

**ON THE MOTION OF Paul Slowey
Ann Swisher**

RESOLUTION NO. 19-11

**GML#77.17-01-08.200
Town of Cortlandville
Aquifer Protection District
Special Permit, Subdivision &
Site Plan Review
DeVecchio**

WHEREAS, on April 24, 2019 the Zoning Officer, Town of Cortlandville, pursuant to General Municipal Law 239 M submitted an application for a Subdivision, Aquifer Protection District Special Permit and Site Plan Review because the property is located within 500 feet of NYS Route 13, Locust Ave. (County Road #113) and the City of Cortland Boundary, 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 May 10, 2019, which is on file, AND

WHEREAS, the Cortland County Planning Board on May 15, 2019 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 subdivision, aquifer protection district special permit, and site plan review contingent upon the following:

- 1. the applicant applying for and obtaining approval of a septic system permit from the County Health Department which would require separate septic systems for the two proposed dwelling units.**
- 2. the applicant applying for and receiving approval of the Town for the connection to the public water system including the possible requirement of the installation of a back flow prevention device for the proposed two family dwelling.**
- 3. that the proposed easement providing road access to the 48,125± sq. ft. and 55,275± sq. ft. parcels be written into the deeds of all three properties to insure continued road access to the 48,125± sq. ft. and 55,275± sq. ft. parcels.**

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
May 15, 2019
Ayes: 7
Nays: 0**

May 10, 2019

GML# 77.17-01-08.200
Town of Cortlandville
Subdivision, Aquifer Protection District
Special Permit & Site Plan Review
DeVecchio

TO: Cortland County Planning Board

FROM: Cortland County Planning Department

This application for a subdivision, aquifer protection district special permit and site plan review 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 13, Locust Ave. (County Road # 113) and the City of Cortland boundary.

GENERAL INFORMATION

Date Received: April 24, 2019

Applicant: Jameson DeVecchio
DeVecchio Family, LLC
4360 Meadow Lane
Cortland, NY 13045

Status of Applicant: owner

Requested Action: subdivision, aquifer protection district special permit and site plan review

Purpose: to subdivide a 3.31± acre parcel into three parcels; one with an existing duplex unit and to construct a duplex unit on one of the other parcels.

Location: west side of NYS Route 13, approximately 112 ft. north of the City of Cortland boundary

Size: 3.31± acres

Existing Zoning: R-1 (Residential)

Existing Land Use: two family residential (duplex unit)
Surrounding Zoning: R-1 (Residential)

Surrounding Land Uses: N – single family residential

- S – single family residential
- E – single family residential
- W – single family residential

Existing Regulations: Code of the Town of Cortlandville

Chapter 140 Subdivision of Land

Chapter 178 Zoning

Article IV – Residential R-1 District

Section 178-18. Permitted uses subject to site plan approval

A. Residential

(1) Two-family dwellings

Article X - Aquifer Protection District

Section 178-45. Restrictions and requirements

A. Prohibited uses and activities

(9) Two-family houses using septic tanks

(a) Two-family houses using septic tanks on lots less than 45,000 square feet are prohibited.

(b) All plans for two-family houses using septic tanks require the approval of the Cortland County Health Department.

Section 178-46. Special permits

A. Violates or does not meet any of the provisions of Section 178-45 herein

Article XIII Site Plan Approval

Section 178-72. Planning Board review of site plan

A. General considerations

ANALYSIS -

The applicant is requesting a subdivision, aquifer protection district special permit, and site plan review to subdivide a 3.31± acre parcel with an existing duplex unit into three parcels of 37,150± sq. ft. (this parcel would retain the duplex), 48,125± sq. ft. and 55,275± sq. ft. and to construct a duplex on the 48,125± sq. ft. parcel. The property is located on the west side of NYS Route 13, approximately 112 ft. north of the City of Cortland boundary, and is zoned R-1 (Residential).

The Coordinated Review Committee (CRC) reviewed this proposal and addressed the following issues. The applicant is proposing to subdivide the 3.31± acre parcel into three parcels of 37,150± sq. ft., 48,125± sq. ft. and 55,275± sq. ft. The existing duplex on site would be located on the 37,150± sq. ft. parcel and the applicant is proposing to construct another duplex on the 48,125± sq. ft. parcel while the 55,275± sq. ft. parcel would be the site of a possible future duplex. Two family dwellings are permitted in the R-1 District subject to site plan review. The existing and proposed duplex would be serviced by public water but would have a private septic system. Two family houses using septic tanks on lots less than 45,000 sq. ft. are prohibited in the aquifer protection district regulations. The parcel with the existing duplex would not meet this minimum lot size requirement. The aquifer protection district regulations however also allow a special permit to be obtained for any use prohibited in the

aquifer protection district. The applicant has therefore applied for an aquifer protection district special permit. The proposed subdivided lots appear to meet the County Health Department's minimum lot size requirement of 200 ft. by 150 ft. (with a 10% allowance) for lots with public water and requiring a septic system. The applicant would be required to apply for and obtain a septic system permit from the County Health Department for the proposed new two family dwelling unit. Separate septic systems are required for each two bedroom unit. Due to the fast percolation rates in the area, leach fields typically are cut and fill type in this area of the County, thus it is expected that fill material would need to be brought into the site. Application to/approval of the Town would also be needed for the water service connection to the Cortlandville public supply including the possible requirement of the installation of a back flow prevention device for the proposed new two family dwelling.

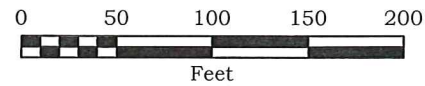
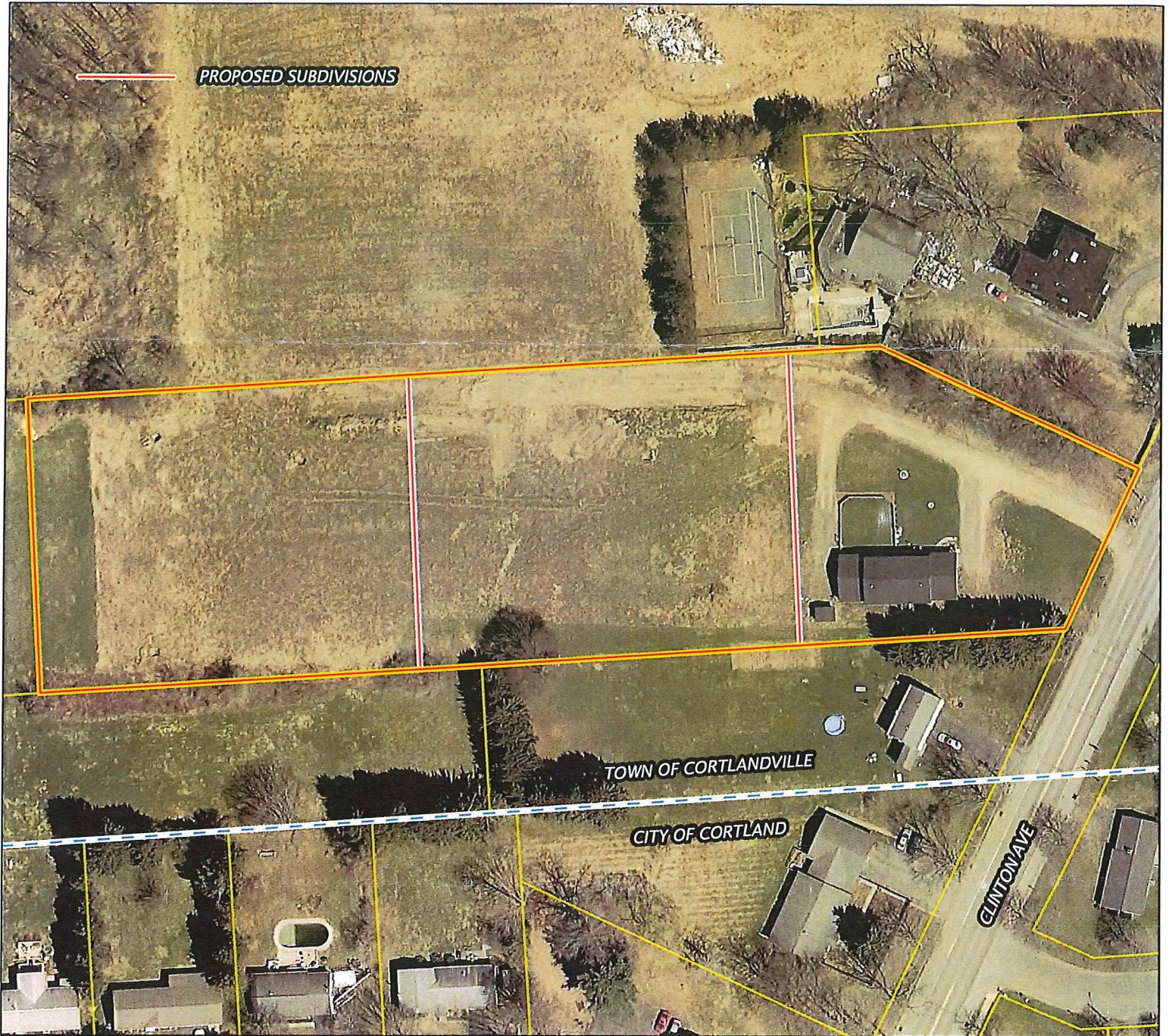
It should be noted that only the parcel with the existing duplex would have direct road frontage on NYS Route 13. The applicant is proposing a 25 ft. wide easement over this property to provide road access to the 48,125± sq. ft. and 55,275± sq. ft. parcels and a 25 ft. wide easement over the 48,125± sq. ft. parcel to provide road access to the 55,275± sq. ft. parcel. It is recommended that the proposed easement be written into the deeds of all three properties to insure continued road access to the 48,125± sq. ft. and 55,275± sq. ft. parcels.

Finally, this proposal is considered an Unlisted Action under SEQR. 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 use.

RECOMMENDATION -

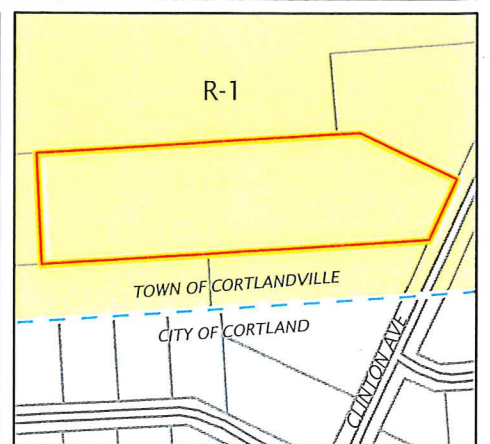
The staff recommends approval of this application for subdivision, aquifer protection district special permit, and site plan review contingent upon the following:

1. the applicant applying for and obtaining approval of a septic system permit from the County Health Department which would require separate septic systems for the two proposed dwelling units.
2. the applicant applying for and receiving approval of the Town for the connection to the public water system including the possible requirement of the installation of a back flow prevention device for the proposed two family dwelling.
3. that the proposed easement providing road access to the 48,125± sq. ft. and 55,275± sq. ft. parcels be written into the deeds of all three properties to insure continued road access to the 48,125± sq. ft. and 55,275± sq. ft. parcels.
4. compliance with SEQR requirements.



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