

PUBLIC HEARING NO. 1

PUD OF 2016
ZONING MAP AMENDMENT
LEONIDAS GROUP OF VIRGIL, LLC
STARR ROAD
TAX MAP #96.10-01-19.100

A Public Hearing was held by the Town Board of the Town of Cortlandville at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York, concerning an application for a zoning map amendment submitted by the Leonidas Group of Virgil, LLC to develop a Residential Planned Unit Development for the purpose of constructing a 66 unit residential development, for property located on the south side of Starr Road, immediately west of the Starr Road/Abdallah Avenue intersection, tax map #96.10-01-19.100.

Members present:

Supervisor, Richard C. Tupper
Councilman, Theodore V. Testa
Councilman, John C. Proud
Councilman, Gregory K. Leach
Councilman, Walter J. Kasperek
Town Clerk, Karen Q. Snyder, RMC

Others present were: Town Attorney, John Folmer; Highway Sup't. Carl Bush; County Legislator, Joseph Steinhoff; Attorney Mike Shafer; Tim Buhl; Al Kryger; Barb Leach; Barb Wood; Jill Holl; Judy Helmer; Kevin Pristash; Charles Drach; Marty Wirsig; Michael Stokoe; Attorney Mike Shafer; Bob Ferris; News Reporter: Tyrone Heppard from the *Cortland Standard*, and Sharon Stevans from Channel 2, Access TV.

Supervisor Tupper called the Public Hearing to order.

Town Clerk, Karen Q. Snyder, read aloud the published, posted and filed legal notice.

Supervisor Tupper offered privilege of the floor to Attorney Mike Shafer.

Attorney Shafer apprised the Board he was in attendance on behalf of the Leonidas Group of Virgil, LLC regarding their application for a Residential Planned Unit Development (PUD). He explained that the project was scaled down from the originally proposed 66 units to 50 units. A Full Environmental Assessment Form was completed by the applicant. The applicant was in touch with the School District, Sheriff's Department and the Fire Department, and expected that the additional impact on such agencies should be minimal.

The Town Planning Board retained CHA to review the site plan for the proposed Residential PUD project and for consistency with the Town's Zoning Regulations. The PUD would allow the movement of buildings with the decrease in number of units.

The project was reviewed by the Cortland County Planning Board twice and they recommended approval (subject to conditions). Since then, an updated project narrative was submitted for the PUD by Tim Buhl, P.E., dated May 18, 2016. The Town Planning Board also had two lengthy public hearings regarding the proposed PUD, which resulted in the revised plans for the PUD. Based on CHA's letter dated March 15, 2016, the Planning Board recommended to the Town Board that the submittals provided met General Development Regulations, Section 178-54, which qualifies as a PUD.

Attorney Shafer explained that the approval of the PUD by the Town was the beginning of the process. The PUD would require a full Site Plan, Stormwater Review, Aquifer Permit, and the approval of planting, roads, and lighting. It was also noted that there would be less water runoff with the development. According to the project narrative written by Tim Buhl, P.E., "there will be no surface stormwater runoff from the site onto Starr Road or any adjacent properties." Starr Road already has water runoff problems.

Supervisor Tupper offered privilege of the floor to Al Kryger.

Mr. Kryger, member of the Leonidas Group of Virgil, LLC mentioned the architectural design of the buildings. The style and materials of the buildings would be similar in nature with variations of earth tones, colors and accents.

Supervisor Tupper offered privilege of the floor to Jill Holl.

Jill Holl, a resident of Abdallah Ave., voiced her concerns regarding the proposed PUD. She mentioned that at the first meeting, the Leonidas Group indicated the dwellings would be rent to own, and apartments. The revised plan removed all of the single family dwellings in favor of multi-family units, which no longer fit in with the surrounding neighborhood of single family dwellings.

Ms. Holl had concerns regarding the Homeowner's Association (HOA) and condominiums, and questioned whether the project would become low-income housing. She was concerned with the water issues and runoff and the increase in traffic, including the increase in traffic on the neighboring streets like Levydale and Abdallah. Motorists use such streets to access Starr Road from Tompkins Street and vice versa.

Ms. Holl urged the Board to leave the zoning for the land as R-2 and suggested the Leonidas Group look at a different property for their project which does not have water or traffic issues and that would be a better fit with the surrounding neighbors.

Ms. Holl previously submitted correspondence to the Board, dated April 3, 2016, which was received and filed at the April 20, 2016 Town Board Meeting.

Supervisor Tupper offered privilege of the floor to Kevin Pristash.

Kevin Pristash apprised the Board he was a 16-year resident of Parti Drive. He voiced his concerns with the proposed PUD and his concerns with flooding. He has had three close calls with flooding on his property, which is located on the west side of Parti Drive.

Mr. Pristash apprised the Board he had a petition with 22 more signatures to submit opposing the PUD. He also mentioned that the County Planning Board recommended approval of the PUD with a vote of 6 in favor and 4 against. He suggested that if the project went back to the County Planning Board with the revisions that the project would be defeated.

Supervisor Tupper offered privilege of the floor to Judy Helmer.

Judy Helmer, resident of Abdallah Ave., apprised the Board she was against the project. She voiced her concerns regarding traffic, flooding, the potential for the project to be low-income housing, and offered the scenario of a trailer park.

Supervisor Tupper offered privilege of the floor to Marty Wirsig.

Marty Wirsig, 26-year resident of Abdallah Ave., voiced his concerns regarding the proposed Residential PUD. He was concerned with the traffic, with the HOA and what would happen if the HOA dismantled. Mr. Wirsig mentioned the stormwater runoff and the serious problem that already exists on the hillside where the project is proposed.

Mr. Wirsig asked the Leonidas Group and the Town Board to take responsibility for any future problems that occur and stated that he has not heard any commitments from anyone or group.

Supervisor Tupper offered privilege of the floor to Tim Buhl, P.E.

Tim Buhl, the engineer for the proposed project, apprised the Board that test pits were dug for the stormwater plan which showed that water runoff would go into the basins that were designed for the project. The DEC would have to grant permission for the stormwater plan as well.

Mr. Buhl indicated that the site is unique and that runoff will be contained. The site also has all utilities available to it. The project would actually create a better site than what currently exists.

Mr. Buhl addressed the concerns brought up by Ms. Holl and Mr. Wirsig regarding the HOA. He mentioned that the HOA must be approved by the Attorney General's Office, as well as whether or not the multi-buildings or condominiums could be a part of the HOA. Mr. Buhl explained that the duplex and patio homes would be sold.

Attorney Folmer questioned whether the HOA could fall through the cracks. Attorney Shafer responded by stating that if someone takes over the project via a sale, all HOA individuals would still send in their fees so the properties and grounds continue to be maintained.

Supervisor Tupper offered privilege of the floor to Pamela Doss.

Pamela Doss, a 53-year resident of Abdallah Ave., was concerned with the proposed project and increasing traffic/speed problems. She mentioned that the neighborhood is a mixed community comprised of young families and retirees. Since the college housing units were constructed near her neighborhood, Abdallah Ave. has become a "speedway". Ms. Doss was concerned that the proposed PUD could double the speed problems in and around her neighborhood. Ms. Holl added that there are no sidewalks in their neighborhoods and that pedestrians walk in the road.

In response, Mr. Kryger mentioned that the proposed project includes walking paths.

Attorney Folmer requested the following documents be made part of the Town Board's record with regard to the Residential PUD request:

- Town Planning Board Minutes of March 29, 2016
- Town Planning Board Index of Actions for April 26, 2016
- Correspondence from CHA to Town Planning Board dated December 22, 2015
- Correspondence from CHA to Town Planning Board dated March 15, 2016
- Cortland County Planning Department Report dated November 13, 2015
- Cortland County Planning Board Resolution No. 15-32 dated November 18, 2016
- Project Narrative from Timothy C. Buhl, P.E. dated May 18, 2016
- Cortland County, NY Long Term Strategic Housing Plan - Draft Report dated January 2016

Supervisor Tupper indicated that he would contact the Sheriff's Department regarding the complaints of high speed in the neighborhoods and request that they place their speed sign near Mr. Wirsig's property (3658 Abdallah Ave.) Highway Sup't. Bush verified that the official speed limit on Abdallah Ave. was 30 mph.

No further comments or discussions were heard.

The Public Hearing was closed at 5:45 p.m.

Supervisor Tupper offered privilege of the floor to Mike Stokoe.

Mike Stokoe apprised the Board he was in attendance on behalf of the residents of Quail Ridge Rd. to discuss the appearance of the barn and property located on Kinney Gulf Road, (across from Quail Ridge Rd). He reminded the Board that he approached them regarding the issue in January 2015. Mr. Stokoe was under the impression that action would be taken, however another year has passed and the situation has not changed. Mr. Stokoe presented the Board with current photographs of the property which he stated was an “unbelievable eyesore”, and mentioned that a new home was constructed on the corner of Quail Ridge Rd. and Kinney Gulf Rd. The residents were looking for action to be taken and for the items to be put inside the barn rather than in the yard.

Attorney Folmer explained the process of property violations, in which the owner has 30-days to bring the property into compliance or they could be fined \$200/day, per violation according to the NYS Property Maintenance Codes.

The monthly reports of the Town Justices for the month of April were on the table for review and are filed in the Town Clerk’s office.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file correspondence from Time Warner Cable, dated May 18, 2016, regarding programming services. All voting aye, the motion was carried.

Under old business, there was discussion regarding the application submitted by the Leonidas Group of Virgil, LLC for a Zoning Map Amendment for a Residential Planned Unit Development (PUD). Attorney Folmer suggested the Board take time to review the material that was submitted. The Board would complete the Full Environmental Assessment Form under SEQRA. Part 1 was completed by the applicant and submitted to the Board.

Attorney Folmer explained that the ordinance requires that action be taken within 30 days of the public hearing, which would be June 17, 2016. The Board would discuss the project at the June 15, 2016 Town Board Meeting.

Supervisor Tupper requested Town Clerk Snyder compile the information the Board should have for their review.

Attorney Folmer suggested the Board review the Town’s Zoning Law Section 178-54 and 178-59 and determine if this PUD fits in the R-2 zone. He also suggested the Board review the Town Planning Board recommendations, since the Planning Board determined that the project met the PUD qualifications.

RESOLUTION #	AUTHORIZE SUPERVISOR TO EXECUTE DISCHARGE OF MORTGAGE BETWEEN THE TOWN AND MARY J. COGSWELL REGARDING THE 2008 HOME GRANT - SENIOR HOUSING REHABILITATION PROGRAM
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Motion by Councilman Leach

Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Proud, Leach, Kasperek NAY – 0

ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to execute the Discharge of Mortgage between the Town and Mary J. Cogswell, 751 Route 222, Cortland, New York 13045, with regard to the 2008 HOME Grant – Senior Housing Rehabilitation Program.

Attorney Folmer advised the Board the contract regarding the land exchange between the Town and Gutchess Lumber required the exercise of the Town’s option in order to begin the formalization of the exchange of real property.

RESOLUTION # AUTHORIZE THE SUPERVISOR TO FORMALLY EXERCISE
 THE OPTION GRANTED WITH REGARD TO THE
 GUTCHESS PARK EXCHANGE

Motion by Councilman Leach

Seconded by Councilman Testa

VOTES: AYE – Tupper, Testa, Proud, Leach, Kasperek NAY – 0
 ADOPTED

BE IT RESOLVED, the Town Board does hereby authorize and direct the Supervisor to formally exercise the option granted with regard to the Gutches Park Exchange.

Councilman Proud made a motion, seconded by Councilman Leach, to receive and file the petition signed by residents of Abdallah Avenue and Starr Road received May 11, 2016, and the petition signed by residents of Levydale Park Abdallah Avenue and Parti Drive, received May 18, 2016, opposing the application for a Zoning Map Amendment for a Residential PUD for property located off of Starr Road, submitted by the Leonidas Group of Virgil, LLC. All voting aye, the motion was carried.

Councilman Proud reported to the Board on behalf of the Technical Advisory Committee for the Cortland County Airport and the update to the Master Plan for the Cortland County Airport for the next 20 years. The County's consulting firm, McFarland and Johnson held a public informational meeting at the Raymond G. Thorpe Municipal Building on May 16, 2016, which was very well attended by local citizens who made comments on the proposed alternatives that were presented.

Supervisor Tupper requested a Special Town Board Meeting be held on May 24, 2016 at 10:00 a.m. for the purpose of awarding the bid for the Luker Road and Owego Street (Route 215) Water Installation Project.

Supervisor Tupper reminded the Board the June 1, 2016 Town Board Meeting would be held at the Blodgett Mills Independent Baptist Church at 5:00 p.m.

Councilman Leach informed the Board he would not be able to attend the May 24, 2016 Special Town Board Meeting and asked to be excused.

Councilman Leach also reported that the County Sheriff's Department increased their road patrol in the Blodgett Mills area.

No further comments or discussion were heard.

Councilman Proud made a motion, seconded by Councilman Leach, to adjourn the Regular Meeting. All voting aye, the motion was carried.

The meeting was adjourned at 6:00 p.m.

Respectfully submitted,

Karen Q. Snyder, RMC
 Town Clerk
 Town of Cortlandville

*Note:

The draft version of this meeting was submitted to the Town Board for their review on June 9, 2016.

The draft version of this meeting was approved as written at the Town Board meeting of _____.