

TOWN OF CORTLANDVILLE PLANNING BOARD

DRAFT Minutes of Regular Meeting Via Zoom - Tuesday, 29 December 2020 - 7:30 PM

Town Hall Address: 3577 Terrace Road - Cortland, NY 13045

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
Nick Alteri, Host

Applicants & Public Present

David Spotts for SSC Cortlandville II & III, Applicant; Vasily Onofreychuk, Applicant; Paula Cowling, Jim Nicols, Dan Gapski, Chris Georgiadis, Barry Hull, Cheri Lunas, Robert Martin.

REGULAR MEETING

The Regular Meeting of the Town of Cortlandville Planning Board was called to order at 7:35 p.m. by Chairman Chris Newell.

OLD 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

(Reference is made to previous Minutes for additional details.)

Chairman Newell recognized David Spotts, representing the applicant who was seeking approval of these solar array projects. It was noted that a new Sketch Plan has been submitted/received in response to the Board's and the public's concerns/comments received previously. Mr. Spotts explained that the project was considered too large and visible by those attending last month's Public Hearing, and also would have a large impact on home values; therefore, he said, they have made drastic modifications which would "get us about 80% of the way there."

Mr. Spotts displayed the proposed Site Plan on the screen and explained the changes made, which included eliminating all of the panels east of Bell Crest Drive and showed a 600-ft. buffer between the homeowners along Ridgeview. The proposed project is reduced by about 20% he said. Mr. Spotts reported that they had met with Larry Hill and came up with a proposal for the homeowners along Ridgeview. Mr. Hill was willing to gift from 50 feet to 100 feet of additional parcel extensions to the rear of their properties. The homeowners, he said, represented by Patrick Perfetti, did not want the additional property. The applicant had also offered to install a row of 10-foot trees along the edge of the property line, as shown on the screen, to serve as a visual buffer. In addition, the applicant was willing to install trees on a berm to make a 15-foot high visual buffer; all of what was proposed was shown on the computer screens. The project, he concluded, would hide the proposed project "from almost everybody."

Member Ann Hotchkin asked about the proposed project in relation to St. Mary's Cemetery. Mr. Spotts stated there was no buffer planned between the project and the cemetery because there were no visual concerns from the cemetery. Member Hotchkin mentioned a recent video showing flooding concerns in the cemetery and wanted to make sure Mr. Spotts was aware of this. Chairman Newell stated that he will provide a copy of the video to Mr. Spotts for his information. Mr. Spotts stated the proposed project will not contribute to any additional runoff; the area under the panels is grassy. They are, however, open to any consideration to manage stormwater runoff.

Visual renderings were displayed and described by Mr. Spotts. Poles will be owned by National Grid and must be above ground.

Mr. Spotts stated that they will be posting a decommissioning bond and will be responsible to decommission the project and make sure the land is reestablished as it was before the project was constructed. To summarize, he stated that the project has been reduced by 20%, the visual impact by 80%; it will not be visible from Ridgeview nor from the majority of Blue Creek Road. Regarding impact on home values, a 600-foot buffer was added to Ridgeview Ave. in addition to the screening, berm, and trees aforesaid. He asked that they be allowed to proceed without an additional Public Hearing.

Member Renzi asked questions regarding the projects, specifically about the flooding video at St. Mary's Cemetery. Jim Nicols, who took the video, responded to Member Renzi and answered his questions. Town Attorney John DelVecchio cautioned the Board regarding discussing this matter as this neighboring property is in litigation and is under Court Order to be mitigated by the landowner. Drainage issues are being addressed/monitored by the NYSDEC.

Chairman Newell commented that he thought the Board could revisit SEQR Part 2 at the January 2021 meeting. Attorney DelVecchio considered this a "modified application." A public hearing was held before, but it was his opinion that this is now a "very different project." He advised that it is up to this Board whether or not they would like to have another public hearing; however, those issues brought up at the previous public hearing have now been significantly addressed. Attorney DelVecchio suggested that the Board digest this new plan and, at the next meeting, take up the SEQR issue again. Member Renzi thought this procedure made sense, but the entire project needed to be looked at with regard to these "water problems." Although not part of the project, this needs to be integrated into the decision-making process. Member Updyke agreed that the existing runoff problems need to be addressed before the project begins. Member Renzi agreed.

Attorney DelVecchio concluded that he believed, given the litigation over the years regarding drainage issues and the fact that a formal Court Order is in place, any approval of anything on this property should be contingent upon the directives in that Order being fulfilled entirely in the eyes of the NYSDEC.

Member Parvizi asked, since this application has been modified, should it be referred to County Planning for their review once again? Attorney DelVecchio reported he had asked this very question of Special Counsel Patrick Snyder who responded, he thought, that it would not be necessary. PZO Weber agreed that it would not require referral back to County Planning since the proposed project was being reduced in size, not enlarged.

In conclusion, Chairman Newell stated that the Board would review this application during January and possibly do the SEQRA form during the January meeting.

A motion was then made by Member Updyke to postpone the applications for Conditional Permits for the proposed solar projects until the January 2021 meeting of this Board. 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 #80 of 2020.

Source Renewables, Inc., Applicant/Gunzenhauser Real Estate, Reputed Owner – West Side of Locust Avenue – TM #76.20-01-08.000 – Conditional Permit & Aquifer Protection District Special Permit for Proposed New Solar Facilities

Chairman Newell announced that these applications would most likely be on the January Agenda, so it was not necessary to discuss them at this meeting.

DG New York, CS, LLC, Applicant/Forbes Realty LLC, Reputed Owners – Riley Road – TM #97.00-03-08.112 – Conditional Permit & Aquifer Protection District Special Permit – Proposed Large-Scale Solar Energy System

Chairman Newell reported that the applicant had requested postponement of this matter until the January 2021 meeting.

NEW BUSINESS

Vasily Onofreychuk, Applicant/Vasily & Anna Onofreychuk, Reputed Owners – 1033 Bennie Road – TM #106.00-05-12.000 – Subdivision of Land

Chairman Newell recognized the applicant who explained that he was seeking approval to subdivide this 5.25±-acre parcel into two parcels meeting Health Department requirements for building a house on the vacant lot. One parcel would contain 2.8± acres, and one of 2.42± acres, as shown on the sketches accompanying the application.

PZO Weber had advised that this was a vacant lot that the applicant is proposing to divide into two parcels, with a house on each one. Member Hotchkin asked how long the driveway was to the site in the back, and the applicant responded 700± feet which he would maintain. PZO Weber stated he should acknowledge that he would be making a request to the County Health Department for a waiver from the lot width, and that the Board has no objection to that; a waiver should also be granted from Section 140-6 which deals with the ratio of lot width to lot depth.

A motion was then made by Member Updyke to approve the subdivision of land, as requested, with the Town Planning Board having no objection to the granting of a waiver by the Cortland County Health Department regarding lot width, and grants a waiver to Section 140-6, the ratio of lot width to lot depth. 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 #81 of 2020.

OTHER DISCUSSION

- **DG New York, CS, LLC, Applicant/Forbes Realty LLC, Reputed Owners – Riley Road – TM #97.00-03-08.112 – Conditional Permit & Aquifer Protection District Special Permit – Proposed Large-Scale Solar Energy System:** Member Renzi recapped Cortland County Planning's recommendation for approval, with twelve contingencies. Resolution No. 20-26 of the County Planning Board, he stated, recommended denial based on the visual impact of the project to the City of Cortland. They also reminded the Board about the need to obtain a supermajority vote to be obtained by the Town in order to approve the application. The SEQRA process was discussed which, according to PZO Weber, was one of the reasons Janet Ward had requested

postponement of the matter. Chairman Newell suggested that since the Board will be doing the SEQRA, that they visit the site and look at the landscape where this project will occur. All the issues should be considered. Member Hotchkin helpfully explained to this Board how the County Planning Department/Board operated, as she is a former member.

- Member Hotchkin said she had received a letter questioning Attorney DelVecchio's ethics with regard to McLean Solar 1, that he was dragging his feet on the application. She stated that she did not agree with that letter and the person has a right to talk about the impact to their property, but thought that portion of the letter was uncalled for. Chairman Newell added that the author of the letter did not understand "all of the hoops that we have to jump through" and just wanted "to close it right down." Attorney DelVecchio, he stated, had nothing to do with this being a four-year project; it was just miscommunication by the letter's author.
- Member Renzi asked if there was training credit for "yesterday's session"? Chairman Newell will check on this. PZO Weber said he had been asked about this by the Town Clerk, and he advised he thought it was worth at least an hour's credit. Attorney DelVecchio advised that this matter will be on the Town's agenda at their next meeting.

ADJOURNMENT

At 9 p.m., a motion to adjourn the meeting was made by Member Renzi, seconded by Member Hotchkin, 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 2/5/21.