

CORTLAND COUNTY PLANNING BOARD MEETING MINUTES

April 20, 2022

The regular monthly meeting of the Cortland County Planning Board was **called to order** at 6:30 p.m. by Chair Ann Swisher. Members present included Amy Bertini, Laurie Comfort, Chuck Feiszli, Paul Slowey, Paul Dries, Emma Hans, and Daniel Haynes. Wendy Miller and Beau Harbin were absent. Also present was Director of Planning Trisha Jesset P.E., Planner Alex Schultz, and Guest Rodney Ives. Rodney Ives identified himself as an engineer at Napierala Consulting and as a representative of Ray Energy, the applicant for GML#87.00-04-10.000.

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

Chair Swisher began the **Chair's Remarks** by welcoming everyone to the first all-in-person meeting of the Cortland County Planning Board since February 2020.

Chair Swisher then turned it over to Director Jesset for the **Director's Remarks**. Director Jesset mentioned that multiple member's terms expired this year and asked if any members were against serving another term on the planning board. Those willing to continue would need to fill out a new application, which should have already been sent out, so they can be reappointed in May. No one was against serving another term.

Director Jesset then mentioned that a new member was in the works of getting appointed to fill the vacant seat on the board. If appointed, the new member will join us in our May meeting.

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

GML#87.00-04-10.000 Site Plan Review, Conditional Permit, Aquifer Protection Special Permit, & Floodplain Development Permit review for the purpose of constructing a propane & bio-propane storage and wholesale distribution site with rail siding. Planner Schultz gave a summary of the staff report including recommendations for conditions.

Member Slowey made a motion to accept GML#87.00-04-10.000 with staff recommendations. Seconded by Vice-Chair Bertini.

Member Slowey asked Mr. Ives, a representative of the applicant, if he was aware of the recommended conditions and if he felt they were prudent. Mr. Ives responded that he was aware of the conditions and felt they were prudent.

Member Feiszli commented that the report's reasoning in regards to storing liquid fuel is a little convoluted. He also commented that the DEC requires a SWPPP if more than one acres is disturbed, not five like the report says. If more than five acres is disturbed an applicant is required to submit a SWPPP ahead of time before disturbance starts.

A discussion ensued over the fact that bulk storage of liquid fuel is not allowed in this district and how the Town came to the conclusion that this project does not fall under that provision.

Member Feiszli asked Mr. Ives where the propane was being brought in from. Mr. Ives was not sure.

Chair Swisher expressed concern over a leakage at the proposed facility and how it would interact with the neighboring Suit-Kote facility. A discussion ensued over potential hazards coming from these uses neighboring each other.

Member Hans asked why the previous applications were withdrawn. Mr. Ives responded that this is a new applicant and that he is not sure why the other applications fell through. A discussion ensued over these previous applications.

Chair Swisher expressed concern over this area becoming heavily industrial; however, she felt better knowing about the federal regulations the applicant must follow.

Member Dries asked how the IDA was involved in this project. Director Jesset responded that the railroad right of ways are owned by the IDA. A discussion ensued over connection to the rail and previous applicant's attempts to connect at this location.

Chair Swisher asked if there was any signage involved in the project. Mr. Ives responded that the only thing that would go up front is a sign with the address so that postal and emergency services could find the facility.

A discussion ensued over the condition that the emergency response plan required by the *Code of Federal Regulations* be submitted to the Cortlandville Fire Department. The discussion continued over how an emergency situation would be handled at the facility.

Member Swisher then called for those in favor of accepting GML#87.00-04-10.000 with staff recommendations. All members were in favor. The resolution passed by a vote of 8 ayes, 0 nays. This becomes resolution 22-14.

GML#135.00-03-14.12 & -14.2 Subdivision & Area Variance review for the purpose of subdividing an existing 4± acre parcel on two sides of the road into a 2.5± acre parcel on the east side of the road and a 1.5± acre parcel on the west side, then combining the 1.5± acre parcel with an existing adjacent 1.7± acre parcel. Planner Schultz gave a summary of the staff report including recommendations for conditions.

Member Comfort made a motion to accept GML#135.00-03-14.12 & -14.2 with staff recommendations. Seconded by Member Hans.

Member Dries asked what happens to cause a parcel to be on two sides of a road. Many times this happens because the parcel existed before the road right of way was dedicated through it.

Member Swisher then called for those in favor of accepting GML#135.00-03-14.12 & -14.2 with staff recommendations. All members were in favor. The resolution passed by a vote of 8 ayes, 0 nays. This becomes resolution 22-15.

Director Jesset then mentioned that the Victory Sign application from the Village of Homer was determined to be an area variance, rather than the use variance we approved last month. Because it is not an area variance, the staff could send the “new” request back as a return letter if it was determined to be of “solely local interest”. Since it is difficult to say the request is “solely of local interest”, but we have already approved this same application as a use variance, the staff wanted to ask the board how to proceed. After some discussion, there was a general agreement that it should be returned as a return letter without further County Planning Board review.

Planner Schultz mentioned there were four **Return for Local Determination** letters sent this month, provided a short explanation, and invited questions. There were none.

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

Director Jesset mentioned that the planning staff was working on creating a comprehensive list of solar projects in the county due to a lack of centralized information on them.

Director Jesset then mentioned that the county is thinking about making a new comprehensive plan. There is a common need for one as the county’s current comp plan was made in 1978.

Chair Swisher then announced that the next meeting will be on May 18, 2022.

With no further business, Member Slowey motioned to **Adjourn** at 7:35 p.m.



Ann Swisher, Chair
April 20, 2022