

# CORTLAND COUNTY PLANNING BOARD MEETING MINUTES

**September 21, 2022**

The regular monthly meeting of the Cortland County Planning Board was **called to order** at 5:31 p.m. by Chair Ann Swisher. Members present included Paul Dries, Chuck Feiszli, Paul Slowey, Beau Harbin, and Daniel Haynes. Members absent included Wendy Miller, Laurie Comfort, Emma Hans, and Kevin Whitney. Member Amy Bertini arrived later at 6:20 p.m. Also present was Director of Planning Trisha Jesset P.E., Planner Alex Schultz, Town of Solon Code Enforcement Officer Chuck Miller, and Senior Project Manager Kelly Sullivan from Bergmann representing Delaware River Solar, LLC.

Member Slowey moved to approve the August 17, 2022 regular meeting minutes as submitted. Seconded by Member Feiszli. There were no objections.

Chair Swisher began the **Chair's Remarks** by thanking the staff for their hard work getting this month's agenda reviewed. She also thanked the staff for putting together a GML Tracker so planning board members can receive updates on projects previously reviewed.

Chair Swisher then turned it over to Director Jesset for the **Director's Remarks**. Director Jesset began her remarks by informing the Board of her resignation effective October 14<sup>th</sup>. As that is before the next meeting, this will be her last planning board meeting as Director. A discussion then ensued on the possibility of Director Jesset being appointed as a member on the planning board at some point in the near future.

The following **General Municipal Law 239 Reviews** were on the agenda:

**GML# 171.00-03-13.200 & 172.00-01-03.000** Special Use Permit & Site Plan Review for the purpose of developing two 4.98 MW AC and one 1.5 MW AC community solar farms. Planner Schultz gave a summary of the staff report including recommendations for conditions.

Member Slowey made a motion to accept GML#171.00-03-13.200 & 172.00-01-03.000 with staff recommendations. Seconded by Member Haynes.

Member Slowey then asked Senior Project Manager Sullivan if she was aware of all thirty one conditions recommended by the planning staff report and if they were consistent with their overall plans. She was aware and responded that they were consistent with the overall plan.

A discussion then ensued on the applicant's submitted preliminary SWPPP.

Member Harbin moved to amend the previous motion to change condition 30 from "that the applicant consider replanting disturbed areas with native New York plant species to enhance ecological values" to "that the applicant replant disturbed areas with native New York plant species to enhance

ecological values.” Seconded by Member Feiszli. All members were in favor. The amendment passed by a vote of 6 ayes, 0 nays.

Chair Swisher called for those in favor of accepting GML#171.00-03-13.200 & 172.00-01-03.000 with staff recommendations and the modified condition 30: that the applicant replant disturbed areas with native New York plant species to enhance ecological values. All members were in favor. The resolution passed by a vote of 6 ayes, 0 nays. This becomes resolution 22-24.

A discussion then ensued on the costs and benefits of large-scale solar projects in Cortland County.

**2022 Town of Solon Zoning Law** Zoning Law review for the purpose of promoting the Health, Safety, Morals and General Welfare of the community, the location and the use of buildings, structures and the land for trade, commercial, residence, farming and other purposes. Planner Schultz gave a summary of the staff report including recommendations for conditions.

Member Harbin made a motion to accept the zoning law with staff recommendations. Seconded by Member Feiszli.

A discussion ensued on pointing out some of the major problems pointed out in the planning staff’s report.

Chair Swisher then brought concern to the incorporation of the Town of Solon’s Flood Damage Prevention Law, Wind Energy Facilities Law, and Solar Energy Systems Law into the zoning law, citing that it makes the law too confusing. A discussion then ensued on the pros and cons of said incorporation.

A discussion then ensued on future development in the Town and the removal of commercial zoning.

The board then debated generally on whether to approve with staff recommendations or to disapprove with listed reasons.

Debate continued on if the Board should disapprove the zoning law.

Chair Swisher then called for those in favor of accepting the zoning law with staff recommendations. Members Bertini, Dries, Feiszli and Harbin in favor. Members Swisher, Slowey, and Haynes opposed. The resolution failed by a vote of 4 ayes, 3 nays.

Member Harbin then moved to disapprove the zoning law advising the Town of Solon that the application may be reconsidered upon incorporation of staff recommendations.

Chair Swisher then called for those in favor of disapproving the zoning law and advising the Town that the application may be reconsidered upon incorporation of staff recommendations. All members were in favor. The resolution passed by a vote of 7 ayes, 0 nays. This becomes resolution 22-25.

**GML#172.05-01-19.000** Use Variance review for the purpose of building a 30' X 60' cold storage garage on a monolithic slab in an R-2 district without a primary residence/dwelling on the same parcel. Planner Schultz gave a summary of the staff report including recommendations for conditions.

Member Slowey made a motion to accept GML#172.05-01-19.000 with staff recommendations. Seconded by Member Haynes.

A discussion then ensued generally on what happens when the board approves with conditions vs when the board denies an application.

Discussion then turned to the fact that the owner of the parcel has the same last name as the applicant, who in turn owns and resides in the adjacent parcel.

Member Harbin then moved amend the previous motion to disapprove GML#172.05-01-19.000 advising the Town of Harford that the application may be reconsidered upon incorporation of staff recommendations.

Discussion then returned to what happens when the board approves with conditions vs when the board denies an application.

Chair Swisher then called for those in favor of disapproving GML#172.05-01-19.000 and advising the Town that the application may be reconsidered upon incorporation of staff recommendations. All members were in favor. The resolution passed by a vote of 7 ayes, 0 nays. This becomes resolution 22-26.

**Virgil Comp Plan Update** Comprehensive Plan review for the purpose of providing guidance for land use decisions in the Town of Virgil. Planner Schultz gave a summary of the staff report including recommendations for conditions.

Member Harbin made a motion to accept the comprehensive plan update with staff recommendations. Seconded by Vice-Chair Bertini.

Discussion then ensued on the Tioughnioga river trail, which was mentioned in the Comprehensive Plan.

Discussion then turned to Virgil changing its land use regulations to be more harmonious with the goals outlined in this comp plan update and the closure of the Virgil School.

Chair Swisher then called for those in favor of accepting the comprehensive plan update with staff recommendations. All members were in favor. The resolution passed by a vote of 7 ayes, 0 nays. This becomes resolution 22-27.

**Virgil Keeping of Chickens** Zoning Text Amendment review for the purpose of providing standards for the keeping of domesticated chickens. Planner Schultz gave a summary of the staff report including recommendations for conditions. Planner Schultz also pointed out a letter sent to the planning department and handed out at the meeting from Sara Hollenbeck, a resident of the Town of Virgil, voicing her concerns on this zoning text amendment.

Discussion ensued on Sara Hollenbeck's concerns and other member's similar concerns.

Member Feiszli made a motion to accept the zoning text amendment with staff recommendations. There were no seconds. The motion failed.

Member Harbin made a motion to disapprove the zoning text amendment advising the Town of Virgil that the application may be reconsidered upon incorporation of staff recommendations and the recommendation that the Town reconsider the intent of the law when it comes to noise and distance to neighbors.

Discussion then continued from previous GML239 reviews on what happens when the board approves with conditions vs when the board denies an application.

Chair Swisher then called for those in favor of disapproving the zoning text amendment and advising the Town that the application may be reconsidered upon incorporation of staff recommendations and the recommendation that the Town reconsider the intent of the law when it comes to noise and distance to neighbors. All members were in favor. The resolution passed by a vote of 7 ayes, 0 nays. This becomes resolution 22-28.

**GML# 86.13-01-65.110** Subdivision review for the purpose of subdividing an existing 21.59± acre parcel into three parcels: a 7.38± acre parcel with a Grand Union Supermarket (Parcel A), a 9.35± acre parcel with a commercial strip mall connected to the Grand Union (Parcel B), and a 4.86± acre parcel with two standalone commercial strip malls (Parcel C). Planner Schultz gave a summary of the staff report including recommendations for conditions.

Member Haynes made a motion to accept GML#86.13-01-65.110 with staff recommendations. Seconded by Vice-Chair Bertini.

Director Jesset then mentioned that the staff missed adding a recommendation to add a written agreement into the deeds of all three parcels to maintain all the utilities on site. A discussion on utilities then ensued.

Member Feiszli moved to amend the previous motion to add the language "and all other utilities" into condition 5 between the words "facilities" and "on". Seconded by Member Haynes.

Discussion then continued on the collective utilities on site.

Discussion then moved to the parcel's potential noncompliance with Cortlandville's wellhead protection law. It was determined that the wellhead protection law does not apply to this subdivision.

The discussion then moved back to the collective utilities on site.

All members were in favor of the motion to amend. The amendment passed by a vote of 7 ayes, 0 nays.

Chair Swisher then called for those in favor of accepting GML#86.13-01-65.110 with staff recommendations and the amendment to condition 5. All members were in favor. The resolution passed by a vote of 7 ayes, 0 nays. This becomes resolution 22-29.

Planner Schultz mentioned there were two **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**.

Member Slowey again wanted to congratulate the staff for making the GML Tracker.

There was then a general discussion on Director Jesset's resignation.

Member Slowey made a motion to recommend that the Cortland County Legislature appoint current Planning Department staff to the position of Interim Director, until the time that a permanent Director is appointed. Seconded by Chair Swisher. After a short discussion, Chair Swisher called for those in favor of the motion. Members Swisher, Bertini, Dries, Feiszli, Slowey, & Haynes were in favor. Member Harbin abstained. The motion passed by a vote of 6 ayes, 0 nays, 1 abstention. This becomes resolution 22-30.

Chair Swisher then announced that the next meeting will be on September 21, 2022.

With no further business, the board **Adjourned** at 7:35 p.m.

Ann Swisher