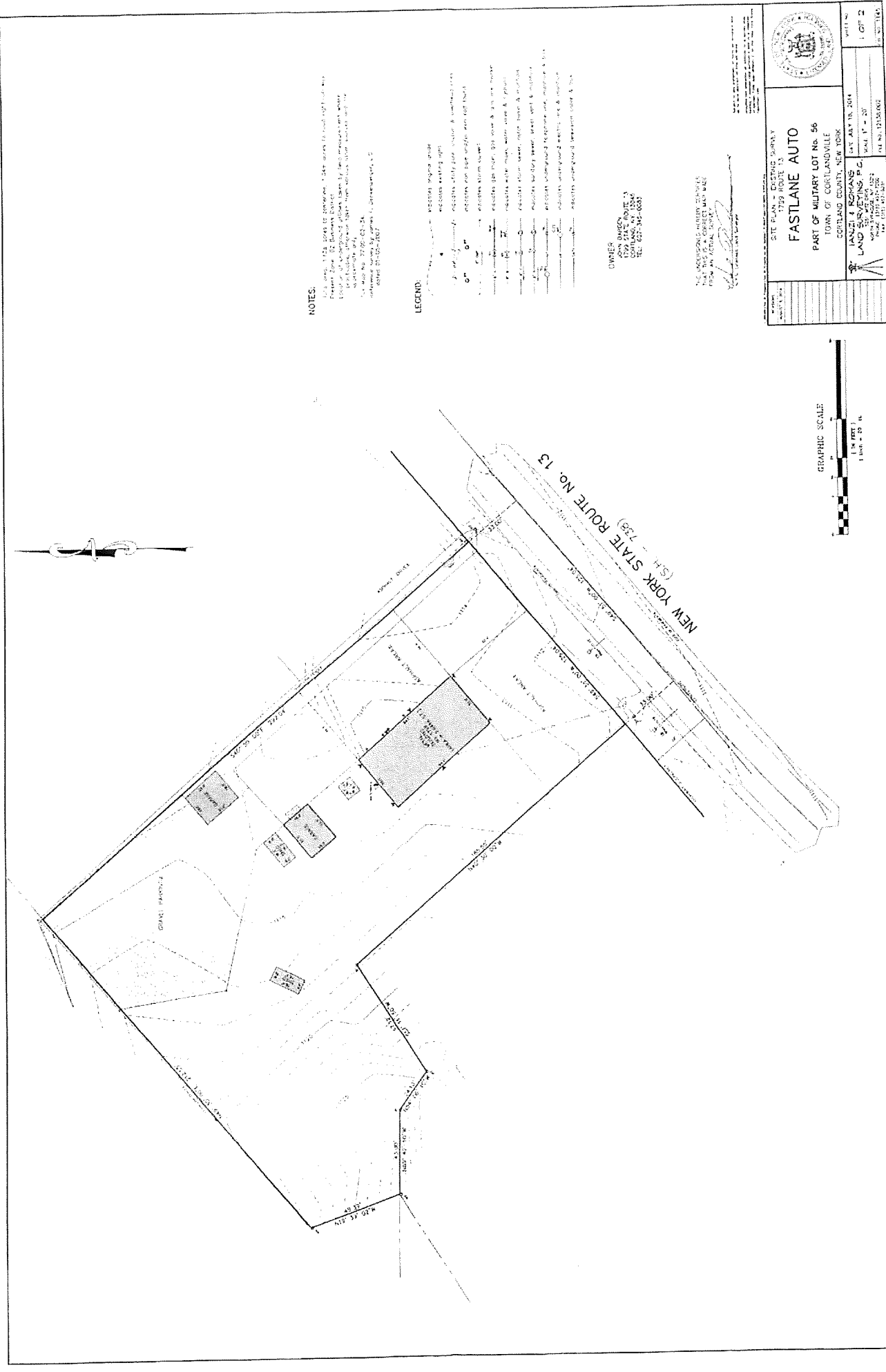
NOTES
1. See also, 175-2346 of 12/18/98, 175-2347 of 12/18/98
2. Property shown is located within the Town of
Cortland, Cortland County, New York.
3. The boundary lines shown are those of the
lot as shown on the 175-2346 of 12/18/98.
4. The lot is located in the Town of
Cortland, Cortland County, New York.
5. The lot is located in the Town of
Cortland, Cortland County, New York.

LEGEND
- - - - - 175-2346 of 12/18/98
- - - - - 175-2347 of 12/18/98
- - - - - 175-2348 of 12/18/98
- - - - - 175-2349 of 12/18/98
- - - - - 175-2350 of 12/18/98
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- - - - - 175-2375 of 12/18/98
- - - - - 175-2376 of 12/18/98
- - - - - 175-2377 of 12/18/98
- - - - - 175-2378 of 12/18/98
- - - - - 175-2379 of 12/18/98
- - - - - 175-2380 of 12/18/98
- - - - - 175-2381 of 12/18/98
- - - - - 175-2382 of 12/18/98
- - - - - 175-2383 of 12/18/98
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- - - - - 175-2386 of 12/18/98
- - - - - 175-2387 of 12/18/98
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- - - - - 175-2392 of 12/18/98
- - - - - 175-2393 of 12/18/98
- - - - - 175-2394 of 12/18/98
- - - - - 175-2395 of 12/18/98
- - - - - 175-2396 of 12/18/98
- - - - - 175-2397 of 12/18/98
- - - - - 175-2398 of 12/18/98
- - - - - 175-2399 of 12/18/98
- - - - - 175-2400 of 12/18/98

OWNER
FASTLANE AUTO
175-2346 of 12/18/98
CORTLAND, NY 13845
TEL: 607-767-8888

SCALE
1" = 500'
DATE
12/18/98
BY
J.E.H.

 <p>SITE PLAN FOR THE PROPERTY 175-2346 of 12/18/98 FASTLANE AUTO PART OF MILITARY LOT No. 56 TOWN OF CORTLANDVILLE CORTLAND COUNTY, NEW YORK</p> <p>DATE 12/18/98 BY J.E.H.</p>	 <p>SCALE 1" = 500' DATE 12/18/98 BY J.E.H.</p>	 <p>GRAPHIC SCALE 1" = 500'</p>
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ATTACHMENT G

Photos

