

# CORTLAND COUNTY PLANNING BOARD MEETING MINUTES

**February 16, 2022**

The regular monthly meeting of the Cortland County Planning Board was **called to order** at 6:31 p.m. by Chair Ann Swisher. Members present included Amy Bertini, Wendy Miller, Laurie Comfort, Chuck Feizli, Beau Harbin, Paul Dries, and Emma Hans. Emily Discenza, Paul Slowey, and Daniel Haynes were absent. Also present were Director of Planning Trisha Jesset P.E. and Planner Alex Schultz.

Vice-Chair Bertini moved to approve the January 19, 2022 regular meeting minutes as submitted. Seconded by Member Feiszli. There were no objections.

Chair Swisher then began the **Chair's Remarks**.

Chair Swisher then turned it over to Director Jesset for the **Director's Remarks**. Director Jesset mentioned that the staff plan on hosting our annual state training differently this year. We want to have more localized trainings where we come to more centralized locations. We have tentatively planned to go to Preble on March 22<sup>nd</sup> to do a training on Planning Board Overview from 5pm to 7pm. On the 23<sup>rd</sup> we have tentatively planned to host two sessions: one in Cortlandville from 2pm to 4pm on Hot Button Land Use topics and one in Marathon from 5:30pm to 7:30pm on SEQRA Review. By offering different times and locations we hope to reach more local zoning and planning board members. There will be an online registration process to better monitor how many people will attend each session so that an adequate amount of food and materials can be provided at each venue.

Chair Swisher asked about the hour requirements for local official trainings. Director Jesset responded that they are required to have four hours of training a year, but the state does not formally record those hours and it's generally left up to the municipalities themselves. We will be tracking who comes and giving out certificates for the trainings. We are offering two hours of training at each of these sessions.

The following **General Municipal Law Reviews** were on the agenda:

**GML#24.00-06-19.100** Use Variance review for the purpose of building two (2) cabins on a property with an existing single family dwelling to use as short term rentals. The property is described as 241 Merrill Road within the Town of Scott. It is zoned AG (Agricultural) and R-1 (Residential). Planner Schultz gave a summary of the staff report including staff recommendations for conditions.

Member Feiszli made a motion to accept GML#24.00-06-19.100 with staff recommendations. Seconded by Member Hans.

Chair Swisher asked what the use of the property is defined as; is it considered short-term rental or as a business or temporary lodging, etc. A discussion ensued over the defined use of the property and how that is determined.

Member Feiszli asked if there were any districts in the Town of Scott that allow short-term rentals. There are not. A discussion ensued on how short-term rentals are regulated through zoning in other Towns.

Vice-Chair Bertini asked if granting this use variance would allow the applicant to build more rental cabins on the property. Planner Schultz believes that the applicant could because short-term rentals becomes an allowable use on the property.

Chair Swisher asked if each cabin would have its own septic and well. The cabins will have their own septic systems and the applicant has not decided if there will be a combined well system or if each will have their own.

A discussion ensued over the wording of our recommendations to the municipalities and how the Town will still need to have the applicant prove an unnecessary hardship in order for them to approve the variance.

Member Comfort moved to amend the previous motion to add an additional condition: that any further development of short-term rentals on the site be approved by the Town of Scott Planning Board. Seconded by Member Miller. Members Swisher, Bertini, Miller, Comfort, Feiszli, Harbin, and Hans were in favor. Member Dries opposed. The amendment passed by a vote of 7 ayes, 1 nay.

Discussion continued on other Town's zoning regulations and how the Town of Scott should consider how their zoning law effects short-term rentals. Discussion then turned to use variances and when they should be allowed vs when they shouldn't.

Member Harbin moved to amend the previous motions to add an additional condition: that the Town consider reviewing their zoning regulations on short-term rentals. Seconded by Vice-Chair Bertini. All members were in favor. The amendment passed by a vote of 8 ayes, 0 nays.

Chair Swisher then called for those in favor of accepting GML#24.00-06-19.100 with staff recommendations and the conditions that any further development of short-term rentals on the site be approved by the Town of Scott Planning Board and that the Town consider reviewing their zoning regulations on short-term rentals. All members were in favor. The resolution passed by a vote of 8 ayes, 0 nays. This becomes resolution 22-04.

#### **Harford Solar ZTA**

Zoning Text Amendment review for the purpose of advancing and protecting the public health, safety, and welfare of the Town of Harford by creating regulations for the installation and use of solar energy generating systems and equipment. Planner Schultz gave a summary of the staff report including staff recommendations for conditions.

Secretary Miller made a motion to accept the zoning text amendment with staff recommendations. Seconded by Member Feiszli.

Vice-Chair Bertini asked if the Town Board could review and accept commercial solar projects without approval from the Planning Board or Zoning Board. An applicant wanting to gain approval for a commercial solar project must apply for both a site plan review from the Planning Board and a special use permit review from the Town Board. The Town Board cannot approve the special use permit without the site plan being approved by the Planning Board.

Chair Swisher noted a possible contradiction in setbacks between the existing zoning ordinance and the proposed section. The zoning ordinance requires public utilities to have a 100 foot setback in agriculture districts while section 24.5 A(9) of the proposed section requires solar collectors to be no closer than 50 feet from the boundary line of any public street or roadway. A discussion ensued on whether this was a contradiction or not.

A discussion ensued over the liability of covering the cost for decommissioning the site.

Discussion then turned to the staff condition recommendation 2 and if that condition overruled any part of GML section 239-m. It was made clear that the intent of the condition was to leave room for the Town to decide when to refer these to county planning as long as it is referred when required by GML section 239-m.

Member Harbin then asked about the defined difference between commercial and non-commercial solar systems being 200 kilowatts. A discussion ensued on how large a 200 kilowatt solar energy system would be.

Director Jesset then turned discussion back towards the previous concern over setbacks.

Member Comfort moved to amend the previous motion to add two additional conditions: (1) that the Town review the setback requirements for commercial solar energy systems compared to setback requirements outlined in the *Town of Harford Land Use Ordinance* and (2) that the Town review the phrase “nameplate capacity of 200 kilowatts” in the definitions for Commercial Solar Energy Systems and Non-Commercial Solar Energy Systems. Seconded by Vice-Chair Bertini.

Chair Swisher then called for those in favor of accepting the zoning text amendment with staff recommendations and the conditions that the Town review the setback requirements for commercial solar energy systems compared to setback requirements outlined in the *Town of Harford Land*

*Use Ordinance* and that the Town review the phrase “nameplate capacity of 200 kilowatts” in the definitions for Commercial Solar Energy Systems and Non-Commercial Solar Energy Systems. All members were in favor. The resolution passed by a vote of 8 ayes, 0 nays. This becomes resolution 22-05.


Planner Schultz mentioned there were four **Return for Local Determination** letters sent this month, provided a short explanation, and invited questions.

Chair Swisher then asked if there were any **Announcements**.

Discussion continued on a variety of topics including member terms and WebEx.

Chair Swisher announced that the next meeting will be on March 16, 2022.

With no further business, Member Comfort motioned to **Adjourn** at 7:50 p.m.

  
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**Wendy Miller, Secretary**  
**February 16, 2022**