

CORTLAND COUNTY PLANNING BOARD MEETING MINUTES

March 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 Feiszli, Paul Slowey, Emma Hans, and Daniel Haynes. Paul Dries and Beau Harbin were absent. Emily Discenza resigned from the Board. Also present were Director of Planning Trisha Jesset P.E., Planner Alex Schultz, Town of Cortlandville Solar Committee Representative Michael Barylski, and Cortland Voice Reporter Eddie Velazquez.

Member Comfort moved to approve the February 16, 2022 regular meeting minutes as submitted. Seconded by Member Hans. There were no objections.

Chair Swisher had no **Chair's Remarks**.

Chair Swisher then turned it over to Director Jesset for the **Director's Remarks**. Director Jesset mentioned the upcoming trainings and encouraged everyone to share with local municipalities, planning and ZBA members. The training is being held this Tuesday and Wednesday with registration on the Planning Department website. The deadline is until Sunday. The training will be providing food. The planning department is trying a different layout and will be looking for feedback from everyone after the training. Director Jesset encouraged anyone who attends or knows anyone who attends to give feedback. The topics will be presented in conjunction with the Department of State.

Director Jesset informed the committee that it looked like the State of Emergency would be ending and no longer looking at allowing virtual meetings. If any members have an issue with in person meetings, please let me know. The Planning Department will be keeping up on this issue and will touch base with the Clerk of the Legislature on this issue. Director Jesset asked if anyone, by a show of hands, would have an issue with in person meetings. Several members indicated that they would rather have in person meetings. Some indicated they would rather not. Director Jesset informed the group that she'll be getting more direction on this issue and would be in contact with everyone on the handling of the April meeting.

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

C'ville Solar ZTA Zoning Text Amendment for the purpose of regulating the safe, effective and efficient use of installed solar energy systems in order to encourage renewable energy and a sustainable lifestyle by protecting the health, safety, and welfare of the community while minimizing the adverse impact(s) on the adjacent and surrounding neighboring properties. Planner Schultz gave a summary of the staff report including recommendations for conditions.

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

Member Slowey asked if it made sense for the Town to require a performance bond in the decommissioning plan section. Mr. Barylski responded that a performance bond is required in that section.

Member Swisher indicated a concern in the decommissioning of below ground structures. Mr. Barylski noted that he will look into that as he was not aware that this was missing.

Member Feiszli asked about conflicting setback requirements. A discussion ensued in regards to setback as it relates to each Tier.

Chair Swisher then asked why a conditional permit was not required for Tier 2 solar energy systems. Mr. Barylski responded that, unless the system triggers any of the criteria outlined in Section 6 (2)(b), they do not require a conditional permit.

Director Jesset mentioned that, at the Coordinated Review Committee meeting, there was discussion regarding the formatting of the Local Law. Mr. Barylski continued by saying that the Town of Cortlandville has a contractual relationship with a company that will reformat the law after the fact.

Director Jesset mentioned that Solar was a hot topic at the New York State Association of Counties (NYSAC) conference this year. The concerns about current infrastructure being able to host this additional load kept coming up. Director Jesset asked if there should be language in the amendment to this concern. Mr. Barylski indicated that he did not feel that this would be a concern as the developers already have access to the power company's availability for the load systems prior to moving forward.

Member Swisher then called for those in favor of accepting the zoning text amendment with staff recommendations. All members were in favor. The resolution passed by a vote of 8 ayes, 0 nays. This becomes resolution 22-06.

C'ville Battery LL

Local Law for the purpose of advancing and protecting the public health, safety, welfare, and quality of life of the Town of Cortlandville by creating regulations for the installation and use of battery energy storage systems. Planner Schultz gave a summary of the staff report including recommendations for conditions.

Planner Schultz indicated that the Coordinated Review Committee reviewed this applications and gave a summary of the recommendations from the Coordinated Review Committee.

Member Bertini made a motion to accept the local law with staff recommendations. Seconded by Member Miller.

Chair Swisher asked about the differences in permitting and setback requirements between battery energy storage systems and solar energy systems. Mr. Barylski responded that battery energy storage local law is a technical ordinance. Essentially one of the two engineers on the committee that wrote these laws took the lead. NYSERDA has a law similar to this local law. The engineer took that NYSERDA law and tailored it into the Town of Cortlandville. A discussion ensued on why there would be a Site Plan Review for Tier 2 Battery Energy Storage Systems, but not for Tier 2 Solar Energy Systems.

Member Swisher then called for those in favor of accepting the local law with staff recommendations. All members were in favor. The resolution passed by a vote of 8 ayes, 0 nays. This becomes resolution 22-07.

C'ville PILOT LL

Local Law for the purpose of ensuring that the benefits of the community's solar energy resource are available to the entire community, by promoting the installation of solar energy generating equipment through a payment in lieu of taxes (PILOT), granting reduced costs to system developers and energy consumers, and providing a revenue stream to the entire community. Planner Schultz gave a summary of the staff report including recommendations for conditions.

Member Slowey made a motion to accept the local law with staff recommendations. Seconded by Member Miller.

Member Feiszli asked why the law to govern PILOT agreements is necessary. Mr. Barylski indicated that under tax law 487 there is process that a project sponsor can notify the municipality of the project which has a 60 day time frame. If the municipality fails to respond within that 60 days, the project sponsor is not liable for real property taxes or a PILOT agreement. The specifics of the PILOT is that it proactively addresses notification by the project sponsor and notifies the project sponsor that there is a PILOT required.

Member Feiszli then asked how the COLA was defined for the purposes of this law. A discussion then ensued regarding the set price of PILOTs in Cortlandville and the benefits to PILOT agreements.

Member Swisher then called for those in favor of accepting the local law with staff recommendations. All members were in favor. The resolution passed by a vote of 8 ayes, 0 nays. This becomes resolution 22-08.

GML#95.12-01-16.000 Site Plan Review, Conditional Permit, Aquifer Protection Special Permit, & Floodplain Development Permit for the purpose of adding a 2,500+/- square

foot pre-engineered metal building to the northwest side of an existing sorter building. The property is described as 890 McLean Road within the Town of Cortlandville. It is zoned I-2 (General Industrial), is within the Aquifer Protection District (Area I: Primary Aquifer Area), is within the Wellhead Protection Zone (Zones 1a & 1b) and is within an Area of Special Flood Hazard. Planner Schultz gave a summary of the staff report including recommendations for conditions.

Member Feiszli made a motion to accept GML#95.12-01-16.000 with staff recommendations. Seconded by Member Bertini.

A discussion ensued regarding the project's size and greenspace requirements.

Member Swisher then called for those in favor of accepting GML#95.12-01-16.000 with staff recommendations. All members were in favor. The resolution passed by a vote of 8 ayes, 0 nays. This becomes resolution 22-09.

GML#77.00-01-22.000 Conditional Permit for the purpose of replacing a 210,000 gallon tank with a 340,000 gallon tank in the same location on an existing concrete pad with leak detection and secondary containment and replacing existing tanks as a normal site maintenance/update, which will improve technology, leak detection, and tank foundations/spacing. The property is described as 1902 Lorings Crossing within the Town of Cortlandville. It is zoned B-2 (Highway Commercial Business) and is within the Aquifer Protection District (Area 1: Primary Aquifer Area). Planner Schultz gave a summary of the staff report recommendation for conditions.

Member Haynes made a motion to accept GML#77.00-01-22.000 with staff recommendations. Seconded by Member Comfort.

Member Feiszli asked if the 2007 site plan approval included the replacements of these tanks. They did. A discussion ensued regarding DEC permits.

Chair Swisher asked if there was an emergency plan for emergencies that may happen on the site. Director Jesset indicated that she has been in contact with Kevin Whitney and that this project, as well as others, are being reviewed by Emergency Services.

Member Swisher then called for those in favor of accepting GML#77.00-01-22.000 with staff recommendations. All members were in favor. The resolution passed by a vote of 8 ayes, 0 nays. This becomes resolution 22-10.

Homer Evnt. Ctr. ZTA Zoning Text Amendment for the purpose of allowing event centers including "wedding barns" and similar operations. Planner Schultz gave a summary of the staff report recommendation for conditions.

Member Comfort made a motion to accept the zoning text amendment with staff recommendations. Seconded by Member Bertini.

A discussion ensued regarding building / fire codes and the restrictions placed on event centers by this amendment.

Chair Swisher then called for those in favor of accepting the zoning text amendment with staff recommendations. All members were in favor. The resolution passed by a vote of 8 ayes, 0 nays. This becomes resolution 22-11.

Marathon (V) Junk LL Local Law for the purpose of prohibiting actions and conduct that tend to depreciate not only the property on which it is located but also the property of other persons in the neighborhood and the community generally. Planner Schultz gave a summary of the staff report recommendation for conditions.

Member Slowey made a motion to accept the local law with staff recommendations. Seconded by Member Comfort.

Member Bertini asked how this law will be enforced. The code enforcement officer will be the enforcer of the law.

A discussion ensued on the wording of the Local Law.

Member Swisher then called for those in favor of accepting the local law with staff recommendations. All members were in favor. The resolution passed by a vote of 8 ayes, 0 nays. This becomes resolution 22-12.

GML#76.32-01-06.000 Use Variance for the purpose of building a free-standing LED entrance sign. The property is described as 85 S West Street (NYS Route 281) within the Village of Homer. It is zoned B-3 (Research and Development). Planner Schultz gave a summary of the staff report recommendation for conditions.

Member Haynes made a motion to accept staff recommendations. Seconded by Member Slowey.

Member Swisher then called for those in favor of accepting GML#76.32-01-06.000 with staff recommendations. All members were in favor. The resolution passed by a vote of 8 ayes, 0 nays. This becomes resolution 22-13.

Planner Schultz mentioned there were two **Return for Local Determination** letters sent this month, provided a short explanation, and invited questions. Vice-Chair Bertini asked if the footprint of the proposed building was going to be the same as the existing one on the Foote Area Variance request. After looking at an aerial photo, it is believed it will be.

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

Chair Swisher announced that the next meeting will be on April 20, 2022.

Chair Swisher then asked Director Jesset if she would be contacting the members in regards to the in person meeting requirement. Director Jesset said she will let everyone know by the end of the week.

With no further business, Member Comfort motioned to **Adjourn** at 8:08 p.m.

Wendy Miller

Wendy Miller, Secretary

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