

ON THE MOTION OF Chuck Feiszli
Beau Harbin

RESOLUTION NO. 20-26

GML# 87.00-03-08.112
Town of Cortlandville
Site Plan Review, Conditional
Permit & Aquifer Protection
District Special Permit
DG New York CS, LLC

WHEREAS, on November 20, 2020 the Zoning Officer, Town of Cortlandville, pursuant to General Municipal Law 239 M submitted an application for Site Plan Review, Conditional Permit and Aquifer Protection District Special Permit because the property is located within 500 feet of Interstate Route 81, East River Road (County Road 114) 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 December 11, 2020, which is on file, AND

WHEREAS, the Cortland County Planning Board on December 16, 2020 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 denial of this application for a site plan review, conditional permit and aquifer protection district special permit to construct a five megawatt ground mounted large scale solar energy system encompassing approximately 39.0+/- acres based on the visual impact of this project to the City of Cortland as a whole, 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, 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
December 16, 2020**

**Ayes: 7
Nays: 1 (Paul Dries)**

December 11, 2020

GML# 87.00-03-08.112

Town of Cortlandville

Site Plan Review, Conditional Permit &

Aquifer Protection District Special Permit

DG New York CS, LLC

TO: Cortland County Planning Board

FROM: Cortland County Planning Department

This application for a site plan review, 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 Interstate Route 81, East River Road (County Road 114) and active farming operations within the Cortland County Consolidated Agricultural District.

GENERAL INFORMATION

Date Received: November 20, 2020

**Applicant: DG New York CS, LLC
Attn: Janet Ward
700 Universe Boulevard
A1A/JB
Juno Beach, FL 33408**

Status of Applicant: lease agreement

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

Purpose: to construct a five megawatt ground mounted large scale solar energy system encompassing approximately 39.0+/- acres

Location: immediately southeast of the intersection of Riley Road and East River Road

Size: 52.7+/- acres (project area 39.0+/- acres)

Existing Zoning: AG (Agricultural)

Existing Land Use: agricultural and woods

Surrounding Zoning: AG (Agricultural)

Surrounding Land Uses: N – agricultural and woods
S – agricultural
E – agricultural and woods
W – agricultural, woods; Interstate Route 81

Existing Regulations: Code of the Town of Cortlandville

Chapter 178 Zoning

Article III – Agricultural District

Article X – Aquifer Protection District

Section 178-46. – Special permits

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

Article XIII – Site Plan Approval

Section 178-72. Planning Board review of site plan

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 review, conditional permit and an aquifer protection district special permit to construct a five megawatt ground mounted large scale solar energy system encompassing approximately 39.0± acres. The property is located at the southeastern corner of Riley Road and East River Road, and is zoned AG (Agricultural).

The Coordinated Review Committee (CRC) reviewed this proposal and addressed the following issues. The applicant is proposing to construct a five megawatt solar array, accessory access driveways and security fencing encompassing a project area of approximately 36.6+/- 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 include single axis tracking design panels encompassing 39.0+/- acres. It is unclear from the application as to the total number of solar panels proposed on site. The applicant has stated that the amount of electricity that would be generated from this solar array would be approximately 5 megawatts or 5,500,000 kWh annually or enough electricity for approximately 700 homes.

The array would be enclosed by 7 ft. in height chain-link fencing with a secured access gate. Signage at the site would include the name and phone number of the electric utility provider, the site operator and the facility's 911 address and coordinate location. The solar panels would be ground mounted rotating panels that would be mounted on a single axis tracking system, which is designed to rotate to track the sun's movement. The panels would have a maximum height of 15 ft. above ground and would be setback a minimum of 50 feet from all adjoining properties. The proposed project would also include direct current (DC)/AC power inverters, medium-voltage transformers, control and distribution cabinets, a medium-voltage collection system, project switch-gear, an interconnection to the existing electrical distribution system, and potentially a battery energy storage system. The solar panels will be electrically connected to combiner boxes which will be combined into central inverters which will be mounted on concrete foundation pads. The inverters will be electrically connected to step-up transformers which will transform the voltage to 34.5kV. The electricity generated would then be distributed through 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 will also include battery storage equipment. These batteries will have a capacity of 1.875 MW-AC each and would be charged during peak times when the system is producing more energy than the inverters can transmit to the distribution system. The stored energy would be discharged to the distribution system at night when the solar facility is not producing energy. The battery storage equipment would be no taller than 12 feet in height.

The site would be accessed via a proposed 20 ft. wide gravel driveway from Riley Road. It is recommended that the applicant obtain written approval for the driveway entrance to Riley Road from the Town Highway Superintendent since Riley Road is a town road. This 20 ft. wide driveway would extend along the south and west in the interior of the proposed site. The proposed driveway would approximately 1,675 ft. in length would continue south from Riley Road to provide access to the solar array. This driveway would be within the fenced area for the project and would be secured with a manual access gate. The proposed project will also include underground collection cables which will be buried 36 to 48 inches below the ground and will connect to an existing 34.5-kV overhead electrical line located inside of the proposal's project perimeter fencing.

The proposed 52.7 acre site is predominately being used as a farm field with woodland area. 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 installation of solar arrays on a cultivated farm field is considered land disturbance. Since this project would disturb more than one acre of land, it would require the preparation of a Stormwater Pollution Prevention Plan (SWPPP) per the Town's stormwater ordinance including water quality and quantity management both during and after construction activities. The applicant would also be required to file a Notice of Intent with the NYS Department of Environmental Conservation (DEC), prepare and submit a stormwater pollution prevention plan (SWPPP) to the DEC for the site and obtain a NYSDEC Construction Stormwater Permit GP-0-15-002 coverage for greater than one acre of soil disturbance. The SWPPP must meet the current Stormwater Management Design Manual and the Runoff Reduction and Green Infrastructure requirements. The applicant would also be required to obtain approval of the final design of the stormwater pollution prevention plan from the County Soil and Water Conservation District prior to any positive consideration of this proposal. It 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 contours for the property also indicate that the site has some slopes greater than 15%. The Town's zoning law prohibits the development of ground mounted large scale solar energy systems on slopes greater than 15% unless the applicant can demonstrate through engineering studies and to the satisfaction of the Town that the proposed development will cause no adverse environmental impact that will not be satisfactorily mitigated.

This site is predominately surrounded by agricultural lands and woods, and is approximately 1,700 southwest of the nearest neighboring residential property to the east. It appears that there would be minimal, if any, impact of glare on the surrounding properties. The site however is also directly adjacent to Interstate 81. It is recommended that the Town/applicant consult with the NYS DOT to address concerns regarding potential glare impacting Interstate Route 81 and steps to alleviate these concerns.

It should also be noted that this field is clearly visible from different vantage points in the City of Cortland. In particular, the Cleveland Street/River St. intersection as well as the area on Interstate 81 Southbound near the Exit 11 On-Ramp as well as from the Wendy's Restaurant and southbound on Clinton Ave., which serves as a gateway for travelers into the City of Cortland. This project has the ability to impact the entire view shed of the eastern part of the City of Cortland. It is recommended that the applicant consult with the City of Cortland regarding the potential that this project has to alter the views of the current natural landscape in that specific area.

This property includes areas that are considered prime farmland as identified by the United States Department of Agriculture Natural Resources Conservation Service. Approximately 8.7 acres of the area proposed to be covered with ground-mounted large-scale solar energy systems is considered prime farmland. The use of prime farmland for ground-mounted large-scale solar energy systems requires Town Planning Board approval. The site plan also indicates that approximately 0.079 acres of the project area is delineated wetlands. It will be particularly important that all erosion and sediment control be installed correctly and maintained to minimize impacts on these wetland areas. It will also be important to revegetate disturbed areas as soon as possible after installation and to inspect and maintain vegetation. It is recommended that disturbed areas are replanted with native species to enhance ecological values. It is also recommended that the applicant consult with and obtain written confirmation from the DEC that it is acceptable to install solar arrays within these delineated wetland areas.

The applicant has also submitted a decommissioning plan for the site which 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.

Finally, the applicant has completed Part I of a SEQRA Full Environmental Assessment Form. Parts II & III should then 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 review, conditional permit and an aquifer protection district special permit contingent upon the following:

- 1. That the applicant obtains written approval for the driveway entrance to Riley Road from the Town Highway Superintendent since Riley Road is a town road.**
- 2. 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.**
- 3. The applicant preparing and obtaining approval of a stormwater pollution prevention plan (SWPPP) including water quality and quantity management for this site both during and after construction from the Town upon review by the County Soil and Water Conservation District, since this project would disturb more than one acre of land.**
- 4. The applicant filing a Notice of Intent with the NYS Department of Environmental Conservation (DEC) in addition to the preparation of a stormwater pollution prevention plan for the site per the NYS Phase II stormwater regulations and obtaining a NYSDEC Construction Stormwater Permit GP-0-15-002 coverage since this project would disturb more than one acre of land. The SWPPP must meet the current Stormwater Management Design Manual and the Runoff Reduction and Green Infrastructure requirements.**
- 5. 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.**
- 6. The applicant demonstrating through engineering studies and to the satisfaction of the Town that the proposed development on slopes greater than 15% will cause no adverse environmental impact that will not be satisfactorily mitigated.**
- 7. That the Town/applicant consults with the NYS DOT to address concerns regarding potential glare impacting Interstate Route 81 and steps to alleviate these concerns.**
- 8. That the applicant consults with the City of Cortland regarding the potential this project has to alter the views of the current natural landscape in the northeast portion of the City of Cortland.**
- 9. The applicant obtaining Town Planning Board approval of the use of prime farmland for a ground-mounted large-scale solar energy system.**

10. That disturbed areas are replanted with native species to enhance ecological values.

11. That the applicant consults with and obtains written confirmation from the DEC that it is acceptable to install solar arrays within delineated wetland areas.

12. Compliance with SEQR requirements.

Prepared by:

Reviewed/revised:

**Kevin J. Pagini
Planner**

**Daniel S. Dineen
Director of Planning**