

TOWN OF CORTLANDVILLE PLANNING BOARD

Minutes of Regular Meeting - Tuesday, 29 SEPTEMBER 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 DeVecchio, Town Attorney
Patrick Snyder, Special Counsel

Applicants & Public Present

David Spotts for SSC Cortlandville II & III, Applicant; Jim Reeners, Applicant; Chris Stroud, Applicant, for Cipriani Energy Group; Matt Lester for Route 222 Cortlandville LLC, Applicant; Attorney William Pomeroy for Gibbons Construction Services, Inc., Applicant; Attorney Fran Casullo for Cortland Travel Holding, Inc., Applicant; Ken Osborne for Midstate Veterinary Services, Applicant; Tim Law for CNY Power Sports, Applicant; Jim Halstrom for Suit-Kote Corp., Applicant; Scott Steve for JM Murray Center, Applicant; Luke Burhans, Applicant; Tim Buhl, PE for Jim Reeners, Applicant; Mike & Adam Reeners; Bart Jimenez, William Nichols, Jeremy Knout, Anthony Gizzie, Forest Earl, Pam Jenkins, Bob Martin, Michael Stokoe, William Nichols.

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 – 25 AUGUST 2020

A motion was made by Member Nick Renzi to approve the Town Planning Board Minutes of 25 August 2020, as submitted. The motion was seconded by Member Ann 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 #50 of 2020.

OLD BUSINESS

Jim Reeners, Applicant/Church of the Redeemer, Reputed Owner – 229 & 1176 Tompkins Street – TM #s 96.06-01-15.210 & 96.31-01-11.000 – Site Plan Review & Conditional Permit for Proposed Residential Housing Development

(Reference is made to this Board's Minutes of 30 June and 25 August 2020 for project details.)

Chairman Newell recognized Jim Reeners and his sons, Michael and Adam, project partners, who advised that he had supplied everything that the Board had asked for, and he introduced his engineer, Timothy C. Buhl, PE. The Stormwater Pollution Prevention Plan had been completed. The County Planning report was reviewed and Mr. Reeners stated they agreed to comply with everything on there. Member Renzi reviewed his comments with the applicant and provided him with a copy (one of which has been placed on file for the record). Member Renzi requested that the applicant *“provide written responses to each of the County's contingencies, noting the actions taken. This report should be directed to the Cortlandville Planning Officer.”*

Mr. Reeners reported that the City had agreed that the subject parcel was one lot, even though part of it lies in the City and part in the Town. He also stated that everything onsite is designed to be 'home style' as far as lighting, etc. goes—not commercial. Engineer Buhl commented that the lights are considered low-lot residential fixtures.

Town Attorney DelVecchio said he had been contacted by Town CEO Kevin McMahon with an issue regarding the proposed 20-foot width of the street through the middle of the property. He said that in Section 135-4, Roads, Streets & Sidewalks, the answer lies in the definition of street, which he read aloud. The street would be one of the first two in the definition and the width should be 28 feet. Engineer Buhl stated it was a "driveway serving the building on the parcel; there's no right-of-way." They are not actual streets, they are driveways to parking areas. Mr. Reeners reiterated "this is a single lot; they are not adjacent lots. Each building does not sit on its own lot. These are rental units. We do not have individual property owners. It is a driveway to the apartment complex.

Mr. Reeners stated the utility companies will do nothing until they receive the Town's approval so, if possible, they would like final approval with a contingency on the SWPPP approval. They will also respond to Member Renzi's comments, but they are running out of good weather.

With no further discussion, **a motion was made by Member Renzi to approve the Site Plan and Conditional Permit, as requested, for the proposed residential development/commercial building, conditioned upon incorporating Items 1 thru 8 of the Cortland County Planning Board's Resolution No. 20-18 of 9/16/20 and Nick Renzi's comments of 9/29/20; the Town Planning Board also agrees that said roadway is considered a driveway, and Section 135-4 is not applicable as far as street width minimum, and the access is deemed to be a driveway. The motion was seconded by Member Ann 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 #51 of 2020.

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

(Reference is made to this Board's Minutes of 4 and 25 August 2020 for additional details.)

Town Attorney DelVecchio addressed the Board and reminded them that, at their last meeting, they decided to hire an expert, Attorney Patrick Snyder, PE, who has a solid background in Environmental Engineering. Attorney Snyder, he said, has been briefed on these projects.

Attorney/Engineer Snyder spoke to those present. He said he had been involved with the SEQR process since the 1980s when he was employed by the NYS Department of Environmental Conservation. He has reviewed the submittals for this project, and it appeared to him that the Board needed to proceed with making sure they had established a Lead Agency as it is a Type I Action under SEQRA. All involved agencies must receive a copy of any applications, the LEAF, and they have up to 30 days to decide whether or not they would like to be an involved agency. Most likely, he said, they would like the Board to serve as such.

Town Attorney DelVecchio responded that this Board has been designated as Lead Agency for both projects. Attorney Snyder then advised that the other involved agencies should be so notified, formally, allowing them 30 days to respond. Involved agencies were mentioned by Attorney Snyder

who suggested they be contacted. The applicant should update the LEAF and he would send it, along with the application, to the different agencies. PZO Weber thought that it would be most efficient for the applicant to deal directly with Attorney Snyder to make sure that all of the agencies he deemed as involved be notified and supplied with the information that they need. In response to Member Hotchkin's question, Attorney Snyder said that SHPO is not an involved agency, and they do not have jurisdiction.

A motion was then made by Member Updyke that the applicant is to coordinate with Attorney Patrick Snyder, representing the Town of Cortlandville, to correct the Long Environmental Assessment Form (SEQR), if appropriate, and then Attorney Snyder will notify any and all involved agencies regarding the applications for a Conditional Permit and Aquifer Protection District Special Permit for these solar projects. The motion was seconded by Member 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 #52 of 2020.

Attorney Snyder then advised the Board that, assuming they are designated Lead Agency, they will be responsible for making a Positive or a Negative Declaration, and proceed accordingly. He outlined the procedures the Board should follow. Chairman Newell stated that the Board would like to have a Public Hearing to hear the local people. Attorney Snyder thought it would be premature to do so before a Lead Agency is established and more information is forthcoming about the projects. Member Renzi commented that, although he understood Attorney Snyder's concerns, he felt there should be a Public Hearing as soon as possible to make that a part of the process in completing the LEAF. The Board then discussed the pros and cons of when to hold one or more public hearings for the proposed projects. Ownership of the properties was discussed. Any legal issues will be moot in November or December per David Spotts in a discussion with Town Attorney DelVecchio.

At the conclusion of this extensive discussion, **a motion was made by Member Renzi to set a Public Hearing for the next Town Planning Board meeting. There was no second. Motion died.**

Member Parvizi thought the Board needed to have more information. Chairman Newell stated that he, along with Town Attorney DelVecchio, will coordinate with Attorney Snyder. Member Renzi then reviewed comments that he had prepared regarding the subject drawings, a copy of which was given to Mr. Spotts, and a copy of which has also been placed on file for the record.

Mr. Spotts commented that he understood that this Board will most likely be Lead Agency, and he would like a Public Hearing set for next month to receive public comments, and he would like to be placed on the Agenda for then. Chairman Newell stated that, as evidenced by the failure of the motion to hold a Public Hearing, the Board still wants to wait to obtain more information before one is held. The Board then decided to reconsider having a public hearing. Mr. Spotts said he wanted to hear what the public has to say.

A motion was then made by Member Renzi to set a Public Hearing for 27 October 2020 at 7:30 p.m. for these proposed solar projects. The motion was seconded by Member Hotchkin, with the vote recorded as follows:

Ayes: Chairman Newell
Member Renzi
Member Hotchkin

Nays: Member Parvizi
Member Updyke

Motion carried.

This becomes Action #53 of 2020.

Christopher H. Stroud, for Cipriani Energy Group Corp., Applicant/Thomas M. Dehaven, Reputed Owner Cipriani Energy Group Corp. – 1585 Tower Road – Conditional Permit & Aquifer Protection District Special Permit - Proposed 3.0 MW Solar Power Facility

(Reference is made to this Board's meeting Minutes of 4 and 25 August 2020 for additional details.)

Chairman Chris Newell recognized Chris Stroud, representing Cipriani Energy Group who is proposing to construct a 3.0 MW solar project facility at the Tower Road location. Mr. Stroud advised that they were providing two things at this meeting: response to this Board's comments made at the 25 August meeting, and also their response to County Planning. He also reported that the application had been forwarded to the IDA today. Member Renzi said he had a few more comments, a copy of which has been placed on file for the record and provided to Mr. Stroud.

Mr. Stroud stated they were not going to proceed with the SWPPP as they are only putting fence posts in a field (0.19± acres) and not disrupting anything other than that. He asked that the Board proceed with a Public Hearing. PZO Weber advised that they were relying on County Soil & Water with regard to SWPPP. Mr. Stroud replied that he had not contacted them yet as he wanted to come before the Board at this meeting first.

Chair Newell then read aloud the questions contained in the Long Environmental Assessment Form; all responses were recorded by PZO Weber.

At the conclusion of completing the LEAF, **a motion was made by Member Hotchkin that, based on the information and analysis of the SEQR concerning this application for a Conditional Permit for a proposed Tower Solar Project, the Town of Cortlandville Planning Board has determined that the proposed action 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: Chairman Newell
Member Renzi
Member Parvizi
Member Updyke
Member Hotchkin

Nays: None

Motion carried.

This becomes Action #54 of 2020.

After a brief discussion, a **motion was then made by Member Renzi to approve the Conditional Permit for the proposed Tower Solar Project, as requested, contingent upon approval of the SWPPP should it be determined if it is required. 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.

This becomes Action #55-1 of 2020.

Member Parvizi said she wanted to make sure that a bond for decommissioning was received. Attorney DelVecchio assured that this would be received before he authorized the issuance of a Building Permit.

A motion was then made by Member Updyke that the Town Planning Board recommends to the Town Board that they issue an Aquifer Protection District Permit. The motion was seconded by Member Parvizi, with the vote recorded as follows:

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

Motion carried.

This becomes Action #55-2 of 2020.

Route 222 Cortlandville LLC, Applicant/Rosler-Herwood Properties, LLC, Reputed Owner - (wellNOW Urgent Care Clinic) - South Side of NYS Route 222 - TM #86.13-01-58.100 - Conditional Permit and Aquifer Protection District Special Permit

Chairman Newell recognized Matt Lester, representing the applicant who was seeking a Conditional Permit and an Aquifer Protection District Special Permit to construct a 3531 SF urgent care clinic on the subject property.

Member Renzi had prepared his comments after reviewing the applications/materials received from the applicant and went over them with Mr. Lester; a copy of the comments was provided to Mr. Lester, and a copy placed on file for the record.

At the conclusion of reviewing these comments, a motion was made by Member Renzi to send the applications to the Cortland County Planning Department for their review. The motion was seconded by Member 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 #56 of 2020.

Gibbons Construction Services, Inc., Applicant/Glenn J. Evans, Reputed Owner - 1307 Starr Road - TM #96.11-02-07.000 - Conditional Permit - Proposed Professional Offices

Chairman Newell recognized Attorney Bill Pomeroy, representing the applicant who was seeking a Conditional Permit to use an existing vacant church building as offices and storage for a construction business. Attorney Pomeroy gave a brief history of this property which included the issuance of a Use Variance in 2014 to have a community woodworking shop, which was not successful, at this location. The owner now has the opportunity to sell this property to a small remodeling business which proposes to utilize the existing building as its professional offices and has made a Purchase Offer.

A Use Variance was issued on 23 September 2020 allowing this business in an R2 District. There would be no exterior changes to the building or the site, nor any heavy construction equipment onsite, as his business does not require such as he does interior remodeling. Work crews will come

to the site around 7 to 7:30 a.m., pick up the towable enclosed trailers and/or one open trailer and leave for their job site(s), returning around 3:30 to 4 p.m. The trailers would come and go as needed and will be parked in the rear parking lot when not in use. Hours of operation are 7 a.m. thru 5 p.m., Monday thru Friday. They employ ten skilled carpenters in the field and have an office staff of three. Tools and a small amount of sample materials will be stored in the basement. They also will have a six-foot high white vinyl fenced-in area to conceal a dumpster for construction debris; this will be placed in the back corner of the lot with no view of it from any direction. No other construction equipment will be permanently or temporarily placed at the location. Very little traffic will be generated, he said.

(It is noted that the Cortland County Planning Board, in their Resolution No. 20-19 dated 9/16/20, recommended denial of this application, requiring a supermajority vote be attained in order to approve the application unless every contingency documented in their resolution is followed.)

With no further discussion, **a motion was made by Member Hotchkin to approve the Conditional Permit for the proposed construction business, as requested. The motion was seconded by Member Parvizi, with the vote recorded as follows:**

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

Motion carried.

This becomes Action #57 of 2020.

Cortland Travel Holding Inc., Applicant/Reputed Owner – 3742 US Route 11 – TM #97.02-01-24.000 – Conditional Permit & Aquifer Protection District Special Permit – Proposed Underground Storage Tank

Chairman Newell recognized Forest Earl and Attorney Fran Casullo, representing the applicant who was seeking a Conditional Permit and Aquifer Protection District Special Permit to install an underground 9400-gallon double-walled storage tank to hold a non-petroleum product (diesel exhaust fluid – Urea DEF). It's non-toxic and used in diesel trucks to make emissions a lot cleaner, and is not regulated by the NYSDEC nor the Environmental Protection Agency. All details were contained in the technical materials accompanying the application.

At the conclusion of the presentation, **a motion was made by Member Renzi to forward the applications for the proposed underground storage tank 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	Nays:	None
	Member Renzi		
	Member Parvizi		
	Member Updyke		
	Member Hotchkin		

Motion carried.

This becomes Action #58 of 2020.

Midstate Veterinary Services, Applicant/BOC Properties, Reputed Owner – 806 NYS Route 13 – TM #105.08-01-06.000 – Site Plan Review – Additional Parking

Chairman Newell recognized Ken Osborne, representing the applicant who was seeking approval to add six (6) parking spaces at this business as shown on the sketch map accompanying the application.

After reviewing the Site Plan, **a motion was made by Member Renzi to approve the Site Plan, as requested. The motion was seconded by Member 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 #59 of 2020.

CNY Power Sports, Applicant/Ted Law Properties, Reputed Owner – 3871 US Route 11 – TM #87.00-04-04.000 – Conditional Permit for Proposed Storage Unit

Chairman Newell recognized Tim Law, representing the applicant who was seeking a Conditional Permit to add a 30 ft. by 300 ft. storage unit at this location, as shown on the materials accompanying the application.

PZO Bruce Weber reported that he had not received any information from the applicant's engineer, Chuck Feiszli, PE, that addressed how this would effect the existing stormwater system on the site. PZO Weber said they need assurance from the engineer that the existing system could handle the addition of another storage unit.

At the conclusion of a brief discussion, **a motion was made by Member Hotchkin to approve the Conditional Permit, as requested, conditioned upon receipt of certification that the existing stormwater system is sufficient to handle the construction of a new building. The motion was seconded by Member Renzi, with the vote recorded as follows:**

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

Motion carried.

This becomes Action #60 of 2020.

Suit-Kote Corporation, Applicant/Reputed Owner – 3779 US Route 11 – TM #97.00-01-31.000 – Conditional Permit & Aquifer Protection District Special Permit for Proposed New Facilities

Chairman Newell recognized Jim Halstrom, representing the applicant who was seeking a Conditional Permit and Aquifer Protection District Special Permit to add a new scale platform, storage unit (two silos), and gas service building at this blacktop plant site, as shown on the materials accompanying the application. Eventually, he said, they will be eliminating the small plant they have. They would like to start construction in November/December.

At the conclusion of a brief discussion, a motion was made by Member Renzi to send the applications to the County Planning Department for their review. 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 #61 of 2020.

JM Murray Center, Applicant/Reputed Owner – Bennie Road – TM #105.00-02-01.000 – Site Plan for Proposed New Entryway & Circle Drive

Chairman Newell recognized Scott Steve, representing the applicant who was seeking Site Plan approval to modify this existing building (former Cortland Pump) to house portions of their factory operations, including new exterior overhead doors with loading docks, an access drive, new front entryway and a circle drive for bus drop-off. No additional parking is planned.

Member Renzi asked about emergency vehicle access and Mr. Steve said there would be no problem with this.

At the conclusion of a brief discussion, a motion was made by Member Renzi to approve the Site Plan, as requested. The motion was seconded by Member Parvizi, with the vote recorded as follows:

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

Motion carried.

This becomes Action #62 of 2020.

Luke Burhans, Applicant/Reputed Owner – 3827 US Route 11 – TM #87.04-01-16.000 – Conditional Permit for Pole Barn Addition

Chairman Newell recognized the applicant who was seeking a Conditional Permit to construct a 30 ft. by 36 ft. wooden addition (w/metal roof and siding) at the back of his existing facility to use for an existing frame machine and additional work space.

At the conclusion of a brief discussion, a motion was made by Member Renzi to approve the Conditional Permit, as requested. 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 #63 of 2020.

OTHER MATTERS

- Town Attorney DelVecchio informed the Board on the Town Board's discussion regarding a potential moratorium on solar projects. He felt the Town Board wanted to listen intently to this Board's wishes, but they felt it would be unfair to change the rules when it comes to existing applications. It might be better to change the provisions. The Board continued to discuss the solar law and procedures.

ADJOURNMENT

At 10:20 p.m., a motion to adjourn the meeting was made by Member Hotchkin, seconded by Member Updyke, 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 10/23/20.
Approved 10/27/20.