

# CORTLAND COUNTY PLANNING BOARD MEETING MINUTES

**November 16, 2022**

The regular monthly meeting of the Cortland County Planning Board was **called to order** at 5:30 p.m. by Chair Ann Swisher. Members present included Amy Bertini, Daniel Haynes, Laurie Comfort, Chuck Feiszli, and Beau Harbin. Member Paul Slowey was absent. Member Paul Dries arrived later at 6:20 p.m. Vice-Chair Bertini left at 6:30 p.m. Former Member Emma Hans moved out of county and became ineligible to serve on the board. Former Members Wendy Miller and Kevin Whitney both resigned. Also present was Planner Alex Schultz, Cortland Housing Assistance Council Executive Director Shawna Grinnell, Holms King and Kallquist Architects Architect Jeff Taw AIA, Keplinger Freeman Associates Landscape Architect Ed Keplinger, and Project Engineer Tim Buhl PE. Director Grinnell, Architect Taw, and Architect Keplinger attended representing the application requested by the Cortland Housing Assistance Council. Engineer Buhl attended representing the application requested by CP Read Realty.

Member Feiszli moved to approve the September 21, 2022 regular meeting minutes as submitted. Seconded by Member Haynes. There were no objections.

Chair Swisher began the **Chair's Remarks** by presenting the two resignation letters from Wendy Miller and Kevin Whitney. This leaves three vacant seats on the board. With Wendy Miller's resignation the Secretary position has become vacant. Per the board's bylaws, vacancies shall be filled, for the remainder of the term, by nominations from the floor. Planner Schultz mentioned that the end of the term is in January, so the board can either hold off and have Chair Swisher continue to do the Secretary's duties or appoint someone for the short interim. Chair Swisher then nominated Member Comfort to serve as Secretary for the remainder of this term. Seconded by Vice-Chair Bertini. Member Comfort asked a few questions on what the position entails, then agreed to accept the position. Chair Swisher then called for those in favor of accepting Member Comfort as Secretary for the remainder of this term. All members were in favor.

Chair Swisher announced the need to appoint a Nominating Committee to present a slate of officers for the 2023 term at the December meeting. After discussion, it was decided that members Feiszli, Bertini, and Slowey should be on the committee. All members were in favor. It was discussed that the Nominating Committee usually presents two Executive Committee At-Large members to be a part of the Executive Committee, made up of the Chair, Vice-Chair, Secretary and two at-large members. As this standing committee has not met in years, it was decided to temporarily absolve the committee until such time as it is needed.

As the position of Director of Planning is currently vacant, and County Administrator / Interim Director of Planning Robert Corpora was not in attendance, there were no **Director's Remarks**.

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

**GML#87.29-01-03.100** Site Plan Review for the purpose of constructing a three story, 51 unit senior apartment building. Planner Schultz gave a summary of the staff report including recommendations for conditions.

Secretary Comfort made a motion to accept GML#87.29-01-03.100 with staff recommendations. Seconded by Member Haynes.

Member Feiszli voiced concern over the post-construction stormwater management facilities being in the FEMA 100-year floodplain and the site's current improper drainage.

Architect Keplinger explained that they have been working with NYSDEC to address these issues. They are moving the stormwater facilities out of the floodplain to the area directly west of the building and, on NYSDEC's recommendation, they will be discharging stormwater to the Tioughnioga River. They will also be getting a floodplain development permit from the City. Member Feiszli was satisfied so long as NYSDEC was ok with it.

Architect Keplinger then offered some updates on the project since the staff report was created including that the facility will now have 53 units instead of 51, that they have applied for an area variance for the parking, and that they have received and reviewed the floodplain easement map from NYSDEC: the plan will only impact the floodplain easement in one minor way and they will get NYSDEC permits for that impact.

A discussion then ensued on ADA accessible parking spaces and the border fence with the single-family residential properties.

Member Harbin moved to amend the previous motion to add an additional condition: that the applicant reach out to the Cortland County Mobility Manager to plan for potential future public transportation services. Seconded by Secretary Comfort.

Director Grinnell chimed in that she has already reached out to Melissa Potter, the Cortland County Mobility Manager, to put a stop there. Director Grinnell also mentioned that Mobility Manager Potter has put in for a grant to build a bus shelter.

Discussion then ensued on the City's plan to build a pedestrian bridge next to this property across the river to Yaman Park.

Chair Swisher called for those in favor of amending the motion to add an additional condition: that the applicant reach out to the Cortland County Mobility Manager to plan for potential future public transportation services. 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#87.29-01-03.100 with staff recommendations and the condition that the applicant reach out to the Cortland County Mobility Manager to plan for potential future public

transportation services. All members were in favor. The resolution passed by a vote of 6 ayes, 0 nays. This becomes resolution 22-31.

**GML#86.13-01-32.000** Site Plan Review & Aquifer Protection Special Permit review for the purpose of constructing a 6,000 square foot retail store and associated parking on an existing partially developed site. Planner Schultz gave a summary of the staff report including recommendations for conditions.

Vice-Chair Bertini made a motion to accept GML#86.13-01-32.000 with staff recommendations. Seconded by Member Haynes.

Member Feiszli voiced concern over the post-construction stormwater management facilities being near the FEMA 100-year floodplain.

Member Feiszli moved to amend the previous motion to add an additional condition: that all stormwater management facilities be out of the FEMA 100-year floodplain. Seconded by Member Harbin. All members were in favor. The amendment passed by a vote of 6 ayes, 0 nays.

A discussion then ensued on the clearcutting of trees on the site and when a SWPPP is required by the Town vs by NYSDEC.

Discussion then turned to the site's proposed traffic flow, emergency vehicle access, and what use may go into the site's existing building.

Chair Swisher then called for those in favor of accepting GML#86.13-01-32.000 with staff recommendations and the condition that all stormwater management facilities be out of the FEMA 100-year floodplain. All members were in favor. The resolution passed by a vote of 6 ayes, 0 nays. This becomes resolution 22-32.

**Harford Moratorium** Moratorium review for the purpose of allowing the Town time to study the potential impacts, effects, and possible controls over wind energy conversion systems and meteorological towers and to consider possible amendments and/or additions to the Town's laws to address the same. In the interest of time, Planner Schultz opted to not give a summary of the staff report.

Member Harbin made a motion to accept the moratorium with no conditions. Seconded by Member Feiszli.

Chair Swisher then called for those in favor of accepting the moratorium. All members were in favor. The resolution passed by a vote of 6 ayes, 0 nays. This becomes resolution 22-33.

**Virgil Floating Zone** Zoning Text Amendment review for the purpose of implementing policies for the development of senior housing as outlined in the Town of Virgil

Comprehensive Plan. In the interest of time Planner Schultz opted to not give a summary of the staff report.

Discussion then ensued on the floating zone's complexity. Planner Schultz believed the Town wishes to implement this floating zone so they can allow senior housing in the vacant Virgil School building, although any property currently zoned NR (Neighborhood Residential) and ARC (Agricultural Residential Conservation) can apply for it.

Member Harbin asked if this can be considered spot zoning. Planner Schultz explained that there are state documents supporting floating zones and they believe the main benefit of float zones is getting around spot zoning.

Planner Schultz then explained how a float rezoning application would work.

Discussion ensued on the float zone's similarity to planned unit development (PUD) districts and overlay districts and why the Town would chose a float zone instead of the other two options.

Discussion then turned to what uses the floating district would allow and how that would fit into the Town's current zoning districts. Planner Schultz believed the Town could achieve their goal easier via a PUD district.

After Vice-Chair Bertini left at 6:30, discussion began on the Town deliberately removing affordable housing from their law compared to the state's model law.

Member Feiszli asked if multi-family residential dwellings were allowed in the hamlet. They are not. He then asked if multi-family residential was allowed anywhere in the Town. They are only allowed in commercial districts and only as a mixed use with commercial on the first floor. None of the hamlet is zoned commercial.

A discussion then began on the density requirement being reduced compared to the state's model law and the potential senior housing redevelopment on the vacant Virgil School property.

Discussion then returned to what uses the floating district would allow compared to the Town's current zoning districts. Then discussion came back to density.

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

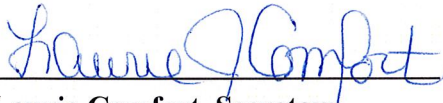
Chair Swisher called for those in favor of accepting the zoning text amendment with staff recommendations. All members were in favor. The

resolution passed by a vote of 6 ayes, 0 nays. This becomes resolution 22-34.

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

Chair Swisher then announced that the next meeting will be on December 21, 2022, however Planner Schultz will be on vacation that week. As such Member Harbin made a motion to move the Board's regular December 2022 meeting from December 21<sup>st</sup> at 5:30 p.m. to December 14<sup>th</sup> at 5:30 p.m. Seconded by Secretary Comfort. All members were in favor. The next meeting will be on December 14, 2022.

With no further business, the board **Adjourned** at 7:01 p.m.



**Laurie Comfort, Secretary**  
**November 16, 2022**