

TOWN OF CORTLANDVILLE PLANNING BOARD
Minutes of Regular Meeting - Tuesday, 26 March 2019 – 7:30 PM
Town Hall Board Room – 3577 Terrace Road – Cortland, NY

Board Members (*absent)

Katherine Wickwire, Chairperson

Christopher Newell

*Nicholas Renzi

Nasrin Parvizi

Laird Updyke

Others Present

Bruce Weber, Town Planning/Zoning Officer

John A. DeVecchio, Town Attorney

Joan E. Fitch, Board Secretary

Applicants & Public Present

Mark Sweeney and Elie Schecter of C2 Energy; Paul Woodward of Keystone Associates; Kevin Pristash, Courtney Lowie.

The Regular Meeting of the Town of Cortlandville Planning Board was called to order at 7:33 p.m. by Chair Katherine Wickwire, who then welcomed and introduced the new Planning Board member, Laird Updyke, to everyone.

APPROVAL OF MINUTES – 19 FEBRUARY 2019

A motion was made by Member Chris Newell to approve the Minutes of the 19 February 2019 Planning Board meeting, as submitted. The motion was seconded by Member Nasrin Parvizi, with the vote recorded as follows:

Ayes: Chair Wickwire

Member Newell

Member Parvizi

Nays: None

Absent: Member Renzi

Abstain: Member Updyke

Motion carried.

This becomes Action #16 of 2019.

OLD BUSINESS

SOLAR ARRAY PROJECTS

(Note: Reference is made to this Board's Minutes of 8 January 2019 at which meeting a Sketch Plan Conference was held and an overview of the proposed projects was given; also, the Minutes of 19 February 2019 at which time the applications were forwarded to the Cortland County Planning Department for their review.)

(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

Chair Wickwire recognized the representatives of Keystone Associates and C2 Energy. She acknowledged the receipt of County Soil & Water's comments of 26 March 2019 by Kathleen McGrath, Water Quality Specialist. Mr. Schecter stated he had seen the comments and had no problems with them. When asked about a maintenance schedule, Mr. Schecter stated they would be contracting out for that service. The Code Office and/or County Soil & Water would verify all inspections.

Chair Wickwire then read aloud Part II of the Short Environmental Assessment Form. Negative responses were obtained to all questions in Part II. Therefore, it was determined by the Planning Board, **on a motion made by Member Chris Newell, that the proposed action, based on the information and analysis of the SEQR concerning this application for a Conditional Permit and an Aquifer Protection District Permit for a proposed Solar Energy System, will not produce any significant adverse environmental impact, resulting in a Negative Declaration. The motion was seconded by Member Nasrin Parvizi, with the vote recorded as follows:**

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

Nays: None

Absent: Member Renzi

Motion carried.

This becomes Action #17 of 2019.

With no further discussion, a motion was made by Member Newell to approve the Conditional Permit, as requested, incorporating Items 1 thru 8 of the Cortland County Planning Board's Resolution No. 19-06 of 3/25/19, with a recommendation made to the Town Board that they issue an Aquifer Protection District Special Permit. The motion was seconded by Member Parvizi, with the vote recorded as follows:

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

Nays: None

Absent: Member Renzi

Motion carried.

This becomes Action #18 of 2019.

(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

Chair Wickwire acknowledged receipt of the Cortland County Planning Department's report and their Board's Resolution No. 19-07. In response to Member Parvizi's question, Mr. Schecter advised the Board that the acreage for this application should be 15±, not 10±. Chair Wickwire also acknowledged a letter she had received from Glenn Reisweber of Lime Hollow Nature Center; PZO Weber commented that there did not seem to be any issue.

PZO Weber then read aloud Part II of the Short Environmental Assessment Form. Negative responses were obtained to all questions in Part II. Therefore, it was determined by the Planning Board, **on a motion made by Member Newell, that the proposed action, based on the information and analysis of the SEQR concerning this application for a Conditional Permit and an Aquifer Protection District Permit for a proposed Solar Energy System, will not produce any significant adverse environmental impact, resulting in a Negative Declaration. The motion was seconded by Member Parvizi, with the vote recorded as follows:**

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

Nays: None

Absent: Member Renzi

Motion carried.

This becomes Action #19 of 2019.

With no further discussion, a motion was made by Member Newell to approve the Conditional Permit, as requested, incorporating Items 1 thru 8 of the Cortland County Planning Board's Resolution No. 19-07 of 3/25/19, with a recommendation made to the Town Board that they issue an Aquifer Protection District Special Permit. The motion was seconded by Member Parvizi, with the vote recorded as follows:

Ayes: Chair Wickwire
Member Newell
Member Parvizi
Member Updyke

Nays: None

Absent: Member Renzi

Motion carried.

This becomes Action #20 of 2019.

(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

Chair Wickwire acknowledged receipt of the Cortland County Planning Department's report and their Board's Resolution No. 19-09. She commented that the Board would like something in writing from County Highway regarding Item 2 of the County's Resolution No. 19-09.

PZO Weber then read aloud Part II of the Short Environmental Assessment Form. Negative responses were obtained to all questions in Part II. Therefore, it was determined by the Planning Board, **on a motion made by Member Newell, that the proposed action, based on the information and analysis of the SEQR concerning this application for a Conditional Permit and an Aquifer Protection District Permit for a proposed Solar Energy System, will not produce any significant adverse environmental impact, resulting in a Negative Declaration.** The motion was seconded by Member Parvizi, with the vote recorded as follows:

Ayes: Chair Wickwire
Member Newell
Member Parvizi
Member Updyke

Nays: None

Absent: Member Renzi

Motion carried.

This becomes Action #21 of 2019.

With no further discussion, a motion was made by Member Newell to approve the Conditional Permit, as requested, incorporating Items 1 thru 8 of the Cortland County Planning Board's Resolution No. 19-09 of 3/25/19, with a recommendation made to the Town Board that they issue an Aquifer Protection District Special Permit. The motion was seconded by Member Parvizi, with the vote recorded as follows:

Ayes: Chair Wickwire
Member Newell
Member Parvizi
Member Updyke

Nays: None

Absent: Member Renzi

Motion carried.

This becomes Action #22 of 2019.

(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

Chair Wickwire acknowledged receipt of the Cortland County Planning Department's report and their Board's Resolution No. 19-05, and reviewed the recommendations contained therein.

PZO Weber then read aloud Part II of the Short Environmental Assessment Form. Negative responses were obtained to all questions in Part II. Therefore, it was determined by the Planning Board, **on a motion made by Member Newell, that the proposed action, based on the information and analysis of the SEQR concerning this application for a Conditional Permit and an Aquifer Protection District Permit for a proposed Solar Energy System, will not produce any significant adverse environmental impact, resulting in a Negative Declaration. The motion was seconded by Member Parvizi, with the vote recorded as follows:**

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

Nays: None

Absent: Member Renzi

Motion carried.

This becomes Action #23 of 2019.

With no further discussion, a motion was made by Member Newell to approve the Conditional Permit, as requested, incorporating Items 1 thru 9 of the Cortland County Planning Board's Resolution No. 19-05 of 3/25/19, with a recommendation made to the Town Board that they issue an Aquifer Protection District Special Permit. The motion was seconded by Member Parvizi, with the vote recorded as follows:

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

Nays: None

Absent: Member Renzi

Motion carried.

This becomes Action #24 of 2019.

Member Parvizi mentioned a buffer, but owner of adjacent property was the same.

(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

Chair Wickwire acknowledged receipt of the Cortland County Planning Department's report and their Board's Resolution No. 19-08, and reviewed the recommendations contained therein. Member Parvizi commented that the subject property was not on prime farmland.

PZO Weber then read aloud Part II of the Short Environmental Assessment Form. Negative responses were obtained to all questions in Part II. Therefore, it was determined by the Planning Board, **on a motion made by Member Newell, that the proposed action, based on the information and analysis of the SEQR concerning this application for a Conditional Permit and an Aquifer Protection District Permit for a proposed Solar Energy System, will not produce any significant adverse environmental impact, resulting in a Negative Declaration. The motion was seconded by Member Parvizi, with the vote recorded as follows:**

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

Nays: None

Absent: Member Renzi

Motion carried.

This becomes Action #25 of 2019.

With no further discussion, a motion was made by Member Newell to approve the Conditional Permit, as requested, incorporating Items 1 thru 9 of the Cortland County Planning Board's Resolution No. 19-08 of 3/25/19, with a recommendation made to the Town Board that they issue an Aquifer Protection District Special Permit. The motion was seconded by Member Parvizi, with the vote recorded as follows:

Ayes: Chair Wickwire
Member Newell
Member Parvizi
Member Updyke

Nays: None

Absent: Member Renzi

Motion carried.

This becomes Action #26 of 2019.

(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

PZO Weber advised the Board that they needed to make a recommendation to the Town Board regarding the applicant's request for a Change of Zone. Town Attorney DelVecchio commented on the potential for spot zoning, stating that he could make no determination whether or not, if a change of zone was granted, it would be considered spot zoning. The process, he said, started with this Board (Planning) and ends with this Board. With regard to SEQRA, this Board is an involved agency. R-1 zone v. Ag District were briefly discussed regarding density/restrictions; they also reviewed a zoning map displayed by the applicant's representative. PZO Weber read the permitted uses in an Ag District.

Member Parvizi commented on the solar array occupying a portion of the subject property while a change of zone would involve the entire parcel. Mr. Woodward, Senior Designer of Keystone Associates, asked if anyone had heard of an option to changing the zone using "overlay zoning" which would apply only to the area where the solar site is. No one was familiar with overlay zoning, but the Board thought it may be something to consider. This was discussed further and, at the end, Mr. Woodward suggested this application could be tabled to allow time for the Town Board to consider it, perhaps by amending the zoning ordinance.

At the conclusion of the Board's brief discussion, a motion was made by Member Newell to postpone any action on the request for a Conditional Permit, Aquifer Protection District Special Permit, and Zoning Map Amendment. The motion was seconded by Member Renzi, with the vote recorded as follows:

Ayes: Chair Wickwire
Member Newell
Member Parvizi
Member Updyke

Nays: None

Absent: Member Renzi

Motion carried.

This becomes Action #27 of 2019.

Chair Wickwire then recognized Courtney Lowie who viewed the aerial maps for the arrays on McLean Road where she lives. She asked questions which were answered by the applicant's representatives, especially about visual affects and landscaping.

CHANGE OF DATES FOR APRIL & MAY MEETINGS

After a brief discussion, a motion was made by Member Parvizi to move this Board's 30 April 2019 meeting to 23 April 2019, and its 28 May 2019 meeting to 4 June 2019. The motion was seconded by Member Updyke, with the vote recorded as follows:

Ayes: Chair Wickwire
Member Newell
Member Parvizi
Member Updyke

Nays: None
Absent: Member Renzi

Motion carried.

This becomes Action #28 of 2019.

EXECUTIVE SESSION

At the request of Town Attorney DelVecchio, at 8:45 p.m., a motion was made by Member Newell to go into Executive Session to discuss pending litigation. The motion was seconded by Member Updyke, with the vote recorded as follows:

Ayes: Chair Wickwire
Member Newell
Member Parvizi
Member Updyke

Nays: None
Absent: Member Renzi

Motion carried.

This becomes Action #29 of 2019.

At 8:55 p.m., a motion was made by Member Parvizi to come out of Executive Session. The motion was seconded by Member Updyke, with the vote recorded as follows:

Ayes: Chair Wickwire
Member Newell
Member Parvizi
Member Updyke

Nays: None
Absent: Member Renzi

Motion carried.

This becomes Action #30 of 2019.

No actions were taken in Executive Session.

ADJOURNMENT

At 8:56 p.m., a motion to adjourn the meeting was made by Member Newell, seconded by Member Parvizi, 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.