



# CITY OF CORTLAND PLANNING COMMISSION

## SEPTEMBER 25, 2023 MEETING

### MINUTES

MAYOR

SCOTT STEVE

#### PLANNING COMMISSION

JOE MCMAHON, CHAIR  
CHRIS RYAN, VICE CHAIR  
ELLIOTT AYIKA  
BRENDAN MCGOVERN  
CHRIS PEPPEL  
MIKE SWARTWOUT  
JIM WAVLE

CITY CLERK

ANDY JEWETT  
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#### ZONING & CODE ENFORCEMENT OFFICER

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#### CORPORATION COUNSEL

A.J. MELDRIM

#### DIRECTOR OF ADMINISTRATION & FINANCE

LISA HENTY

#### RECORD OF DECISIONS

RECORD NO. 2023.09.25 – 01

ADDRESS: 136 Pendleton St.

APPLICATION: Site Plan Review

APPLICANT: Davis Hill Solar

DECISION: Approved: The Flood Plain Development Permit was approved pending County approval. The Site Plan and Special Use Permit were approved with the following conditions:

1. the applicant ensure the landfill capping barrier layer will not be penetrated under any circumstance;
2. any soils imported to the site be tested and meet the requirements for unrestricted use per NYCRR Part 360.12(c)(ii);
3. the applicant provide a waste control plan which outlines the procedures for removal, containment, and proper disposal of contaminated soils;
4. the City require applicant's completion of the requirements of NYSDEC DMM-4 Guidance for Photovoltaic Solar Projects at Closed Solid Waste Landfills;
5. the City ensure that all components of the review and comments provided by Barton and Loguidice, D.P.C. are closely reviewed and addressed by the applicant;
6. the City contract with an engineering firm experienced in landfill closure construction to oversee the project and provide certification during construction;
7. the details of access road maintenance agreement be discussed with the applicant and finalized by the City;
8. the details of vegetation management and mowing maintenance responsibility be agreed upon between both the City and the applicant, clearly defined, and documented;
9. if any lighting is to be added to the final construction documents, the City require the applicant to submit a lighting plan that conforms to City Code;
10. the City evaluate and issue such certificates for floodplain development permits, as is warranted, indicating compliance with flood-proofing criteria as indicated Code §138-l 6C and§138-18;

11. the City require, if it deems necessary, that a description of any watercourse to be altered or relocated be provided by the applicant;
12. the City only give final approval for site Stormwater Pollution Prevention Plan (SWPPP) after receiving and reviewing recommendations on this proposed project by the Soil and Water Conservation District (SWCD);
13. the City only approve the Visual Analysis after it has been closely reviewed;
14. the City review Barton and Loguidice (B&L)'s report on this proposed plan before agreeing to a decommissioning plan and before approving the site plan;
15. the City develop a contingency agreement for construction taking longer than the proposed 4-6 months and for the possibility of site abandonment during construction before approving proposed project applications; and compliance with SEQR requirements.

RECORD NO. 2023.09.25 – 02

ADDRESS: 6 Locust Ave.

APPLICATION: Site Plan Review

APPLICANT: Dr. Mervat Eld

DECISION: Approved - The Site Plan was approved with the following conditions:

1. the City requires the existing 3-unit building be brought into compliance with current building code requirements;
2. the proposed new addition meet all applicable design requirements of Article X Citywide Design Standards and Guidelines;
3. the applicant obtain a review by the County Health Department and approval of the City Department of Public Works (DPW) and shall include an engineering report for the installation of the required back flow prevention device for the public water supply;
4. the applicant shall ensure that any lighting from this site will not adversely impact the surrounding residential properties;
5. the applicant shall ensure the City that the storm water shall be managed on site without impacting the surrounding properties or roads;
6. the applicant submit a highway work permit for any work done within the NYSDOT ROW;
7. that, since the site plan does meet buffer requirements of City of Cortland Code (hereinafter "Code") § 300-95 and §300-93 on the northern property boundary, applicant shall obtain Area Variances for such nonconformity or modify proposed site plan to conform with Code;
8. the City require the applicant to contract with a

- commercial refuse hauler to service all units;
- 9. compliance with SEQR requirements;
- 10. an eight (8) foot privacy fence be installed on the north side perimeter to the front of the structure;
- 11. the parking structure be situated on the west side of the property and in compliance with the 15 foot setback requirement.

RECORD NO. 2023.09.25 – 03                      ADDRESS: 72 Elm St.  
APPLICATION: Special Use Permit                      APPLICANT: Donald White  
DECISION: Approved - The Site Plan was approved with the condition with the conditions that as much of the equipment as possible be stored in the pole barn and that the noise ordinance be followed.

RECORD NO. 2023.09.25 – 04                      ADDRESS: 177 Port Watson St.  
APPLICATION: Site Plan Review                      APPLICANT: Leah King  
DECISION: Denied

RECORD NO. 2023.09.25 – 05                      ADDRESS: 145 Clinton St.  
APPLICATION: Site Plan Review                      APPLICANT: Matthew Tilden  
DECISION: Approved - The Site Plan was approved with the condition that all lights are pointed in a downward manner and do not emit any light greater than 1 footcandle from the property boundaries.

RECORD NO. 2023.09.25 – 06                      ADDRESS: 107-111 Main St.  
APPLICATION: Minor Site Plan Review                      APPLICANT: Jeremy Stiles  
DECISION: Accepted: Approval of the Minor Site Plan by the Historic Commission was accepted.

RECORD NO. 2023.09.25 – 07                      ADDRESS: 100 Grange Pl.  
APPLICATION: Site Plan Review & Flood Plain Development Permit                      APPLICANT: Nick Feder  
DECISION: Approved as submitted.



## CITY OF CORTLAND PLANNING COMMISSION

### SEPTEMBER 25, 2023 MEETING MINUTES

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#### CALL TO ORDER & ROLL CALL

The meeting was called to order at 5:18 p.m. The following Commission members were recorded present:

Brendan McGovern  
Joe McMahon  
Chris Peppel  
Chris Ryan  
Jim Wavle

The following Commission Members were recorded absent:

Elliott Ayika  
Mike Swartwout

#### ACTION ITEMS

**Record of Decision: 2023.09.25 - 01 Site Plan Review, Special Use Permit and Flood Plain Development for 136 Pendleton St.**

A public hearing was opened at 5:16 p.m. The applicant, Davis Hill Solar, seeks to develop a solar energy production site on property located at 136 S. Pendleton St. The project planner explained that the Common Council approved a lease agreement with Davis Hill Development, LLC, to develop 10 acres of the brownfield property's 18 acres. The City of Cortland has engaged an independent engineer to review project plans and implementation. A decommission plan has been developed and reviewed by the City and County.

The public hearing was closed at 5:32 p.m.

**Motion:** A motion was adopted to declare a negative SEQR.

Motioned by: Mr. McGovern

Seconded by: Mr. Peppel

Approved: Ayes – 5 [McGovern, McMahon, Peppel, Ryan, Wavle]

Nays – 0

**Decision:** A motion was adopted to approve Flood Plain Development Permit application pending County approval.

Motioned by: Mr. McGovern

Seconded by: Mr. Ryan

Approved: Ayes – 5 [McGovern, McMahon, Peppel, Ryan, Wavle]

Nays – 0

**Decision:** A motion was adopted to approve the Site Plan and Special Use Permit with the following conditions:

16. the applicant ensure the landfill capping barrier layer will not be penetrated under any circumstance;

17. any soils imported to the site be tested and meet the requirements for unrestricted use per NYCRR Part 360.12(c)(ii);
18. the applicant provide a waste control plan which outlines the procedures for removal, containment, and proper disposal of contaminated soils;
19. the City require applicant's completion of the requirements of NYSDEC DMM-4 Guidance for Photovoltaic Solar Projects at Closed Solid Waste Landfills;
20. the City ensure that all components of the review and comments provided by Barton and Loguidice, D.P.C. are closely reviewed and addressed by the applicant;
21. the City contract with an engineering firm experienced in landfill closure construction to oversee the project and provide certification during construction;
22. the details of access road maintenance agreement be discussed with the applicant and finalized by the City;
23. the details of vegetation management and mowing maintenance responsibility be agreed upon between both the City and the applicant, clearly defined, and documented;
24. if any lighting is to be added to the final construction documents, the City require the applicant to submit a lighting plan that conforms to City Code;
25. the City evaluate and issue such certificates for floodplain development permits, as is warranted, indicating compliance with flood-proofing criteria as indicated Code §138-l 6C and§138-18;
26. the City require, if it deems necessary, that a description of any watercourse to be altered or relocated be provided by the applicant;
27. the City only give final approval for site Stormwater Pollution Prevention Plan (SWPPP) after receiving and reviewing recommendations on this proposed project by the Soil and Water Conservation District (SWCD);
28. the City only approve the Visual Analysis after it has been closely reviewed;
29. the City review Barton and Loguidice (B&L)'s report on this proposed plan before agreeing to a decommissioning plan and before approving the site plan;
30. the City develop a contingency agreement for construction taking longer than the proposed 4-6 months and for the possibility of site abandonment during construction before approving proposed project applications; and
31. compliance with SEQR requirements.

Motioned by: Mr. McGovern

Seconded by: Mr. Ryan

Approved: Ayes – 5 [McGovern, McMahan, Peppel, Ryan, Wavle]

Nays – 0

**Record of Decision: 2023.09.25 - 02 Site Plan Review for 6 Locust Ave.**

A public hearing was opened at 5:45 p.m. The applicant, Dr. Mervat Eld, seeks approval for an addition to the existing building consisting of eight (8) residential units at 6 Locust Ave. Eric Barden, project developer provided and described the project plan and map. The proposed units will be constructed as an addition to the existing building which is a change from the application previously submitted. The County Planning Board recommended Site Plan approval subject to nine (9) conditions with which the City Planning Commission concurred with addition of two conditions (No. 10 and 11 below).

Joseph DiSanto, residing at 8 Locust Ave., spoke in opposition to the proposed Site Plan for addition of 8 units to

the existing building, citing concerns including privacy, parking and traffic pattern, lighting, lot coverage, and other issues impacting neighbors. Commissioner McGovern noted that previous construction and renovations were conducted without necessary approvals and failed to comply with city building and state fire codes.

Brad Hunt, attorney for Dr. Mervat Eld, stated that the proposed addition of residential units is an appropriate and permitted use within the GB-1 district.

The Planning Commission reviewed the SEQR Short Environmental Assessment Form: Part 1 – Project Information submitted by the applicant. The Planning Commission subsequently completed the SEQR Short Environmental Assessment Form: Part 2 – Impact Assessment.

**Motion:** A motion was adopted to change the answer to question number 13a. from “Yes” to “No” and question number 15 from “Yes” to “No.”

Motioned by: Mr. Wavle

Seconded by: Mr. McGovern

Approved: Ayes – 5 [McGovern, McMahon, Peppel, Ryan, Wavle]

Nays – 0

**Motion:** A motion was adopted to declare that the proposed action will not result in any significant adverse environmental impact.

Motioned by: Mr. Ryan

Seconded by: Mr. McGovern

Approved: Ayes – 5 [McGovern, McMahon, Peppel, Ryan, Wavle]

Nays – 0

**Decision:** A motion was adopted to approve the Site Plan with the following conditions:

1. the City requires the existing 3-unit building be brought into compliance with current building code requirements;
2. the proposed new addition meet all applicable design requirements of Article X Citywide Design Standards and Guidelines;
3. the applicant obtain a review by the County Health Department and approval of the City Department of Public Works (DPW) and shall include an engineering report for the installation of the required back flow prevention device for the public water supply;
4. the applicant shall ensure that any lighting from this site will not adversely impact the surrounding residential properties;
5. the applicant shall ensure the City that the storm water shall be managed on site without impacting the surrounding properties or roads;
6. the applicant submit a highway work permit for any work done within the NYSDOT ROW;
7. that, since the site plan does meet buffer requirements of City of Cortland Code (hereinafter "Code") § 300-95 and §300-93 on the northern property boundary, applicant shall obtain Area Variances for such nonconformity or modify proposed site plan to conform with Code;
8. the City require the applicant to contract with a commercial refuse hauler to service all units;
9. compliance with SEQR requirements.
10. an eight (8) foot privacy fence be installed on the north side perimeter to the front of the structure
11. the parking structure be situated on the west side of the property and in compliance with the 15 foot setback requirement.

Motioned by: Mr. Peppel  
Seconded by: Mr. Wavle  
Approved: Ayes – 5 [McGovern, McMahon, Peppel, Ryan, Wavle]  
Nays – 0

Commissioner McGovern departed the meeting at 6: 45

**Record of Decision: 2023.09.25 - 03 Special Use Permit for Property Located at 72 Elm St.**

The applicant, Donald White, seeks approval for green space, permit and a variance for a driveway enlargement at 72 Elm St. A public hearing was opened at 6:51 p.m. There being no one present to speak, the public hearing was closed at 6:52 p.m.

**Decision:** A motion was adopted to approve the Special Use Permit with the condition that as much of the equipment as possible be stored in the pole barn and that the noise ordinance be followed.

Motioned by: Mr. Ryan  
Seconded by: Mr. Peppel  
Approved: Ayes – 4 [McMahon, Peppel, Ryan, Wavle]  
Nays – 0

**Record of Decision: 2023.09.25 - 04 Site Plan Review for Property Located at 177 Port Watson St.**

A public hearing was opened at 6:56 p.m. The applicant, Leah King, seeks approval for an overhead door addition at 177 Port Watson St. The Pastor of the neighboring church spoke in opposition to the application, stating that the owner of the property located at 177 Port Watson St. uses and authorizes tenant use of the church’s parking lot and dumpster without permission of the church. The pastor cited easement disputes and additional disputed issues between the church and owner of 177 Port Watson St. The public hearing was closed at 7:06 p.m.

**Decision:** A motion was adopted to deny the Site Plan.

Motioned by: Mr. Wavle  
Seconded by: Mr. Ryan  
Approved: Ayes – 4 [McMahon, Peppel, Ryan, Wavle]  
Nays – 0

**Record of Decision: 2023.09.25 - 05 Site Plan Review for Property Located at 145 Clinton St.**

A public hearing was opened at 7:11 p.m. The applicant, Matthew Tilden, explained that he seeks approval for installation of electric vehicle charging stations at 145 Clinton St. The public hearing was closed at 7:15 p.m.

**Decision:** A motion was adopted to approve the Site Plan with the condition that all lights are pointed in a downward manner and do not emit any light greater than 1 footcandle from the property boundaries.

Motioned by: Mr. Peppel  
Seconded by: Mr. Ryan  
Approved: Ayes – 4 [McMahon, Peppel, Ryan, Wavle]  
Nays – 0

**Record of Decision: 2023.09.25 - 06 Minor Site Plan Review for Property Located at 107-111 Main St.**

**Decision:** A motion was adopted to accept the approval of the Minor Site Plan as by the Historic Commission.

Motioned by: Mr. Ryan  
Seconded by: Mr. Peppel  
Approved: Ayes – 4 [McMahon, Peppel, Ryan, Wavle]  
Nays – 0

**Record of Decision: 2023.09.25 - 07 Site Plan Review and Flood Plain Development for Property Located at 100 Grange Pl.**

A public hearing was opened at 7:15 p.m. The applicant, Nick Feder explained that he seeks approval for installation of electric vehicle charging stations at 100 Grange Pl. The public hearing was closed at 7:18 p.m.

**Decision:** A motion was adopted to approve the Site Plan as submitted.

Motioned by: Mr. Wavle  
Seconded by: Mr. Ryan  
Approved: Ayes – 5 [McGovern, McMahon, Peppel, Ryan, Wavle]  
Nays – 0

APPROVAL OF MINUTES

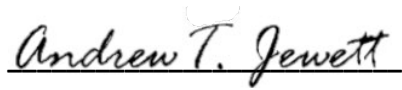
A motion was made to accept the minutes of the Planning Commission meeting held on July 24, 2023.

Motioned by: Mr. Peppel  
Seconded by: Mr. Ryan  
Approved: Ayes – 4 [McGovern, Peppel, Ryan, Wavle]  
Nays – 0

ADJOURNMENT

The meeting was adjourned at 7:22 p.m. on motion of Mr. Ryan.

**I, ANDREW T. JEWETT, CITY CLERK FOR THE CITY OF CORTLAND, NEW YORK, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT RECORD OF THE MOTIONS AND PROCEEDINGS OF A REGULARLY SCHEDULED MEETING OF THE CITY OF CORTLAND PLANNING COMMISSION HELD ON SEPTEMBER 25, 2023.**

  
**ANDREW T. JEWETT, CITY CLERK**