



J.Ryan McMahon, II
County Executive

Onondaga County Planning Board

August 09, 2023

SYRACUSE-ONONDAGA COUNTY PLANNING AGENCY
335 MONTGOMERY STREET, 1st Floor
SYRACUSE, NEW YORK

I. ATTENDANCE

MEMBERS PRESENT

Marty Voss
Mike LaFlair
David Skeval
Don Radke
Jim Stelter

STAFF PRESENT

Dan Kwasnowski
Megan Costa
Rachel Woods
Robin Coon
Ellison McMahon

GUESTS PRESENT

David Lett

II. CALL TO ORDER

The meeting was called to order at 11:00 AM on August 09, 2023.

III. MINUTES & OTHER BUSINESS

Minutes from July 19, 2023 were submitted for approval. Mike LaFlair made a motion to accept the minutes. David Skeval seconded the motion. The votes were recorded as follows: Marty Voss - yes; Mike LaFlair - yes; David Skeval - yes; Don Radke - yes.

IV. ACTIONS ON GML SECTION 239 REFERRALS

Summary

Z-23-209	TOnoZBA	No Position	Z-23-210	TClaTB	Modification
Z-23-211	TEIbPB	Modification	Z-23-212	TTulTB	Modification
Z-23-213	TOnoTB	No Position	Z-23-214	TManPB	No Position
Z-23-216	TCicTB	Modification	Z-23-217	TDewTB	No Position
Z-23-218	TSaITB	No Position			

V. ADMINISTRATIVE REVIEWS



J.Ryan McMahon, II
County Executive

Onondaga County Planning Board

RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 09, 2023

OCPB Case # Z-23-209

WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a AREA VARIANCE from the Town of Onondaga Zoning Board of Appeals at the request of James Hagan Real Estate Company for the property located at 4750 Boyle Drive (Lot 1); and

WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review the granting of use or area variances and the site is located within 500 feet of West Seneca Turnpike (Route 175), a state highway, and Onondaga Community College, a county-owned facility; and

WHEREAS, the applicant is requesting an area variance for a reduced front yard setback to construct a 2,299 sf professional office building on a proposed 0.484-acre parcel in the Onondaga Hill Business (OHB) zoning district; and

WHEREAS, the Board recently provided No Position on a zone change referral (Z-23-12) to include this lot and two neighboring parcels in the Onondaga Hill Business District; and

WHEREAS, the area contains a mix of residential and commercial land uses, and is near the Onondaga Community College Campus; and

WHEREAS, the site is a recently subdivided 0.48-acre lot located at the corner of West Seneca Turnpike and City View Terrace with frontage on both roads; the site is wooded and does not contain any structures except power lines along the City View Terrace frontage; and

WHEREAS, the subdivision to split the site from the larger 6.66-acre parcel has been approved locally and the site plan for the proposed office building will be referred to this Board at a later date; and

WHEREAS, the Site Plan dated 2/24/23 shows the proposed building at the center of the site with road access from City View Terrace leading to a 12-space parking lot located at the rear of the building; a freestanding sign will be placed near the southwest corner of the site; both new and existing trees and shrubs will be utilized to buffer the site from adjacent residential properties; and

WHEREAS, the applicant is requesting an area variance to reduce the required front yard setback from 44.84' to 37' to allow the construction of a professional office building and associated parking; the applicant states the variance is necessary for the proposed building to comply with all setbacks, including the 5' buffer between the rear of the parking area and the adjacent parcel; the 37' setback appears consistent with adjacent homes along West Seneca Turnpike; and

WHEREAS, per the referral notice, the site has access to public drinking water and it is assumed the proposed building would require a new connection;
ADVISORY NOTE: The applicant is advised to contact OCWA's Engineering Department to determine the activities and structures permitted within OCWA easements/rights-of-way, water availability and service options, obtain

hydrant flow test information, evaluate backflow prevention requirements, and/or request that the Authority conduct hydrant flow testing to assess fire flow availability; and

WHEREAS, per the referral notice, the site is served by public sewers and is located in the Metropolitan Wastewater Treatment Plant and MIS pump station service areas and it is assumed the proposed building would require a new connection; ADVISORY NOTE: Capacity assurance approval from the Onondaga County Department of Water Environment Protection (OCDWEP) is required in advance of issuance of a plumbing permit from the County's Plumbing Control Division in order to connect into the public sewer system; the Capacity Assurance Form and approval process can now be found online: <http://www.ongov.net/wep/CapacityAssuranceReviews.html>; and

WHEREAS, the site or a portion of it is located in or adjacent to an area designated as sensitive for archaeological sites on the NYS Historic Preservation Office archaeological site inventory (per EAF Mapper); and

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board has determined that said referral will have no significant adverse inter-community or county-wide implications and may consequently be acted on solely by the referring board.

The motion was made by David Skeval and seconded by Don Radke. Votes were recorded as follows: Marty Voss - yes; Mike LaFlair - yes; Don Radke - yes; David Skeval - yes; Jim Stelter - yes.



J.Ryan McMahon, II
County Executive

Onondaga County Planning Board

RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 09, 2023

OCPB Case # Z-23-210

- WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a ZONE CHANGE from the Town of Clay Town Board at the request of 7310 Oswego Road Zone Change for the property located at 7310 Oswego Road; and
- WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review the adoption or amendment of a zoning ordinance or local law and the site is within 500 feet of Oswego Road (Route 91/Old Route 57), and the municipal boundary between the Town of Clay and the Town of Salina; and
- WHEREAS, the applicant is proposing a zone change on a 10.59-acre parcel from Residential / Agricultural (RA-100) to Residential Apartment (R-APT) zoning district to allow the construction of apartments; and
- WHEREAS, the site is in an area characterized by commercial businesses lining Oswego Road, backed by residential apartments, offices, Sharkey's Bar and Grill, and Glenn Crossing Plaza; the Morgan Road Amazon Fulfillment Center is located behind the site; the site is bordered to the north by powerlines belonging to the Niagara Mohawk Power Corporation and
- WHEREAS, the site is a wooded parcel containing a 1-story brick house with gravel driveway on one of the site's two areas of frontages (125' each) along Oswego Road, a county highway;
ADVISORY NOTE: Any proposed driveways onto Oswego Road require highway access and work permits from the Onondaga County Department of Transportation; and
- WHEREAS, per the Town of Clay zoning code, the Apartment District (R-APT) zoning designation is intended to "permit multiple-family residential and supportive nonresidential development on sites served by both public water and sewer" and allows multiple-family dwellings with site plan approval; multiple apartment complexes in an R-APT zoning district lie to the north of the site; and
- WHEREAS, the Syracuse Metropolitan Transportation Council (SMTTC) has created a Sustainable Streets Guide, which includes the identification of priority sidewalk zones where the installation of sidewalks would be most beneficial; this site is located within a priority zone; and
- WHEREAS, per the referral notice, there is no existing drinking water service to the site and a new connection to public drinking water is proposed;
ADVISORY NOTE: The applicant is advised to contact OCWA's Engineering Department to determine the activities and structures permitted within OCWA easements/rights-of-way, water availability and service options, obtain hydrant flow test information, evaluate backflow prevention requirements, and/or request that the Authority conduct hydrant flow testing to assess fire flow availability; and

WHEREAS, per the referral notice, there is no existing public wastewater service to the site and a new connection to the public sewers is proposed; the site is located in the Wetzel Road Wastewater Treatment Plant and Woodard Pump Station service areas; per the Onondaga County Department of Water Environment Protection (WEP), the Woodard Pump Station is currently at capacity and is not able to accept any additional flow at this time; WEP is currently pursuing a multi-year project to increase station capacity;

ADVISORY NOTE: Capacity assurance approval from the Onondaga County Department of Water Environment Protection (OCDWEP) is required in advance of issuance of a plumbing permit from the County's Plumbing Control Division in order to connect into the public sewer system; additionally, the applicant must develop a 1 gallon to 1 gallon sanitary flow offset plan/project in coordination with the municipal engineer; the Capacity Assurance Form and approval process can now be found online:

<http://www.ongov.net/wep/CapacityAssuranceReviews.html>; and

WHEREAS, the site may contain the Indiana bat, or its associated habitat, which has been listed by the state or federal government as a threatened or endangered animal species (per EAF Mapper), impacts to bat species are often associated with tree clearing and from aerial imagery (May 2021) it appears that some significant wooded areas on site will be removed;

ADVISORY NOTE: Per the NYS Department of Environmental Conservation (DEC), if the site contains a threatened or endangered species and/or associated habitat, and the project requires review under the State Environmental Quality Review Act (SEQRA), a request for a project screening should be submitted to the New York Natural Heritage Program or to the regional DEC Division of Environmental Permits office; and

WHEREAS, the site or a portion of it is located in or adjacent to an area designated as sensitive for archaeological sites on the NYS Historic Preservation Office archaeological site inventory (per EAF Mapper);

ADVISORY NOTE: The applicant and/or municipality is advised to contact the NYS Historic Preservation Office to determine if the project should be submitted to the Office for review as part of the State Environmental Quality Review (SEQR) process; and

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board recommends the following MODIFICATION(S) to the proposed action prior to local board approval of the proposed action:

Given information from the Onondaga County Department of Water Environment Protection, an extension of public sewer infrastructure and coordination on routing of such sewer would be required for the project. Additionally, limitations on acceptance of new flow and a related multi-year upgrade to the Woodard Pump Station, may delay the Department's capacity assurance approval for the project. As such, the Town and applicant must coordinate with the Onondaga County Department of Water Environment Protection prior to action on the proposed zone change, to explore the feasibility and timing of public sewer service options for the site, and nearby developable lands, to the Department and Town's satisfaction.

The Board also provides the following comment regarding any future development of the site:

The Onondaga County Department of Transportation will require site plans, lighting plan, and Stormwater Pollution Prevention Plan (SWPPP) and/or any drainage reports or studies be submitted to the Department for approval, and notes that any appropriate mitigation as may be determined by the Department be completed prior to municipal approval of the project.

The motion was made by David Skeval and seconded by Jim Stelter. Votes were recorded as follows: Marty Voss - yes; Mike LaFlair - yes; Don Radke - yes; David Skeval - yes; Jim Stelter - yes.



J.Ryan McMahon, II
County Executive

Onondaga County Planning Board

RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 09, 2023

OCPB Case # Z-23-211

- WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a SITE PLAN from the Town of Elbridge Planning Board at the request of NY Elbridge I, LLC for the property located at 671 Whiting Road; and
- WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review approval of site plans and the site is located within 500 feet of Whiting Road (Route 183) and Peru Road (Route 60), both county highways, Jordan Road (Route 317 / Elbridge Street), a state highway, the municipal boundary between the Town of Elbridge and the Village of Jordan, and a farm operation located in a NYS Agricultural District; and
- WHEREAS, the applicant is proposing to construct a 2.5 MW commercial solar facility on a 14.82-acre portion of a 345.55-acre parcel in an Agricultural zoning district; and
- WHEREAS, the site is in a rural agricultural area southeast of the village of Jordan; the site is situated south of the Erie Canalway Park and its associated wetlands and west of Carpenters Brook and associated wetlands; and
- WHEREAS, the site is actively farmed land between Whiting Road and Peru Road, both county highways; a house and farm structures are on the Whiting Road frontage, opposite of an approximately 155-acre parcel owned by the same farm (Eagle Point) which contains additional farm operations and farmland; and
- WHEREAS, per the Site Plan dated 6/30/23. the applicant is proposing a “2.5MW AC ground-mounted photovoltaic solar field” with associated access road, utility upgrades, and equipment to be installed on 7.26 acres at the rear of the site; and
- WHEREAS, per the Overall Site Plan dated 6/30/23, the solar field will be accessed via a 50’ “stabilized temporary construction entrance” and 20’-wide pervious gravel driveway leading to the rear of the parcel where a temporary office and parking area and the solar field contained by a 7’-high fence surrounding the solar field will be installed;
ADVISORY NOTE: The proposed driveway onto Whiting Road requires highway access and work permits from the Onondaga County Department of Transportation; and
- WHEREAS, per the Project Summary dated 7/11/23, the 4,752 solar modules will be mounted in arrays on mono-posts, pile-driven into the ground; the arrays will range from 3’ to 10’ in height and approximately 45’ in length, distributed in rows across the site area; the inverter will be installed on a concrete pad at the end of the gravel access road; the underground electric line will run west and then south along the parcel boundary to connect to utility poles at Whiting Road; and

- WHEREAS, the site and surrounding lands are enrolled in Agricultural District 3 and contain active farmland; the subject parcel is part of Eagle Point Farms, which has entered into an agricultural conservation easement, funded by New York State and currently held by the New York Agricultural Land Trust (NYALT); this easement limits the location and extent of development on the approximately 1,075 acre farm, including the subject parcel; per the EAF, "alternative energy and communications structures and improvements limited to 2% of conservation easement"; while the EAF notes 14.82 acres are to be disturbed, a submitted project narrative notes an 8.8-acre footprint, related to the easement which "is calculated assuming a 15 ft wide Permanent Interconnection Line Covered Area to account for access or retrenching"; and
- WHEREAS, a Decommissioning Plan dated 7/11/23 was submitted with the referral materials and outlines equipment dismantling and removal, site restoration, and waste disposal; the solar facility is designed to have a "useful life" of 30 years; the Operations and Maintenance Plan dated 7/11/23 states the project owner will not use pesticides to manage vegetation, but should they be deemed necessary, the project owner will work with the Code Enforcement Officer regarding pesticide type and application before use; and
- WHEREAS, GIS mapping shows some of the site may contain state and federal wetlands, a riverine federal wetland is present on the subject parcel outside of the project area, and a state wetland is present along the northern boundary of the parcel; the Existing Conditions Plan dated 6/30/23 denotes the presence of small delineated wetlands within the project area along with the NYS Department of Environmental Conservation regulated wetland 100' buffer; per the Overall Site Plan, the solar arrays will be placed outside of the wetlands and 100'-buffer;
ADVISORY NOTE: Any proposed development in, placement of fill in, or drainage of a state wetland or 100-foot state wetland buffer requires appropriate permits from the NYS Department of Environmental Conservation; and
- WHEREAS, per the EAF, onsite soils are characterized as 49% prime farmland and 22% of statewide importance for agriculture; per the Onondaga County Ag Mapper, the parcel and adjacent lands are characterized with high values for productive agricultural lands and as such are deemed important for protection; and
- WHEREAS, per the Environmental Assessment Form (EAF) dated 6/27/23, over 40% of the site contains inclines greater than 10%; per the EAF, 14.82 acres of the site will be disturbed by the proposed project;
ADVISORY NOTE: Any project that cumulatively disturbs one acre or more of land must be covered under the NYS SPDES Permit; the municipality is advised to ensure that the applicant has obtained the appropriate permits from the NYS Department of Environmental Conservation prior to municipal approval; and
- WHEREAS, per the Onondaga County Department of Finance Office of Real Property Services, the site is served by an individual well and individual septic system and no changes to the existing infrastructure are proposed; and
- WHEREAS, the site is located over, or immediately adjoining, primary and principal aquifers (per EAF Mapper); and
the site or a portion of it is located in or adjacent to an area designated as sensitive for archaeological sites on the NYS Historic Preservation Office archaeological site inventory (per EAF Mapper); and

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board recommends the following MODIFICATION(S) to the proposed action prior to local board approval of the proposed action:

1. The Town and applicant must consult with the New York Agricultural Land Trust (NYALT) to ensure project compliance with limits on development as outlined in the parcel's agricultural conservation easement, prior to local plan approval.
2. The applicant must submit a copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Onondaga County Department of Transportation for review. The municipality must ensure any mitigation as may be determined by the Department is reflected on the project plans prior to, or as a condition of, municipal approval.

The Board offers the following comments:

1. The project is proposed to impact prime agricultural soils. The installation of solar energy systems on large areas of active or prime farmland is discouraged. Any systems being developed on valuable agricultural lands should be designed to minimize disruption to existing and future agricultural operations by:
 - o avoiding configurations that fragment farm fields and production, siting solar systems in more remote areas with marginal soils and less productive lands,
 - o avoiding disturbance of topsoil to the extent practicable, as any disturbance, including stockpiling, will have negative long-term impacts to soil quality
 - o avoid infrastructure and equipment that causes compaction of important soils
 - o avoid areas of steep slopes, which can increase soil erosionrequiring ground mounted solar systems that do not require footings in areas with prime agricultural soils.
2. The applicant is advised to consult the New York State Department of Agriculture and Markets' guidelines for solar energy projects on agricultural lands to minimize impacts due to construction activities and ensure post-construction restoration and/or decommissioning plans allow for continued or future use of agricultural areas that may have experienced ground disturbance during construction.

The motion was made by David Skeval and seconded by Jim Stelter. Votes were recorded as follows: Marty Voss - yes; Mike LaFlair - yes; Don Radke - yes; David Skeval - yes; Jim Stelter - yes.



J.Ryan McMahon, II
County Executive

Onondaga County Planning Board

RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 09, 2023

OCPB Case # Z-23-212

- WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a ZONE CHANGE from the Town of Tully Town Board at the request of Sky High Solar, LLC for the property located at Sky High Road; and
- WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review the adoption or amendment of a zoning ordinance or local law and the site is located within 500 feet of North Street (Route 111) and Sky High Road (Route 79), both county highways, the municipal boundary between the Town of Tully and the Town of Fabius, and a farm operation located in a NYS Agricultural District; and
- WHEREAS, the applicant is requesting a zone change to add the Tier 3 Solar Energy System Overlay zoning designation to establish a 20 MW ground-mounted solar system on 125.65 acres of a 276.2-acre area of leased land on three parcels totaling approximately 650 acres in an Agricultural (A-2) zoning district; and
- WHEREAS, the Board previously recommended a Modification of a special permit referral (Z-22-120) to establish a 20 MW ground-mounted solar system on 135.7 acres, stating the applicant must work with Onondaga County Department of Transportation to obtain necessary access and/or work permits and provide a Stormwater Pollution Prevention Plan (SWPPP); additionally the Board provided comments regarding the potential impacts from installing solar on prime agricultural land, minimizing impacts to wetland areas, and reducing visual impacts of this project on neighboring towns; and
- WHEREAS, the site is located in a rural area in the Town of Tully with surrounding residential land uses and large tracts of undeveloped, forested land and active farmland; the site abuts parcels to the south and is west across Sky High Road, a county road, from parcels that are enrolled in NYS Agricultural District 4, some of which appear to contain active farmland; the site is adjacent to the Town's boundary with the Town of Fabius and near the boundary with LaFayette; and
- WHEREAS, the previously reviewed special permit (Z-22-120) was sought prior to the Town enacting the local law creating the Tier 3 Solar Energy System Overlay zoning district; per a letter dated 6/2/23 from Boralex, Inc to the Town, the special use permit was still under review when the local law went into effect and Boralex was advised to seek the Tier 3 Solar Energy System Overlay zoning designation for this site; and
- WHEREAS, the Tier 3 Solar Energy System Overlay Zone District requires a Special Use Permit for all Tier 3 systems and outlines specific review and design requirements for applicable commercial solar projects; locational guidelines aim to preserve prime farmland, scenic and environmentally sensitive locations, and prevent saturation of systems in any one area (1 mile minimum

from already approved projects, unless allowed by Town); recently approved Tier 3 solar projects within the Town are located approximately 2 and 3 miles away; and

WHEREAS, aerial imagery shows the site has frontage on Sky High Road and North Road, another county road, and contains active farmland, large wooded areas, and a tree nursery area; and

WHEREAS, per the Site Development Plans dated 5/5/23, the solar array will be located along a hillside containing a mixture of trees and cleared land; a 20'-wide access road from Sky High Road will be constructed to the site, often following an existing farm road to the middle of the array and running along the east side of the solar field; 6 PV inverter and transformer equipment pads are spread across the site with an electrical substation to be located at the southern end; overhead transmission lines will connect the substation to a proposed 115 kV T-line Pole located on an existing farm road that connects to Sky High Road; a total of 2,770,910 sf (63.61 acres) will be cleared, including a 16' wide area for the perimeter fence, in preparation for the array; and

WHEREAS, GIS mapping shows areas of the site may contain federal wetlands, which appear to occur within the project area; per the Environmental Assessment Form dated 6/2/23, "a preliminary jurisdictional determination and no permit required letter was received from the USACE and no USACE jurisdictional features will be permanently impacted" ; jurisdictional wetlands are shown to occur on various areas on site, outside disturbed areas; the parcel contains and drains to tributaries of Butternut Creek;

ADVISORY NOTE: Any proposed development in, placement of fill in, or drainage of a state and/or federal wetland or 100-foot state wetland buffer requires appropriate permits from the NYS Department of Environmental Conservation and/or the U.S. Army Corps of Engineers; and

WHEREAS, per the Environmental Assessment Form (EAF) dated 6/2/23, 125.52 acres of the site will be disturbed by the proposed project, no Stormwater Pollution Prevention Plan (SWPPP) was included in referral materials;

ADVISORY NOTE: Any project that cumulatively disturbs one acre or more of land must be covered under the NYS SPDES Permit; the municipality is advised to ensure that the applicant has obtained the appropriate permits from the NYS Department of Environmental Conservation prior to municipal approval; and

WHEREAS, per the EAF, over 100 acres of the project site contains highly productive soils, primarily located in the same general location as the proposed disturbance; per the Onondaga County Ag Mapper, this site is characterized as having a relatively high value to the agricultural community in terms of farmland protection; per the EAF, over 40% of the site has slopes of greater than 10%, and is located within an area of high elevation in Onondaga County; and

WHEREAS, the site does not have existing drinking water or wastewater services and is located outside of the Onondaga County Sanitary District; no drinking water or wastewater services are proposed; and

WHEREAS, the site is located over, or immediately adjoining, the Cortland-Homer-Preble sole source aquifer (SSA), supplying at least 50% of the drinking water consumed in the overlying area (per EAF Mapper); and

WHEREAS, the site may contain the Northern harrier, or its associated habitat, which has been listed by the state or federal government as a threatened or endangered animal species (per EAF Mapper);

ADVISORY NOTE: Per the NYS Department of Environmental Conservation (DEC), if the site contains a threatened or endangered species and/or associated habitat, and the project requires review under the State Environmental Quality Review Act (SEQRA), a request for a project screening should be submitted to the New York Natural Heritage Program or to the regional DEC Division of Environmental Permits office; and

ADVISORY NOTE: Per GML § 239-nn, the legislative body or other authorized body having jurisdiction in a municipality shall give notice to an adjacent municipality when a hearing is held by such body relating to a subdivision, site plan, special use permit, or a use variance on property that is within five hundred feet of an adjacent municipality; such notice shall be given by mail or electronic transmission to the clerk of the adjacent municipality at least ten days prior to any such hearing; and

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board recommends the following MODIFICATION(S) to the proposed action prior to local board approval of the proposed action:

The applicant must continue to coordinate Sky High Road access plans with the Onondaga County Department of Transportation. The municipality must ensure any mitigation as may be determined by the Department is reflected on the project plans prior to, or as a condition of, municipal approval.

The Board offers the following comments regarding the proposed solar project:

1. The project is proposed to impact approximately 100 acres of prime agricultural soils. The installation of solar energy systems on large areas of active or prime farmland is discouraged. Any systems being developed on valuable agricultural lands should be designed to minimize disruption to existing and future agricultural operations by:

- o avoiding configurations that fragment farm fields and production, siting solar systems in more remote areas with marginal soils and less productive lands,
- o avoiding disturbance of topsoil to the extent practicable, as any disturbance, including stockpiling, will have negative long-term impacts to soil quality
- o avoid infrastructure and equipment that causes compaction of important soils
- o avoid areas of steep slopes, which can increase soil erosion

requiring ground mounted solar systems that do not require footings in areas with prime agricultural soils.

2. The applicant and Town are encouraged to further minimize encroachment into wetland areas, and/or provide high-quality mitigation to preserve important and sensitive environmental areas to the extent possible. Best practices to consider related to wetland and habitat protection may include avoiding soil compaction during construction, avoiding drilled foundations, restoring or improving adjacent wetlands, buffering stream channels, planting of beneficial and diverse native species and pollinators and removing invasive species, and allowing small openings in fencing to allow for small wildlife movement.

3. Given the solar array will be visible to the nearby Towns of LaFayette and Fabius, the Town should require a visual impact analysis and involve affected communities. .

The motion was made by Mike LaFlair and seconded by David Skeval. Votes were recorded as follows: Marty Voss - yes; Mike LaFlair - yes; Don Radke - yes; David Skeval - yes.



J.Ryan McMahon, II
County Executive

Onondaga County Planning Board

RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 09, 2023

OCPB Case # Z-23-213

- WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a LOCAL LAW from the Town of Onondaga Town Board at the request of Town of Onondaga for the property located ; and
- WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review the adoption or amendment of a zoning ordinance or local law; and
- WHEREAS, the applicant is proposing Local Law E-2023 to amend Chapter 285 of the Town of Onondaga Town Code to define "Emergency Services Facilities," "Swimming Pools," and "Electric Vehicle Charging Stations," and identify the placement of such uses and regulate the parking calculation of uses with EV Charging Stations, as well as to increase the kW permitted for a solar energy system servicing a residential use on a single parcel; and
- WHEREAS, per the proposed law, the term "Fire Station" will be replaced in the Town Code with "Emergency Services Facility" and will be defined as "a building and/or facility used in connection with the provision of services" related to firefighting, ambulances and emergency medical services, and law enforcement; specifying the facility is where vehicles and equipment are housed and stored and serves as a base of operations; and
- WHEREAS, currently, Emergency Service Facilities are a permitted use in the Planned Economic District (P-E District) and the Town code will be amended to include Emergency Service Facilities as a permitted use in the Town's Residential 1, 2, and 3 (R-1, R-2, and R-3) zoning districts; the law notes that allowing these facilities in the Residential districts is not only consistent with the current location for Fire Protection Districts within the Town, but necessary "to allow Fire Protection Districts to render emergency services in a timely manner", further stating this action is not considered a new use, but a "clarification of existing uses"; and
- WHEREAS, the term "Electric Vehicle Charging Station" will be defined as "a public or private parking space that provides infrastructure that supplies electric energy for the recharging of plug-in electric vehicles, including electric cars or trucks, neighborhood electric vehicles and plug-in hybrids with at least a Level 2 charger"; Section 285-33 of the Town code titled "Off-street parking and garage space" is amended to state "an Electric Vehicle Charging Station may count as one-half of a parking space" in the calculation of the required off-street parking; and
- WHEREAS, section 285-36.1 (F)(2) of the Town code describing that power generated by solar energy systems in a "residential setting and serving a residential use on a single parcel or lot" was limited to 15kW or less and will be amended to "20 kW or less"; and
- WHEREAS, the definition of "Swimming Pool" is being added to the Town code to be defined as "any structure intended for swimming, diving, recreational bathing

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E-mail Address: countyplanning@ongov.net

or wading, which contains, or which is designed to contain water over 24 inches deep” and will include above-, in-, and on-ground pools, indoor pools, hot tubs, spas, and fixed-in-place wading pools; the existing code references pools and swimming pools, but does not include a definition; and

WHEREAS, ADVISORY NOTE: Per GML § 239-nn, the legislative body or other authorized body having jurisdiction in a municipality shall give notice to an adjacent municipality when a hearing is held by such body relating to a subdivision, site plan, special use permit, or a use variance on property that is within five hundred feet of an adjacent municipality; such notice shall be given by mail or electronic transmission to the clerk of the adjacent municipality at least ten days prior to any such hearing; and

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board has determined that said referral will have no significant adverse inter-community or county-wide implications and may consequently be acted on solely by the referring board.

The motion was made by David Skeval and seconded by Don Radke. Votes were recorded as follows: Marty Voss - yes; Mike LaFlair - yes; Don Radke - yes; David Skeval - yes; Jim Stelter - yes.



J.Ryan McMahon, II
County Executive

Onondaga County Planning Board

RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 09, 2023

OCPB Case # Z-23-214

- WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a SITE PLAN from the Town of Manlius Planning Board at the request of CNY Land Trust for the property located at 7213 Woodchuck Hill Road; and
- WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review approval of site plans and the site is located within 500 feet of the municipal boundary between the Town of Manlius and the Town of DeWitt; and
- WHEREAS, the applicant is proposing to establish an office in an existing residential structure, install parking and make other improvements on a 35.47-acre parcel in a Restricted Agricultural (RA) zoning district; and
- WHEREAS, the Board previously offered No Position on site plan and special permit referrals (Z-22-175 and Z-22-176) to establish an animal sanctuary on the site; and
- WHEREAS, the site is located at the Woodchuck Hill Field and Forest Preserve, 95 acres of protected land owned by the CNY Land Trust; the Preserve has parking on site with access to a ½ mile trail open to the public; the primary land use to the west, north and east of the site is residential dwellings; and
- WHEREAS, per the local application, the property will be the relocated office of CNY Land Trust in addition to being a land preserve; the parcel contains a house to be converted to offices and a barn to be used for storage of maintenance equipment including tractors and mowers; the northern half of the property is cleared land and the southern portion is wooded; the site has a driveway on Woodchuck Hill Road, a local road; and
- WHEREAS, the applicant is proposing interior renovations to the farmhouse, the addition of an 8-space parking lot and 16'-wide driveway connecting to the existing interior lane, and an accessibility ramp and stair between the house and parking lot; and
- WHEREAS, per the Onondaga County Water Authority (OCWA), the site does not currently have public drinking water service, but is located in an area that has access to public drinking water service under OCWA's rules and regulations; and
- WHEREAS, per the referral notice, the site is served by an individual septic system and no changes to the existing infrastructure are proposed; per the Onondaga County Department of Water Environment Protection (OCWEP), any future connection to public sewers will require a sewer extension and capacity assurance review; and
- WHEREAS, GIS mapping shows approximately 7 acres in the rear of the site may contain state and federal wetlands, including DEC Wetland SYE-28, and does not currently include any existing infrastructure;
ADVISORY NOTE: Any proposed development in, placement of fill in, or drainage of a state and/or federal wetland or 100-foot state wetland buffer

requires appropriate permits from the NYS Department of Environmental Conservation and/or the U.S. Army Corps of Engineers; and

WHEREAS, the site abuts an unnamed protected stream, 899-225, which is a class B stream and is a tributary to Limestone Creek, which is listed as a water-quality impaired waterbody (per EAF mapper); no development is proposed on or near the stream; and

WHEREAS, the site contains the following natural communities: Northern White Cedar Swamp and Marl Fen (per EAF Mapper); and

WHEREAS, the site may contain the Indiana Bat and Northern Long-eared Bat, or its associated habitat, which has been listed by the state or federal government as a threatened or endangered animal species (per EAF Mapper); impacts to bat species are often associated with tree clearing and from the plans it appears that no trees will be removed as part of the proposed project; the site may contain Marsh Arrow Grass and Thread-leaved Pondweed which has been listed by the state or federal government as a threatened or endangered plant species (per EAF Mapper); and

WHEREAS, the site or a portion of it is located in or adjacent to an area designated as sensitive for archaeological sites on the NYS Historic Preservation Office archaeological site inventory (per EAF Mapper); and

WHEREAS, ADVISORY NOTE: Per GML § 239-nn, the legislative body or other authorized body having jurisdiction in a municipality shall give notice to an adjacent municipality when a hearing is held by such body relating to a subdivision, site plan, special use permit, or a use variance on property that is within five hundred feet of an adjacent municipality; such notice shall be given by mail or electronic transmission to the clerk of the adjacent municipality at least ten days prior to any such hearing; and

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board has determined that said referral will have no significant adverse inter-community or county-wide implications and may consequently be acted on solely by the referring board.

The motion was made by David Skeval and seconded by Don Radke. Votes were recorded as follows: Marty Voss - yes; Mike LaFlair - yes; Don Radke - yes; David Skeval - yes; Jim Stelter - yes.



J.Ryan McMahon, II
County Executive

Onondaga County Planning Board

RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 09, 2023

OCPB Case # Z-23-216

WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a ZONE CHANGE from the Town of Cicero Town Board at the request of NY CDG Onondaga 4, LLC (BW Solar Holding) for the property located at 5728 Crabtree Lane; and

WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review the adoption or amendment of a zoning ordinance or local law and the site is located within 500 feet of Route 31, a state highway, and the municipal boundary between the Town of Cicero and the Town of Clay; and

WHEREAS, the applicant is proposing a zone change on a 17.403-acre portion of a 91.07-acre parcel from Residential (R-15) and Agricultural (AG) to Commercial Solar to accommodate a Tier 3 commercial solar facility; and

WHEREAS, the site is a large vacant parcel that appears to contain active farmland and wooded areas with frontage on Lawton Road and Crabtree Lane; the site is surrounded by the residential neighborhoods and commercial development that line Lawton Road, Brewerton Road, and Route 31; and

WHEREAS, the applicant is seeking a zone change to change a portion of the subject parcel to Commercial Solar zoning district for the purposes of installing a 3.25 MW AC photovoltaic solar array; the remaining parcel lands outside of the subject area would remain split between Residential (R-15) and Agricultural (Ag) zoning designations; and

WHEREAS, as defined by the Town Code, the Commercial Solar zoning district is “designed to provide for Tier 3 solar energy systems” and the only permitted use in a Commercial Solar zoning district is the “installation, maintenance, and operation of Tier 3 solar energy systems”; and

WHEREAS, the site is irregularly shaped; the 9.922 acres along the Crabtree Lane frontage is zoned R-15, and the remaining 81.152 acres in an Agricultural zoning district; per the Proposed Rezoning of SBL #48.00-5-37.1 map dated 3/30/2023 the applicant would like change a 17.403-acre section of the parcel to a Commercial Solar zoning designation; the subject area is a panhandle shape, encompassing the solar field and an access drive from Crabtree Lane; if approved, the area currently in a Residential zoning area would be split into two by the access drive; and

WHEREAS, GIS mapping shows the wooded areas of the site may contain significant areas of state and federal wetlands associated with Mud Creek, which generally appear to be outside of the subject area, at the southernmost section of the site; the Proposed Rezoning map shows the delineated wetland and most of the 100' wetland buffer is outside of the subject area with some encroachment into the 100' buffer; per EAF Mapper, NYS Department of Environmental Conservation wetland BRE-18 and stream 899-10 (a classification C protected stream) are present on site; and

ADVISORY NOTE: The applicant is advised to contact the U.S. Army Corps of Engineers and/or NYS Department of Environmental Conservation to confirm the presence of federal and/or state wetlands and/or the 100-foot state wetland buffer on the site; all confirmed wetlands should be shown on the plans for the site and any necessary permits should be obtained for any proposed development or placement of fill in a wetland, or drainage of any confirmed wetlands and buffers; and

WHEREAS, per the Proposed Rezoning map, there are multiple easements on the property: an Onondaga County sanitary sewer 50' temporary right-of-way easement runs adjacent to a 25' permanent right of way easement running south from Crabtree Lane, outside of the subject area, and crossing to the southeast corner of the parcel where it connects to a 50' temporary right-of-way and adjacent 30' permanent county-owned right-of-way; a temporary 50' and permanent 20' sanitary sewer rights-of-way easements belonging to Kelly-Tobin Development Corporation run from the northern end of the Lawton Road frontage, along the parcel boundary, and connect to the county-owned easements; all easements occur outside the rezoning boundary; and

WHEREAS, current FEMA Flood Insurance Rate Maps (FIRM) indicate the southern portion of the site, outside of the project boundary, is located within the 100-year floodplain, which may require avoidance or elevation of structures and other mitigation;
ADVISORY NOTE: The Onondaga County Hazard Mitigation Plan has identified flooding as one of eight primary natural hazards of local concern, with the potential to cause extensive threat to property and safety; buildings within the floodplain can negatively affect the free flow of nearby waterways and drainage, and building within a floodplain is therefore discouraged; and

WHEREAS, the site may contain the Black tern, or its associated habitat, which has been listed by the state or federal government as a threatened or endangered animal species (per EAF Mapper); and

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board recommends the following MODIFICATION(S) to the proposed action prior to local board approval of the proposed action:

1. The Town may wish to explore an alternate zoning strategy for the full site, either as part of the current subject action or as part of townwide rezoning work, which:
 - (1) considers the highest and best use of the site, particularly as it relates to future development needs;
 - (2) explores the most appropriate new zoning for each of the different developable portions of the parcel, such as for lands along Lawton Road and Crabtree Road;
 - (3) explores alternative zoning for sensitive environmental lands, particularly those impacted by Mud Creek where development is discouraged; and/or
 - (4) avoids irregular zoning boundaries to the extent possible and includes an appropriate buffer area surrounding the solar development area.

2. The Town and applicant are encouraged to be mindful of wetland buffers and sensitive drainage areas in this location, and to ensure that the solar project is adequately buffered from existing or potential future residential uses.

The motion was made by David Skeval and seconded by Jim Stelter. Votes were recorded as follows: Marty Voss - yes; Mike LaFlair - yes; Don Radke - yes; David Skeval - yes; Jim Stelter - yes.



J.Ryan McMahon, II
County Executive

Onondaga County Planning Board

RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 09, 2023

OCPB Case # Z-23-217

WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a LOCAL LAW from the Town of DeWitt Town Board at the request of Town of DeWitt for the property located ; and

WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review the adoption or amendment of a zoning ordinance or local law; and

WHEREAS, the applicant is proposing a local law amending the Town of DeWitt Town Code Chapter 192, Article XV, Section 192-64.4 to adopt changes to the mixed-use floating overlay zoning district regulations; and

WHEREAS, per the Town code, the purpose of “Mixed Use Village Floating Overlay District” includes encouraging “Village Center” type development, achieve a compact pattern of development and mix of uses that attract and encourages use by pedestrians, and “discourage singular use buildings developed as isolated islands within an expansive parking lot”; the proposed changes include adding “to encourage the redevelopment and/or adaptive reuse of aging commercial strip developments and malls”; per an email from the Town there are three areas of development that have or are projected to have this Overlay; and

WHEREAS, the proposed changes include clarifying the procedures for applying the Floating Overlay District, including the applicant applying for Site Plan Review and applying for amendment of the Zoning District Map; and

WHEREAS, it is noted that Large Mixed-Use Developments “require additional flexibility to ensure their orderly development” and a new section was added where the Planning Board can recommend a “Development Plan”, the Development Plan should detail the location of intended uses permitted within the overall plan with setbacks and requirements, the location of primary, secondary, and tertiary streets, a cross-section design of each street type, and where applicable, design requirements for sidewalks, landscaped areas, street parking, vehicular and bicycle lanes and medians; a multi-tenant sign plan to establish limits within the district is required; and

WHEREAS, the Overlay has a requirement that one or more uses detailed in the law are required at “street level when a mixed-use structure abuts a public right-of-way”; the uses include eating and drinking establishments (without drive-thru facilities), banks, offices, educational facilities, and entertainment uses; this section has been modified to include hotels and theaters and to specify that street-level uses must be oriented toward the street(s); and

WHEREAS, a section “Additional requirements for Large Mixed-Use Developments” was added, stating the Development Plan shall include a list of uses or category of uses intended for specific areas, giving the Planning Board site plan review and oversight of all buildings/structures within the Plan, the Development Plan should follow the “Overarching Principles of the Design Guidelines” of the Town zoning code, and final approval of the Development Plan and any

substantial modification comes from the Town Board; the Planning Board may approve modifications that are not deemed substantial; and

WHEREAS, a list of definitions to be added to the Town Code include Development Plan, Large Mixed-Use Development, and definitions for primary, secondary, and tertiary streets; and

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board has determined that said referral will have no significant adverse inter-community or county-wide implications and may consequently be acted on solely by the referring board.

The motion was made by David Skeval and seconded by Don Radke. Votes were recorded as follows: Marty Voss - yes; Mike LaFlair - yes; Don Radke - yes; David Skeval - yes; Jim Stelter - yes.



J.Ryan McMahon, II
County Executive

Onondaga County Planning Board

RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 09, 2023

OCPB Case # Z-23-218

- WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a ZONE CHANGE from the Town of Salina Town Board at the request of Bruno Natale for the property located at 3700 Court Street; and
- WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review the adoption or amendment of a zoning ordinance or local law and the site is located within 500 feet of Court Street (Route 298), a state highway, and the municipal boundary between the Town of Salina and the Town of DeWitt; and
- WHEREAS, the applicant is proposing a zone change on a 0.43-acre parcel from Highway Commercial (C-2) to Highway Commercial with the Motor Vehicle Service Facilities Overlay (C-2 OL-1) in order to establish a window-tinting and auto accessory business in an existing commercial building; and
- WHEREAS, the site is in a commercial area along Court Street, a state road, with residential neighborhoods abutting the rear of the site and industrial areas to the north with Clifton Recycling, May's Fleet, and STS Trailer, Truck, and Equipment located across Court Street from the site; and
- WHEREAS, the site is at the corner of Gaynor Avenue and New Court Avenue and contains an approximately 2400 sf building; an asphalt lot exists between the west side of the building and the parcel boundary and runs contiguously to road access from New Court Street and across the neighboring parcel; and
- WHEREAS, per the application, the applicant is moving their business to this location and is seeking the addition of the Motor Vehicle Service Facilities Overlay District zoning designation to allow automotive window tinting and small accessories retail sales, specifying "no auto mechanical or body repair, tire repair, or vehicle sales" will be done on site; and
- WHEREAS, the site and neighboring parcels along Court Street and New Court Avenue are in a Highway Commercial (C-2) zoning district which per the Town code, allows retail sales and service, day-care centers, and offices along with motor vehicle leasing facilities and gasoline service facilities with a special use permit; and
- WHEREAS, the application of the Motor Vehicle Service Facilities Overlay District (OL-1) will allow motor vehicle service facilities with a special use permit; per the Town zoning map, the four parcels to the west of the site already have C-2 and OL-1 zoning designations and the proposed zone change would be an extension of the OL-1 zoning district; and
- WHEREAS, per the Onondaga County Department of Finance Office of Real Property Services, the site is served by public drinking water; it is assumed opening a business at this site would create an increase in demand;
- ADVISORY NOTE: The applicant is advised to contact OCWA's Engineering Department to determine the activities and structures permitted within OCWA

easements/rights-of-way, water availability and service options, obtain hydrant flow test information, evaluate backflow prevention requirements, and/or request that the Authority conduct hydrant flow testing to assess fire flow availability; and

WHEREAS, per the Onondaga County Department of Finance Office of Real Property Services, the site is served by public sewers and is located in the Metropolitan Wastewater Treatment Plant and Ley Creek pump station service areas and an increase to current use is expected;

ADVISORY NOTE: Capacity assurance approval from the Onondaga County Department of Water Environment Protection (OCDWEP) is required due to an anticipated increase in use; additionally, unless it can be demonstrated that anticipated sanitary flows will not exceed previous flows in excess of one sewer unit over prior uses, the applicant must develop a 1 gallon to 1 gallon sanitary flow offset plan/project in coordination with the municipal engineer; the Capacity Assurance Form and approval process can now be found online: <http://www.ongov.net/wep/CapacityAssuranceReviews.html>; and

WHEREAS, the project is within 2,000 feet of multiple sites (IDs: 734029 and 734057) in the NYS Department of Environmental Conservation Environmental Site Remediation database (per EAF Mapper); and

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board has determined that said referral will have no significant adverse inter-community or county-wide implications and may consequently be acted on solely by the referring board.

The motion was made by David Skeval and seconded by Don Radke. Votes were recorded as follows: Marty Voss - yes; Mike LaFlair - yes; Don Radke - yes; David Skeval - yes; Jim Stelter - yes.

ONONDAGA COUNTY


DEPARTMENT OF PLANNING



J. Ryan McMahon, II
County Executive

Daniel Kwasnowski, AICP
Planning Director

TO: Members, Town of Manlius Zoning Board of Appeals

FROM: Dan Kwasnowski, AICP Director 
Onondaga County Department of Planning (OCDOP)

DATE: 8/2/2023

RE: Administrative Review – Tesla Area Variance

RECOMMENDATION: No Position

Per General Municipal Law, §§239-m and -n, and the Onondaga County Planning Board Rules of Procedure and Referral Policy, the Board may delegate review and recommendation on certain referral actions to the Director of the Onondaga County Department of Planning.

These actions, determined as being generally routine in nature with minimal and/or well-understood intercommunity or countywide concerns, are listed within the Rules of Procedure, and at this website: <http://www.ongov.net/planning/ocppreferableactions.html>.

Please contact Planning Dept. staff at (315)435-2611 or countyplanning@ongov.net with any questions.

CASE NUMBER: Z-23-215

REFERRING BOARD: Town of Manlius Zoning Board of Appeals

DATE RECEIVED: 7/27/2023

TYPE OF ACTION: Area Variance

APPLICANT: Tesla

LOCATION: 5427 North Burdick Street

WITHIN 500' OF: North Burdick Street (County Route 94)

TAX ID(s): 086.-01-04.2

RELATED CASES: Z-22-243

Project Summary:

The applicant is requesting an area variance for to install a LED internally illuminated 6'11³/₁₆" by 16', 110.92 sf monument sign to advertise their car dealership. The variance would provide relief from the allowed height of 6' and 16 sf total area allowed in a Commercial District B zoning district. The site is just north of Fayetteville Towne Center Plaza and south of the Romano Ford and Mercedes Benz of Syracuse dealerships. The sign is to be placed on the lawn, in the center of the parcel's frontage on North Burdick Street, outside the sanitary sewer and right of way easement that runs along the parcel boundary. The applicant notes the size of the monument sign was reduced to be similar in size to the neighboring Mercedes pylon sign.

Recommendation: No Position