

TOWN OF CORTLANDVILLE  
3577 TERRACE ROAD  
CORTLAND, NEW YORK 13045-3552

APPLICATION FOR CONDITIONAL PERMIT

APPLICANT

Name Source Renewables Fee Paid \_\_\_\_\_  
Address 42 West Elm Street, Suite C Phone 203-542-5651  
Greenwich, Connecticut 06830

PROPERTY OWNER

Name Gunzenhauser Real Estate Phone \_\_\_\_\_  
Address 21 Circle Drive Cortland, NY 13045

PROPERTY INFORMATION

Location of property Locust Ave., Town of Cortlandville, NY 13077  
Tax Map No. of Parcel 76.20-01-08.000

PROPERTY ACQUIRED ON, OR PENDING DATE OF ACQUISITION May 2020  
IS PROPERTY IN FLOOD PLAIN? YES x NO  
ZONING DISTRICT R1  
PROJECT DISCRPTION One 4 MWAC solar array on 20.9 acres of a 24 Acre Property

Information to be included will be drawn from a checklist in Article XIV of the Cortlandville Zoning Law.

DATE OF APPLICATION 2/12/2020

*David R Walker, Lubella ASSOC  
Acting Agent for Source Renewables LLC*  
ANDREW DAY  
Signature of Applicant

\_\_\_\_\_  
Zoning Officer

\_\_\_\_\_  
Planning Board Chairperson

PERMIT GRANTED \_\_\_\_\_

PERMIT DENIED \_\_\_\_\_

TOWN OF CORTLANDVILLE  
3577 TERRACE ROAD  
CORTLAND, NEW YORK 13045-3552

**AQUIFER PROTECTION DISTRICT SPECIAL PERMIT**

**APPLICANT**

Fee Paid \_\_\_\_\_  
Name Source Renewables Phone 203-542-5651  
Address 42 West Elm Street, Suite C Greenwich, Connecticut 06830

**PROPERTY OWNER**

Name Gunzenhauser Real Estate Phone \_\_\_\_\_

Address 21 Circle Drive Cortland, NY 13045

If applicant is a Corporation, list name, address, phone and fax numbers of all corporate officers and directors on reverse side.

**PROPERTY INFORMATION**

Location of property Locust Ave., Town of Cortlandville, NY 13077  
Tax Map No. of Parcel 76.20-01-08.000

PROPERTY ACQUIRED ON, OR PENDING DATE OF AQUISITION May 2020  
IS PROPERTY IN FLOOD PLAIN? YES  X  NO  
AQUIFER PROTECTION AREA YES  
ZONING DISTRICT R1

Information to be provided as per Article and Section 178-47 of the Town of Cortlandville Zoning Law.

DATE OF APPLICATION 2/12/2020

*Daniel R. Walker Lubella Assoc  
acting agent for Source Renewables*  
ANDREW DAY  
Signature of Applicant

\_\_\_\_\_  
Zoning Officer

\_\_\_\_\_  
Supervisor

PERMIT GRANTED \_\_\_\_\_

PERMIT DENIED \_\_\_\_\_

Name Andrew Day Title Founder  
Address 42 West Elm Street, Suite C Phone 203-542-5651  
Greenwich, Connecticut Fax \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_  
\_\_\_\_\_ Fax \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_  
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Name \_\_\_\_\_ Title \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_  
\_\_\_\_\_ Fax \_\_\_\_\_

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

GENERAL MUNICIPAL LAW

Zoning Referral Form

76.20-01-08.000

Conditional Permits, Special Permits, Site Plan Reviews & Variances

Director  
CORTLAND COUNTY PLANNING DEPARTMENT  
37 Church St.  
Cortland, NY 13045-2838  
Telephone: (607) 753-5043  
Fax: (607) 753-5150

GML No. 76.20 - 01 - 08.000  
(Tax Map Number)

Date: 2/12/2020

Submitting Officer: Bruce Weber, Planning & Zoning Officer

Municipality: Town of Cortlandville

Mailing Address: 3577 Terrace Road, Cortland, NY 13045

Phone Number: (607) 756-7052

Fax Number: (607) 758-7922

Type of Referral

The applicant request the following:

Variance: X Bulk – Article \_\_\_\_\_ Section \_\_\_\_\_  
X Use – Article XIX Section 178-123.3D3a

Special Permit: Article \_\_\_\_\_ X Section 178-46B

Conditional Permit: Article \_\_\_\_\_ XIX Section 178-123.3D3a

Site Plan Review: Article \_\_\_\_\_ Section \_\_\_\_\_

Reason(s) for request: Applicant is requesting Use Variance for construction of a 5 MWAC ground mount Solar PV System to be connected to the electrical grid as a community Solar system.

Is the above action a **Type 1** X, **Type 2** \_\_\_\_\_, or unlisted action under the State Environmental Quality Review Act? Attach required environmental assessment forms for Type I and unlisted actions.

The following information is required for your application to be complete:

1. Name of petitioner: Source Renewables

Owners name (if different): Gunzenhauser Real Estate

Date of acquisition: May 2020

Address: 42 West Elm Street, Suite C  
State: Greenwich, Connecticut Zip: 06830  
Phone Number: 203-542-5651 Fax Number:

- 2. A Site Plan Map showing:
  - a. Scale (1 inch equals 20 feet if site is less than 1 acre or an agreed upon scale for a site larger than 1 acre)
  - b. North Arrow
  - c. Physical Characteristics of Site, existing and proposed (Topography, Water and Vegetation)
  - d. Layout Plan Showing buildings, parking and available utilities
  - e. Surface and Subsurface Drainage Plan, incorporated with Layout Plan
  - f. Location of County or State facility pursuant to Section 239 l, m and n of the General Municipal Law
  - g. Location Map at 1"=1000' scale
  - h. Area Map at 1"=200' or an agreed upon scale
    - (1) zoning classification of subject and adjoining properties
    - (2) surrounding land use within 500 feet of subject property
    - (3) surrounding zoning classifications

3. A certified Tax Map from the Cortland County Office of Real Property and Assessment showing the property lines of the applicant's property.

4. Availability of public utilities and services:

Water NA District \_\_\_\_\_ ; Sewer NA District \_\_\_\_\_ ;  
Fire Protection \_\_\_\_\_ District CortlandVile ; Refuse Collection NA  
Special services required: Non

5. Does Site Plan conform to municipal master plan? No If not why? Not Permitted in R1 Dist

6. Does Site Plan conform to county land use plan? No If not why? Not Permitted in R1 Dist

7. School District: Cortland

8. Projected energy consumption: Energy producer Type: Solar PV

9. Traffic generation (expected vehicle departures and arrivals per 24 hour period) : Max 2 per day after construction

NOTE: All maps require the name and address of the N.Y.S. licensed engineer or land surveyor responsible for preparing the seal and map.

\_\_\_\_\_  
Signature and Title of Submitting Official

(REVISED: 8/01)

TOWN OF CORTLANDVILLE  
3577 TERRACE ROAD  
CORTLAND, NY 13045

USE VARIANCE FINDINGS & DECISION

Applicant: Source Renewables Phone #: 203-542-5651

Address: 42 West Elm Street, Suite C Greenwich, Connecticut Fee: \_\_\_\_\_

Property Owner: Gunzenhauser Real Estate

Appeals Concerns Property at the following address: Locust Ave., Town of Cortlandville, NY 13077

Tax Map Number: 76.20-01-08.000

Zoning District Classification: R1

Use for which Variance is requested: 5 MWAC Ground Mount Solar Array

Applicable Section of Zoning Code: XIX 178.123.3

Signature: *Daniel R. Walker* Acting as Agent for Source Renewables, LLC  
Andrew Day Date: 4/14/2020

TEST: No Use Variance will be granted without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. The following test must be met for each and every use allowed by zoning on the property, including uses allowed by special use permit.

1. Has the Applicant demonstrated that the Applicant cannot realize a reasonable return, and that the lack of return is substantial and has been demonstrated by competent financial evidence?  
Yes  No

Proof: Gunzenhauser purchased the property in 1965. a subdivision was proposed in 1986 but was not viable due to the steep slope and lack of utilities.

2. Has the Applicant demonstrated that the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood?  
Yes  No

Proof: The Steep slopes and shallow depth to bedrock make residential development difficult. Land use to the south of the site includes a concrete plant and 2 hotel properties. Route 81 is located at the base of the hill to the south.

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Use Variance Findings & Decision

3. Has the Applicant demonstrated that the requested use variance, if granted, will not alter the essential character of the neighborhood? Yes  No

Proof: The use variance of a ground mount solar pv facility will maintain  
current topography and vegetation below the panels will consist of  
meadow grasses. The facility can be removed as shown by the  
decommissioning plan if it is taken out of service. The facility will  
not increase traffic or generate noise after construction.

4. Has the Applicant demonstrated that the alleged hardship has not been self-created?  
Yes  No

Proof: The current owners have owned the property since 1965 and the  
opportunity to sell the property to Source Renewables is  
dependent on the the use variance. This is the first viable  
opportunity for sale of the property.

**DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:**

The ZBA, after reviewing the above four proofs, finds:

That the applicant has failed to prove unnecessary hardship through the application of the four tests required by the state statues.

That the applicant has proven unnecessary hardship through the application of the four tests required by the state statues. In finding such hardship, the ZBA shall grant a variance to allow use of the property in the manner detailed below, which is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community:

(USE) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## USE VARIANCE FINDINGS & DECISION

### Question #1

#### ILLUSTRATIONS OF FINANCIAL EVIDENCE

Bill of sale for the property, present value of property, expenses for maintenance.

Leases, rental agreements.

Tax bills.

Conversion costs (for a permitted use).

Realtor's statement of inability to rent/sell.

### Question #2

#### ILLUSTRATIONS OF UNIQUENESS

Topographic or physical features preventing development for a permitted use.

Why would it be possible to construct the applicant's proposal and not any of the permitted uses?

Board member observations of the property and surrounding area.

### Question #3

#### ILLUSTRATIVE NEIGHBORHOOD CHARACTER FACTORS

Board members' observations of neighborhood.

Expected effect of proposal on neighborhood, for example, change in parking patterns, noise levels, lighting, traffic.

### Question #4

#### SELF-CREATED

What were the permitted uses at the time the property was purchased by the applicant?

Were substantial sums spent on remodeling for a use not permitted by zoning?

Was the property received through inheritance, court order, divorce?





April 14, 2020

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

**RE: LOCUST SOLAR ARRAY, TAX PARCEL 76.20-01-08.000**  
ENGINEERING REPORT FOR USE VARIANCE APPLICATION  
LaBella Project Number 2191567.06

Dear Mr. Weber:

Source Renewables is proposing a 5 MWAC ground mount Solar PV project on Tax Parcel 76.20-01-08.000 which is a Locust Ave parcel adjacent to Tax Parcel 76.84-01-01.000 in the City of Cortland. Both Parcels are owned by Gunzenhauser Real Estate. The property is Zoned R1 and a Large Scale Solar PV installation is not a permitted use in this Zone.

The Property has been owned by Gunzenhauser Real Estate since 1965. The City parcel is landlocked with legal frontage on Locust Ave from the portion of the property in the Town of Cortlandville. The property has been on the market for over 30 years with a current listing that is over 2 years old.

The current assessed value of the 38.5 acre city parcel is \$60,000 for the land with no buildings on the site, and the assessed value for the 24.4 acre Town of Cortlandville Parcel is \$37,100 for the land with no buildings on the site.

A 51 Lot subdivision was proposed for the property with a minimum lot size of approximately 20,000 square feet which was in compliance with the R1 zoning. This project also included a proposal for 8 multiple residence buildings with 44 residential units. The proposal was determined to not be viable because of the steep slopes and shallow bedrock on the site. The estimated cost of developing a 51 lot realty subdivision is based on the following:

4940 Lineal feet of town and city road with drainage	\$1,482,000
Storm Water Management	\$ 250,000
4350 Lineal feet of Sewer	\$1,305,000
5000 Lineal feet of water main	\$1,500,000
Water pumping and storage	\$ 700,000
Site Grading	\$ 400,000
<b>Total estimated development costs</b>	<b>\$5,637,000</b>

This estimated construction cost would result in a per lot cost of approximately \$110,000.

A review of land values for similar 20,000 sq-ft residential lots shows average land assessments of \$20,000.

Other factors which make this site less desirable is the proximity of Route 81 with heavy traffic and highway noise, the location of a concrete plant at the southern side of the property and two hotels south of the property. Typically subdivisions of this size would also require a second access to a main roadway for public safety access concerns.



The hardship for this property in the residential R1 zone is unique compared to other areas of R1 zoning because of the steep slopes existing on the parcel, The shallow depth to bedrock and the lack of utilities.

The nature of ground mount solar panels will not alter the essential character of the neighborhood is the low height of the structures, maintenance of vegetation under the panels as a grassy meadow and the existing topography will not be significantly modified. The project will not generate any additional traffic or noise after the construction period.

The project is consistent with the State effort for providing green energy and as a community solar project the residents of the city will benefit from the opportunity to obtain electrical power from the facility.

Respectfully submitted,

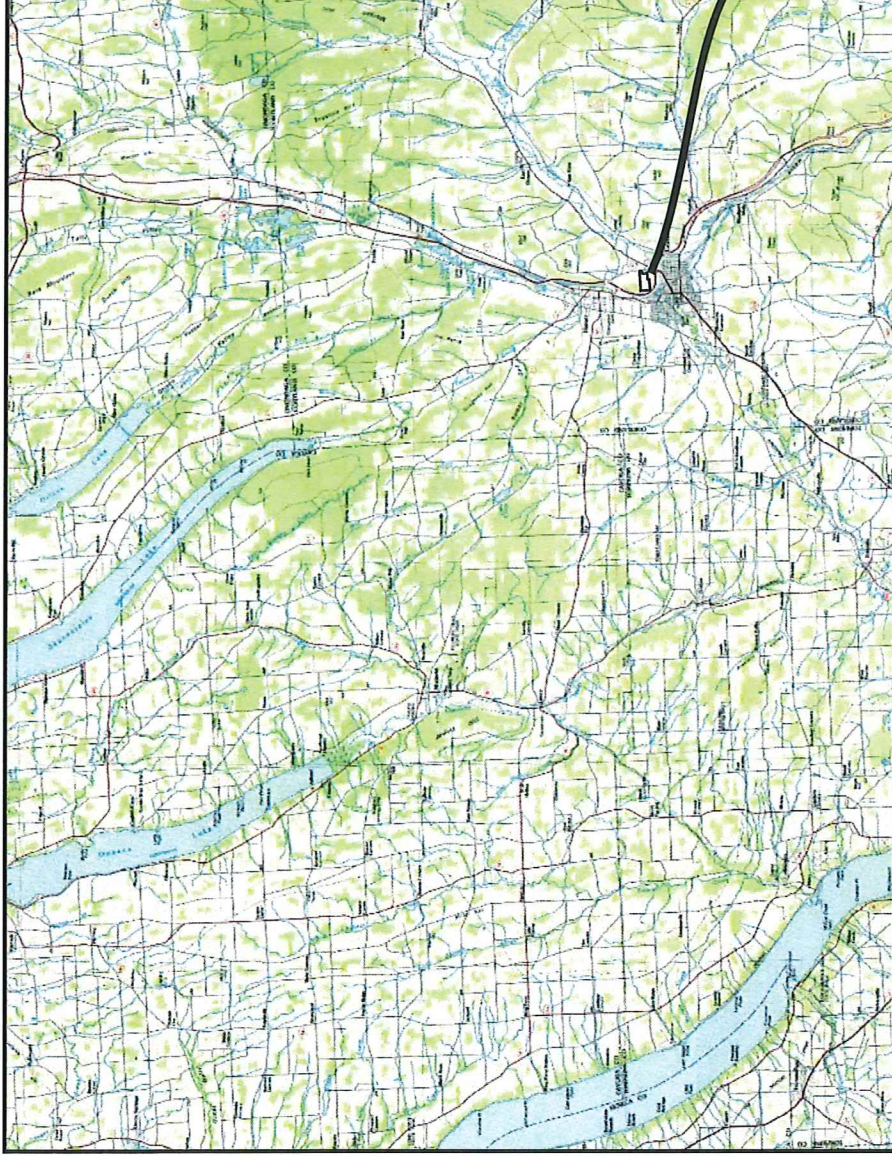
LaBella Associates

Daniel R. Walker, PE  
Senior Project Engineer

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3. S 04°09'35" E ALONG SAID DIVISIC OR FORMERLY OF GUNZENHAUSEF CORTLAND READY MIX INC. TA#86
4. S 86°12'19" W ALONG SAID DIVISIC
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6. S 84°30'09" W ALONG SAID DIVISIC OR FORMERLY OF GUNZENHAUSEF FRANCIS M. WEST TA#86.27-1-3 O
7. S 86°12'19" W ALONG SAID DIVISIC OR FORMERLY OF GUNZENHAUSEF CASEY TA#86.27-1-1 AND TA# 76.8
8. N 03°44'43" W ALONG SAID DIVISIO NOW OR FORMERLY OF GUNZENH GUNZENHAUSER REAL ESTATE COI
9. N 86°20'09" E ALONG SAID DIVISIC

THE ABOVE DESCRIBED PARCEL CONTAIN



LOCATION SKETCH (NTS)

SURVEY NOTES:

1. CONTROL FOR THIS PROJECT IS BASED ON CONTROL POINTS ESTABLISHED UTILIZING THE NYSNET GPS SYSTEM. THE HORIZONTAL DATUM IS REFERENCED TO THE N.Y.S. PLANE COORDINATE SYSTEM, CENTRAL ZONE, TRANSVERSE MERCATOR PROJECTION. NAD83 (2011). FIELD WORK WAS COMPLETED WITH AN ACCURACY OF 1:10,000 OR BETTER.
2. BEARINGS SHOWN ARE REFERENCED TO GRID BEARINGS. DISTANCES SHOWN ARE GROUND DISTANCES.
3. MAP PREPARED FROM AN INSTRUMENT SURVEY DATED JANUARY 10, 2020.
  - A. SNOW WAS ON THE GROUND AT THE TIME OF SURVEY.
4. STEWART TITLE ABSTRACT NO. 8178866.

SURVEY REFERENCES:

N/F  
JOHN A. CASEY  
TA# 76.00-3-18

WOODED  
AREA

DOWNED WOOD POSTS  
W/ BARB WIRE

