

At a meeting of the Planning Board of
The Town of Cortlandville, held at the Cortlandville
Town Hall on the 29th day of January, 2019
At approximately 7:30 p.m.

PRESENT:

Katherine S. Wickwire, Chairperson

John A. Delvecchio
Christopher B. Newell
Nastin Parvizi
Nicholas A. Renzi
Planning Board Members

Bruce Weber, Planning/ Zoning Officer
John Folmer, Town Attorney

WHEREAS, Leonidas Group of Virgil, LLC (the “Applicant”) previously submitted an application for a Residential Planned Unit Development now known as the Starr Road Residential PUD that was received by the Town of Cortlandville Town Board on May 18, 2016 (the “Project”); and

WHEREAS, following receipt of said application and pursuant to the New York State Environmental Quality Review Act (“SEQRA”), the Town Board identified the Project as a Type I action, declared itself lead agency for the environmental review of the Project, and directed a coordinated review with potential involved agencies and interested agencies; and

WHEREAS, the Town Board completed its review of the potential impacts of the Project in accordance with the requirements of SEQRA and by Resolution dated July 20, 2016 issued a Negative Declaration of Environmental Significance for the Project; and

WHEREAS, the Town of Cortlandville Planning Board (the “Planning Board”) is an Involved Agency under SEQRA due to its authority to make discretionary determinations with respect to site plan approval for the Project; and

WHEREAS, the Planning Board conducted a thorough SEQRA review associated with the potential impacts of the Project as concerns the Planning Board application for site plan review by reviewing the site plan and other applicable application materials and plan on file for the Project, including but not limited to supplemental information provided by the Town’s consultant, and public and agency comments and correspondence, and the Planning Board participated as an Involved agency in the SEQRA review conducted by the Town Board for the Project, and the Planning Board reviewed the FEAF (Parts 1, 2 and 3), and the Town Board’s

negative declaration of environmental significance and considered comments from the Town consultant regarding Parts 2 and 3 of the FEAF; and

WHEREAS, the Planning Board has considered, agrees with, and adopts the comments, findings and conclusions of the letter from CHA dated January 18, 2019 and revised January 28, 2019 as its own; and

WHEREAS, this Resolution constitutes the Planning Board's Findings Statement pursuant to SEQRA under Article 8 of the New York State Environmental Conservation Law and applicable regulations 6 NYCRR Part 617 as an involved agency for the Project as concerns the Planning Board application for site plan review; and

NOW THEREFORE BE IT RESOLVED, that the above WHEREAS clauses are incorporated herein by reference, and the Planning Board accepts and incorporates by reference the Town Board SEQRA Resolution and Negative Declaration of Environmental Significance pursuant to its review of the potential impacts associated with the Planning Board site plan application; and

BE IT FURTHER RESOLVED, that the Planning Board has determined the requirements of SEQRA have been met as evidenced by the recitals above and the findings below; and

BE IT FURTHER RESOLVED, that having reviewed the site plan and other applicable application materials and plan on file for the Project, including but not limited to supplemental information provided by the Town's consultant, and public and agency comments and correspondence, and the FEAF (Parts 1, 2 and 3), and the Town Board's negative declaration of environmental significance, and the Town consultant's comments on Parts 2 and 3 of the FEAF concerning potential impacts identified, and having undertaken its own independent review of the Project and analyzed the potential impacts of the Project in light of applicable criteria, and upon the entire record of the Project, the Planning Board makes the following findings and determinations pursuant to SEQRA and 6 NYCRR Part 617.

Name of Action: **Starr Road Residential Planned Unit Development**

Description of Action: The Applicant proposes to construct 10 two-family buildings; one six-family building; and 3 eight-family buildings for a total of 50 dwelling units, plus a Recreational Club/Community Building for use by unit owners and residents in the general area.

Location: The proposed Starr Road PUD is 11.61 acres of land located on the south side of Starr Road in the town of Cortlandville NY, opposite the intersection of Abdallah Ave (the "Site").

Agency Jurisdiction: The Town of Cortlandville Planning Board is an Involved Agency pursuant to SEQRA review for the Project completed by the Town Board as Lead Agency.

Date Negative Declaration of Environmental Significance adopted by the Lead Agency: July 20, 2016.

Facts and Conclusions Relied Upon to Support the Planning Board's Decision:

I. THE PROPOSED ACTION

The proposed action is the development of the Site for a Residential Planned Unit Development consisting of 10 two-family buildings; one six-family building; and 3 eight-family buildings for a total of 50 dwelling units, plus a Recreational Club/Community Building for use by unit owners and residents in the general area (the "Project" or "Action"). The Project includes various applications before involved agencies, including the Planning Board. On July 20, 2016, the Town Board granted approval of the Residential Planned Unit Development pursuant to Article XI, Section 178-54 of the Town of Cortlandville Town Code.

This Findings Statement makes findings concerning the Project in light of the environmental review completed by the Town Board as Lead Agency, and based on the Planning Board's review of potential impacts associated with the Planning Board site plan application in accordance with applicable criteria (the Planning Board Application, together with the application seeking approval of the Residential PUD from the Town Board filed by the Applicant for the Project may sometimes be referred to as "the Project plan," or "plan for the Action").

II. ENVIRONMENTAL REVIEW PROCESS

The Applicant submitted Part 1 of the FEAF to the Town Board on May 4, 2016. The Town Board completed Parts 2 and 3 of the FEAF and issued a Negative Declaration of Environmental Significance on July 20, 2016. The Planning Board, in addition to relying on Town staff knowledge, expertise and experience, retained an independent consultant to review and assess the potential impacts of the Project and the information presented, in order to assist in verifying the completeness and accuracy of information contained in the FEAF. The Planning Board participated as an Involved Agency in the SEQRA review process of the Project undertaken by the Town Board as Lead Agency including providing comments to the Town Board. The Planning Board makes these findings pursuant to 6 NYCRR Part 617 as an Involved Agency based on the Applicant's site plan application.

III. PROJECT ENVIRONMENTAL IMPACTS

A. Project Needs and Benefits

The Planning Board finds that the Project will provide affordable housing to downsizing empty nesters and first time buyers. The dwellings will have relatively maintenance-free exteriors (Vinyl siding), a HOA for unit exterior and site maintenance, and a community center. In addition, the project is located near medical and other services, restaurants, shopping in Cortlandville and the nearby City of Cortland, and easy access to summer and winter sporting venues such as golf courses, ski areas, and tennis.

The Planning Board finds that the project will add approximately \$4.6 million in new tax base to the town and 50 new water and sewer users, all at no cost to the local taxpayers or the Town of Cortlandville. The Town will not incur any cost for snow removal and or road maintenance for this development.

1. Impact on Land

The Planning Board finds that the Project will not have a potentially significant adverse impact on land.

The proposed action may involve construction on slopes of 15% or greater, may involve construction that continues for more than one year or in multiple phases, and may result in increased erosion, whether from physical disturbance or vegetation removal.

The project will result in the disturbance of approximately 10 acres of land of the 11.6-acre site. Construction activities that have the potential to cause erosion and sedimentation include all soil movement, trenching, and excavations. Potential impacts associated with soil disturbance (erosion, sedimentation, compaction) will be mitigated by adherence to best management practices that are designed to avoid or control erosion and sedimentation, stabilize disturbed areas, and prevent the potential for spills of fuels or lubricants. All soil and sedimentation control shall be applied pursuant to The New York Standard and Specifications for Erosion and Sediment Control. The project must conform to the Town of Cortlandville Zoning Code, Article XVI: Stormwater Management and Erosion and Sediment Control.

Because the Project will disturb more than one acre of land, the Project will require a State Pollution Discharge Elimination System (SPDES) General Permit for Construction Activities (GP-0-10-001). Therefore, consistent with the requirements of the Environmental Conservation Law (ECL) a Stormwater Pollution Prevention Plan (SWPPP) will be submitted to NYSDEC prior to construction and will include definition of and locations of erosion and sediment control measures that will be constructed and implemented during construction.

Both the Town's consultant, CHA ("CHA") and the Cortland County Soil and Water Conservation District ("CCSWCD") have reviewed the updated stormwater models, report, and plans, and have determined that the stormwater management system adequately meets the Town Code's Stormwater Management and Erosion and Sediment Control and is consistent with the New York Standards and Specifications for Erosion and Sediment Control and the New York State Stormwater Management Design Manual.

The Town will require the developer/land owner/homeowner's association to construct the stormwater management facilities consistently with the plans and perform regular inspection and maintenance of the facilities once the project is complete.

Therefore, the Planning Board finds that a small impact on land may occur.

2. Impact on Geological Features

The Planning Board finds that the Project will not have a potentially significant adverse impact on geologic features. The proposed action will not result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the Site.

3. Impact on Surface Water

The Planning Board finds that the Project will not have a potentially significant adverse impact on surface water.

The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies. The project will disturb more than one acre and will create stormwater runoff during construction and after construction. An infiltration pond is proposed to capture the storm water runoff from the impervious areas of the site.

A hydrologic and hydraulic analysis was conducted utilizing the United States Department of Agriculture (USDA) Soil Conservation Service's (SCS) Technical Release No. 20, as implemented by the application program HydroCAD. HydroCAD was used to model the watershed's characteristics and stormwater management facilities during a 1, 10, and 100-year storm event. Both existing conditions and proposed conditions were modeled in order to ensure that runoff from the site is collected and managed through the use of rain gardens, bioretention areas, and an infiltration basin in order to control both the quantity and quality of the runoff.

Because the Project will disturb more than one acre of land, the Project will require a State Pollution Discharge Elimination System (SPDES) General Permit for Construction Activities (GP-0-10-001). Therefore, consistent with the requirements of the Environmental Conservation Law (ECL) a Stormwater Pollution Prevention Plan (SWPPP) will be required.

Both CHA and CCSWCD have reviewed the updated SWPPP, stormwater models, report, and plans, and have determined that the stormwater management system adequately meets the Town Code's Stormwater Management and Erosion and Sediment Control and is consistent with the New York Standards and Specifications for Erosion and Sediment Control and the New York State Stormwater Management Design Manual.

Therefore, the Planning Board finds that a small impact on surface water may occur.

4. Impact on Groundwater

The Planning Board finds that the Project will not have a potentially significant adverse impact on groundwater.

The proposed action will create additional demand on supplies from the existing Town water supply wells. The Applicant shall provide an Engineering Report to the Town outlining the proposed anticipated water demand for the project and the ability for the public water supply to serve the development.

The lower portion of the project site is located within the Town's Primary Aquifer Protection District. Therefore, any use of property within the Aquifer Protection District shall be permitted only upon obtaining a special permit from the Town Board of the Town of Cortlandville.

Contaminants from the project that may be introduced into the ground water are related to the impervious surfaces that accumulate pollutants leaked from vehicles and equipment. During storm events, these pollutants quickly wash off, and are rapidly delivered to downstream waters. Other contaminants to the ground water include pesticides and salts that are applied to roads and parking lots in the winter months.

The SWPPP identifies potential non-stormwater discharges during construction, along with the implementation of best management practices, both during construction and post-construction to control these potential discharges. Various erosion and sediment control measures have been incorporated into the design of the project to minimize soil erosion and to protect the character and integrity of downstream receiving waters.

Both CHA and CCSWCD have reviewed the updated SWPPP and the Erosion and Sediment Control (ESC) plans and details, and have determined that proposed measures are consistent with the New York Standards and Specifications for Erosion and Sediment Control.

Therefore, the Planning Board finds that the Project may result in a small impact may to groundwater.

5. Impact on Flooding

The Planning Board finds that the Project will not have a potentially significant adverse impact on flooding.

The site is not located within any flood plains or designated floodway. The proposed stormwater management collection system will mitigate the increased runoff from the site. All stormwater runoff from the site will be captured and channeled to an engineered infiltration basin, which reduces the runoff volume to less than the existing conditions. The SWPPP and the New York State Stormwater Management Design Manual require all increases in stormwater runoff to be managed to the predevelopment conditions. This project will not worsen the current existing localized drainage and flooding concerns along Starr Road, which can be attributed to upstream conditions. The project will control all stormwater runoff from the site and will not impact the drainage systems on Starr Road.

6. Impact on Air

The Planning Board finds that the Project will not have a potentially significant adverse impact on air. The Planning Board finds that the Project will not include a state regulated air emission source.

7. Impact on Plants and Animals

The Planning Board finds that the Project will not have a potentially significant adverse impact on plants and animals. The Project will not result in a loss of flora or fauna.

According to the NYSDEC Resource Mapper, there are no plants or animals listed as endangered, threatened, rare, or species of special concern in the vicinity of the project.

8. Impact on Agricultural Resources

The Planning Board finds that the Project will not have a potentially significant adverse impact on agricultural resources. The Site is not located in an Agricultural District.

9. Impact on Aesthetic Resources

The Planning Board finds that the Project will not have a potentially significant adverse impact on aesthetic resources. The land use of the proposed action is not obviously different from, or in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource.

The project has been granted a zone change to a Planned Unit Development (PUD) from a Residential R- 2 Zone by the Town Board. The existing land uses surrounding the project include single family residential and multi-family residential apartments, which are all located within the Residential R-2 Zone. There are no known officially designated scenic views, publicly accessible vantage points, or aesthetic resource in the vicinity of the proposed project.

10. Impact on Historic and Archaeological Resources

The Planning Board finds that the Project will not have a potentially significant adverse impact on historic and archeological resources. The Project will not occur in or adjacent to a historical or archaeological resource.

According to the NYSDEC Resource Mapper and the Cultural Resource Information System (CRIS), there are no archeological sensitive areas or historic listings. Due to the project's need for the NYSDEC State Pollution Discharge Elimination System (SPDES) General Permit for Construction Activities (GP-0-10-001), the NY State Historic Preservation Office (SHPO) will need to be consulted to determine the project's impact prior to submitting a Notice of Intent (NOI) for coverage under the SPDES permit.

The Applicant has consulted SHPO (see letter dated 1/28/19, 19PR00492) and based upon their review, the project will have no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places.

11. Impact on Open Space and Recreation

The Planning Board finds that the Project will not have a potentially significant adverse impact on open space and recreation. The Project will not result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.

12. Impact on Critical Environmental Areas

The Planning Board finds that the Project will not have a potentially significant adverse impact on critical environmental areas. The Site is not located within or adjacent to a critical environmental area. NYSDEC does not list any Critical Environmental Areas within this immediate area.

13. Impact on Transportation

The Planning Board finds that the Project will not have a potentially significant adverse impact on transportation.

The Project may alter the present pattern of movement of people or goods because a new road will be created for the project.

The Applicant has stated that an additional 31 vehicle trips will be added to the Starr Road roadway network. The source/edition of the trip generation data that the Applicant provided is not referenced, but the rates are not consistent with the current 10th edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual (TGM). The current ITE data for a proposed multi-family use produces a calculation of 32 trips during the peak hour (see attached). However, the actual difference for the proposed multi-family use is not significant when applied to this proposed project, such that the 31 trips noted in part 1 of the SEQRA FEAF is a reasonable estimate for the project.

The directional distribution of the PM peak hour trips should also be at 65% enter and 35% exit, and not at 67% enter and 33% exit as shown in the Trip Table provided by the Applicant. Since the total estimated volumes are low for this project, this difference of enter/exit distribution is not significant.

This volume of trip generation for the proposed project is substantially below the 100 vehicle per hour value that is often used as a threshold for determining significance. As per the SEQR EAF Workbook, a project generating fewer than 100 peak hour vehicle trips per hour will not result in any significant increases in traffic.

Also considering the low volumes on Starr Road (4,360 ADT in 2015 based on 2014 data – this is the most recent available estimate from NYSDOT), it can be concluded that the project will not have a significant impact on traffic operations along Starr Road or significantly change the character of traffic operations or flow patterns.

As such, the additional vehicle trips from this project is not a significant increase to the present traffic volumes and the existing roads have the capacity to handle that level of traffic without reconfiguration. Therefore, the Planning Board finds that the Project may result in a small impact to transportation.

14. Impact on Energy

The Planning Board finds that the Project will not have a potentially significant adverse impact on energy. The project will require electric and gas utilities, but the proposed increase in the use of any energy form is not to the level that would create any type of impact to the existing systems.

15. Impact on Noise, Odor, and Light

The Planning Board finds that the Project will not have a potentially significant adverse impact on noise, odor or light.

The Applicant proposes exterior building lights and light poles for the access driveway and parking areas. A Lighting Photometric Plan has been provided by the Applicant which shows no impact to the adjoining parcels.

As with any construction project, noise levels will increase over ambient levels. Noise levels and potential adverse effects due to construction activities would vary depending on the type of equipment, the location of the equipment, the duration of operations, and the time of operations. The most common noise source in construction areas would be from engine-powered machinery such as earth-moving equipment (excavators), material-handling equipment (cranes), and stationary equipment (generators). Mobile equipment (trucks) operates in a sporadic manner, while stationary equipment (generators and compressors) generate noise at a fairly constant level.

Typical noise levels from construction equipment range from 75 dBA to 85 dBA range measured 50 feet from the source. To the human ear, noise at 65 dBA is intrusive and 80 dBA is disruptive. At 80 dBA, people must shout to be heard. Hearing protection is recommended at noise levels above 90 dBA. Noise levels between 110 dBA and 120 dBA are typical of a rock concert. Construction noise beyond 50 feet would decrease by 6 dBA to 8 dBA for each doubling of the distance from the source. For example, if the noise level is 90 dBA at 50 feet from the source, it would decrease to about 83 dBA at 100 feet and 76 dBA at 200 feet.

To limit impacts related to construction noise and noise during operations, mitigation measures will limit days of operation, restrict hours of operation and specify hours of access and egress, and noisier operations will be limited to normal working hours. Construction equipment would typically operate during the hours of 7:00 am to 6:00 pm, Monday through Saturday. Construction equipment would not be operated on Sundays, State and Federal Holidays or from 6:00 pm to 7:00 am.

Therefore, the Planning Board finds that a small impact on noise, odor and light may occur.

16. Impact on Human Health

The Planning Board finds that the Project will not have a potentially significant adverse impact on human health from exposure to new or existing sources of contamination.

17. Consistency with Community Plans

The Planning Board finds that the Project is not inconsistent with adopted land use plans.

The Town Board granted the Project a zone change to a Planned Unit Development (PUD) by the Town Board. Under Town of Cortlandville Town Code §178-53, a Residential PUD is permitted within any zoning district and the General Development Regulations under §178-54 were met, as follows:

- Minimum 10 contiguous acres.
- Requires a minimum 25 percent for open space and the proposed project has approximately 44 percent open space.
- Minimum requirement for providing at least two housing types by providing for single-family attached (duplex) units and multi-family attached units.
- Meets the base density for single family uses permitted in the original district. The original R-2 District permitted a density of 4.5 Dwelling Units (DU)/Acre. The proposed project density is at 4.3 DU/Acre and is less than the allowed in the R-2 District with the 50 dwelling units.

Therefore, the proposed action is consistent with local land use plans and zoning regulations. In terms of land use components, this project is not in sharp contrast to current surrounding land use patterns, as there are several single-family homes to the north and east of the site and several apartment buildings to the west of the site.

The proposed action will create additional demand on existing infrastructure, but it does not appear to be significant and the existing infrastructure can support the proposed project. The Applicant shall provide an Engineering Report to the Town outlining the proposed anticipated sanitary sewage generated from the project and the ability for the public wastewater system to convey and treat the wastewater. The proposed action will also create additional demand from the existing Town water supply wells. The Applicant shall provide an Engineering Report to the Town outlining the proposed anticipated water demand for the project and the ability for the public water supply to serve the development.

18. Consistency with Community Character

The Planning Board finds that the proposed project is not inconsistent with the existing community character.

The project has been granted a zone change to a Planned Unit Development (PUD) by the Town Board. The project is residential in nature and similar to the residential uses in the neighborhood or area, which is not in sharp contrast to what exists. The density of the project is

also less than permitted in the R-2 Zone. Therefore, the project will not impact the community character along the Starr Road corridor.

B. Public Input Process

The Planning Board finds that the Town Board provided more than adequate opportunity for public participation and comments during the SEQRA review process, including holding public hearings, and receiving and considering such comments. In addition, the Planning Board finds that it has held numerous open meetings for consideration of the Planning Board site plan application and its review of the same, and it has accepted comments, and the Planning Board finds there has been active participation in such meetings and in the review process associated with the Planning Board site plan application.

C. SEQRA Procedure

The Planning Board, upon review and reflection, has determined that it has complied with the letter, spirit and intent of the SEQRA regulations.

Dated: January 29, 2019
Cortlandville, New York

Katherine S. Wickwire, Chairperson	Voting	_____
John A. Delvecchio, Planning Board member	Voting	_____
Christopher B. Newell Planning Board member	Voting	_____
Nasrin Parvizi Planning Board member	Voting	_____
Nicholas A. Renzi Planning Board member	Voting	_____