

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

RESOLUTION NO. 20-25

**GML# 86.13-01-58.100
Town of Cortlandville
Bulk Variance, Conditional
Permit & Aquifer Protection
District Special Permit &
Subdivision
Route 222 Cortlandville,
LLC**

WHEREAS, on September 30, 2020 the Zoning Officer, Town of Cortlandville, pursuant to General Municipal Law 239 M & N submitted an application for a Bulk Variance, Conditional Permit, Aquifer Protection District Special Permit and Subdivision because the property is located within 500 feet of NYS Route 222 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 October 16, 2020, which is on file, AND

WHEREAS, the Cortland County Planning Board on October 21, 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 a bulk variance, conditional permit, aquifer protection district special permit and subdivision contingent upon the following:

- 1. That proposed easement through the Valu Home Center property be written into the deeds of both properties to insure continued access to this site through the Valu Home Center property.**
- 2. That the Town reviews the design of the proposed building for conformance with the Town's Design and Development Guidelines.**
- 3. That the applicant submits an updated narrative for the proposed project to the Town to include hours of operation for the proposed urgent care facility.**

4. That the applicant considers moving the proposed handicapped spaces closer to the main entrance of the clinic.
5. That if the 10 parking spaces on the Burger King property to the west of this site are intended to be used by the urgent care facility that an easement be written into the deeds of this property and the adjoining Burger King property to insure continued access to these parking spaces by the urgent care facility.
6. That the applicant move the dumpster enclosure farther east and add gates to the east side of the enclosure to allow for easier waste hauler access and to prevent traffic flow issues due to the enclosure's proximity to proposed parking spaces and the southern entrance to the site.
7. That during construction the applicant follows all standard Erosion and Sediment Control (ESC) practices such as silt fencing around downgradient areas and any topsoil stockpiles, a stabilized construction entrance and prompt landscaping/revegetation of any areas not planned for repaving should be employed to avoid loss of sediment from the site to either the sole source aquifer or local surface waters.
8. That the applicant considers the potential risk of flooding in the project design as the site is located entirely within a FEMA designated 500 year flood plain and in close proximity to an FEMA designated 100 year flood plain.
9. That the applicant submits a revised site plan to the Town showing traffic flow from the surrounding plaza into the proposed site including details regarding vehicular movement into and out of the proposed site, how traffic would flow on the eastern and southern sides of the proposed site and proposed snow storage areas.
10. That the proposed landscaping plan be reviewed and approved by the Town.
11. That the existing grass area and trees remain to the southwest of this site, as this serves as a buffer to the adjacent businesses.
12. The Town weighing the benefit of exceeding the maximum sign size and number of signs and not meeting the minimum sign setback requirements to the applicant vs. the health, safety and welfare of the community/neighborhood as is required before any bulk variances may be granted.

13. That all site lighting be directed in a downward manner and away from the surrounding properties so as to not adversely impact these properties.
14. The Town weighing the benefit of the reduced lot area to the applicant vs. health, safety, and welfare of the community/ neighborhood as is required before any bulk variance may be granted.
15. The applicant obtaining approval of the connections to the public water and public sewer including the construction of section water main with easements for Town access and the installation of an RPZ backflow prevention device from the County Health Department via application to the Town.
16. 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 & N 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
October 21, 2020

Ayes: 8
Nays: 0