

**May 15, 2020**

**GML# 76.84-01-01.000  
City of Cortland  
Use Variance & Site Plan Review  
Source Renewables, Inc.**

**TO: Cortland County Planning Board**

**FROM: Cortland County Planning Department**

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**This application for a use variance and site plan review is being referred to the Cortland County Planning Board pursuant to General Municipal Law 239-m as the property is located within 500 ft. of Locust Ave. (County Road # 113), Interstate Route 81 and the Town of Cortlandville boundary.**

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**GENERAL INFORMATION**

**Date Received: April 9, 2020**

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

**Status of Applicant: purchase agreement**

**Requested Action: use variance and site plan review**

**Purpose: to construct a solar array, accessory access driveway and security fencing encompassing approximately 24.00+/- acres on an R-1 (Residential) zoned property**

**Location: west of Locust Ave. and immediately south of the Town of Cortlandville boundary**

**Size: 38.5+/- acres (project area 24.00+/- acres)**

**Existing Zoning: R-1 (Residential)**

**Existing Land Use: agricultural**

**Surrounding Zoning: R-1 (Residential) and GB-1 (General Business Regional)**

**Surrounding Land Uses: N – agricultural and woods  
S – gravel mining business and woods  
E – single family residential  
W – woods**

**Existing Regulations: Code of the City of Cortland**

**Chapter 300 Zoning**

**Article II – Residential Districts**

**Section 300-22 Residential Permitted and Specially Permitted Uses**

**Table 300-13: Residential Permitted and Specially Permitted Uses**

**Article IX – Landscaping and Screening**

**Section 300-94 Fences and Walls**

**Section 300-95 Buffer Strips**

**C. Required strips**

**E. Landscaping**

**Article XIII – Site and Minor Improvement Plan Review**

**Section 300-131 Planning Commission Site Plan Review and Approval**

**Section 300-132 Actions Requiring Site Plan Review and Exemptions**

**A. The following actions require site plan review:**

- 1. When a primary building or structure is to be erected**
- 3. When vehicular movement, vehicular parking or a pedestrian walkway is altered**
- 4. When surface water drainage is altered**

**Section 300-135 Considerations, Findings, and Conditions**

**Article XV – Variances**

**Section 300-151 Use Variances**

**ANALYSIS:**

The applicant is requesting a use variance and site plan review to construct a solar array, accessory access driveway and security fencing encompassing approximately 24.00+/- acres in an R-1 (Residential) District. The property is located west of Locust Ave. and immediately south of the Town of Cortlandville boundary.

The “City of Cortland Zoning Code” only permits solar photovoltaic systems as an accessory to a residential use in all zoning districts in the City. The applicant is requesting to

develop a ground-mounted large-scale solar energy system, which is not a permitted use in any zoning district in the City. The applicant has therefore applied for a use variance. In order for a use variance to be granted, the applicant must show that applicable zoning regulations and restrictions have caused unnecessary hardship. Site plan review is also required for all uses other than a single or two family owner occupied dwelling when a primary building or structure is to be erected, when vehicular movement, vehicular parking or a pedestrian walkway is altered or when surface water drainage is altered.

The site plan indicates that the proposed solar panels would encompass 11.94+/- acres of the 24.00+/- acre project area and would include approximately 23,188 panels. The array would be enclosed by 6 ft. in height chain-link fencing with secured access gates at driveway entrances to the site. It is recommended that warning signs, owner's name and contact information signs be installed every 200 ft. along the fence. The solar panels would be stationary fixed tilt ground mount racking systems and would have a maximum height of 8.75 ft. The solar panels would be setback a minimum of 50 feet from all adjoining properties. There is concern regarding the potential impact of glare from the solar panels on neighboring residential properties to the east. It is therefore recommended that the applicant provide assurance to the City that the necessary steps would be taken to minimize reflective glare impact on the neighboring residential properties. It should be noted that the site is surrounding by woods with the exception of the portion of the property bordering the gravel mining operation to the southeast. These wooded areas include an approximately 200 ft. wide strip of woods on the eastern end of the property bordering residential properties on Locust Ave. This wooded area should help to visually screen this solar array from these neighboring residential properties.

This proposal would adjoin a proposed 20.88+/- acre solar project by the same applicant consisting of 7.94+/- acres of solar panels on an adjacent property in the Town of Cortlandville. Access to the two proposed solar projects would be provided via a new 12 ft. wide gravel driveway access from Locust Ave. in the Town of Cortlandville. It is recommended that this easement be written into the deeds of both properties to insure continued access to this proposal from the proposed driveway access in the Town of Cortlandville. A second means of access to the site would be provided from Locust Ave. via an easement over the existing driveway between the Clarion Inn & Suites and the gravel mining operation with the easement continuing through the gravel mining operation to the southeastern corner of the project site. It is recommended that this easement be written into the deeds of all three involved properties (properties owned by Lady Jayne Hotels Corp., Hanson Aggregates NY, LLC and this project site) to insure continued access to this site from these adjoining properties. The points of access to the site would extend to two access roads with a total length of 2,260 ft. through the site.

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 1.9+/- 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 recommended that the applicant prepare and submit an erosion and sediment control plan to the City to address erosion and sediment control during construction and revegetation of all pervious areas (except for the proposed pervious access roads) upon completion of construction. 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. It should be noted that portions of the site have slopes that exceed 15%. Effective stormwater management will therefore be essential on this site. It is also recommended that the applicant contact the NYS DEC Division of Environmental Permits to request a jurisdiction determination and to apply for and obtain any permits required as a result of this determination.

The site would include two transformers/inverters on concrete pads and approximately 2,500 linear ft. of underground electrical line. The transformers/inverters would convert the electricity generated from Direct Current (DC) to Alternating Current (AC) before the interconnection with existing transmission lines at the western end of the adjoining project in the City of Cortland. The applicant intends to return the electricity generated to the grid as community distributed generation which would allow transfer of the electricity generated in the form of bill credits to subscribing members within the same distribution utility territory and NY-ISO control load zone.

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

**It should also be noted that this project is in close proximity to the portion of Interstate Route 81 which travels through the City of Cortland. This solar project would be located approximately 550 ft. north of and between 100 ft. to 250 ft. higher in elevation than Interstate Route 81. There is concern regarding potential glare and distraction from the site of drivers travelling along Interstate Route 81. It is therefore recommended that, prior to any positive consideration of this project, the applicant obtains written confirmation from the NYS Department of Transportation (DOT) that the DOT has reviewed this project and has determined that the project either would not adversely impact travel along Interstate Route 81 or that there are mitigation measures that can be put in place to reduce or eliminate potential impact to travel along Interstate Route 81.**

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

### **RECOMMENDATION**

**The staff recommends approval of this application for a use variance and site plan review contingent upon the following:**

- 1. The applicant showing that applicable zoning regulations and restrictions have caused unnecessary hardship as is required before any use variance may be granted.**
- 2. That warning signs, owner's name and contact information signs be installed every 200 ft. along the proposed fence.**
- 3. That the applicant provide assurances to the City that the necessary steps would be taken to minimize reflective glare impact on neighboring residential properties.**
- 4. That an easement be written into the deeds of this property and the adjoining property in the Town of Cortlandville to insure continued access to this proposal from the proposed driveway access in the Town of Cortlandville.**
- 5. That an easement be written into the deeds of all three properties that the proposed access to the south extends through (properties owned by Lady Jayne Hotels Corp., Hanson Aggregates NY, LLC and this project site) to insure continued access to this site from these adjoining properties.**
- 6. That a maintenance schedule be established to ensure that vegetative cover underneath the panels is maintained post-construction as it will be the primary management practice for stormwater on site.**

7. That the applicant prepare and submit an erosion and sediment control plan to the City to address erosion and sediment control during construction and revegetation of all pervious areas (except for the proposed pervious access roads) upon completion of construction.
8. The applicant filing a Notice of Intent with the NYS Department of Environmental Conservation (DEC) in addition to the preparation of a stormwater pollution prevention plan (SWPPP) 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.
9. 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.
10. That the applicant submits a detailed narrative to the City for this project including how panels/arrays would be secured to the ground, types of plantings and planting maintenance schedule adjacent to and underneath panels/arrays and a written decommissioning plan/schedule for the project.
11. That the decommissioning plan includes a financial surety bond in an amount estimated for the cost for removal of all materials upon the facility no longer being in use.
12. That the applicant obtains written confirmation from the NYS Department of Transportation (DOT) that the DOT has reviewed this project and has determined that the project either would not adversely impact travel along Interstate Route 81 or that there are mitigation measures that can be put in place to reduce or eliminate potential impact to travel along Interstate Route 81.
13. Compliance with SEQR requirements.

Prepared by:

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**Daniel S. Dineen**  
**Director of Planning**