

**CORTLANDVILLE TOWN BOARD
AGENDA
APRIL 3, 2019 - 5:00 P.M.**

Pledge Allegiance to the Flag

PUBLIC HEARING:

***1.) 2019 Community Development
Block Grant (CDBG)***

- a.) Open the Public Hearing
 - b.) Town Clerk to read Legal Notice
 - c.) Privilege of the Floor
 - d.) Close the Public Hearing
-

A. CALL THE MEETING TO ORDER

B. APPROVE MINUTES

C. PURCHASE ORDERS

D. AUTHORIZATION TO PAY THE BILLS

E. PRIVILEGE OF THE FLOOR

E-1 Rachel Hyde – Philips Free Library (referendum)

F. REPORTS

F-1 Accept Audit Report from NYS Comptroller – Report of Examination 2018M-219, Improving Private Property

F-2 Receive & file the Monthly Report of The Code Enforcement Office for March 2019 submitted by Kevin McMahan, CEO

F-3 Receive & file the Monthly Report of the Town Clerk for March 2019

F-4 Receive & file the Monthly Report of the Tax Collector for March 2019

G. COMMUNICATIONS

G-1 Receive & file the correspondence dated March 29, 2019 from Charter Communication regarding programming

G-2 Receive & file the correspondence dated April 1, 2019 from Charter Communication regarding programming

H. OLD BUSINESS

H-1 2019 CDBG Grant programs

I. NEW BUSINESS

- I-1 Town Clerk
- I-2 Town Attorney
- I-3 Receive & file the correspondence dated March 26, 2019 from the NYS Office of the State Comptroller regarding the Report of Examination 2018M-219, Town's Corrective Action Plan
- I-4 Receive & file the following Aquifer Permit recommendation from Cortland County Planning Department & Planning Board, also set a Public Hearing date of April 17, 2019 at 5:00 p.m. for the following Solar Projects:
 - a.)Cortland-Virgil Solar, LLC
 - b.)East River Road Solar, LLC
 - c.)Lime Hollow Solar, LLC
 - d.)McLean Road Solar 2, LLC
 - e.)Route 13 Solar, LLC
- I-5 Authorize payment #6 which includes Change Order #1 (Work Change Directives #1-5) to ZMK for the construction of Phase 1 of GLSC
- I-6 Receive, file & discussion regarding the correspondence dated April 1, 2019 from William McConnell, Cortland Crush Baseball regarding events they would like to hold at the GLSC
- I-7 Resolution adopting the amendment to the Employee Handbook regarding Improvements to Private Property & NYS DEC Permits

J. ADJOURN

TOWN OF CORTLANDVILLE
LEGAL NOTICE
Notice of Public Hearing

The Town of Cortlandville will hold a public hearing on Wednesday, April 3, 2019 at 5:00pm at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York for the purpose of hearing public comments on the Town's community development needs, and to discuss the possible submission of one or more Community Development Block Grant (CDBG) applications for the 2019 program year. The CDBG program is administered by the New York State Office of Community Renewal (OCR), and will make funds available to eligible local governments for housing, economic development, public facilities, public infrastructure, and planning activities, with the principal purpose of benefitting low/moderate income persons. The hearing will provide further information about the CDBG program and will allow for citizen participation in the development of any proposed grant applications and/or to provide technical assistance to develop alternate proposals. Comments on the CDBG program or proposed project(s) will be received at this time. The hearing is being conducted pursuant to Section 570.486, Subpart I of the CFR and in compliance with the requirements of the Housing and Community Development Act of 1974, as amended.

The location of the hearing is accessible to persons with disabilities. If special accommodations are needed for persons with disabilities, those with hearing impairments, or those in need of translation from English, those individuals should contact the Town of Cortlandville at (607) 756-5725, at least one week in advance of the hearing date to allow for necessary arrangements. Written comments may also be submitted to Richard Tupper, Supervisor, 3577 Terrace Road, Cortland, NY until 4/3/19.

Dated: March 20, 2019

Signed: Richard C. Tupper, Supervisor

TOWN OF CORTLANDVILLE

LEGAL NOTICE

NOTICE IS HEREBY given that the fiscal affairs of the Town of Cortlandville for the period beginning January 1, 2013 and ending on August 28, 2018 have been examined by the Office of the State Comptroller and that the report of examination prepared by the Office of the State Comptroller has been filed in my office where it is available as a public record for inspection by all interested persons. Pursuant to Section thirty-five of the General Municipal Law, the governing board of the Town of Cortlandville may, in its discretion, prepare a written response to the Report of Examination prepared by the Office of the State Comptroller and file any such response in my office as a public record for inspection by all interested persons not later than June 20, 2019.

Dated: March 25, 2019

Kristin E. Rocco-Petrella, RMC
Town Clerk/Tax Collector
Town of Cortlandville

Town of Cortlandville

Improving Private Property

MARCH 2019



OFFICE OF THE NEW YORK STATE COMPTROLLER
Thomas P. DiNapoli, State Comptroller

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Report Highlights

Town of Cortlandville

Audit Objective

Determine whether the use of Town resources to improve private property was appropriate and properly disclosed.

Key Finding

- Town officials inappropriately spent \$22,600 to improve and maintain a Board member's property with no lease agreement in place.

Key Recommendation

- Consider the legal implications of this arrangement and consult with the Town attorney as to whether it may be appropriate to recoup the initial costs for improving the private property.

District officials agreed with our recommendations and have initiated or indicated they planned to initiate corrective action.

Background

The Town of Cortlandville (Town) is located in Cortland County. The Town is governed by an elected five-member Board (Board), composed of four Council members and the Town Supervisor (Supervisor). The Board is responsible for the general oversight of the Town's operations and finances. The Supervisor is the chief executive and fiscal officer and is responsible for the day-to-day financial operations.

The Highway Superintendent (Superintendent), an elected official, is primarily responsible for the maintenance and repair of roads and parks.

The Cortlandville Fire Department provides fire protection services for the Town.

Quick Facts

Population	8,509
Square Miles	50
2018 Appropriations	\$8.9 million

Audit Period

January 1, 2013 – August 28, 2018

Improving Private Property

At the August 2013 meeting, the Board discussed finding canoe and kayak access to the Tioughnioga River (river) for residents and referenced a specific property located in Blodgett Mills. The Board directed the Superintendent to contact the property owner about constructing a boat launch on this property.

In January 2014, a sitting Board member, who was not re-elected in November 2017, purchased the riverfront property previously discussed. In July 2014, the Board member received a permit from the Town's planning and zoning board to expand the parking lot. At that time, the planning and zoning officer stated that the Board member was also working with the NYS Department of Environmental Conservation (DEC) to obtain a required permit for any work to be performed on the river bank.¹

In May and June of 2015, Town highway department employees improved a parking area and access to the river on the Board member's property. At the June 2015 Board meeting, the Board member publicly disclosed that he purchased the riverfront property and received a permit to work on the parking from the Town. Further, the June 2015 Board minutes indicate that the Board member stated that he planned to grant an easement for recreational and fire department use.

In June 2016, the Board authorized the Supervisor to enter into a lease agreement with the Board member for access to the property. The lease agreement was signed in April 2018 (before we began our audit) and back dated to June 2016.

Is It Appropriate to Use Town Resources to Improve Private Property?

The New York State Constitution (Constitution) generally prohibits the expenditure of town money for the benefit of private parties.² However, a town may expend money on a private undertaking if the project is for a proper town purpose pursuant to a statutory obligation or properly authorized contract under which the town receives fair and adequate consideration.

Typically, a town would need a leasehold interest, or at least a license for town use, to spend funds to improve private property.³ The term of the lease should be of sufficient length to ensure the town a reasonable and proper return on its expenditures. Furthermore, a cost benefit analysis should be performed and decisions on whether to spend town resources on private property should be publicly discussed, disclosed and approved by the Board before any work is performed.

¹ A DEC permit is required for any work done in or on the banks of the Tioughnioga River due to its DEC classification.

² New York State Constitution, Article 8, Section 1

³ Refer to the New York State Comptroller's Opinions 1981-359 and 1979-513, as examples.

Resources Were Inappropriately Used to Improve Private Property

Town officials spent approximately \$18,500 on wages, equipment use and materials to improve the Board member's property in May and June of 2015. However, the work performed raises potential issues under the Constitution, because no contract was in place at the time.

Additionally, the Board did not perform a cost benefit analysis to make an informed decision on whether this project was necessary or publicly discuss, disclose or approve the work to be performed. Our review of Board minutes for the audit period did not disclose any Board discussion or authorization for the highway department to work on the Board member's property. Furthermore, the DEC Deputy Regional Permit Administrator told us that any work done on a protected river or river bank, such as this river, would require a DEC permit⁴ and that he had no record of contact from the Board member or Town officials for the work performed.

The lease agreement does not appear to be in the best interest of taxpayers, because there is no mention of the Town's costs of improvements to the property as fair consideration already paid. Additionally, the Town must pay \$10 per year for use of the property and is responsible for maintaining and insuring the property.

Property maintenance costs totaled approximately \$4,100 from 2015 through 2018. Although officials added the property to the Town's insurance policy after the lease agreement was signed, the premium did not increase because there is no structure on the property. The lease also states both parties could terminate the lease with 60 days' notice, with no provision for the Town to recoup any of its costs for the improvements.

Current Board members told us that the former Superintendent took it upon himself to clean up and improve the property after the June 2016 resolution authorizing the Supervisor to enter into a lease agreement, which was not signed until April 2018. However, the work was completed a full year before this Board meeting. The former Superintendent told us that the entire Board was aware that the highway department was performing the work on the property.

Town officials told us that they believed river access was a needed amenity for residents and that the fire department needed easier access to the river in this area because this part of the Town does not have fire hydrants. However, there are two other public boat launches to the river, one approximately three miles upstream. Furthermore, the Fire Chief told us that the fire department did not request or need easier access at this location because they had no problem

⁴ 6 NYCRR, Part 608

accessing the river at the boat launch site before the work was performed and that if there was a fire in this area, the department's first option would be using the nearest hydrant, not the river for water.

Lastly, Town officials inappropriately used Town resources to improve the board member's property and failed to erect signage at the site or post information on the Town's website indicating that the boat launch is open for public use.

What Do We Recommend?

The Board should:

1. Consider the legal implications of this arrangement and consult with the Town attorney as to whether it may be appropriate to recoup the initial costs for improving the private property.
2. Consult with the Town attorney about the lack of a DEC permit to authorize the work done to determine whether a permit must be obtained before using the site.
3. Consider adopting a formal policy to protect the interests of the Town when making improvements to private property.

Appendix A: Response From Town Officials



TOWN OF CORTLANDVILLE
THE RAYMOND G. THORPE MUNICIPAL BUILDING
3577 Terrace Rd.
Cortland, New York 13045
Phone (607) 756-6091
Fax (607) 758-7922
TDD 1-800-662-1220

Supervisor

Richard C. Tupper

Town Board Members

John Proud, Deputy Supervisor
Ted Testa
Douglas E. Withey
Randy Ross

Attorney

John A. DelVecchio

Confidential Secretary

Patty O'Mara

March 13, 2019

Via Email and Regular Mail

Attention: Ann C. Singer
Chief Examiner State Office Building
Suite 1702
44 Hawley Street
Binghamton, NY 13901-4417

RE: Unit Name: Town of Cortlandville
Audit Report Title: Improving Private Property
Audit Report Number: 2018M-219

Dear Ms. Singer:

Please be advised that I am the Town Attorney for the Town of Cortlandville, NY.

Enclosed is the Town's formal response to your office's preliminary draft findings. Included in this formal response is the Town's Corrective Action Plan.

I am sending this by email to the Chief Examiner at Muni-Binghamton@osc.ny.gov as well as [REDACTED] Originals of these documents will be mailed to the Chief Examiner State Office Building today.

*The Town of Cortlandville is an equal opportunity provider and employer.
If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866)632-9992 to request*

If you have any questions or concerns, please do not hesitate to contact me.

Thank you for your time and attention to this matter.


Respectfully submitted,



John A. DelVecchio, Esq.

Enclosure(s)

CC:


Town Board Members, via email (w/ enclosure)

*The Town of Cortlandville is an equal opportunity provider and employer.
If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866)632-9992 to request the form. You may also write a letter containing all of the information requested in the form or letter in the form. Send your complete complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington D.C. 20250-9410, by fax (202)690-7442 or email at program.intake@usda.gov.*



TOWN OF CORTLANDVILLE
RAYMOND G. THORPE MUNICIPAL BUILDING
3577 TERRACE ROAD
CORTLAND, NEW YORK 13045

Unit Name: **Town of Cortlandville**
Audit Report Title: **Improving Private Property**
Audit Report Number: **2018M-219**

The Town Board agrees with the findings in the referenced report.

Please consider this audit response to also serve as the Corrective Action Plan.

Audit Recommendation & Implementation Plan of Actions:

Below are the recommendations listed on the audit report. For each recommendation included, the following details our corrective action(s) taken or proposed; there are no recommendations for which corrective action has not been taken or proposed.

The Board Should:

- 1. Consider the legal implications of this arrangement and consult with the Town Attorney as to whether it may be appropriate to recoup the initial costs for improving the private property.**

The Town Board has already consulted with the Town Attorney to consider the legal implications of this arrangement, and will seek to ameliorate the fact that Town funds were used to make these improvements on private property in one or more of the following ways:

- Seek to have the land owner reimburse the funds to the Town voluntarily, or in the alternative, seek to have the land owner convey the portion of real property in question to the Town;
- If the land remains private property, the Town will seek to enter into a longer term lease with modified terms that will better reflect than the existing lease the funds already expended by the Town on this property;
- If a satisfactory resolution is not achieved, the Town Board will consider to approve legal action against the land owner seeking reimbursement of the Town funds expended;

-
- In conjunction with the foregoing, the Town will post prominent signage indicating that the improved location is a public boat launch site, available for use by persons interested in canoeing or boating on the Tioughnioga River.

Implementation Date: April 30, 2019

2. Consult with the Town Attorney about the lack of a DEC permit to authorize the work done to determine whether a permit must be obtained before using the site.

After consultation with the Town Attorney, the Town has instructed its current Highway Superintendent to contact the DEC in order to obtain any permits necessary for use of the site.

- In addition, the Town will adopt a resolution adding a provision to the Town Employee Manual mandating if any Town employee is to do any work on Town or private property which requires a DEC permit, the permit is to be obtained prior to the commencement of the work.

Implementation Date: April 30, 2019

3. Consider adopting a formal policy to protect the interests of the Town when making improvements to private property.

The Town will adopt a resolution adding a provision to the Town Employee Manual that explicitly states the following:

“The Town shall not expend Town money which results in the improvement of private property, unless such expenditure is for a proper Town purpose pursuant to a statutory obligation or authority, or a properly authorized contract under which the Town receives fair and adequate consideration. In the event that the Town decides to make any expenditure which results in an improvement to or on privately-owned property, the Town shall first require the following:


- A cost/benefit analysis shall be performed by the Town Board;
- Before approving any such expenditure, the Town shall obtain either a leasehold interest or a license to have access to the private property, both to perform the work to be completed, and to provide continued access as appropriate, so that the term of such a lease or license should be of sufficient length to ensure the Town a reasonable and proper return on its expenditures;

-
- Before approving any such expenditure, the decision shall be publicly discussed, and the expenditure shall be specifically approved by the Town before any work is performed;
 - Upon completion of the project, the Town will take steps to fully inform the public of the extent that the property is available for public use.”

Implementation Date: April 30, 2019

Person Responsible for Implementation: Richard C. Tupper, Supervisor

Signed:


Richard C. Tupper
Supervisor of the Town of Cortlandville


Date

Appendix B: Audit Methodology and Standards

We conducted this audit pursuant to Article V, Section 1 of the State Constitution and the State Comptroller's authority as set forth in Article 3 of the New York State General Municipal Law. To achieve the audit objective and obtain valid audit evidence, our audit procedures included the following:

- We interviewed current and former Town officials, reviewed property records and meeting minutes for the entire audit period to gain an understanding of events surrounding the improvement of private property.
- We calculated the cost to improve and maintain private property from Highway employee timesheets, invoices and vouchers, and the Federal Emergency Management Agency (FEMA) schedule of equipment rates.
- We reviewed the lease agreement signed between the Town and a former Councilman.
- We interviewed Fire Department officials to determine whether the department requested or needed the private property improved.
- We inquired with DEC officials, used mapping software, and searched municipal websites to determine the number of public boat launching sites in the county.
- We reviewed the Town website and visited the boat launch to determine whether it was publicly disclosed as a Town park.
- We inquired with DEC and Town officials to determine whether applicable permits were granted for work on the banks of a protected river.
- We reviewed relevant laws and determined whether the Town complied with these laws.

We conducted this performance audit in accordance with GAGAS (generally accepted government auditing standards). Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

A written corrective action plan (CAP) that addresses the findings and recommendations in this report should be prepared and provided to our office within 90 days, pursuant to Section 35 of General Municipal Law. For more information on preparing and filing your CAP, please refer to our brochure, *Responding to an OSC Audit Report*, which you received with the draft audit report. We encourage the Board to make the CAP available for public review in the Clerk's office.

Appendix C: Resources and Services

Regional Office Directory

www.osc.state.ny.us/localgov/regional_directory.pdf

Cost-Saving Ideas – Resources, advice and assistance on cost-saving ideas

www.osc.state.ny.us/localgov/costsavings/index.htm

Fiscal Stress Monitoring – Resources for local government officials experiencing fiscal problems

www.osc.state.ny.us/localgov/fiscalmonitoring/index.htm

Local Government Management Guides – Series of publications that include technical information and suggested practices for local government management

www.osc.state.ny.us/localgov/pubs/listacctg.htm#lmgm

Planning and Budgeting Guides – Resources for developing multiyear financial, capital, strategic and other plans

www.osc.state.ny.us/localgov/planbudget/index.htm

Protecting Sensitive Data and Other Local Government Assets – A non-technical cybersecurity guide for local government leaders

www.osc.state.ny.us/localgov/pubs/cyber-security-guide.pdf

Required Reporting – Information and resources for reports and forms that are filed with the Office of the State Comptroller

www.osc.state.ny.us/localgov/finreporting/index.htm

Research Reports/Publications – Reports on major policy issues facing local governments and State policy-makers

www.osc.state.ny.us/localgov/researchpubs/index.htm

Training – Resources for local government officials on in-person and online training opportunities on a wide range of topics

www.osc.state.ny.us/localgov/academy/index.htm

Contact

Office of the New York State Comptroller
Division of Local Government and School Accountability
110 State Street, 12th Floor, Albany, New York 12236

Tel: (518) 474-4037 • Fax: (518) 486-6479 • Email: localgov@osc.ny.gov

www.osc.state.ny.us/localgov/index.htm

Local Government and School Accountability Help Line: (866) 321-8503

BINGHAMTON REGIONAL OFFICE – Ann C. Singer, Chief Examiner

State Office Building, Suite 1702 • 44 Hawley Street • Binghamton, New York 13901-4417

Tel (607) 721-8306 • Fax (607) 721-8313 • Email: Muni-Binghamton@osc.ny.gov

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Charter

COMMUNICATIONS

March 29, 2019

Re: Charter Communications – Upcoming Changes

Dear Municipal Official:

Charter Communications, locally known as Spectrum, is making its customers aware that **effective on or around April 30, 2019**, Charter Communications (“Charter”), locally known as Spectrum, will launch a video-on-demand fitness subscription channel, Gaiam TV Fit & Yoga, allowing customers to access premium yoga and fitness training directly on TV. With more than 100 programs available, Gaiam TV Fit & Yoga offers something for all fitness levels, interests and demographics. Program choices will include cardio, pilates, yoga, meditation, pre and postnatal exercise, sculpting and toning, walking, circuit training and dance, as well as programs tailored for certain health conditions including arthritis and stress-related illnesses.

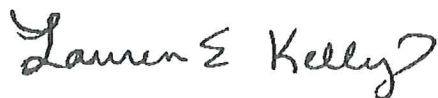
Customers with Spectrum On Demand can subscribe to Gaiam TV Fit & Yoga for \$6.99 per month. Customers interested in subscribing to Gaiam TV Fit & Yoga should contact Spectrum.

Also, **effective on or around May 1, 2019**, customer bill statement dates and payment due dates will be changing. Customers are being notified of these changes via three separate message tactics: (1) bill message, (2) bill advertisement insert, and (3) a follow up bill statement message. If customers use our AutoPay feature, a customer’s payment date will be the same as the due date. If customers pay by credit card, the date the credit card is changed may change in accordance with the customer’s new due date, so customers may need to make adjustments with their financial institutions to account for the date changes.

To view a current Spectrum channel lineup visit www.spectrum.com/channels.

If you have any questions about this change, please feel free to contact me at 585-340-8188 or via email at lauren.kelly@charter.com.

Sincerely,



Lauren E. Kelly
Director, Government Affairs – Finger Lakes
Charter Communications

RECEIVED APR 01 2019

G-2



April 1, 2019

Re: Charter Communications – Upcoming Changes

Dear Municipal Official:

Charter Communications, locally known as Spectrum, is making its customers aware that **on or around April 4, 2019**, LOVE, located on Spectrum Channel 489, will cease transmission and programming will change to infomercials on the lineups serving your community.

To view a current Spectrum channel lineup visit www.spectrum.com/channels.

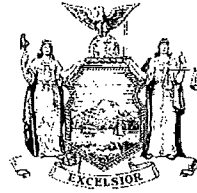
If you have any questions about this change, please feel free to contact me at 585-340-8188 or via email at lauren.kelly@charter.com.

Sincerely,

A handwritten signature in black ink that reads "Lauren E. Kelly". The signature is written in a cursive, flowing style.

Lauren E. Kelly
Director, Government Affairs – Finger Lakes
Charter Communications

100 Town Centre Dr. Suite 100
Rochester, NY 14623



THOMAS P. DiNAPOLI
COMPTROLLER

STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER
110 STATE STREET ALBANY, NEW YORK 12236

ANDREW A. SANFILIPPO
EXECUTIVE DEPUTY
COMPTROLLER OFFICE OF
STATE AND LOCAL
GOVERNMENT
ACCOUNTABILITY
Tel: (518) 474-4593 Fax: (518) 402-4892

March 26, 2019

Mr. Richard C. Tupper
Supervisor
Town of Cortlandville
3577 Terrace Road
Cortland, NY 13045

Dear Mr. Tupper:

We understand that your response to our Report of Examination 2018M-219 entitled Improving Private Property also serves as the Town of Cortlandville's corrective action plan to the findings and recommendations contained in that report. This is to acknowledge the receipt of that corrective action plan.

Very truly yours,

A handwritten signature in cursive script that reads "Pamela T. Matthews".

Pamela T. Matthews
Principal Examiner, Report Development Unit
Division of Local Government and School Accountability

cc: Ms. Kristin E. Rocco-Petrella, Town Clerk

1-4a

March 22, 2019

GML# 105.00-04-18.000
Town of Cortlandville
Conditional Permit & Aquifer Protection
District Special Permit
Cortland-Virgil Solar, LLC

TO: Cortland County Planning Board

FROM: Cortland County Planning Department

This application for a 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 South Cortland Virgil Road (County Road # 123), the Town of Virgil boundary and active farming operations within the Cortland County Consolidated Agricultural District.

GENERAL INFORMATION

Date Received: February 14, 2019

Applicant: Cortland-Virgil Solar, LLC
Attn: Elie Schechter
55 5th Avenue
Floor 13
New York, New York 10003

Status of Applicant: lease agreement

Requested Action: conditional permit and aquifer protection district special permit

Purpose: to construct a solar array, accessory access driveway and security fencing encompassing approximately 12.25+/- acres

Location: north side of Gallagher Road, approximately 400 ft. east of the South Cortland Virgil Road/Gallagher Road intersection

Size: 136.05+/- acres (project area 12.25+/- acres)

Existing Zoning: AG (Agricultural)

Existing Land Use: agricultural and woods

Surrounding Zoning: AG (Agricultural), I-1 (Light Industrial, Office, Business Park),
B-2 (Highway Commercial Business) and PUD (Planned Unit
Development – Town of Cortlandville
AG (Agricultural) – Town of Virgil

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

Existing Regulations: Code of the Town of Cortlandville

Chapter 178 Zoning

Article III – Agricultural District

Section 178.15- Uses subject to conditional permit

E. Transportation and utility uses

(4) New utility poles, lines and facilities

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

ANALYSIS:

The applicant is requesting a conditional permit and aquifer protection district special permit to construct a solar array, accessory access driveway and security fencing encompassing approximately 12.25+/- acres. The property is located on the north side of Gallagher Road, approximately 400 ft. east of the South Cortland Virgil Road/Gallagher Road intersection, and is zoned AG (Agricultural).

The Coordinated Review Committee (CRC) met regarding this proposal and addressed the following issues. The applicant is proposing to construct a solar array, accessory access driveway and security fencing encompassing approximately 12.25+/- acres. Ground-mounted large-scale solar energy systems are permitted in the AG District subject to a conditional permit. An aquifer protection district special permit is also required as the proposed development costs would exceed \$150,000. The site plan indicates that the proposed solar array would be approximately 12 acres in size and would include 229 rows of panels. It is unclear from the application as to the number of panels per row or the amount of electricity to be generated from this solar array. The array would be enclosed by 7 ft. in height chain-link fencing with a secured access gate. Warning signs, owner's name and contact information signs shall be installed every 200 ft. along the fence. The solar panels would be capable of rotating with the angle of the sun to provide a more efficient array than standard stationary panels. The rotating panels would have a maximum height of 7 ft. The solar panels would be setback a minimum of 50 feet from Gallagher Road and substantially further from all adjoining properties. There is concern regarding the impact of glare from the solar panels on surrounding properties. It is recommended that the applicant provide assurance to the Town that the necessary steps would be taken to minimize reflective glare impact on surrounding properties.

Access to the site would be provided via a 10 ft. wide gravel driveway access from Gallagher Road. It is recommended that the applicant obtain written approval of the driveway entrance to Gallagher Road from the Town Highway Superintendent since Gallagher Road is a Town road. This 10 ft. wide driveway would extend approximately 80 ft. from Gallagher Road to the proposed solar array.

The area of the proposed driveway and solar array is currently being used as a farm field. 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. The applicant has indicated that there would be only .73+/- acres of land disturbance as a result of this project since the solar panels would be installed in an area that is an existing cultivated farm field. It is unclear as to whether the installation of solar arrays on a cultivated farm field is considered land disturbance. Regardless of whether or not this project is considered to have more than one acre of land disturbance, it is recommended that the applicant prepare and submit an erosion and sediment control plan to the Town to address erosion and sediment control during construction and revegetation of all pervious areas upon completion of construction. If it determined that 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. 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 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 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 applicant however has not submitted other details for the proposed solar project including total number panels/arrays proposed for this site, the amount of electricity to be generated on site, how panels/arrays would be secured to the ground, types of plantings and planting maintenance schedule adjacent to and underneath panels/arrays, total length of cable (buried and aboveground) and number of power inverters and conductors and a decommissioning plan for the project. It is difficult to assess potential impacts of this project on the surrounding neighborhood and community without more detailed information about the project. It is therefore recommended that before any positive consideration is given to this project, that the applicant submit a detailed narrative to the Town for this project which provides, at a minimum, the following information; total number panels/arrays proposed for this site, the amount of electricity to be generated on site, how panels/arrays would be secured to the ground, types of plantings and planting maintenance schedule adjacent to and underneath panels/arrays, total length of cable (buried and aboveground) and number of power inverters and conductors and a decommissioning plan for the project.

Finally, the applicant has completed Part I of a Short 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 conditional permit and an aquifer protection district special permit contingent upon the following:

1. That the applicant providing assurances to the Town that the necessary steps would be taken to minimize reflective glare impact on surrounding properties.
2. The applicant obtaining written approval of the driveway entrance to Gallagher Road from the Town Highway Superintendent since Gallagher Road is a Town road.
3. 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.
4. That the applicant prepare and submit an erosion and sediment control plan to the Town to address erosion and sediment control during construction and revegetation of all pervious areas upon completion of construction.
5. The applicant preparing and obtaining approval of a stormwater pollution prevention plan (SWPPP) including water quality and quantity management for this site from the Town upon review by the County Soil and Water Conservation District, if it is determined that this project would disturb more than one acre of land
6. 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 if it is determined that 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.
7. 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.

8. That the applicant submits a detailed narrative to the Town for this project which provides, at a minimum, the following information; total number panels/arrays proposed for this site, the amount of electricity to be generated on site, how panels/arrays would be secured to the ground, types of plantings and planting maintenance schedule adjacent to and underneath panels/arrays, total length of cable (buried and aboveground) and number of power inverters and conductors and a decommissioning plan for the project to provide the Town with the necessary information to adequately assess potential impacts of this project on the surrounding neighborhood and community.
9. Compliance with SEQR requirements.

Prepared by:

Daniel S. Dineen
Director of Planning

**ON THE MOTION OF Paul Slowey
Craig Umbehauer**

RESOLUTION NO. 19-09

**GML#105.00-04-18.000
Town of Cortlandville
Conditional Permit and Aquifer
Protection District Special
Permit
Cortland-Virgil Solar, LLC**

WHEREAS, on February 4, 2019 the Zoning Officer, Town of Cortlandville, pursuant to General Municipal Law 239 M submitted an application for a Conditional Permit and Aquifer Protection District Special Permit because the property is located within 500 feet of South Cortland Virgil Road (County Road #123), the Town of Virgil boundary and active farming operations within the Cortland County Consolidated Agricultural District which has been received by the Cortland County Planning Department, AND

WHEREAS, the Cortland County Planning Department has reviewed this request and submitted a written report dated March 22, 2019, which is on file, AND

WHEREAS, the Cortland County Planning Board on March 25, 2019 held a regular meeting with a quorum and did consider this request, AND

WHEREAS, the Cortland County Planning Board did thoroughly consider the material submitted by the petitioner, Department comments and all other relevant reports on file, NOW THEREFORE BE IT

RESOLVED, that the Board recommends approval of this application for a conditional permit and aquifer protection district special permit contingent upon the following:

- 1. That the applicant providing assurances to the Town that the necessary steps would be taken to minimize reflective glare impact on surrounding properties.**
- 2. The applicant obtaining written approval of the driveway entrance to Gracie Road from the County Highway Superintendent since Gracie Road is a County road.**
- 3. 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.**

4. The applicant preparing and obtaining approval of a stormwater pollution prevention plan (SWPPP) including water quality and quantity management for this site from the Town upon review by the County Soil and Water Conservation District, if it is determined that this project would disturb more than one acre of land.
5. 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 if it is determined that 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.
6. 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.
7. The applicant obtaining Town Planning Board approval of the use of prime farmland for a ground-mounted large-scale solar energy system.
8. Compliance with SEQR requirements, AND

BE IT FURTHER RESOLVED, that the Board reminds the Town of the requirements of General Municipal Law Section 239 M that a supermajority vote is to be attained by the Town in order to approve this application unless every contingency documented in this resolution is followed, AND

BE IT FURTHER RESOLVED, that the Planning Department is hereby authorized to convey this action to the Zoning Officer, Town of Cortlandville.

Wendy Miller, Secretary
Cortland County Planning Board
March 25, 2019

Ayes: 9

Nays: 0

1-4b

March 22, 2019

GML# 77.00-11-08.000
Town of Cortlandville
Conditional Permit & Aquifer Protection
District Special Permit
East River Road Solar, LLC

TO: Cortland County Planning Board

FROM: Cortland County Planning Department

This application for a 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 East River Road (County Road # 114), Loring Crossing (County Road # 112A) and active farming operations within the Cortland County Consolidated Agricultural District.

GENERAL INFORMATION

Date Received: February 14, 2019

Applicant: East River Road Solar, LLC
Attn: Elie Schecter
55 5th Avenue
Floor 13
New York, New York 10003

Status of Applicant: lease agreement

Requested Action: conditional permit and aquifer protection district special permit

Purpose: to construct a solar array, accessory access driveway and security fencing encompassing approximately 10.02+/- acres

Location: east side of East River Road, approximately 275 ft. north of the East River Road/Ames Road intersection

Size: 86.51+/- acres (project area 10.02+/- acres)

Existing Zoning: AG (Agricultural)

Existing Land Use: agricultural and woods

Surrounding Zoning: AG (Agricultural)

Surrounding Land Uses: N – agricultural and woods
S – woods
E – woods
W – County Farm Cemetery and vacant

Existing Regulations: Code of the Town of Cortlandville

Chapter 178 Zoning

Article III – Agricultural District

Section 178.15- Uses subject to conditional permit

E. Transportation and utility uses

(4) New utility poles, lines and facilities

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

ANALYSIS:

The applicant is requesting a conditional permit and aquifer protection district special permit to construct a solar array, accessory access driveway and security fencing encompassing approximately 10.02+/- acres. The property is located on the east side of East River Road, approximately 275 ft. north of the East River Road/Ames Road intersection, and is zoned AG (Agricultural).

The Coordinated Review Committee (CRC) met regarding this proposal and addressed the following issues. The applicant is proposing to construct a solar array, accessory access driveway and security fencing encompassing approximately 10.02+/- acres. Ground-mounted large-scale solar energy systems are permitted in the AG District subject to a conditional permit. An aquifer protection district special permit is also required as the proposed development costs would exceed \$150,000. The site plan indicates that the proposed solar array would encompass two areas, each of approximately 5 acres in size, and would include a total of 305 groups of panels. It is unclear from the application as to the total number of panels proposed for this site and the amount of electricity to be generated from this solar array. The two arrays would be enclosed by 7 ft. in height chain-link fencing with secured access gates. Warning signs, owner's name and contact information signs shall be installed every 200 ft. along the fence. The solar panels would be in a fixed location facing south and have a maximum height of 12 ft. The solar panels would be setback a minimum of 50 feet from all adjoining properties. There is concern regarding the impact of glare from the solar panels on surrounding properties. It is recommended that the applicant provide assurance to the Town that the necessary steps would be taken to minimize reflective glare impact on surrounding properties.

Access to the site would be provided via a 10 ft. wide gravel driveway access from East River Road. It is recommended that the applicant obtain written approval of the driveway entrance to East River Road from the County Highway Superintendent since East River Road is a County road. This 10 ft. wide driveway would extend approximately 1,450 ft. from East River Road to the proposed solar array. In addition to the security gate on the fencing surrounding the solar array, there would be another security gate at the entrance to the access road from East River Road.

The area of the proposed driveway and solar array is currently being used as a farm field. 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. The applicant has indicated that there would be only .71+/- acres of land disturbance as a result of this project since the solar panels would be installed in an area that is an existing cultivated farm field and there is an existing farm driveway at the location of the proposed access road. It is unclear as to whether the installation of solar arrays on a cultivated farm field is considered land disturbance. Regardless of whether or not this project is considered to have more than one acre of land disturbance, it is recommended that the applicant prepare and submit an erosion and sediment control plan to the Town to address erosion and sediment control during construction and revegetation of all pervious area upon completion of construction. If it determined that 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. 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 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.

It should be noted that a portion of the project site is considered prime farmland as identified by the United States Department of Agriculture Natural Resources Conservation Service. The use of prime farmland for ground-mounted large-scale solar energy systems requires Town Planning Board approval.

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 applicant however has not submitted other details for the proposed solar project including total number panels proposed for this site, the amount of electricity to be generated on site, how panels/arrays would be secured to the ground, types of plantings and planting maintenance schedule adjacent to and underneath panels/arrays, total length of cable (buried and aboveground) and number of power inverters and conductors and a decommissioning plan for the project. It is difficult to assess potential impacts of this project on the surrounding neighborhood and community without more detailed information about the project. It is therefore recommended that before any positive consideration is given to this project, that the applicant submit a detailed narrative to the Town for this project which provides, at a minimum, the following information; total number panels proposed for this site, the amount of electricity to be generated on site, how panels/arrays would be secured to

the ground, types of plantings and planting maintenance schedule adjacent to and underneath panels/arrays, total length of cable (buried and aboveground) and number of power inverters and conductors and a decommissioning plan for the project.

Finally, the applicant has completed Part I of a Short 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 conditional permit and an aquifer protection district special permit contingent upon the following:

1. That the applicant providing assurances to the Town that the necessary steps would be taken to minimize reflective glare impact on surrounding properties.
2. The applicant obtaining written approval of the driveway entrance to East River Road from the County Highway Superintendent since East River Road is a County road.
3. 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.
4. That the applicant prepare and submit an erosion and sediment control plan to the Town to address erosion and sediment control during construction and revegetation of all pervious areas upon completion of construction.
5. The applicant preparing and obtaining approval of a stormwater pollution prevention plan (SWPPP) including water quality and quantity management for this site from the Town upon review by the County Soil and Water Conservation District, if it is determined that this project would disturb more than one acre of land
6. 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 if it is determined that 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.

7. 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.
8. The applicant obtaining Town Planning Board approval of the use of prime farmland for a ground-mounted large-scale solar energy system.
9. That the applicant submits a detailed narrative to the Town for this project which provides, at a minimum, the following information; total number panels/arrays proposed for this site, the amount of electricity to be generated on site, how panels/arrays would be secured to the ground, types of plantings and planting maintenance schedule adjacent to and underneath panels/arrays, total length of cable (buried and aboveground) and number of power inverters and conductors and a decommissioning plan for the project to provide the Town with the necessary information to adequately assess potential impacts of this project on the surrounding neighborhood and community.
10. Compliance with SEQR requirements.

Prepared by:

Daniel S. Dineen
Director of Planning

ON THE MOTION OF Paul Slowey
Craig Umbehauer

RESOLUTION NO. 19-08

GML#77.00-11-08.100
Town of Cortlandville
Conditional Permit and Aquifer
Protection District Special
Permit
East River Road Solar, LLC

WHEREAS, on February 4, 2019 the Zoning Officer, Town of Cortlandville, pursuant to General Municipal Law 239 M submitted an application for a Conditional Permit and Aquifer Protection District Special Permit because the property is located within 500 feet of East River Road (County Road #114), Loring Crossing (County Road #112A) and active farming operations within the Cortland County Consolidated Agricultural District, AND

WHEREAS, the Cortland County Planning Department has reviewed this request and submitted a written report dated March 22, 2019, which is on file, AND

WHEREAS, the Cortland County Planning Board on March 25, 2019 held a regular meeting with a quorum and did consider this request, AND

WHEREAS, the Cortland County Planning Board did thoroughly consider the material submitted by the petitioner, Department comments and all other relevant reports on file, NOW THEREFORE BE IT

RESOLVED, that the Board recommends approval of this application for a conditional permit and aquifer protection district special permit contingent upon the following:

1. That the applicant providing assurances to the Town that the necessary steps would be taken to minimize reflective glare impact on surrounding properties.
2. The applicant obtaining written approval of the driveway entrance to East River Road from the County Highway Superintendent since East River Road is a County road.
3. 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.

4. That the applicant prepare and submit an erosion and sediment control plan to the Town to address erosion and sediment control during construction and revegetation of all pervious areas upon completion of construction.
5. The applicant preparing and obtaining approval of a stormwater pollution prevention plan (SWPPP) including water quality and quantity management for this site from the Town upon review by the County Soil and Water Conservation District, if it is determined that this project would disturb more than one acre of land.
6. 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 if it is determined that 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.
7. 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.
8. The applicant obtaining Town Planning Board approval of the use of prime farmland for a ground-mounted large-scale solar energy system.
9. Compliance with SEQR requirements, AND

BE IT FURTHER RESOLVED, that the Board reminds the Town of the requirements of General Municipal Law Section 239 M that a supermajority vote is to be attained by the Town in order to approve this application unless every contingency documented in this resolution is followed, AND

BE IT FURTHER RESOLVED, that the Planning Department is hereby authorized to convey this action to the Zoning Officer, Town of Cortlandville.

Wendy Miller, Secretary
Cortland County Planning Board
March 25, 2019

Ayes: 9
Nays: 0

1-4c

March 22, 2019

GML# 95.00-06-04.100
Town of Cortlandville
Conditional Permit & Aquifer Protection
District Special Permit
Lime Hollow Solar, LLC

TO: Cortland County Planning Board

FROM: Cortland County Planning Department

This application for a 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 McLean Road (County Road # 120).

GENERAL INFORMATION

Date Received: February 14, 2019

**Applicant: Lime Hollow Solar, LLC
Attn: Elie Schecter
55 5th Avenue
Floor 13
New York, New York 10003**

Status of Applicant: lease agreement

Requested Action: conditional permit and aquifer protection district special permit

Purpose: to construct a solar array, accessory access driveway and security fencing encompassing approximately 15.77+/- acres

Location: south side of Lime Hollow Road, approximately 1/2 mile west of the Lime Hollow Road/Stupke Road intersection

Size: 108.6+/- acres (project area 15.77+/- acres)

Existing Zoning: AG (Agricultural)

Existing Land Use: woods

Surrounding Zoning: AG (Agricultural) and R-1 (Residential)

Surrounding Land Uses: N – woods
S – woods
E – Town of Cortlandville Lime Hollow public water well
W – residential and woods

Existing Regulations: Code of the Town of Cortlandville

Chapter 178 Zoning

Article III – Agricultural District

Section 178.15- Uses subject to conditional permit

E. Transportation and utility uses

(4) New utility poles, lines and facilities

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

ANALYSIS:

The applicant is requesting a conditional permit and aquifer protection district special permit to construct a solar array, accessory access driveway and security fencing encompassing approximately 15.77+/- acres. The property is located on the south side of Lime Hollow Road, approximately ½ mile west of the Lime Hollow Road/Stupke Road intersection, and is zoned AG (Agricultural).

The Coordinated Review Committee (CRC) met regarding this proposal and addressed the following issues. The applicant is proposing to construct a solar array, accessory access driveway and security fencing encompassing approximately 15.77+/- acres. Ground-mounted large-scale solar energy systems are permitted in the AG District subject to a conditional permit. An aquifer protection district special permit is also required as the proposed development costs would exceed \$150,000. The site plan indicates that the proposed solar array would be 15.77 acres in size and would include 229 rows of panels. It is unclear from the application as to the number of panels per row or the amount of electricity to be generated from this solar array. The array would be enclosed by 7 ft. in height chain-link fencing with a secured access gate. Warning signs, owner's name and contact information signs shall be installed every 200 ft. along the fence. The solar panels would be capable of rotating with the angle of the sun to provide a more efficient array than standard stationary panels. The rotating panels would have a maximum height of 7 ft. The solar panels would be setback a minimum of 50 feet from all property lines. There is concern regarding the impact of glare from the solar panels on surrounding properties. It is recommended that the applicant provide assurance to the Town that the necessary steps would be taken to minimize reflective glare impact on surrounding properties.

Access to the site would be provided via a 10 ft. wide gravel driveway access from Lime Hollow Road at the same location as an existing driveway entrance accessing the existing woodlot. It is recommended that the applicant obtain written approval of the driveway entrance from the Town Highway Superintendent given the change in use of the property.

The property is currently covered by tress and other vegetation. There is concern as to the potential stormwater impacts from a large scale solar array particularly since approximately 15.77 acres of trees and other vegetation would be required to be cleared to make room for the solar panels. Also, while solar arrays themselves do not add direct impervious cover but 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. Since this project would disturb

more than one acre of land, it will require the preparation of a Stormwater Pollution Prevention Plan (SWPPP) per the Town's stormwater ordinance including water quality and quantity management. Erosion and sediment control during construction and revegetation of all pervious areas upon completion of construction will be essential at these sites. The applicant must also 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 planned soil disturbance of 5 acres or greater would require additional Permit and SWPPP requirements. A written request to disturb 5 acres or greater must be submitted with the SWPPP to the DEC Region 7 Syracuse office. Upon review and acceptance, DEC would issue the 5 acre authorization. The applicant would 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 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.

It should be noted that the project site is considered prime farmland as identified by the United States Department of Agriculture Natural Resources Conservation Service. The use of prime farmland for ground-mounted large-scale solar energy systems requires Town Planning Board approval.

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 applicant however has not submitted other details for the proposed solar project including total number panels/arrays proposed for this site, the amount of electricity to be generated on site, how panels/arrays would be secured to the ground, types of plantings and planting maintenance schedule adjacent to and underneath panels/arrays, total length of cable (buried and aboveground) and number of power inverters and conductors and a decommissioning plan for the project. It is difficult to assess potential impacts of this project on the surrounding neighborhood and community without more detailed information about the project. It is therefore recommended that before any positive consideration is given to this project, that the applicant submit a detailed narrative to the Town for this project which provides, at a minimum, the following information; total number panels/arrays proposed for this site, the amount of electricity to be generated on site, how panels/arrays would be secured to the ground, types of plantings and planting maintenance schedule adjacent to and underneath panels/arrays, total length of cable (buried and aboveground) and number of power inverters and conductors and a decommissioning plan for the project.

Finally, the applicant has completed Part I of a Short 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 conditional permit and an aquifer protection district special permit contingent upon the following:

1. That the applicant providing assurances to the Town that the necessary steps would be taken to minimize reflective glare impact on surrounding properties.
2. The applicant obtaining written approval of the driveway entrance from the Town Highway Superintendent given the change in use of the property.
3. 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.
4. The applicant preparing and obtaining approval of a stormwater pollution prevention plan (SWPPP) including water quality and quantity management for this site from the Town upon review by the County Soil and Water Conservation District.
5. 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 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 planned soil disturbance of 5 acres or greater would require additional Permit and SWPPP requirements.
6. 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.
7. The applicant obtaining Town Planning Board approval of the use of prime farmland for a ground-mounted large-scale solar energy system.
8. That the applicant submits a detailed narrative to the Town for this project which provides, at a minimum, the following information; total number panels/arrays proposed for this site, the amount of electricity to be generated on site, how

panels/arrays would be secured to the ground, types of plantings and planting maintenance schedule adjacent to and underneath panels/arrays, total length of cable (buried and aboveground) and number of power inverters and conductors and a decommissioning plan for the project to provide the Town with the necessary information to adequately assess potential impacts of this project on the surrounding neighborhood and community.

9. Compliance with SEQR requirements.

Prepared by:

**Daniel S. Dineen
Director of Planning**

**ON THE MOTION OF Paul Slowey
Craig Umbehauer**

RESOLUTION NO. 19-07

**GML#95.00-06-04.100
Town of Cortlandville
Conditional Permit and Aquifer
Protection District Special
Permit
Lime Hollow Solar, LLC**

WHEREAS, on February 4, 2019 the Zoning Officer, Town of Cortlandville, pursuant to General Municipal Law 239 M submitted an application for a Conditional Permit and Aquifer Protection District Special Permit because the property is located within 500 feet of McLean Road (County Road #120), AND

WHEREAS, the Cortland County Planning Department has reviewed this request and submitted a written report dated March 22, 2019, which is on file, AND

WHEREAS, the Cortland County Planning Board on March 25, 2019 held a regular meeting with a quorum and did consider this request, AND

WHEREAS, the Cortland County Planning Board did thoroughly consider the material submitted by the petitioner, Department comments and all other relevant reports on file, NOW THEREFORE BE IT

RESOLVED, that the Board recommends approval of this application for a conditional permit and aquifer protection district special permit contingent upon the following:

- 1. That the applicant providing assurances to the Town that the necessary steps would be taken to minimize reflective glare impact on surrounding properties.**
- 2. The applicant obtaining written approval of the driveway entrance from the Town Highway Superintendent given the change in use of the property.**
- 3. 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.**
- 4. The applicant preparing and obtaining approval of a stormwater pollution prevention plan (SWPPP) including water quality and quantity management for**

this site from the Town upon review by the County Soil and Water Conservation District, if it is determined that this project would disturb more than one acre of land.

- 5. 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 if it is determined that 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.**
- 6. 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.**
- 7. The applicant obtaining Town Planning Board approval of the use of prime farmland for a ground-mounted large-scale solar energy system.**
- 8. Compliance with SEQR requirements, AND**

BE IT FURTHER RESOLVED, that the Board reminds the Town of the requirements of General Municipal Law Section 239 M that a supermajority vote is to be attained by the Town in order to approve this application unless every contingency documented in this resolution is followed, AND

BE IT FURTHER RESOLVED, that the Planning Department is hereby authorized to convey this action to the Zoning Officer, Town of Cortlandville.

**Wendy Miller, Secretary
Cortland County Planning Board
March 25, 2019**

**Ayes: 9
Nays: 0**

1-4d

March 22, 2019

GML# 95.15-01-12.000
Town of Cortlandville
Site Plan Approval, Conditional Permit &
Aquifer Protection District Special Permit
McLean Solar 2, LLC

TO: Cortland County Planning Board

FROM: Cortland County Planning Department

This application for site plan approval, a 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 McLean Road (County Road # 120) and active farming operations within the Cortland County Consolidated Agricultural District.

GENERAL INFORMATION

Date Received: February 14, 2019

Applicant: McLean Solar 2, LLC
Attn: Elie Schechter
55 5th Avenue
Floor 13
New York, New York 10003

Status of Applicant: lease agreement

Requested Action: site plan approval, conditional permit and aquifer protection district special permit

Purpose: to construct a solar array, accessory access driveway and security fencing encompassing approximately 9.20+/- acres

Location: north side of Stupke Road, approximately 215 ft. southeast of the McLean Road/Stupke Road intersection

Size: 46.4+/- acres (project area 9.20+/- acres)

Existing Zoning: I-2 (General Industrial)

Existing Land Use: residential, agricultural and Stupke Pond

Surrounding Zoning: I-2 (General Industrial) and R-1 (Residential)

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

Existing Regulations: Code of the Town of Cortlandville

Chapter 178 Zoning

Article IX – Industrial District

Section 178-40.4. – Permitted structures and uses subject to site plan approval and conditional permit

A. Permitted uses subject to site plan approval and conditional permit shall be as follows:

(3) Energy generation facilities and customary related uses

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

ANALYSIS:

The applicant is requesting site plan approval, a conditional permit and aquifer protection district special permit to construct a solar array, accessory access driveway and security fencing encompassing approximately 9.2+/- acres. The property is located on the north side of Stupke Road, approximately 215 ft. southeast of the McLean Road/Stupke Road intersection, and is zoned I-2 (General Industrial).

The Coordinated Review Committee (CRC) met regarding this proposal and addressed the following issues. The applicant is proposing to construct a solar array, accessory access driveway and security fencing encompassing approximately 9.2+/- acres. Ground-mounted large-scale solar energy systems are permitted in the I-2 District subject to site plan approval and a conditional permit. An aquifer protection district special permit is also required as the proposed development costs would exceed \$150,000. The site plan indicates that the proposed solar array would be approximately 9 acres in size and would include approximately 7,440 panels. It is unclear from the application as to the amount of electricity to be generated from this solar array. The array would be enclosed by 7 ft. in height chain-link fencing with a secured access gate. Warning signs, owner's name and contact information signs shall be installed every 200 ft. along the fence. The solar panels would be in a fixed location facing south and have a maximum height of 12 ft. The solar panels would be setback a minimum of 50 feet from all adjoining properties. The applicant is proposing to plant a double row of staggered offset arborvitae along the north side of the proposed array to visual screen this site from the neighboring residential properties. There is also however concern regarding the impact of glare from the solar panels on surrounding properties. It is recommended that the applicant provide assurance to the Town that the necessary steps would be taken to minimize reflective glare impact on surrounding properties.

Access to the site would be provided via a 10 ft. wide gravel driveway access from Stupke Road. It is recommended that the applicant obtain written approval of the driveway entrance to Stupke Road from the Town Highway Superintendent since Stupke Road is a Town road. This 10 ft. wide driveway would extend approximately 360 ft. from Stupke Road to the proposed solar array. In addition to the security gate on the fencing surrounding the solar array, there would be another security gate at the entrance to the access road from Stupke Road.

The area of the proposed solar array is currently being used as a farm field while the

proposed driveway access is at the same location as an existing farm road. 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. The applicant has indicated that there would be only .75+/- acres of land disturbance as a result of this project since the solar panels would be installed in an area that is an existing cultivated farm field and there is an existing farm driveway at the location of the proposed access road. It is unclear as to whether the installation of solar arrays on a cultivated farm field is considered land disturbance. Regardless of whether or not this project is considered to have more than one acre of land disturbance, it is recommended that the applicant prepare and submit an erosion and sediment control plan to the Town to address erosion and sediment control during construction and revegetation of all pervious area upon completion of construction. If it determined that 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. 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 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.

It should be noted that almost the entire project site is considered prime farmland as identified by the United States Department of Agriculture Natural Resources Conservation Service. The use of prime farmland for ground-mounted large-scale solar energy systems requires Town Planning Board approval.

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 applicant however has not submitted other details for the proposed solar project including the amount of electricity to be generated on site, how panels/arrays would be secured to the ground, types of plantings and planting maintenance schedule adjacent to and underneath panels/arrays, total length of cable buried and aboveground) and

number of power inverters and conductors and a decommissioning plan for the project. It is difficult to assess potential impacts of this project on the surrounding neighborhood and community without more detailed information about the project. It is therefore recommended that before any positive consideration is given to this project, that the applicant submit a detailed narrative to the Town for this project which provides, at a minimum, the following information; the amount of electricity to be generated on site, how panels/arrays would be secured to the ground, types of plantings and planting and planting maintenance schedule adjacent to and underneath panels/arrays, total length of cable (buried and aboveground) and number of power inverters and conductors and a decommissioning plan for the project.

Finally, the applicant has completed Part I of a Short 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 site plan approval, a conditional permit and an aquifer protection district special permit contingent upon the following:

1. That the applicant providing assurances to the Town that the necessary steps would be taken to minimize reflective glare impact on surrounding properties.
2. The applicant obtaining written approval of the driveway entrance to Stupke Road from the Town Highway Superintendent since Stupke Road is a Town road.
3. 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.
4. That the applicant prepare and submit an erosion and sediment control plan to the Town to address erosion and sediment control during construction and revegetation of all pervious areas upon completion of construction.
5. The applicant preparing and obtaining approval of a stormwater pollution prevention plan (SWPPP) including water quality and quantity management for this site from the Town upon review by the County Soil and Water Conservation District, if it is determined that this project would disturb more than one acre of land.
6. 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 if it is determined that 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.

- 7. 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.**
- 8. The applicant obtaining Town Planning Board approval of the use of prime farmland for a ground-mounted large-scale solar energy system.**
- 9. That the applicant submits a detailed narrative to the Town for this project which provides, at a minimum, the following information; the amount of electricity to be generated on site, how panels/arrays would be secured to the ground, types of plantings and planting maintenance schedule adjacent to and underneath panels/arrays, total length of cable (buried and aboveground) and number of power inverters and conductors and a decommissioning plan for the project to provide the Town with the necessary information to adequately assess potential impacts of this project on the surrounding neighborhood and community.**
- 10. Compliance with SEQR requirements.**

Prepared by:

Daniel S. Dineen
Director of Planning

**ON THE MOTION OF Paul Slowey
Craig Umbehauer**

RESOLUTION NO. 19-05

**GML#95.15-01-12.000
Town of Cortlandville
Conditional Permit and Aquifer
Protection District Special
Permit
McLean Solar 2, LLC**

WHEREAS, on February 4, 2019 the Zoning Officer, Town of Cortlandville, pursuant to General Municipal Law 239 M submitted an application for a Conditional Permit and Aquifer Protection District Special Permit because the property is located within 500 feet of McLean Road (County Road #120) and active farming operations within the Cortland County Consolidated Agricultural District which has been received by the Cortland County Planning Department, AND

WHEREAS, the Cortland County Planning Department has reviewed this request and submitted a written report dated March 22, 2019, which is on file, AND

WHEREAS, the Cortland County Planning Board on March 25, 2019 held a regular meeting with a quorum and did consider this request, AND

WHEREAS, the Cortland County Planning Board did thoroughly consider the material submitted by the petitioner, Department comments and all other relevant reports on file, NOW THEREFORE BE IT

RESOLVED, that the Board recommends approval of this application for a conditional permit and aquifer protection district special permit contingent upon the following:

- 1. That the applicant providing assurances to the Town that the necessary steps would be taken to minimize reflective glare impact on surrounding properties.**
- 2. The applicant obtaining written approval of the driveway entrance to Stupke Road from the Town Highway Superintendent since Stupke Road is a Town road.**
- 3. That a maintenance schedule be established to ensure that vegetative cover including the proposed buffer strip is maintained post-construction as it will be the primary management practice for stormwater on site.**
- 4. That the applicant prepare and submit an erosion and sediment control plan to the**

Town to address erosion and sediment control during construction and revegetation of all pervious areas upon completion of construction.

- 5. The applicant preparing and obtaining approval of a stormwater pollution prevention plan (SWPPP) including water quality and quantity management for this site from the Town upon review by the County Soil and Water Conservation District, if it is determined that this project would disturb more than one acre of land.**
- 6. 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 if it is determined that 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.**
- 7. 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.**
- 8. The applicant obtaining Town Planning Board approval of the use of prime farmland for a ground-mounted large-scale solar energy system.**
- 9. Compliance with SEQR requirements, AND**

BE IT FURTHER RESOLVED, that the Board reminds the Town of the requirements of General Municipal Law Section 239 M that a supermajority vote is to be attained by the Town in order to approve this application unless every contingency documented in this resolution is followed, AND

BE IT FURTHER RESOLVED, that the Planning Department is hereby authorized to convey this action to the Zoning Officer, Town of Cortlandville.

Wendy Miller, Secretary
Cortland County Planning Board
March 25, 2019

Ayes: 9
Nays: 0

1-4e

March 22, 2019

GML# 105.00-04-02.120
Town of Cortlandville
Conditional Permit & Aquifer Protection
District Special Permit
Route 13 Solar, LLC

TO: Cortland County Planning Board

FROM: Cortland County Planning Department

This application for a 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 NYS Route 13, Gracie Road (County Road # 124), Webb Road (County Road # 124A), the Town of Virgil boundary and active farming operations within the Cortland County Consolidated Agricultural District.

GENERAL INFORMATION

Date Received: February 14, 2019

Applicant: Route 13 Solar, LLC
Attn: Elie Schecter
55 5th Avenue
Floor 13
New York, New York 10003

Status of Applicant: lease agreement

Requested Action: conditional permit and aquifer protection district special permit

Purpose: to construct a solar array, accessory access driveway and security fencing encompassing approximately 16.25+/- acres

Location: west side of Gracie Road and north of NYS Route 13, immediately north of the Town of Virgil boundary

Size: 71.2+/- acres (project area 16.25+/- acres)

Existing Zoning: AG (Agricultural)

Existing Land Use: agricultural and woods

Surrounding Zoning: AG (Agricultural) and I-1 (Light Industrial, Office, Business Park)
- Town of Cortlandville
C (Commercial and I (Industrial) – Town of Virgil

Surrounding Land Uses: N – Tunison Laboratory of Aquatic Science
S – agricultural
E – agricultural
W – Elm Tree Golf Course

Existing Regulations: Code of the Town of Cortlandville

Chapter 178 Zoning

Article III – Agricultural District

Section 178.15- Uses subject to conditional permit

E. Transportation and utility uses

(4) New utility poles, lines and facilities

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

ANALYSIS:

The applicant is requesting a conditional permit and aquifer protection district special permit to construct a solar array, accessory access driveway and security fencing encompassing approximately 16.25+/- acres. The property is located on the west side of Gracie Road and north of NYS Route 13, immediately north of the Town of Virgil boundary, and is zoned AG (Agricultural).

The Coordinated Review Committee (CRC) met regarding this proposal and addressed the following issues. The applicant is proposing to construct a solar array, accessory access driveway and security fencing encompassing approximately 16.25+/- acres. Ground-mounted large-scale solar energy systems are permitted in the AG District subject to a conditional permit. An aquifer protection district special permit is also required as the proposed development costs would exceed \$150,000. The site plan indicates that the proposed solar array would be approximately 12 acres in size and would include 211 rows of panels. It is unclear from the application as to the number of panels per row or the amount of electricity to be generated from this solar array. The array would be enclosed by 7 ft. in height chain-link fencing with a secured access gate. Warning signs, owner's name and contact information signs shall be installed every 200 ft. along the fence. The solar panels would be capable of rotating with the angle of the sun to provide a more efficient array than standard stationary panels. The rotating panels would have a maximum height of 7 ft. The solar panels would be setback a minimum of 50 feet from all adjoining properties. There is concern regarding the impact of glare from the solar panels on surrounding properties. It is recommended that the applicant provide assurance to the Town that the necessary steps would be taken to minimize reflective glare impact on surrounding properties.

Access to the site would be provided via a 10 ft. wide gravel driveway access from Gracie Road. It is recommended that the applicant obtain written approval of the driveway entrance to Gracie Road from the County Highway Superintendent since Gracie Road is a County road. This 10 ft. wide driveway would extend approximately 1,450 ft. from Gracie Road to the proposed solar array. In addition to the security gate on the fencing surrounding the solar array, there would be another security gate at the entrance to the access road from Gracie Road.

The area of the proposed driveway and solar array is currently being used as a farm field. There is concern as to the potential stormwater impacts from a large scale solar array and approximately 3.91 acres of land disturbance from the construction of a 1,450 ft. in length driveway. Also, while solar arrays themselves do not add direct impervious cover but

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. Since this project would disturb more than one acre of land, it will require the preparation of a Stormwater Pollution Prevention Plan (SWPPP) per the Town's stormwater ordinance including water quality and quantity management. Erosion and sediment control during construction and revegetation of all pervious area upon completion of construction will be essential at these sites. The applicant must also 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 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 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.

It should be noted that the project site is considered prime farmland as identified by the United States Department of Agriculture Natural Resources Conservation Service. The use of prime farmland for ground-mounted large-scale solar energy systems requires Town Planning Board approval.

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 applicant however has not submitted other details for the proposed solar project including total number panels/arrays proposed for this site, the amount of electricity to be generated on site, how panels/arrays would be secured to the ground, types of plantings and planting maintenance schedule adjacent to and underneath panels/arrays, total length of cable (buried and aboveground) and number of power inverters and conductors and a decommissioning plan for the project. It is difficult to assess potential impacts of this project on the surrounding neighborhood and community without more detailed information about the project. It is therefore recommended that before any positive consideration is given to this project, that the applicant submit a detailed narrative to the Town for this project which provides, at a minimum, the following information; total number panels/arrays proposed for this site, the amount of electricity to be generated on site, how panels/arrays would be secured to the ground, types of plantings and planting maintenance schedule adjacent to and underneath panels/arrays, total length of cable (buried and aboveground) and number of power inverters and conductors and a decommissioning plan for the project.

Finally, the applicant has completed Part I of a Short 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 conditional permit and an aquifer protection district special permit contingent upon the following:

1. That the applicant providing assurances to the Town that the necessary steps would be taken to minimize reflective glare impact on surrounding properties.
2. The applicant obtaining written approval of the driveway entrance to Gracie Road from the County Highway Superintendent since Gracie Road is a County road.
3. 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.
4. The applicant preparing and obtaining approval of a stormwater pollution prevention plan (SWPPP) including water quality and quantity management for this site from the Town upon review by the County Soil and Water Conservation District.
5. 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 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.
6. 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.
7. The applicant obtaining Town Planning Board approval of the use of prime farmland for a ground-mounted large-scale solar energy system.
8. That the applicant submits a detailed narrative to the Town for this project which provides, at a minimum, the following information; total number panels/arrays

proposed for this site, the amount of electricity to be generated on site, how panels/arrays would be secured to the ground, types of plantings and planting maintenance schedule adjacent to and underneath panels/arrays, total length of cable (buried and aboveground) and number of power inverters and conductors and a decommissioning plan for the project to provide the Town with the necessary information to adequately assess potential impacts of this project on the surrounding neighborhood and community.

9. Compliance with SEQR requirements.

Prepared by:

Daniel S. Dineen
Director of Planning

ON THE MOTION OF Paul Slowey
Craig Umbehauer

RESOLUTION NO. 19-06

GML#105.00-04-02.120
Town of Cortlandville
Conditional Permit and Aquifer
Protection District Special
Permit
Route 13 Solar, LLC

WHEREAS, on February 4, 2019 the Zoning Officer, Town of Cortlandville, pursuant to General Municipal Law 239 M submitted an application for a Conditional Permit and Aquifer Protection District Special Permit because the property is located within 500 feet of NYS Route 13, Gracie Road (County Road #124), Webb Road (County Road #124 A), the Town of Virgil boundary and active farming operations within the Cortland County Consolidated Agricultural District which has been received by the Cortland County Planning Department, AND

WHEREAS, the Cortland County Planning Department has reviewed this request and submitted a written report dated March 22, 2019, which is on file, AND

WHEREAS, the Cortland County Planning Board on March 25, 2019 held a regular meeting with a quorum and did consider this request, AND

WHEREAS, the Cortland County Planning Board did thoroughly consider the material submitted by the petitioner, Department comments and all other relevant reports on file, NOW THEREFORE BE IT

RESOLVED, that the Board recommends approval of this application for a conditional permit and aquifer protection district special permit contingent upon the following:

1. That the applicant providing assurances to the Town that the necessary steps would be taken to minimize reflective glare impact on surrounding properties.
2. The applicant obtaining written approval of the driveway entrance to Gracie Road from the County Highway Superintendent since Gracie Road is a County road.
3. 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.

4. The applicant preparing and obtaining approval of a stormwater pollution prevention plan (SWPPP) including water quality and quantity management for this site from the Town upon review by the County Soil and Water Conservation District, if it is determined that this project would disturb more than one acre of land.
5. 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 if it is determined that 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.
6. 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.
7. The applicant obtaining Town Planning Board approval of the use of prime farmland for a ground-mounted large-scale solar energy system.
8. Compliance with SEQR requirements, AND

BE IT FURTHER RESOLVED, that the Board reminds the Town of the requirements of General Municipal Law Section 239 M that a supermajority vote is to be attained by the Town in order to approve this application unless every contingency documented in this resolution is followed, AND

BE IT FURTHER RESOLVED, that the Planning Department is hereby authorized to convey this action to the Zoning Officer, Town of Cortlandville.

Wendy Miller, Secretary
Cortland County Planning Board
March 25, 2019

Ayes: 9
Nays: 0

To: Supervisor, Town of Cortlandville, NY
Town Clerk, Town of Cortlandville, NY

April 1, 2019

Subject: Cortland Crush NYCBL Baseball Inc. Concessions and Events at Gutches Lumber Sports Complex; June 5 – July 26, 2019.

Dear Supervisor Tupper,

I'm writing to you to bring the following issues to you and the Town Board for discussion and approval at the April 3, 2019 Town Board meeting.

First, the Cortland Crush would request that we are allowed to serve a variety of food and non-alcoholic beverages at our home dates at Gutches Lumber Sports Complex.

- These services are provided via a 5 x 10 enclosed trailer (The Crush Dog House) and it is fully inspected and approved by the Cortland County Health Department and the Cortland Fire Department. The "Dog House" has been on the field over the past three seasons at both Beaudry Park and SUNY Cortland Wallace Field.

Second, that Craft Beer be permitted on selected dates and provided by Homer Hopps Brewery. This activity will be in full compliance of all required NYS Permits to serve alcohol.

- Again, the Crush have served beer on selected dates over the past three season at Beaudry Park.

Third, to permit fireworks provided by Young Explosives to be displayed at Gutches Lumber Sports Complex on Friday, June 14, 2019. This event marks the beginning our of most popular Father's Day Weekend Series.

- Young Explosives has provided their services to the Crush over the past 5 seasons and have done a site survey of Gutches Park.

The Cortland Crush are extremely excited to call Gutches Lumber Sports Complex their "Home Field" for the 2019 New York Collegiate Baseball League season

Thank you and the Town Board for your consideration.

Bill McConnell

Bill McConnell, GM / Head Coach

Cortland Crush

Wmmac4@aol.com 315-391-8167

1-7

Here is the language that the Board will adopt amending the Employee Handbook:

Under Section 1201 of the Handbook, these 2 sections are to be added:

New York Department of Environmental Conservation Permits - If any Town employee or agent there is to do any work on Town or private property which requires a New York Department of Environmental Conservation permit, the permit is to be obtained prior to the commencement of the work.

Improvements to Private Property - The Town shall not expend Town money which results in the improvement of private property, unless such expenditure is for a proper Town purpose pursuant to a statutory obligation or authority, or a properly authorized contract under which the Town receives fair and adequate consideration. In the event that the Town decides to make any expenditure which results in an improvement to or on privately-owned property, the Town shall first require the following:

- A cost/benefit analysis shall be performed by the Town Board;
- Before approving any such expenditure, the Town shall obtain either a leasehold interest or a license to have access to the private property, both to perform the work to be completed, and to provide continued access as appropriate, so that the term of such a lease or license should be of sufficient length to ensure the Town a reasonable and proper return on its expenditures;
- Before approving any such expenditure, the decision shall be publicly discussed, and the expenditure shall be specifically approved by the Town before any work is performed;
- Upon completion of the project, the Town will take steps to fully inform the public of the extent that the property is available for public use.

Best Regards,

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