

TOWN OF CORTLANDVILLE PLANNING BOARD
Minutes of Regular Meeting - Tuesday, 9 July 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. DelVecchio, Town Attorney
Joan E. Fitch, Board Secretary

Applicants & Public Present

Mark Sweeney of C2 Energy, Elie Schechter (did not record attendance), Pam Jenkins, Allen Olmstead, John Finn.

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 – 4 JUNE 2019

A motion was made by Member Chris Newell to approve the Minutes of the 4 June 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 Parvizi
Member Updyke**

Nays: None

Motion carried.

This becomes Action #46-1 of 2019.

DOCUMENT RECEIVED & FILED

Chair Wickwire stated the Board was in receipt of a document/email from Randy Ross, dated 9 July 2019, regarding “Proposal to Amend Zoning Ordinance re Solar Farms,” which needed to be acknowledged and filed. **A motion was made by Member Newell to file said document; seconded by Member Nasrin Parvizi, with the vote recorded as follows:**

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

Nays: None

Motion carried.

This becomes Action #46-2 of 2019.

OLD BUSINESS

McLean Solar 1 LLC, Applicant/Farm East, LLC, Reputed Owner – 415 McLean Road – TM #95.00-01-33.100 – Request for Solar Overlay District

Board members acknowledged they had received various communications regarding the proposed creation of a Solar Array Overlay District for this project: (1) Memo to Town Attorney DelVecchio from

Attorney Scott F. Chatfield, dated 3 July 2019, (2) Memo from Cortland County Planning Director Dan Dineen to Member Nick Renzi, dated 8 July 2019, (3) Memo to Planning Board Chair Kathy Wickwire from Randy Ross, dated 9 July 2019, (4) Memorandum to Cortlandville Town Board from Nasrin Parvizi, Chair of the Cortlandville Comprehensive Plan Committee, dated 12 June 2019, and (5) Resolution No. 19-13 of the Cortland County Planning Board regarding "Zoning Text Amendment," dated 19 June 2019 along with the County Planning Department's 14 June 2019 report.

Attorney DelVecchio explained the circumstances of the memo from Attorney Chatfield. He stated he had consulted with Attorney Chatfield and had provided him with all of the relevant materials, asking that he make his unbiased comments on the application itself, which would be very helpful to both this Board and the Town Board as well. Member Renzi commented that Attorney Chatfield did not receive the County Planning materials. He should also have received the 1978 Comprehensive Plan Report which is still timely.

Chair Wickwire noted that this Board was to make a recommendation to the Cortlandville Town Board regarding a Local Law to allow for the creation of solar overlay districts. Member Parvizi, who chairs to Comprehensive Plan Committee, reviewed the items on her 12 June 2019 Memo, a copy of which has been placed on file for the record. She stated there were ample places for solar projects to happen without being in an R-1 zone. Member Laird Updyke said he had reservations also. Member Newell felt a precedent might be set.

Mark Sweeney, of C2 Energy, addressed the Board's comments/concerns, in that they were trying to find a way that the Town would retain control. He explained their proposed process which would give control to the Town Board, and justified the reasons for utilizing a solar overlay district. Chair Wickwire commented that the Planning Board did not agree "with this one area," and added that she thought the Board had been more than fair in approving the other solar arrays that had been requested. The R-1 areas should be protected, she added, and felt there should be more guidelines on how an overlay zone is used.

Elie Schecter, also from C2 Energy, thought the Board's concern was a change of zone, and asked if the Board was opposed to the project now. Chair Wickwire responded that she was not against overlay zones, but R-1 zones needed to be protected.

At the conclusion of an extensive discussion, Town Attorney DelVecchio advised that in order for this application to move forward, there will have to be a public hearing. Member Renzi spoke to everyone about the SEQR requirements.

A motion was then made by Member Renzi that the Cortlandville Planning Board, having reviewed the recommendations of the Cortland County Planning Board's Resolution No. 19-13, dated 19 June 2019, in reference to the application for the adoption of a Local Law to allow for the creation of solar overlay districts made by the Sweeney Law Firm dated 22 May 2019, accepts the County's recommendation for denial of this application and the rationale in support of that denial; the following documents were considered in this recommendation: Attorney Scott F. Chatfield's memo of 7/3/19 to Town Attorney John DelVecchio, County Planning Director Dan Dineen's email of 8 July 2019 to all Cortlandville Planning Board Members, and Cortlandville Comprehensive Plan Chair Nasrin Parvizi's memo of 12 June 2019 to the Cortlandville Town Board; FURTHER, the Cortlandville Planning Board recommends to the Cortlandville Town Board that they finalize the recommended DENIAL. The motion was seconded by Member Newell, with the vote recorded as follows:

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

Nays: None

Motion carried.

This becomes Action #47 of 2019.

Yvonne Ligoci, Applicant/McKeown Group, LLC, Reputed Owner – Sweeney Road – TM #85.00-08-17.100 – Subdivision of Land

(Reference is made to this Board's Minutes of 4 June 2019, at which this application was forwarded to County Planning for their review.)

Chair Wickwire recognized Allen Olmstead of McKeown Group, LLC, who was seeking approval to subdivide the subject parcel into three lots, as shown on the map accompanying the application. PZO Weber commented on some concerns, "while the three lots may disturb less than five acres, when you take into account the other lots that have been subdivided out of that parcel, they now exceed the five acres, and we have to make sure that we look at that so that if you have exceeded the five acres, there may be something else that needs to be done. I can't tell you definitely yes there is or no there isn't, . . . because I haven't looked at the other lots." He also did not know if the stormwater plans that were submitted met the requirements or not. Mr. Olmstead was not aware of what had happened in previous years. PZO Weber stated that since he had just received the additional information on this application, he did not have an answer at this time; there are multiple questions here, he added, that have not been answered. He stated he will look at the other lots that have been subdivided out, when, etc. There are different time frames for everything, and the history needs to be looked at.

With no further discussion, **a motion was made by Member Newell to postpone the request for a Subdivision of Land until the 30 July 2019 meeting of this Board, to allow time to obtain additional information. The motion was seconded by Member Renzi, with the vote recorded as follows:**

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

Nays: None

Motion carried.

This becomes Action #48 of 2019.

NEW BUSINESS - NONE

OTHER MATTERS

- Mangia (formerly Uncle Louie's) Restaurant: PZO Weber advised that Engineer Tim Buhl will be submitting a landscaping plan at the next meeting.
- Overlay Zone: Chair Wickwire commented that Randy Ross, Town Board Member, would like insight into general idea of overlay zones. Town Attorney DelVecchio assured everyone that he will make sure all Town Board members are fully informed of tonight's discussion.
- Big Lots!: Lighting in their parking lot does not appear to be in compliance with Town requirements. Lighting not directed downward like it should. PZO Weber said manager will be putting together a photometric plan. ZBA Chair John Finn commented that the lights were so bright "it was like daylight."
- McLean Road at Fairview Property: Attorney DelVecchio advised that letters have been sent to the responsible party.

EXECUTIVE SESSION

At the request of Town Attorney DelVecchio, at 8:35 p.m., a motion was made by Member Newell to go into Executive Session to discuss litigation matters. The motion was seconded by Member Parvizi, with the vote recorded as follows:

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

Nays: None

Motion carried.

At 8:45 p.m., a motion was made by Member Newell to come out of Executive Session. The motion was seconded by Member Parvizi, with the vote recorded as follows:

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

Nays: None

Motion carried.

No actions were taken in Executive Session.

ADJOURNMENT

At 8:50 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

Draft e-mailed to Town Clerk, JBF, PB Members,
DD, BW, KM & DC on 7/28/19.
Approved 7/30/19.