

TOWN OF CORTLANDVILLE PLANNING BOARD
Minutes of Regular Meeting - Tuesday, 4 August 2020 - 7:30 PM
Water & Sewer Garage – Next to Town Hall at 3577 Terrace Road – Cortland, NY

Board Members (*absent)
Christopher Newell, Chairman
Nicholas Renzi
Laird Updyke
Nasrin Parvizi
Ann Hotchkin

Others Present
Bruce Weber, (T) Planning/Zoning Officer
Joan E. Fitch, Board Secretary
John DelVecchio, Town Attorney

Applicants & Public Present

Andrew Porter for Builder's Best, Applicant; Tom Kile, Applicant; David Spotts for SSC Cortlandville II & III, Applicant; Caryn Mlodzianowski for Bohler Engineering MA, LLC, Applicant; Brian Stoos & Chris Stroud for Cipriani Energy Group; Pam Jenkins, Collin Horak, Marr Lester for wellNOW, Anthony Dizzie, Paula & Peter Dowling, Chris Maby, Karen & Dom Pace, Anne & William Doughty, Michael Stokoe, Lawrence Hill, Jennifer Purvis, Cheri Lunas, David Jones, Scott Steve.

REGULAR MEETING

The Regular Meeting of the Town of Cortlandville Planning Board was called to order at 7:30 p.m. by Chairman Chris Newell.

APPROVAL OF MINUTES – 2 & 30 JUNE 2020

A motion was made by Member Ann Hotchkin to approve the Town Planning Board Minutes of 2 and 30 June 2020, as submitted. The motion was seconded by Member Nasrin Parvizi, with the vote recorded as follows:

**Ayes: Chairman Newell
Member Renzi
Member Parvizi
Member Updyke
Member Hotchkin**

Nays: None

Motion carried.

This becomes Action #37 of 2020.

OLD BUSINESS

wellNOW Urgent Care Clinic – South Side of NYs Route 222 – TM #86.13-01-58.100 – Sketch Plan Review – Proposed Facility

Chairman Chris Newell recognized Matt Lester, who described the proposed urgent care facility that they would like to construct at the location shown in their submittal, next door to the existing Burger King on Groton avenue (NYS Route 222; floor plans were provided to Board members at this meeting. Mr. Lester stated they would be removing the pavement and adding green space/landscaping. There would be no new curb cuts. Chairman Newell commented on the closeness of the project to the Burger King parking. The proposed facility would operate seven days per week, 365 days per year, from 9 a.m. to 9 p.m.

Member Ann Hotchkin asked if a stop sign could be installed at the main entrance; this will be considered, according to Mr. Lester. Member Nick Renzi asked the representative if he had looked at existing Design Guidelines. He responded that the project's architect would be addressing this.

PZO Bruce Weber advised that subdivision approval will be required. Member Ann Hotchkin asked about snow removal and garbage truck access. Mr. Lester responded that snow removal will utilize the grassy area.

No Action Taken.

Builder's Best Home Improvement Center, Inc., Applicant/Reputed Owner – 3798 Luker Road – TM #95.00-09-01.000 – Site Plan Approval & Aquifer Protection District Special Permit - Proposed Building Expansion

Chairman Newell reviewed the report received from the Cortland County Planning Department and Board. PZO Weber added that there was no requirement for the bulk variance nor a Stormwater Pollution Prevention Plan. Regarding Item 4 of the County Planning Board's Resolution 20-08 of 15 July, Andrew Porter, representing the applicant, reported that this was being worked on by their engineer. In response to Member Hotchkin's question, Mr. Porter reported they would lose about 9 parking spots.

At the conclusion of a brief discussion, **a motion was made by Member Hotchkin to approve the Site Plan for the proposed Building Expansion as submitted, with this Board's recommendation to the Town Board that they issue an Aquifer Protection District Special Permit and act as Lead Agency under SEQRA. The motion was seconded by Member Laird Updyke, with the vote recorded as follows:**

| | | | |
|--------------|------------------------|--------------|-------------|
| Ayes: | Chairman Newell | Nays: | None |
| | Member Renzi | | |
| | Member Parvizi | | |
| | Member Updyke | | |
| | Member Hotchkin | | |

Motion carried.

This becomes Action #38 of 2020.

Tom Kile, Applicant/CNY Living History Center, Reputed Owner – 4386-4392 US Route 11 – TM #76.15-01-30.000 – Conditional Permit – Aquifer Protection District Special Permit – Proposed Display Building

Chairman Newell recognized Tom Kile, representing the applicant who was seeking a Conditional Permit and Aquifer Protection District Special Permit to construct an "antique-looking" fire station to be utilized for display of antique fire-fighting equipment, as shown in the sketches accompanying their applications. Chairman Newell acknowledged receipt of the Cortland County Planning Department's report and their Board's Resolution; Mr. Kile commented that he had read the report PZO Weber advised that no Stormwater Pollution Prevention Plan would be required.

Mr. Kile explained that the proposed building will be equipped with flood doors and the floor is three feet above the base flood elevation; all concerns have been addressed by their Professional Engineer. PZO Weber stated that he will need a Development Permit from the NYSDEC.

At the close of the discussion, **a motion was made by Member Updyke approve the Conditional Permit for the display building, as submitted, with the Town Planning Board recommending to the Town Board that they issue an Aquifer Protection District Special Permit and act as Lead Agency under SEQRA. The motion was seconded by Member Hotchkin, with the vote recorded as follows:**

| | | | |
|--------------|------------------------|--------------|-------------|
| Ayes: | Chairman Newell | Nays: | None |
| | Member Renzi | | |
| | Member Parvizi | | |
| | Member Updyke | | |
| | Member Hotchkin | | |

Motion carried.

This becomes Action #39 of 2020.

NEW BUSINESS

SSC Cortlandville II LLC, Applicant/Reputed Owner - 4242 Bell Crest Drive AND SSC Cortlandville III LLC - 4240 Bell Crest Drive - TM #86.00-02-01.100 - Conditional Permits & Aquifer Protection District Special Permits - Proposed Solar Projects

Chairman Newell recognized David Spotts, representing the applicant who was seeking approval of these two solar power facilities on the subject parcel of land, all as shown and described in the materials accompanying the applications. National Grid, he stated, supports these projects.

Mr. Spotts stated they were very considerate of their neighbors and described the landscaping buffer that will visually obscure the project. Member Updyke asked for the length of time that would be required for the trees to mature, and Mr. Spotts responded two years. He then added that the proposed projects would be "hard to see from Bell Crest Drive." Mr. Spotts said there will be no major land disturbances, and an access road would be created with very little site grading.

Member Renzi read aloud his prepared comments regarding this project, and he provided a copy to Mr. Spotts, as follows:

1. The drawings list in the owner block of Sheet TS that the owner is SSC Cortlandville II and III. The application for approval of subdivision of land that you have submitted shows the owner to be Lawrence Hill and additionally that a mortgage in the amount of \$250,000 and interest made by James C. Stevens III To Lawrence G. Hill III dated April 21, 2026. Who is the owner of the property under this application? Are there any partners?
2. Part of the submittal package includes the Short Environmental Assessment Form. In the zoning referral form you have circled unlisted as the action under SEQRA. I disagree; this is a project that will alter 10 or more acres of land. That being said this is a Type I Action requiring a Full Environmental Assessment Form Part 1 Project And Setting.
3. Note 8 on C-200 references see detail 6/C300, there is no detail 6 on sheet C300.
4. Although the details for chain link fence and the chain link fence gate foundations are shown, there are no details for the solar panel support posts. Please add this detail.
5. Provide a Stormwater Management Plan together with a Maintenance Plan. These documents must be submitted to the Planning Board as well to the Cortland Soil And Water Conservation District.
6. The Cortlandville Town Code stipulates in 178-123.3d (3)(b) [1] that ground-mounted large scale solar energy systems shall not be located in prime farmland soils. The SSC II project contains 9.0 acres of prime farmland while SSC III contains 15.9 acres according to the Cortland Planning Department.
7. A detailed plan for the unencumbered availability of funds to dismantle and dispose of all of the hardware of this project if it fails to exist.

As a general procedural comment, it is very unusual to have the same drawing numbers for two projects. If the details are identical, then consider having one C300 drawing with the project name block calling out SSC Cortlandville II and III LLC.

The above comments should be considered even though the Planning Board will send this application to County Planning for their comments and recommendations.

These comments are from Nick Renzi, Planning Board Member, and in no way represent the entire Planning Board.

A lengthy discussion was held regarding completion of the SEQRA Long Form v. Short Form. PZO Weber stated that there needed to be some agreement as to who will serve as Lead Agency.

Member Hotchkin commented that there should be a decommissioning plan in place with a provision for disposal of any materials offsite and not going into our landfill. She also was concerned with water runoff.

Mr. Spotts reported that they have contacted the NYSHPO. He also asked if they could be placed on next month's agenda. PZO Weber apprised him of the necessary procedures that need to be taken care of before these applications come back before the Board.

At the conclusion of a very lengthy discussion, **a motion was made by Member Renzi that the Full Environmental Assessment Form shall be completed for these solar projects. The motion was seconded by Member Hotchkin, with the vote recorded as follows:**

| | | | |
|--------------|------------------------|--------------|-------------|
| Ayes: | Chairman Newell | Nays: | None |
| | Member Renzi | | |
| | Member Parvizi | | |
| | Member Updyke | | |
| | Member Hotchkin | | |

Motion carried.

This becomes Action #40 of 2020.

After a brief discussion regarding who is responsible for acting as Lead Agency, **a motion was made by Member Renzi to postpone any action on the request for a Conditional Permit and an Aquifer Protection District Special Permit until the next meeting of this Board on 28 August 2020. The motion was seconded by Member Hotchkin, with the vote recorded as follows:**

| | | | |
|--------------|------------------------|--------------|-------------|
| Ayes: | Chairman Newell | Nays: | None |
| | Member Renzi | | |
| | Member Parvizi | | |
| | Member Updyke | | |
| | Member Hotchkin | | |

Motion carried.

This becomes Action #41 of 2020.

Guggenheim Development Services, LLC, c/o Bohler Engineering MA, LLC, Applicant/Route 13 Partners, LLC, Reputed Owner – 840 NYS Route 13 - Conditional Permit & Aquifer Protection District Special Permit – Proposed Jiffy Lube Facility

Chairman Newell recognized Caryn Mlodzianowski of Bohler Engineering (Albany, NY), representing the applicant who was seeking approval to construct a new 300 SF Jiffy Lube facility at this location, as shown on the plans, etc., accompanying the application. The store would have four bays and twelve parking spaces; there will be less than one acre of disturbance. It is close to the aquifer. Minor car repairs would be conducted.

Member Renzi reminded the representative to take a look at the Town's Design Guidelines which contains specifications for making buildings aesthetically pleasing.

Member Hotchkin stated she was concerned about the aquifer; Member Renzi reiterated her concern and stressed the importance of the Town's aquifer.

At the close of this brief discussion, a motion was then made by Member Renzi to send the applications to the Cortland County Planning Department for their review. The motion was seconded by Member Hotchkin, with the vote recorded as follows:

Ayes: Chairman Newell
Member Renzi
Member Parvizi
Member Updyke
Member Hotchkin

Nays: None

Motion carried.

This becomes Action #42 of 2020.

Cipriani Energy Group Corp. – 1585 Tower Road – Sketch Plan Review – Proposed Solar Power Facility

Chairman Chris Newell recognized Brian Stoos, Environmental Planning Manager of TRC Companies in West Seneca, NY, and Chris Stroud, representing Cipriani Energy Group who is proposing to construct a solar project facility at the Tower Road location as shown on the Preliminary Sketch Plan provided to the Board, which also included a Site Location Map and a Farmland Soils Classification Map. Mr. Stoos noted that the project site does not contain prime farmland soil classifications.

Mr. Stoos advised the Board as to what agencies that had contacted, e.g., NYSHPO. They also had talked about the project with IDA. Member Parvizi asked if the parcel would be subdivided, and Mr. Stroud said it would not. The property, which will be purchased, is shielded from the neighbors.

The project is supported by National Grid and anyone can participate in their program. Member Updyke asked about the posts, drilled or pile driven; Mr. Stroud answered his question.

PZO Weber explained that the applicant now needs to submit the required application forms.

No Action Taken.

OTHER MATTERS

- Chairman Newell and the Board members discussed the need for an attorney/client meeting with the Town Attorney; all agreed it would be a good idea. Town Attorney DelVecchio suggested 10 August at 2 p.m. in the meeting room of the Water & Sewer Building.
- Member Renzi read into the record the following statement in recognition of Dan Dineen's service to the Cortland County Planning Department:

"I would like to make this statement in appreciation of Dan Dineen's work with the Cortlandville Planning Board. Dan has retired from the position of Director Of Planning for Cortland County after thirty-three years of service.

This statement reflects my appreciation of Dan's work with the Planning Board and may also reflect the same appreciation by present and past Planning Board members.

Dan's knowledge of the Cortlandville Code and municipal law has been an asset to the decision making of the Cortlandville Board. The reviews and recommendations made by Dan as he reviewed applications submitted to him have always been very complete, especially his comments on past history of an application leading up to the application now under consideration. Dan's conclusions and recommendations have always been professionally based on the facts and without personal prejudices or subjectivity.

Working with Dan in concert with the Coordinated Review Committee was an education in addition to being a time to hear and discuss the opinions of other involved departments. I for one always felt that I had a better understanding of an application and in a better position to make a good decision.

I extend my good wishes to Dan for his retirement years and thank him for making me smarter in doing my job on the Cortlandville Planning Board."

- Regarding McLean Solar I project, Attorney DelVecchio reported that the attorney he spoke with will not legally challenge this Board's decision.

EXECUTIVE SESSION

At the request of Town Attorney DelVecchio, at 9:10 p.m., **a motion was made by Member Renzi to go into Executive Session to discuss a litigation matter. The motion was seconded by Member Updyke, with the vote recorded as follows:**

**Ayes: Chairman Newell
Member Renzi
Member Parvizi
Member Updyke
Member Hotchkin**

Nays: None

Motion carried.

At 9:20 p.m., **a motion was made by Member Hotchkin to come out of Executive Session. The motion was seconded by Member Renzi, with the vote recorded as follows:**

**Ayes: Chairman Newell
Member Renzi
Member Parvizi
Member Updyke
Member Hotchkin**

Nays: None

Motion carried.

No actions were taken in Executive Session.

ADJOURNMENT

At 9:20 p.m., a motion to adjourn the meeting was made by Member Updyke, seconded by Member Parvizi, with all members present voting in the affirmative.


Joan E. Fitch, Board Secretary

Draft e-mailed to Town Clerk & AR,
JD, PB Members, DD, BW, KM & DC on 8/5/20.
Rev. 8/10/20. Approved 8/25/20.