



Cortland County Planning Department

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DANIEL S. DINEEN

Director of Planning

email: ddineen@cortland-co.org

May 21, 2020

Bruce Weber
Zoning Enforcement Officer
Town of Cortlandville
3577 Terrace Road
Cortland, NY 13045

Dear Bruce:

In an effort to minimize the spread of the COVID-19 virus in our community by limiting exposure through group meetings, the May 20, 2020 County Planning Board meeting was canceled. The County Planning Board was therefore unable to officially act on the General Municipal Law referral application for a use variance, conditional permit and aquifer protection district special permit from Source Renewables to construct a solar array, accessory access driveway and security fencing encompassing approximately 20.88+/- acres on an R-1 (Residential) zoned property. Therefore, I am forwarding the Cortland County Planning Department staff report to you for information purposes without a recommendation from the County Planning Board. The Town of Cortlandville may proceed with consideration of the use variance, conditional permit and aquifer protection district special permit request without further County review.

Sincerely,

Daniel S. Dineen
Director of Planning

Enclosures: (1)

May 15, 2020

GML# 76.20-01-08.000
Town of Cortlandville
Use Variance, Conditional Permit &
Aquifer Protection District Special Permit
Source Renewables

TO: Cortland County Planning Board

FROM: Cortland County Planning Department

This application for a use variance, conditional permit and aquifer protection district special permit is being referred to the Cortland County Planning Board pursuant to General Municipal Law 239-m as the property is located within 500 ft. of Locust Ave. (County Road # 113) and the City of Cortland boundary.

GENERAL INFORMATION

Date Received: April 28, 2020

Applicant: Source Renewables, Inc.
41 West Elm St.
Suite C
Greenwich, CT 06830

Status of Applicant: purchase agreement

Requested Action: use variance, conditional permit and aquifer protection district special permit

Purpose: to construct a solar array, accessory access driveway and security fencing encompassing approximately 20.88+/- acres on an R-1 (Residential) zoned property

Location: west side of Locust Ave. and immediately north of the City of Cortland boundary

Size: 24.4+/- acres (project area 20.88+/- acres)

Existing Zoning: R-1 (Residential)

Existing Land Use: agricultural and woods

Surrounding Zoning: R-1 (Residential)

Surrounding Land Uses: N – woods
S – agricultural and woods
E – residential and woods
W – woods

Existing Regulations: Code of the Town of Cortlandville

Chapter 178 Zoning

Article IV – Residential R-1 District

Article X – Aquifer Protection District

Section 178.46 – Special permits

A. Is a development, other than residential, of real property exceeding \$150,000 in development cost

Article XIV – Conditional Permit

Section 178-75. Structure/Use Requirements for Permit Approval

Section 178-76. Additional Specific Requirements

G. Transportation and utility facilities

(2)

Article XVI - Stormwater Management and Erosion and Sediment Control

Section 178-90. Jurisdiction and applicability

C. Exemptions

(1)

Article XVIII – Signs

Section 178-112 – Permitted signs

Section 178-113 – Regulations for permitted signs

Article XIX – Supplemental Regulations and Exceptions

Section 178-123.3. Solar energy systems

D. Permitted locations

(3) Ground-mounted large-scale solar energy Systems

E. Conditional use design and installation standards

G. Height and setback restrictions

I. Signage and/or graphic content

Article XXI – Zoning Board of Appeals

Section 178-132. Duties and powers

B.

ANALYSIS:

The applicant is requesting a use variance, conditional permit and aquifer protection district special permit to construct a solar array, accessory access driveway and security fencing encompassing approximately 20.88+/- acres in an R-1 (Residential) District. The property is located on west side of Locust Ave. and immediately north of the City of Cortland boundary.

The applicant is proposing to construct a four megawatt solar array, an accessory access driveway and security fencing encompassing a project area of approximately 20.88+/- acres. Ground-mounted large-scale solar energy systems are not a permitted use in the R-1 (Residential) District. The applicant has therefore applied for a use variance. In order for a use variance to be granted, the applicant must demonstrate that there are unnecessary hardships in the way of carrying out the strict letter of the Town's zoning law. An aquifer protection district special permit is also required as the proposed development costs would exceed \$150,000. The Town is also requiring a conditional permit as these facilities require a conditional permit in the only zoning districts in the Town where they are permitted (Agricultural and Industrial).

The site plan indicates that the proposed solar panels would encompass 7.94+/- acres of the 20.88+/- acre project area and would include approximately 15,426 panels. The array would be enclosed by 6 ft. in height chain-link fencing with secured access gates at driveway entrances to the site. It is recommended that warning signs, owner's name and contact information signs be installed every 200 ft. along the fence. The solar panels would be stationary fixed tilt ground mount racking systems and would have a maximum height of 8.75 ft. The solar panels would be setback a minimum of 50 feet from all adjoining properties. There is concern regarding the potential impact of glare from the solar panels on neighboring residential properties to the east. It is therefore recommended that the applicant provide assurance to the Town that the necessary steps would be taken to minimize reflective glare impact on the neighboring residential properties. It should be noted that the site is surrounding by woods with the exception of the property to the south in the City of Cortland, which is proposed to be developed as a solar array by the same applicant. The existing wooded areas include an approximately 250 ft. wide strip of woods on the eastern end of the property bordering residential properties on Locust Ave. This wooded area should help to visually screen this solar array from these neighboring residential properties.

As referred to above, this proposal would adjoin a proposed 24.00+/- acre solar project by the same applicant consisting of 11.94+/- acres of solar panels on an adjacent property in the City of Cortland. Access to the two proposed solar projects would be provided via a new 12 ft. wide gravel driveway access from Locust Ave. in the Town of Cortlandville. It is recommended that the applicant obtain written approval for the driveway entrance to Locust Ave. from the County Highway Superintendent since Locust Ave. is a County road. A second means of access to the site would be provided from Locust Ave. in the City of Cortland via an easement over the existing driveway between the Clarion

Inn & Suites and the gravel mining operation with the easement continuing through the gravel mining operation to the southeastern corner of the adjoining project in the City of Cortland. The two entrances to the site would extend to provide access to the proposed driveway on site which would extend to a length of approximately 3,000 ft. through this site. It is recommended that an easement be written into the deeds of this property and the adjoining property in the City of Cortland to insure continued cross access as the two sites would be accessed by driveways which link the two sites.

The proposed project area includes both agricultural lands and wooded areas. There is concern as to the potential stormwater impacts from a large scale solar array. While solar arrays themselves do not add direct impervious cover, the kinetic energy of the water flowing off of the panels has the potential to create driplines, and subsequently may cause erosion and channelization underneath the panels. There would be vegetative cover underneath the panels that should be maintained on a regular basis. It is recommended that a maintenance schedule be established to ensure that vegetative cover underneath the panels is maintained as it would be the primary management practice for stormwater on site. Regardless as to whether the installation of solar arrays on a farm field is considered land disturbance, this project would still result in the removal of approximately 10.9 acres of woods. Since this project would disturb more than one acre of land, it would require the preparation of a Stormwater Pollution Prevention Plan (SWPPP) per the Town's stormwater ordinance including water quality and quantity management both during and after construction activities. The applicant would also be required to file a Notice of Intent with the NYS Department of Environmental Conservation (DEC), prepare and submit a stormwater pollution prevention plan (SWPPP) to the DEC for the site and obtain a NYSDEC Construction Stormwater Permit GP-0-15-002 coverage for greater than one acre of soil disturbance. The SWPPP must meet the current Stormwater Management Design Manual and the Runoff Reduction and Green Infrastructure requirements. The applicant would also be required to obtain approval of the final design of the stormwater pollution prevention plan from the County Soil and Water Conservation District prior to any positive consideration of this proposal. It should be noted that portions of the site have slopes that exceed 15%. Effective stormwater management will therefore be essential on this site. The Town also requires on slopes of greater than 15%, that the applicant demonstrate through engineering studies and to the satisfaction of the Town that the proposed development will cause no adverse environmental impact that will not be satisfactorily mitigated. It is also recommended that the applicant contact the NYS DEC Division of Environmental Permits to request a jurisdiction determination and to apply for and obtain any permits required as a result of this determination.

The site would include two transformers/inverters on concrete pads and approximately 2,500 linear ft. of underground electrical line. The transformers/inverters would convert the electricity generated from Direct Current (DC) to Alternating Current (AC) before the interconnection with existing transmission lines at the western end of the adjoining project in the City of Cortland. The applicant intends to return the electricity

generated to the grid as community distributed generation which would allow transfer of the electricity generated in the form of bill credits to subscribing members within the same distribution utility territory and NY-ISO control load zone.

The site plan submitted by the applicant does not provide sufficient details for some aspects of the project including how panels/arrays would be secured to the ground, types of plantings and planting maintenance schedule adjacent to and underneath panels/arrays and a written decommissioning plan/schedule for the project. It is recommended that the applicant submit a detailed narrative to the Town for this project including how panels/arrays would be secured to the ground, types of plantings and planting maintenance schedule adjacent to and underneath panels/arrays and a written decommissioning plan/schedule for the project. The decommissioning plan should include a financial surety bond in an amount estimated for the cost for removal of all materials upon the facility no longer being in use. This narrative would provide additional information to the Town to assist in providing a thorough review of this project.

It should also be noted that this project is in close proximity to the portion of Interstate Route 81 which travels through the City of Cortland. This solar project would be located approximately 1,650 ft. north of and between 100 ft. to 250 ft. higher in elevation than Interstate Route 81. There is concern regarding potential glare and distraction from the site of drivers travelling along Interstate Route 81. It is therefore recommended that, prior to any positive consideration of this project, the applicant obtains written confirmation from the NYS Department of Transportation (DOT) that the DOT has reviewed this project and has determined that the project either would not adversely impact travel along Interstate Route 81 or that there are mitigation measures that can be put in place to reduce or eliminate potential impact to travel along Interstate Route 81.

Finally, the applicant has completed Part I of a SEQR Full Environmental Assessment Form. Parts II & III should be completed by the Town to determine if any significant adverse environmental impacts may result from the proposed development.

RECOMMENDATION

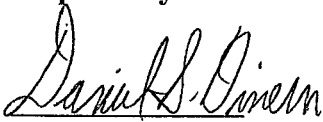
The staff recommends approval of this application for a use variance, conditional permit and an aquifer protection district special permit contingent upon the following:

1. The applicant demonstrating that there are unnecessary hardships in the way of carrying out the strict letter of the Town's zoning law as is required before any use variance may be granted.
2. That warning signs, owner's name and contact information signs be installed every 200 ft. along the proposed security fence.

- 3. That the applicant providing assurances to the Town that the necessary steps would be taken to minimize reflective glare impact on surrounding residential properties.**
- 4. The applicant obtaining written approval for the driveway entrance to Locust Ave. from the County Highway Superintendent since Locust Ave. is a County road.**
- 5. That an easement be written into the deeds of this property and the adjoining property in the City of Cortland to insure continued cross access as the two sites would be accessed by driveways which link the two sites.**
- 6. That a maintenance schedule be established to ensure that vegetative cover underneath the panels is maintained post-construction as it will be the primary management practice for stormwater on site.**
- 7. The applicant preparing and obtaining approval of a stormwater pollution prevention plan (SWPPP) including water quality and quantity management for this site both during and after construction from the Town upon review by the County Soil and Water Conservation District, since this project would disturb more than one acre of land.**
- 8. The applicant filing a Notice of Intent with the NYS Department of Environmental Conservation (DEC) in addition to the preparation of a stormwater pollution prevention plan for the site per the NYS Phase II stormwater regulations and obtaining a NYSDEC Construction Stormwater Permit GP-0-15-002 coverage since this project would disturb more than one acre of land. The SWPPP must meet the current Stormwater Management Design Manual and the Runoff Reduction and Green Infrastructure requirements.**
- 9. That the applicant demonstrates through engineering studies and to the satisfaction of the Town that the proposed development will cause no adverse environmental impact that will not be satisfactorily mitigated as is required for the development of ground mounted large scale solar energy systems on slopes of greater than 15%.**
- 10. That the applicant contacts the NYS DEC Division of Environmental Permits to request a jurisdiction determination and to apply for and obtain any permits required as a result of this determination.**

11. That the applicant submits a detailed narrative to the Town for this project including how panels/arrays would be secured to the ground, types of plantings and planting maintenance schedule adjacent to and underneath panels/arrays and a written decommissioning plan/schedule for the project.
12. That the decommissioning plan includes a financial surety bond in an amount estimated for the cost for removal of all materials upon the facility no longer being in use.
13. That the applicant obtains written confirmation from the NYS Department of Transportation (DOT) that the DOT has reviewed this project and has determined that the project either would not adversely impact travel along Interstate Route 81 or that there are mitigation measures that can be put in place to reduce or eliminate potential impact to travel along Interstate Route 81.
14. Compliance with SEQR requirements.

Prepared by:



Daniel S. Dineen
Director of Planning