

TOWN OF CORTLANDVILLE PLANNING BOARD
Minutes of Regular Meeting - Tuesday, 19 February 2019 – 7:30 PM
Town Hall Board Room – 3577 Terrace Road – Cortland, NY

Board Members (*absent)

Katherine Wickwire, Chairperson
Christopher Newell
Nicholas Renzi
John A. DelVecchio
Nasrin Parvizi

Others Present

Bruce Weber, Town Planning/Zoning Officer
John B. Folmer, Town Attorney
Joan E. Fitch, Board Secretary

Applicants & Public Present

Al Kryger, Engineer Tim Buhl & Attorney Mahlon Perkins for Leonidas Group of Virgil, LLC, Applicant; Gary Sloan for Squeaky Clean Carwash, Applicant; Mark Sweeney and Elie Schechter of C2 Energy; Paul Woodward of Keystone Associates; Charles Drach, Dan & Laura Mieras, Kevin Pristash, Jill Holl, Brittany Schlenker, Tom Crompton, Pam Jenkins, Chris Tier, Randy Ross, Daniel Mones.

(It is noted for the record that Pam Jenkins submitted a packet of written materials to the Board Secretary prior to this meeting being called to order, requesting that the materials be made a “part of the record.” The packet has been given to the Town Clerk.)

The Regular Meeting of the Town of Cortlandville Planning Board was called to order at 7:30 p.m. by Chair Katherine Wickwire.

APPROVAL OF MINUTES

8 JANUARY 2019

A motion was made by Member Chris Newell to approve the Minutes of the 8 January 2019 Planning Board meeting, as submitted. The motion was seconded by Member Nick Renzi, with the vote recorded as follows:

Ayes: Chair Wickwire
Member Newell
Member Renzi
Member DelVecchio
Member Parvizi

Nays: None

Motion carried.

This becomes Action #12-1 of 2019.

29 JANUARY 2019

A motion was made by Member Renzi to approve the Minutes of the 29 January 2019 Planning Board meeting, as submitted. The motion was seconded by Member Newell, with the vote recorded as follows:

Ayes: Chair Wickwire
Member Newell
Member Renzi
Member DelVecchio
Member Parvizi

Nays: None

Motion carried.

This becomes Action #12-2 of 2019.

OLD BUSINESS**Squeaky Clean Car Wash, Applicant/Washing Technologies, LLC, Reputed Owner - 1087 NYS Route 222 - TM #86.13-01-29.000 - Conditional Permit & Aquifer Protection District Special Permit - New Car Wash Tunnel**

(Note: Reference is made to the 8 January 2019 Minutes for their initial appearance before this Board, at which time all applications were forwarded to the Cortland County Planning Department for review.)

Chair Wickwire recognized Gary Sloan, representing the applicant, and she acknowledged receipt of County Planning Department's report to the County Planning Board, dated 8 February 2019, along with the County Board's Resolution No. 19-02 of 13 February 2019, copies of which have been placed on file for the record. Mr. Sloan stated he had received the County materials and had a couple of questions with regard to lot coverage and a stormwater management plan. PZO Bruce Weber stated that after reading the County's reports he notified them that those sections were not applicable to the proposed project as long as they are not increasing the impervious surface of the parcel.

Chair Wickwire then reviewed the contingencies contained in the County Planning Department's Resolution, item by item. Item #1 - Consultation w/NYS DOT - Mr. Sloan responded that they were in the process of obtaining the written confirmation requested. Item #2 - Landscaping Plan - this has yet to be done. Item #3 - SWPPP - not required. Item #4 - Revised Site Plan - this has to be done. Item #5 - Oil/Water Separator - Not done yet. Chair Wickwire then suggested this project's approval be postponed until the March meeting in order to allow time to obtain what is required. Mr. Sloan agreed.

With no further discussion, **a motion was made by Member Newell to postpone consideration of a Conditional Permit and an Aquifer Protection District Special Permit until the March meeting of this Board to allow time for the applicant to provide the requested information. The motion was seconded by Member Nasrin Parvizi, with the vote recorded as follows:**

Ayes: Chair Wickwire
Member Newell
Member Renzi
Member DelVecchio
Member Parvizi

Nays: None

Motion carried.

This becomes Action #13 of 2019.

SOLAR ARRAY PROJECTS:

(1) Route 13 Solar LLC, Applicant/Farm East, LLC, Reputed Owner - 487 NYS Route 13 - TM #95.00-06-04.01 - Conditional Permit & Aquifer Protection District Special Permit

(2) Lime Hollow Solar LLC, Applicant/Farm East, LLC, Reputed Owner - Lime Hollow Road - TM #105.00-04-2.12 - Conditional Permit & Aquifer Protection District Special Permit

(3) Cortland-Virgil Road Solar LLC, Applicant/Farm East, LLC, Reputed Owner - 301 South Cortland-Virgil Road - TM #105.00-04-12.000 - Conditional Permit & Aquifer Protection District Special Permit

(4) McLean Solar 2 LLC, Applicant/Gutchess Lumber Company, LLC, Reputed Owner - 684 McLean Road - TM #95.15-01-2.12 - Conditional Permit & Aquifer Protection District Special Permit

(5) East River Road Solar LLC, Applicant/Farm East, LLC, Reputed Owner - 1994 East River Road - TM #77.00-11-08.000 - Conditional Permit & Aquifer Protection District Special Permit

(6) McLean Road Solar 1 LLC, Applicant/Farm East, LLC, Reputed Owner - 415 McLean Road - TM #95.00-01-33.100 - Conditional Permit & Aquifer Protection District Special Permit & Change of Zone

(Note: Reference is made to this Board's Minutes of 8 January 2019 at which meeting a Sketch Plan Conference was held; an overview of the proposed projects was given.)

Chair Wickwire recognized the representatives of Keystone Associates and C2 Energy; Mr. Schecter stated he had done some follow-up as a result of the Sketch Plan Conference in order to finalize plans for the projects. All projects are the same, except for the McLean Road Solar 1 which will require a Change in Zone; application has been made to the Town Board. Chair Wickwire stated all applications need to be forwarded to the Cortland County Planning Department for their review, and there will also be a public hearing held.

Chair Wickwire said she had read a letter from County Soil & Water regarding their concern about soil erosion. Paul Woodward answered these concerns. The hydrology of the sites, he said, don't change because the way the panels are positioned. He commented his appreciation for Member Renzi's written comments, and said they had been taken into consideration.

PZO Weber commented on visual and planning aspects that will be looked at in more depth and how things will proceed.

At the conclusion of the Board's brief discussion, **a motion was made by Member Newell, to send the applications to the Cortland County Planning Department for their review. The motion was seconded by Member Renzi, with the vote recorded as follows:**

Ayes:	Chair Wickwire	Nays:	None
	Member Newell		
	Member Renzi		
	Member DelVecchio		
	Member Parvizi		

Motion carried.

This becomes Action #14 of 2019.

Member Parvizi asked about McLean Solar 1's having agricultural land around it, and Mr. Woodward showed everyone an aerial map of the proposed site. Member Renzi asked about inverters and was answered to Mr. Schecter who showed an inner-connection drawing. In answer to Chair Wickwire's question, Mr. Schecter stated they hoped to break ground this summer.

PRIVILEGE OF THE FLOOR

Chair Wickwire recognized Kevin Pristash of 3607 Parti Drive who was representing his neighbors on Parti Drive, Levydale Park, Abdallah Avenue and Starr Road who are opposed to the proposed Starr Road Residential Development. He stated, "It's never too late to do the right thing."

Project has been in the planning stages for four years and, from the very beginning, the neighbors have objected to a "multi-dwelling complex" being built on the hillside. There are flooding issues. The Town Board has been presented petitions in opposition, as well as this Board. Ninety-seven percent of the neighbors are opposed to the project. Objection is not to the development of the property as single-family residences, it's multi-family dwellings that are objected to and the changing of the character of the neighborhood.

Board has received a packet of information prepared by Pam Jenkins, and he asked Chair Wickwire if she would allow her to go through the items/issues in the packet. Chair Wickwire said no and then read a statement sent to Board members this date by email: "It has come to my attention that some of you feel the Town's granting of the PUD is illegal. . . The job of the Planning Board is not to decide whether or not the Town Board acted appropriately. Our job is to act on the applications for Site Plans, Conditional Permits, etc. I would hope that at tonight's meeting we will do the job of the Planning Board and not drift into areas that are out of our jurisdiction."

Mr. Pristash continued that the neighbors would now have to go into their own pockets to retain legal counsel. He then spoke of items the Town Board never did. He stated that the Planning Board should return the application to the Town Board for them to properly act on it in a manner consistent with the SEQRA procedure and State laws governing zoning changes. Things have not been done properly, he added.

Chair Wickwire then reiterated that what this Planning Board was going to do at this meeting was the Site Plan—and that's it.

Leonidas Group of Virgil, LLC, Applicant/Reputed Owner - Northway Drive – South Side of Starr Road - TM #96.10-01-19.100 – Site Plan Approval/PUD

Board Member John DelVecchio announced to those present that the Town of Cortlandville had recently chosen him to be the Town Attorney upon the retirement of John Folmer at the end of this month. As a result of this, Member DelVecchio recused himself regarding this project which he feels is ethically and professionally appropriate.

Member Renzi commented that he had prepared a memo to the Board Members which contained his comments regarding “the whole situation.” Copies were distributed to the Board (see Attachment A of these Minutes).

Member Renzi stated that as the Board reviews the Site Plan, one of the most important documents is the 22 December 2015 letter from Walt Kalina, PE, of Clough Harbour Associates. A copy of this letter is placed on file for the record. The comments from Pam Jenkins (submitted to the Board Secretary before this meeting was called to order) should also be made a part of the record.

Chair Wickwire asked Board members if they had seen the 17 February 2019 letter from Laura Cassalia, PE, of Clough Harbour, containing her review of an 8/28/18 letter to Chair Wickwire from Timothy Buhl, PE, and the Starr Road Residential PUD Plans of 10 September 2018 by Engineer Buhl, a copies of which have been placed on file for the record.

Chair Wickwire commenced review of the subject Site Plan, as per Section 178-72 A of the Town Code (11 items). Board Member Parvizi thoroughly reviewed the plans and prepared written comments contained in her 12 February 2019 report to Board members, a copy of which has been placed on file for the record, and is Attachment B of these Minutes.

Item #1 – (Vehicular traffic access/circulation). Member Parvizi read her comments aloud and Chair Wickwire read aloud Engineer Cassalia's comments contained in her 17 February 2019 letter to this Board.

Item #2 – (Pedestrian traffic, etc.). Member Parvizi's commented it doesn't meet the requirements. Engineer Cassalia's response to this was read by Chair Wickwire.

Item #3 - (Off-street parking, etc.). Meets the requirements.

Item #4 – (Site compatibility). Member Parvizi's commented a lighting concern and proposed sign doesn't meet the requirements. Engineer Cassalia's response to this was read by Chair Wickwire.

Item #5 – (Stormwater/drainage). Member Parvizi's comments read, along with 12/22/15 comments from Walt Kalina, PE, of Clough Harbour Associates. Also Chair Wickwire commented on Cortlandville's own rain-garden experience regarding Renaissance development, Walmart, and Bennie Road. There's no bonding to protect the Town. Rain gardens okay on level topography. No fences around ponds.

Item #6 – (Water supply/sewage disposal). Should be reviewed by Town due to steep slope (Parvizi comment).

Item #7 – (Landscaping). - Member Parvizi read her comments aloud.

Item #8 – (Open space). Member Parvizi's comments read aloud.

Item #9 – (Noise, glare, etc.). Member Parvizi's comments read aloud by Chair Wickwire.

Item #10 – (Fire emergency adequacy). Member Parvizi read aloud her comments. Member Renzi noted that relative comments from Walt Kalina, PE, (12/22/15), were made.

Item #11 – (Special attention re ponding, flooding, and/or erosion). Member Parvizi read aloud her comments. Susquehanna study also supports this.

Additional comments by Member Parvizi, which appear at the end of her written review, were read aloud by Chairman Wickwire. Member Renzi said that, on page 4 of Walt Kalina's letter, Mr. Kalina supported these comments.

At the conclusion of the Board's review, Chair Wickwire read aloud Part 2 of the Short Environmental Assessment Form. Part 1 had been completed 10/29/18 by the applicant. All responses were recorded by PZO Weber and have been placed on file for the record. Documentation will be added to support the Board's responses.

PZO Weber explained to the Board the two options they had: a Negative Declaration or a Positive Declaration. Chair Wickwire felt that the impacts could not be mitigated and did not want to initiate an Environmental Impact Statement. However, Member Renzi commented that there was really no choice if the Positive Declaration was selected. Without a choice being selected, she stated, there could be no vote on the Site Plan at this meeting. PZO Weber reminded the Board that by choosing this form, the Board needed to arrive at a conclusion.

Town Attorney Folmer advised that the Board could not act on the Site Plan unless the SEQRA review had been completed. PZO Weber stated that the Board would need to go through scoping. Town Attorney Folmer also added that the Board has identified areas of concern; the SEQRA must be completed before entertaining any action. Scoping should be done showing what really needs to be dealt with. PZO Weber again reviewed the Board's options.

At the conclusion of a lengthy discussion, **a motion was made by Member Renzi that the Town of Cortlandville Planning Board has completed Part 2 of the Short Environmental Assessment Form for the proposed Starr Road Residential Development and, with supporting documentation, has determined that there are one or more potentially large or significant adverse impacts and an Environmental Impact Statement is required. The motion was seconded by Member Newell, with the vote recorded as follows:**

**Ayes: Chair Wickwire
Member Newell
Member Renzi
Member Parvizi**

Nays: None

Recused: Member DelVecchio

Motion carried.

This becomes Action #15 of 2019.

ADJOURNMENT

At 8:45 p.m., a motion to adjourn the meeting was made by Member Newell, seconded by Member DelVecchio, with all members present voting in the affirmative.


Joan E. Fitch, Board Secretary

E-mailed to Town Clerk, JBF, PB Members,
DD, BW, KM & DC on 3/17/19.

Attachments: A & B

ATTACHMENT A - 1

February 18, 2019

To: Kathy Wickwire Planning Board Chairperson
John A. DelVecchio
Christopher B. Newell
Nasrin Parvizi

From: Nick Renzi

Subject: Starr Road situation

Dear Kathy and fellow Planning Board members,

Upon the request of the Cortlandville Planning Board Clough Harbour and Associates Associate Vice President, Principal Planner Walter L. Kalina concluded the following in his letter of December 22, 2015 to Kathy Wickwire:

"The density of the proposed development is not suitable for the existing topography of the site. The amount of impervious surfaces created by the proposed project is problematic especially given the steep topography of the site and the need to control site runoff."

"There is some concern with emergency vehicle access on the access road in the site given its proposed grade."

"Based on a preliminary review by Senior CHA engineers and certified stormwater management professionals the use of rain gardens as proposed is a concern and has generally been found to be ineffective in situations like this for a variety of reasons, including but not limited to improper design and placement, a lack of maintenance over time and seasonal limitations on effectiveness during periods of frozen ground and high runoff."

"The proposed project does not appear to be conceptually sound in that it is not consistent with generally accepted design principles that include land use configuration that reflect avoidance or minimization of disturbance to environmentally sensitive features such as steep topography."

Legitimately the project should have been terminated at this point.

On July 20, 2016 the Cortlandville Town Board declared a negative impact for the Starr Road project at the conclusion of their action on Part 2 of the Full Environmental Assessment Form where "Identification of Potential Project Impacts" had to be made. The Board did not explore the impacts and basically did not do the due diligence necessary to make a negative impact conclusion.

We have now reached a critical point with regard to the Planning Board having to make a decision on the site plan and SEQRA for the Starr Road PUD project.

The Town Board's attorney Mindy Zoghlin has drafted a resolution that essentially wants the Planning Board to conclude, "The Planning Board, upon review and reflection, has determined that it has complied with the letter, spirit and intent of the SEQRA regulations."

ATTACHMENT A - 2

The body of the proposed resolution attempts to put words in the mouths of the Planning Board members stating approvals and acceptance of letters and events that may have been discussed but never formally accepted by the Planning Board. I personally have commented on some of Laura Cassalia's letters asking for more details because I felt that her comments were incomplete.

Although each of us may have a different view of what has transpired over the last four years that this project has been in front of the Planning Board a careful examination of exactly what has been done by the Town Board when they concluded a negative declaration in part 2 of the Full Environmental Assessment Form on July 20, 2016 will show that the evaluation of the potential impacts was not thoroughly done.

The evaluation of the potential impacts of the stormwater system's ineffectiveness in controlling stormwater in winter conditions that could include rain and thawing was never done. A careful and professionally done traffic study was never done. The objections of the neighbors on the radical change in the neighborhood were never addressed. A formal analysis of the existing Town water supply system's ability to support the additional demand and the adequacy of the existing sewer system to handle the additional load should have been done as part of the determination of significance.

In my estimation the Town Board's conclusion for a negative declaration was not substantiated.

The Planning Board has been positioned in the suggested resolution proposed by the Town's SEQRA attorney Mindy Zoghlin to accept their Negative Declaration, which was incompletely done.

We are being asked to accept a poorly executed SEQRA review on the part of the Town Board. Any objective review of the work that the Town did when they went through Part 2 of SEQRA would easily conclude that the work was incomplete.

At this time I will not sign off on the proposed resolution and recommend that the Town rescind their original negative declaration.

From a procedural standpoint the Town Code Article XI Planned Unit Development was added to the Town Code on July 1, 2008 by Local Law No. 2-2008, amending the code for the PUD approved by the Town Board on July 20 2016 has yet to be filed with the Department of State which at this point positions the Planning Board to make decisions on an action that is currently not official.

Nick Renzi
Planning Board member

Starr Road Residential PUD

Site Plan Review

Reviewer: Nasrin Parvizi

February 12, 2019

This review is based on the drawings dated 9/10/2018 and all reviews thereafter and according to Town code of 178.72 "Planning Board review of site plan" and other related town codes.

1. Item (1); Adequacy and arrangement of vehicular:

-The Proposed road shows app 10% slope and does not meet this item. It is over the standard recommended guideline of 7% for the passenger cars and 8% recommended Town code. In addition the sloped road has north exposure and running for over 1000 feet steady without any break. The road cross slope at intersections are also questionable for safety.

2- Item (2): Adequacy and arrangements of the pedestrian....;

- The proposed sidewalk is app 10% and does not meet this item. The standard side walk is under 5%. The ADA ramp is up to 8.3%. Therefore the road is not safe for wheelchairs, walkers, strollers, bikes, etc. In addition, the location of proposed side walk next to the road is not safe.

3- Item (3): Location, Off street parking and loading.

- The proposed plan appears to meet this item.

4- Item (4) :location,,Building lighting and sign:

- There are concerns regarding lighting and sign; on lighting Building #2 from the north east corner has a drop of app. 12' from the Neighbor on Parti drive parcel 96-10-1-28, therefore the down light may still create glare. In addition the proposed sign exceeds the permitted size.

5- Item (5): Adequacy of Storm water and drainage Facilities;

ATTACHMENT B - 2

- The proposed rain gardens may be adequate based on just surface water calculations however further review indicates that they all with the exception of one (Rain garden 1) are on the immediate north side and downhill from proposed building. This means most of the time will be in shade and snow and ice covered and will not melt and the running surface water will just over it. Therefore does not meet this item. In addition no fencing is provided around the rain gardens to protect the residence.

6- Item (6): Adequacy of water supply and sewage disposal facilities;

- The proposed plan for the water and sewer needs to be reviewed by Town and other jurisdictions due to the steep slope.

7- Item (7): Adequacy, type and arrangement of trees,.....;

-The proposed plan indicates couple of areas about 17% to 33.3% slope. There should be special landscaping to prevent erosion and enhance the grass establishment, mowing etc. In addition the proposed landscape does not address height differentiation and slope from the neighbors on the Parti drive.

8- Item(8): In the case of an apartment complex....., the adequacy of usable open space,.....;

-the proposed plan does not meet this. There are three picnic areas for a total app. 4500 sf which is app. .89% and two play areas for a total of app. 5800SF which is only 1.15% of the property. Therefore, together, only 2% of property is for usable open land which is not adequate for 50 units.

9- Item(9): protection of....., glare, noise,;

- The proposed Plan needs to be reviewed more carefully on impact on properties of the Parti Drive for appearance and light glare.

10-Item (10): Adequacy of the Fire lane.....;

- The proposed plan exceeds the recommended slope for emergency vehicle can climb. In addition, the location of fire hydrants need to be reviewed and area around the hydrants needs to be flat to safely accommodate the emergency vehicle.

11-Item (11): special attention to adequacy of....., flooding and/or erosion;

- The proposed development is on slope averaging about 10% with north exposure. In most municipalities in New York State, this slope is not

ATTACHMENT B - 3

recommended for the development due to susceptibility to ponding, flooding and/or erosion.

Additional concerns:

- The proposed density Of 9,600 SF per unit is high and not recommended for the slope of the site rule of thumb is about over 10,000 sf for the slope.
- Phasing or staging of the project is not clear. It was originally three and later was revised to one.
- Home owner contract provided is very generic and not clear who is responsible for future maintenance and upkeep.
- Applicant indicated that is not the developer and/or the builder. So, the board cannot assure the adherence to the agreements.
- It appears that proposed plan will create land lock for parcels 96.00-15-18.000 and 96.00-17-17.000 each about 10 acres.