

**ON THE MOTION OF Paul Slowey  
Danny Ross**

**RESOLUTION NO. 19-22**

**GML#87.00-03-02.110  
Town of Cortlandville  
Site Plan Review, Conditional  
Permit & Aquifer Protection  
District Special Permit  
DG New York CS, LLC**

**WHEREAS, on October 25, 2019 the Zoning Officer, Town of Cortlandville, pursuant to General Municipal Law 239 M submitted an application for Site Plan Review, Conditional Permit and an Aquifer Protection District Special Permit because the property is located within 500 feet of the City of Cortland boundary, 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 November 15, 2019, which is on file, AND**

**WHEREAS, the Cortland County Planning Board on November 20, 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 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 31.27+/- acres contingent upon the following:**

- 1. The applicant obtaining 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. 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.**

- 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 disturbed areas are replanted with native species to enhance ecological values.**
- 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 provide a written narrative to the Town as to how concerns regarding noise impacts on the neighboring residential properties during installation of the solar panels and visual impacts once the solar arrays are installed are being addressed.**
- 9. That the applicant providing assurances to the Town that the necessary steps would be taken to minimize reflective glare impact on neighboring residential properties.**
- 10. The applicant obtaining Town Planning Board approval of the use of prime farmland for a ground-mounted large-scale solar energy system.**
- 11. Potential impacts to identified archeological sites on this property being evaluated and avoided.**

**12. 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.**

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**Wendy Miller, Secretary  
Cortland County Planning Board  
November 20, 2019**

**Ayes: 10**

**Nays: 0**

November 15, 2019

GML# 87.00-03-02.110

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**

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**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 the City of Cortland boundary, Interstate Route 81, East River Road (County Road # 114) and active farming operations within the Cortland County Consolidated Agricultural District.**

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**GENERAL INFORMATION**

**Date Received: October 25, 2019**

**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 31.27+/- acres**

**Location: east side of East River Road and north side of Riley Road**

**Size: 129.7+/- acres (project area 31.27+/- 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 and woods

**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 31.27 acres. The property is located on the east side of East River Road and north side of Riley 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 driveway and security fencing encompassing a project area of approximately 31.27+/- 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 approximately 20,046,370 watt panels and would encompass 31.27+/- acres. 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 solar array would actually be separated into three arrays to avoid placing arrays within delineated wetland areas at this location. The arrays would each 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 12 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 may also include battery storage equipment. These batteries 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 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. The proposed driveway would extend approximately 1,175 ft. north to the location of

the proposed solar arrays with the point of interconnection with an existing 34.5 kV overhead electrical line near the driveway entrance at Riley Road. The applicant is proposing to install a manual access gate at the end of the driveway to restrict access to the solar arrays. There does not however appear to be a security gate proposed at the driveway access to the site from Riley Road. It is recommended for safety and security reasons, that an access gate also be installed at the driveway entrance from Riley Road to restrict access to 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. 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. At this site direct impacts to wetlands have largely been avoided. Two of the three panel areas are downgradient of identified wetlands. The third panel area is upgradient. It will be particularly important that all erosion and sediment controls be installed correctly and maintained to avoid impacts to the wetland area downgradient. 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. This site has steep areas: 38% with slopes of 10 to 15% and 39% with slopes greater than 15%. However, the site design has attempted to minimize disturbance and by avoiding placement of panels on particularly steep areas. Effective stormwater management will be essential on this site. However, much of this site is currently planted in corn; planting to permanent cover may serve to offset effects of the panels and installation disturbance for the longer term. It is recommended that disturbed areas are replanted with native species to enhance ecological values. 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 also be noted that the solar arrays would be located in close proximity to residential properties to the west along East River Road. There is concern regarding the noise impacts to the neighboring residential properties during installation of the solar panels and visual impacts once the solar arrays are installed. It is therefore recommended that the applicant provide a written narrative to the Town as to how concerns regarding noise impacts on the neighboring residential properties during installation of the solar panels and visual impacts once the solar arrays are installed are being addressed.

There is also concern regarding the impact of glare from the solar panels on neighboring 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 the neighboring residential properties.

It should be noted that approximately 22% 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 material submitted by the applicant indicates that several archeological sites have apparently been identified within the project area. It is unclear whether these sites will be affected by the solar installation. Potential impacts should be evaluated and avoided.

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 SEQR Full 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 review, conditional permit and an aquifer protection district special permit contingent upon the following:

1. The applicant obtaining written approval for the driveway entrance to Riley Road from the Town Highway Superintendent since Riley Road is a town road.
2. That for safety and security reasons, an access gate also being installed at the driveway entrance from Riley Road to restrict access to the site.



- 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 disturbed areas are replanted with native species to enhance ecological values.**
- 8. 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.**
- 9. That the applicant provide a written narrative to the Town as to how concerns regarding noise impacts on the neighboring residential properties during installation of the solar panels and visual impacts once the solar arrays are installed are being addressed.**
- 10. That the applicant providing assurances to the Town that the necessary steps would be taken to minimize reflective glare impact on neighboring residential properties.**
- 11. The applicant obtaining Town Planning Board approval of the use of prime farmland for a ground-mounted large-scale solar energy system.**

**12. Potential impacts to identified archeological sites on this property should be evaluated and avoided.**

**13. Compliance with SEQR requirements.**

**Prepared by:**

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