

**CORTLANDVILLE TOWN BOARD
AGENDA
FEBRUARY 20, 2019 - 5:00 P.M.**

Pledge Allegiance to the Flag

A. CALL THE MEETING TO ORDER

B. APPROVE MINUTES

B-1 Town Board Minutes of January 16, 2019

B-2 Town Board Minutes of February 6, 2019

C. PURCHASE ORDERS

D. AUTHORIZATION TO PAY THE BILLS

E. PRIVILEGE OF THE FLOOR

F. REPORTS – (Town Clerk)

F-1 Receive & file the Cortland Community SPCA Monthly Report of January 2019

F-2 Receive & file the Town Justice Monthly Report of January 2019 submitted by Judge Casullo & Judge LeFevre

F-3 Accept the GASB Statement No.75 Annual Report for 2018 submitted by Armory Associates, LLC

G. COMMUNICATIONS

H. OLD BUSINESS

I. NEW BUSINESS

I-1 Town Clerk

I-2 Town Attorney

I-3 CDBG # 287SB902-18 Royal Nissan of Cortland, Inc.:

a.) Receive & file the correspondence dated February 5, 2019 from NYS Homes & Community Renewal regarding Grant Agreement 12-Month Completion Notice

I-4 CDBG #287HR326-16 Town-wide Housing Rehabilitation Grant Program:

a.) Authorize the Supervisor to sign the Discharge of Mortgage of Rita & Carl Rogers, & Andrew Stiles for property located at 4154 North Road, McGraw, NY, in the amount of \$27,490.00

- I-5 Authorize Town Clerk to proceed with online bill pay for Water & Sewer payments utilizing payGOV.US LLC and NOS, and enter into Agency Service Agreement
- I-6 Receive & file the correspondences dated February 12, 2019 from Insero & Co. regarding the Town's Audit for the year 2018 to start the week of April 1, 2019 and have the Supervisor to sign the "Terms of the Engagement" with Insero & Co. for our audit
- I-7 Discussion regarding conveyance of one acre of Town land to the Cortlandville Fire District for them to build a Live Fire Training Facility. The property is located behind the Cortlandville Fire Department's Training Facility
- I-8 Receive & file the Cortland County Planning Department review & recommendations, & Resolution #19-02 from Cortland County Planning Board regarding the Aquifer Protection Permit application of Squeaky Clean Car Wash located at the intersection of NYS Route 222 & 281, Tax Map #86.13-01-29.000 & set a Public Hearing for March 6, 2019 at 5:00 p.m.
- I-9 Receive & file the revised 2018 Periodic Review Report regarding South Hill Dump from CHA dated February 12, 2019

J. ADJOURN

F-1

Cortland Community SPCA
Humane Law Enforcement Division

Town of Cortlandville-Including Village of McGraw
Monthly Report • January 2019

Dogs Impounded		3
Citizen	0	
CCSD	0	
SPCA	2	
OS	1	

Dispositions		3
Redeemed	1	
Adopted	1	
Euthanized		
DOA		
Still at Shelter	1	
Transferred		

Complaints This Month		9
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YTD: 9

Dog Control:

Dog at Large	3
Unlicensed	
Unvaccinated	
Bite Case	
Harass/Barking/Loud	
Police Assist to hold dog after accident	

Animal Cruelty:

Dog/Cat Abandonment	1
Dog/Cat Abuse	
Dog/Cat Neglect	
Dog/Cat Sick or Injured	1
Loose Farm Animal	
Animal Neglect	
Inappropriate Shelter	3
Hot/Cold Vehicle	1

Dispositions:

Compliance Order	
No Violation	3
Completed	1
Unable to Locate	3
Animal Picked Up	2
Returned to Owner	
Pending Investigation	
Charges/Arrest	

Tickets Issued:		
Ticket #	App Date	Offense

Tickets Issued:	0
Dogs Impounded this month:	3
Cats Impounded this month:	1
Citizen Assist:	0

Tickets Issued YTD:	0
Dogs Impounded YTD:	3
Cats Impounded YTD:	1
Citizen Assist YTD:	0


**Homes and
Community Renewal**
**Housing
Trust Fund
Corporation**
ANDREW M. CUOMO
Governor

RUTHANNE VISNAUSKAS
Commissioner/CEO

1-3a
Copies to
Linda@Thoma

February 5, 2019

 Honorable Richard C. Tupper
Town of Cortlandville
3577 Terrace Road
Cortland, NY 13045

Dear Supervisor Tupper:

 Re: Grant Agreement 12-Month Completion Notice
NYS CDBG Project #287SB902-18 *Royal Nissan of Cortland, INC.*

The Office of Community Renewal (OCR) would like to take this opportunity to remind the Town of Cortlandville that in accordance with the terms of the Grant Agreement, the period of performance for all activities, except for those activities required for close out and final audit, assisted under the above referenced NYS Community Development Block Grant (NYS CDBG) ends on **January 24, 2020**. If the Town of Cortlandville fails to complete the project on or before the project completion date an event of default shall occur.

OCR records indicate that, as of the date of this letter, there is a balance of **\$100,000.00** in unexpended grant funds. Per Section 24 of the OCR Grant Agreement, the Environmental Review Record was to be submitted, Request for Release of Funds approved, and the first disbursement of funds processed, within 270 days of the award or **October 22, 2018**. It is the sincerest hope of the OCR that the project will be completed in a timely manner, and these funds expended per the project budget and schedule, to avoid the reallocation of the grant funds. As per NYS CDBG Program Guidelines, any funds remaining after the completion date of the project, **January 24, 2020**, will be deobligated and reallocated in accordance with New York State's Action Plan.

As always, the OCR is prepared to assist the Town of Cortlandville in any way we can to ensure the successful completion of the project. If the OCR can be of any assistance, please contact Kristi Schwebke, Economic Developer, at (518) 474-2057 or Kristi.Schwebke@nyshcr.org.

Sincerely,

Jason Purvis
Vice President, Federal Programs
Office of Community Renewal

 cc: **VIA ELECTRONIC MAIL, NO HARD COPY TO FOLLOW**
Kristi Schwebke, Economic Developer

1-4a

DISCHARGE OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS

THAT the Town of Cortlandville, does hereby certify, that a certain Indenture of Mortgage, bearing date of the 21st day of March, 2013, made and executed by Rita Rogers and Karl J. Rogers and Andrew Stiles, 4154 North Road, McGraw, New York 13101, the Mortgagor, to secure payment of the principal sum of Twenty Seven Thousand, Four Hundred, Ninety and 00/100 Dollars (\$27,490.00) and duly recorded in the Office of the Cortland County Clerk of the County of Cortland, New York on May 22, 2013, Instrument Number 2013-02668, and

IS PAID, and does hereby consent that the same be discharged of record. The said Mortgage has not been assigned.

Dated the ____ day of February, 2019

TOWN OF CORTLANDVILLE

By: _____
Richard Tupper, Supervisor

STATE OF NEW YORK)
COUNTY OF CORTLAND) ss:

On the ____ day of February in the year 2019 before me, the undersigned, a Notary Public in and for said state, personally appeared Richard Tupper, Supervisor of the Town of Cortlandville, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

ON THE MOTION OF Danny Ross
Emily Discenza

RESOLUTION NO. 19-02

GML#86.13-01-29.000
Town of Cortlandville
Aquifer Protection District
Special Permit, Conditional
Permit, Area Variance & Use
Variance
Squeaky Clean Car Wash

WHEREAS, on January 9, 2019 the Zoning Officer, Town of Cortlandville, pursuant to General Municipal Law 239 M submitted an application for an Aquifer Protection District Special Permit, Conditional Permit, Area Variance and Use Variance because the property is located within 500 feet of NYS Route 281, NYS Route 222 and Kinney Gulf Rd., 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 8, 2019, which is on file, AND

WHEREAS, the Cortland County Planning Board on February 13, 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 this application for a conditional permit, aquifer protection district special permit, area variance and use variance to construct a 35ft. by 91ft. 4in. carwash tunnel with accessory signage contingent upon the following:

1. the applicant consulting with the NYS Department of Transportation (DOT) and obtaining written confirmation regarding the use and location of the existing curb cuts on NYS Route 222 and to ensure that this proposal is providing ample area for the queuing of vehicles on site without interfering with the flow of traffic on NYS Route 222.
2. The applicant's submittal of a landscaping plan for the site to the Town for review and approval including an indication that unused areas of the lot around the perimeter of the proposed building would be landscaped to reduce the impervious surface of the lot thereby increasing the greenspace on the lot to meet or exceed the minimum greenspace

requirement for lots of three acres or less.

3. A stormwater pollution prevention plan being developed by the applicant and approved by the Town. As part of this plan, it should be shown that there would be no net peak flow increase in runoff discharged to the NYS Routes 222 and 281 stormwater system.
4. The applicant's submittal of a revised site plan to the Town indicating snow storage areas on the site and that the snow storage on the site is located in an area on the lot where any runoff from the snow storage is captured by the stormwater management facility.
5. An oil/water separator being installed for discharge to the sewer. This oil/water separator should also be maintained regularly.
6. That a grit separator be installed and maintained regularly to insure that it is properly functioning.
7. The Town weighing the benefit of exceeding the maximum number and square footage of signs and height of a freestanding sign to the applicant vs. the health, safety and welfare of the community/neighborhood as is required before any area variance may be granted.
8. The applicant demonstrating that there are unnecessary hardships in the way of carrying out the strict letter of the "Zoning Local Law of the Town of Cortlandville" as is required before a use variance to allow the building mounted signs to be illuminated may be granted.
9. 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 13, 2019
Ayes: 7
Nays: 0

1-8

February 8, 2019

GML#86.13-01-29.000
Town of Cortlandville
Conditional Permit, Aquifer
Protection District Special Permit,
Area Variance and Use Variance
Squeaky Clean Car Wash

TO: Cortland County Planning Board

FROM: Cortland County Planning Department

This application for a conditional permit, aquifer protection district special permit, area variance and area variance 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 222, NYS Route 281 and Kinney Gulf Road.

GENERAL INFORMATION

Date Received:	January 9, 2019
Applicant:	Squeaky Clean Car Wash 95 Brown Road, M/S #1029 Ithaca, NY 14850
Status of Applicant:	owner
Requested Action:	conditional permit, aquifer protection district special permit, area variance and use variance
Purpose:	to construct a 35ft. by 91ft. 4in. carwash tunnel with accessory signage
Location:	north side of NYS Route 222, approximately 165ft. east of the intersection of NYS Route 222 and NYS Route 281
Size:	16,900+/- sq. ft.
Existing Zoning:	B-2 (Highway Commercial Business)
Existing Land Use:	vacant restaurant (former KFC)

Surrounding Zoning: B-2 (Highway Commercial Business) & B-3 (Planned Commercial Business)

Surrounding Land Use: N - vacant
S - vacant
E - Jazzercise
W - Squeaky Clean Car Wash

Existing Regulations: Code of the Town of Cortlandville
Chapter 178: Zoning
Article IA: Wellhead Protection Areas
~178-2.2. Provisions applicable to B-1, B-2, B-3, I-1 and I-2 Districts.
A. Lot coverage
(8)
Article VIII: Highway Commercial Business B-2 District
~178-36.2. Uses subject to conditional permit
G. Car wash operations
~178-36.3. Hours of operation.
Article X: Aquifer Protection District
~178-46. Special Permits
B.
Article XIV: Conditional Permit
~178-75. Structure/use requirements for permit approval
Article XVI: Stormwater Management and Erosion and Sediment Control
~178-91. Jurisdiction and applicability
C. Exemptions
Article XVIII: Signs
~178-111. Sign placement and construction requirements.
B.
~178-112. Permitted signs.
B. Requiring building permit
(1)
Table 1
Article XXI: Zoning Board of Appeals
~178-132. Duties and powers
B.

ANALYSIS:

The applicant is requesting a conditional permit, aquifer protection district special permit, area variance and use variance to construct a 35ft. by 91ft. 4in. carwash tunnel with accessory signage at the site of a former restaurant (KFC). The property is located approximately 165ft. east of the intersection of NYS Route 222 and NYS Route 281 and is zoned B-2 (Highway Commercial Business).

Car wash operations are permitted in the B-2 District subject to a conditional permit. An aquifer protection district special permit is also required as the development cost of the project would exceed \$150,000. The applicant is proposing to construct a 35ft. by 91ft. 4in. carwash tunnel with accessory signage at this location immediately adjacent to a six (6) bay car wash with two (2) bays as an automatic car wash and four (4) bays for do-it-yourself car washing facility under the same ownership.

The applicant is proposing to remove the existing 1,830 sq. ft. restaurant building and accessory cold storage behind the building and to construct a 35ft. by 91ft. 4 in. (3,197+/- sq. ft.) single bay carwash building. The new building would not be in the same location on the property as the existing building as it would be centered on the property while the existing building is located along the western property line.

The Coordinated Review Committee (CRC) met regarding this proposal and addressed the following issues. The site plan shows vehicles entering and exiting the site via two existing driveway entrances from NYS Route 222. Vehicles would enter the site along the eastern property line and drive to the rear of the site to enter the carwash building. Vehicles would exit the site via the second existing driveway entrance to NYS Route 222 towards the center of the property's road frontage after exiting the carwash building. This design provides a queuing area for twelve cars or eight trucks on-site waiting to access the carwash building and two cars or one truck exiting the property from the carwash. While the applicant has indicated that this proposal would use existing curb cuts on the site, it is recommended that the NYS Department of Transportation (DOT) be consulted regarding the use and location of the existing curb cuts and to ensure that this proposal is providing ample area for the queuing of vehicles on site without interfering with the flow of traffic on NYS Route 222.

The existing site is approximately 95% impervious surface with a small landscaped island at the western end of the property along NYS Route 222 and a grass area with two trees along the eastern edge of the property. The redesign/reuse of this property appears to leave unused areas around the perimeter of the property, particularly along the west and north side of the property. It is unclear from the material submitted by the applicant as to whether the applicant intends to landscape this area or leave it as impervious surface. It should be noted that this property is in Zone 1a of the Wellhead Protection Areas meaning it takes groundwater from this location two years or less to reach a municipal public supply well. A parcel of three acres or less is required to provide 20% greenspace which may be lowered to 15% upon a special permit being granted by the Town Planning Board. It is therefore recommended that the applicant submit a landscaping plan for the site to the Town for review and approval. It is also recommended that this landscaping plan show unused areas of the lot around the perimeter of the proposed building being landscaped to reduce the impervious surface of the lot and increase the greenspace on the lot to meet or exceed the minimum greenspace requirement for lots of three acres or less.

A stormwater pollution prevention plan is required to be developed by the applicant and approved by the Town as this proposal would result in a total impervious surface of more than 35% of the total postdevelopment lot area. As part of this plan, it should be shown that there would be no net peak flow increase in runoff discharged to the NYS Routes 222 and 281 stormwater system.

The site plan does not indicate snow storage areas on the lot from clearing of the driving and queuing lanes. It is recommended that the applicant submit a revised site plan to

the Town indicating snow storage areas on the site. It is also recommended that the snow storage on the site be located in an area on the lot where any runoff from the snow storage is captured by the stormwater management facility.

The site would be serviced by public water and sewer. The Town requires an oil/water separator for discharge to the sewer. This oil/water separator should be maintained regularly. It is also recommended that a grit separator be installed and maintained regularly to insure that it is properly functioning.

The applicant has also submitted a signage plan for the site. The site would include a total of 22 signs. A 76.7 sq. ft. by 20 ft. in height double sided internally illuminated sign indicating the name of the business with logo and including an area to display two lines of 8 inch changeable copy would be located at the front of the property between the two driveway entrances of the site. The site would also include two 6 sq. ft. by 4 ft. in height double sided internally illuminated directional signs at the driveway entrances to the property indicating enter and exit. There would be two 8.6 sq. ft. single sided non-illuminated temporary signs advertising promotion or maintenance type messages also located at the driveway entrances to the property. The proposal shows four signs on the front (side of the building facing NYS Route 222) of the building; two 3.75 sq. ft. non-illuminated 'exit only' signs and two 3.1 sq. ft. illuminated 'open' signs. The east side of the building, along the vehicle queuing area, would have three signs; two 16 sq. ft. internally illuminated signs advertising promotions and a 32 sq. ft. internally illuminated sign with the business name and logo. The rear of the building would have six non-illuminated signs ranging in size from 2.7 sq. ft. to 7.2 sq. ft. showing hours of operation, policies and pricing. There would also be four signs behind the building at the entrance to the carwash building; a 31 sq. ft. by 8 ft. in height single sided internally illuminated freestanding menu sign and three 8.6 sq. ft. single sided non-illuminated temporary signs advertising promotion or maintenance type messages. The applicant is therefore requesting a total of 22 signs (nine freestanding and thirteen building mounted) at this site with a total area of 306.2 sq. ft. (198.7 sq. ft. of freestanding signs and 107.5 sq. ft. of building mounted signs). The Town's zoning law however only permits one freestanding or ground sign, up to 8 ft. in height, and not exceeding a sign area of 100 sq. ft. Freestanding/ground signs may be illuminated. The Town's zoning law also permits up to two non-illuminated building mounted signs with a total sign area of two square feet for each linear foot of building façade facing the major street. The building has 35 ft. of façade facing NYS Route 222 and therefore two signs with a total area of 70 sq. ft. would be permitted. The applicant has therefore applied for a area variance to allow the maximum number of freestanding/ground signs and building mounted signs to be exceeded as well as the maximum square footage for freestanding and building mounted signs and exceeding the maximum height for a freestanding sign. In order for an area variance to be obtained, the Town must weigh the benefit of exceeding the maximum number and square footage of signs and height of a freestanding sign to the applicant vs. the health, safety and welfare of the community/neighborhood. The applicant has also applied for a use variance to allow some of the building mounted signs to be illuminated. In order for a use variance to be granted, the applicant must demonstrate that there are unnecessary hardships in the way of carrying out the strict letter of the "Zoning Local Law of the Town of Cortlandville". It should be noted that the property immediately to the west of this property is also a carwash under the same ownership with similar signage.

Finally, this proposal is considered an Unlisted Action under SEQR. The applicant has completed Part I of a Short Environmental Assessment Form. Parts II & 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 this application for a conditional permit, aquifer protection district special permit, area variance and use variance to construct a 35ft. by 91ft. 4in. carwash tunnel with accessory signage contingent upon the following:

1. the applicant consulting with the NYS Department of Transportation (DOT) and obtaining written confirmation regarding the use and location of the existing curb cuts on NYS Route 222 and to ensure that this proposal is providing ample area for the queuing of vehicles on site without interfering with the flow of traffic on NYS Route 222.
2. The applicant's submittal of a landscaping plan for the site to the Town for review and approval including an indication that unused areas of the lot around the perimeter of the proposed building would be landscaped to reduce the impervious surface of the lot thereby increasing the greenspace on the lot to meet or exceed the minimum greenspace requirement for lots of three acres or less.
3. A stormwater pollution prevention plan being developed by the applicant and approved by the Town. As part of this plan, it should be shown that there would be no net peak flow increase in runoff discharged to the NYS Routes 222 and 281 stormwater system.
4. The applicant's submittal of a revised site plan to the Town indicating snow storage areas on the site and that the snow storage on the site is located in an area on the lot where any runoff from the snow storage is captured by the stormwater management facility.
5. An oil/water separator being installed for discharge to the sewer. This oil/water separator should also be maintained regularly.
6. That a grit separator be installed and maintained regularly to insure that it is properly functioning.
7. The Town weighing the benefit of exceeding the maximum number and square footage of signs and height of a freestanding sign to the applicant vs. the health, safety and welfare of the community/neighborhood as is required before any area variance may be granted.
8. The applicant demonstrating that there are unnecessary hardships in the way of carrying out the strict letter of the "Zoning Local Law of the Town of Cortlandville" as is required before a use variance to allow the building mounted signs to be illuminated may be granted.
9. Compliance with SEQR requirements.