

Cazenovia Zoning Board of Appeals

Meeting Minutes

March 22, 2021

Members present: Thomas Pratt; Gary Mason; Joseph Anderson; Val Koch; David Vredenburgh, Alternate Member; Luke Gianforte, Alternate Member

Members absent: David Silverman

Others present: Roger Cook; John Langey; Joshua Weismore; James Scholefield; Nancy Leppek; Matthew Kerwin; Michael Frateschi; Eric Kenna; Dan Frateschi; Bob Giardina; Justin Brink; Gary Brink; Jimmy Golub; Jen Wong; Kristi Anderson; Kyle Reger

T. Pratt called the meeting to order at 7:30 p.m. He stated, “Welcome to the March 22, 2021 Meeting of the Town of Cazenovia Zoning Board of Appeals, which has been legally noticed in the Cazenovia Republican, on the Town Website and outside the Town Offices. This meeting is a virtual meeting as authorized by New York Executive Order 202.1. This meeting is being recorded and will be made available on the Town’s website. Please note: The output of transcribing from an audio/video recording from Zoom, will be fairly accurate, although in some cases will be incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting. If you should need clarification for something said, please contact the Zoning Board of Appeals Secretary. Attendance will be taken, and votes will be conducted by roll call. When possible, the Board members and applicants are asked to state their name each time they speak for audio recording purposes. The public may be participating. When public speaking is allowed, speakers are asked to please state their name and address for the audio recording every time they speak. Please provide statements, please do not ask questions, and please address the Board, not the applicant. Please do not repeat the same ideas if they have been stated once. In an attempt to maintain orderly discussion, participants may be muted until it is their turn to speak and they will need to use the raised hand symbol to be recognized, or they may raise their hand on the screen, and they (the Chairman) will try to recognize them by that. Other than times allowing for public comment, the public is asked to remain silent during the proceedings. Thank you.”

Roll was then taken. All members except for David Silverman were present.

T. Pratt recognized the two new Alternate Members, David Vredenburgh and Luke Gianforte.

D. Vredenburgh assumed the position of a Voting Member in Mr. Silverman’s absence.

Motion by G. Mason, seconded by J. Anderson, to approve the February 22, 2021 meeting minutes was carried as follows:

Gary Mason	Voted	Yes
Joe Anderson	Voted	Yes
Val Koch	Voted	Yes
David Vredenburgh	Voted	Yes
Thomas Pratt	Voted	Yes.



The next regularly scheduled meeting will be Monday, April 26, 2021.

There will be a work session Tuesday, April 20, 2021.



Krumsiek, Howard & Virginia - #20-1325 – Special Use Permit – 4023 Rippleton Road, Cazenovia (Joe Anderson)

No one was present to represent the file.

T. Pratt explained the special use permit was to build an additional accessory building. He said at the last meeting the Board had sought Lead Agency consent and at this time there was not a response from New York State Preservation Office (SHPO) or the New York State Department of Transportation (DOT), so the Board could not proceed at this time. However, he said there were a couple items that needed to be clarified. He stated a correction to the (Full) Environmental Assessment Form (FEAF) Part 1 had been completed. It was now noted that the project was near a historic site which triggered the more extensive State Environmental Assessment Review (SEQR). The other correction was the

dimension noted on the SEQR resolution which should be recorded as 1400 square feet rather than 2560 square feet. He also mentioned that a detailed survey had been requested (at the last work session).

T. Pratt said the public hearing has been left open, so he invited comments at this time.

No one present wished to comment.

Motion by J. Anderson, seconded by D. Vredenburg, to continue the file and the public hearing the public hearing was carried as follows:

Gary Mason	Voted	Yes
Joe Anderson	Voted	Yes
Val Koch	Voted	Yes
David Vredenburg	Voted	Yes
Thomas Pratt	Voted	Yes.

Mat Creatures Wrestling Club - #21-1336 – Special Use Permit – 2662 US Route 20 East, Cazenovia (Gary Mason) Weismore, Joshua/Cherry Valley Development, Inc.

Joshua Weismore was present to represent the file.

G. Mason explained the only reason the proposal needed a special use permit was because it was zoned Rural B. He commented that a great business plan was submitted which also addressed the COVID issue with several safeguards to be implemented. He said the goal of the endeavor was to provide a wrestling program to improve the advancement of the competitors to the Olympic level with a long-term goal of moving into a larger facility. He repeated his praise of the business plan.

T. Pratt asked about parking.

J. Weismore responded that currently that minimal parking would be needed; it would be drop-off only because of COVID precautions. He thought the maximum parking needed at this time would be 3 – 4 spaces. He said he was given approval by the building owner to use a second parking area if needed in the future. He also said there was the potential to expand into an adjacent area of the building. To do that they would merely install a door in the wall that separates the areas now.

T. Pratt asked about noise.

J. Weismore explained the wrestling facility was “well-contained.” He said the wrestling mat would absorb a lot of the impact and sound. He said music would not be “blasted.” He described the noise as being like that of a normal high school wrestling practice.

V. Koch asked about parking once COVID restrictions were eliminated.

J. Weismore answered he has six (6) spaces in the first area that would be deemed his and an additional six (6) spaces in the second area totally 12 spaces.

V. Koch asked if tournaments would be hosted.

J. Weismore responded, “Absolutely not.” He said the space was not large enough to host a tournament. He said they have aspirations if the endeavor does well to put up their own building in the future so that they would be able to host events, but for now this would be a travel team. He mentioned the various organizations with whom they would be involved and affiliated. He said their number one priority would be to have a State Champion at the Cazenovia High School.

Motion by G. Mason, seconded by J. Anderson, to open the public hearing was carried as follows:

Gary Mason	Voted	Yes
Joe Anderson	Voted	Yes
Val Koch	Voted	Yes
David Vredenburgh	Voted	Yes
Thomas Pratt	Voted	Yes.

T. Pratt invited comment at this time.

Hearing none, motion by G. Mason, seconded by J. Anderson, to close the public hearing was carried as follows:

Gary Mason	Voted	Yes
Joe Anderson	Voted	Yes
Val Koch	Voted	Yes
David Vredenburgh	Voted	Yes

Thomas Pratt Voted Yes.

T. Pratt reminded the Board to consider if this proposal was appropriate to the neighborhood and if there were any environmental effects.

J. Langey lead the Board through the SEAF, reminding the Board the proposal would be occurring within an existing building so there would not be any new land disturbance.

Motion by G. Mason, seconded by J. Anderson, to appoint the Zoning Board of Appeals as Lead Agency for the purposes of the SEQR, to affirm the matter an Unlisted Action and make a Negative Declaration, based upon the Board’s review of the SEAF, and to approve the special use permit for a wrestling club as most recently submitted and conditioned upon there being 12 dedicated parking spaces and there being no tournaments hosted on site was carried as follows:

Gary Mason	Voted	Yes
Joe Anderson	Voted	Yes
Val Koch	Voted	Yes
David Vredenburgh	Voted	Yes
Thomas Pratt	Voted	Yes.

*Scholefield, James - #21-1339 – Area Variance – 5713 Rathbun Road, Cazenovia
(Joe Anderson)*

James Scholefield was present to represent the file.

T. Pratt explained the Applicant was looking to separate .83 acres from the rest of his land which would require a variance to create a lot that was less than three (3) acres and a variance to create a lot with 180 feet of road frontage, 70 feet less than the required 250 feet.

J. Anderson said he visited the property today. He said there was one (1) grave marker (on the section of land being subdivided) and he called the area “unimproved” saying, “it was largely being allowed to go wild.” He added the grave marker was installed in 2012.

T. Pratt asked if there was only one (1) grave.

J. Anderson answered there was.

T. Pratt asked Mr. Scholefield for his comments.

J. Scholefield said that was absolutely accurate – there was only one (1) marker and only one (1) burial.

T. Pratt asked Mr. Scholefield to talk about the maintenance of the area.

J. Scholefield said the intention was to keep the area as it was, unimproved. He said there were not plans for additional burials. He wanted to protect the piece that was existing from future disruption/development. He said the long-term intent was to put the land into a trust which would pass to his heirs.

T. Pratt said he was hesitant to create a parcel less than three (3) acres and having less than 250 feet of road frontage. He felt an updated survey showing more details about the property would be beneficial to the Board's understanding and seeing how close the 250 feet of road frontage would come to the existing house.

G. Mason said his question was whether the request for 180 feet of road frontage was a maintenance issue, or what was the reason for 70 feet of relief.

J. Scholefield explained extending the road frontage to be 250 feet would include finished lawn with the area designated as the burial site. His desire was to carve out the section of unimproved area for the future when the home parcel would be sold.

T. Pratt asked the distance from the house wondering the distance of the side yard if the line was extended to 250 feet.

J. Scholefield believed there would be a fair amount of side yard, however the septic system was located in the front yard and he was unsure how close the line would be from the septic system. He felt a natural boundary already existed between the finished lawn and the unimproved land surrounding the burial site.

V. Koch asked if there was a way to verify there was only one (1) burial on the site. He asked if there were any records that could be provided to show that was the case.

J. Scholefield thought he might be able to provide information from the company that performed the burial. He explained the burial was for his wife, so he knew it was the only one he had done.

J. Anderson presumed over the course of time the burial plot would be assumed by the Town. He noticed a tree line to the south. He thought if the size of the lot to be created was 180' X 500' it would square up the lot and be approximately two (2) acres. He said in researching the project it appeared to him the greatest virtue of cemetery real estate was wildlife habitat. He thought by enlarging the size of

the lot to the dimensions he suggested it might be more appealing to the Town to approve and to eventually assume.

J. Scholefield indicated he understood. He said his intent was to keep the cemetery lot as small and manageable as seemed sensible. He did not intend to use or develop the land (for further burial purposes). He felt a 3-acre parcel for one burial site seemed excessive, but he understood the point.

T. Pratt believed there was to be no maintenance for the burial site and said it would grow thicker with a variety of vegetation, perhaps even trees. He asked if Mr. Scholefield was agreeable to having a survey made so the Board could better understand the impacts by knowing the location of the site details.

J. Scholefield said he would prefer not to have to have multiple surveys, so if there was a target size the Board would like to see this “boxed into” he would like to survey that. He said his main concern was that the improved area around the house not be disrupted by the creation of the cemetery parcel. He felt enlarging the parcel by extending it away from the road made more sense and he was happy to do that. He repeated he would like to only create one survey.

D. Vredenburgh said he drove by the site yesterday and he agreed with Mr. Scholefield. He said the 180 feet would be at the edge of the lawn area so it would be a natural feature (to use for a dimension). He thought having 250 feet of road frontage would leave about 70 feet of side yard between the proposed property line and the house.

T. Pratt asked if a 3-acre lot was created, how far from the road would it extend.

D. Vredenburgh answered approximately 522 feet from the highway boundary.

T. Pratt asked if Mr. Scholefield had that much footage.

J. Scholefield answered, “Yes.”

D. Vredenburgh believed there was 1500 feet.

T. Pratt asked the Board if they wanted a survey provided to better see what was proposed. He said it would not have to be of the entire property, but it would need to encompass the area proposed as well as some details surrounding the house.

V. Koch said he would prefer to have the survey.

J. Anderson felt the site had potential as a wildlife preserve of sorts with a watercourse running nearby. He repeated he felt 180’ X 500’ would be desirable.

T. Pratt asked if a survey would be beneficial or unnecessary.

J. Anderson felt after visiting the site, a survey would not be helpful to him unless it showed something other than water and trees.

T. Pratt said the survey would show the location of buildings, the septic system, and would give a better understanding of what the site contains, as well as where the burial is located, so it would help the Board better understand the reasoning for the minimum or maximum dimensions to be used.

T. Pratt noticed Gary Mason was no longer in attendance.

Motion by J. Anderson, seconded by D. Vredenburg, to open the public hearing was carried as follows:

Gary Mason	Excused	(Technical Difficulty)
Joe Anderson	Voted	Yes
Val Koch	Voted	Yes
David Vredenburg	Voted	Yes
Thomas Pratt	Voted	Yes.

G. Mason was able to rejoin the meeting.

T. Pratt invited comment at this time.

There was no one wishing to speak at this time.

T. Pratt informed Mr. Mason that the Board was considering asking Mr. Scholefield to provide a survey including the house and the burial area, identifying the location of the septic, the edge of the trees, but not being as detailed about the back part of the (large) property to help the Board better understand locations and limits.

Nancy Rathbun Leppek indicated that she would like to speak. She said she was a neighboring property owner. She said many of her questions have been answered. She expressed her support of the burial lot being wild, extending west, and having a survey created. She said those were her thoughts regarding what has been presented.

G. Mason said if Mr. Scholefield was agreeable, he thought it would be advantageous to see the location of the septic and other features showing it was justifiable to grant the relief requested if the home was to be sold in the future.

J. Scholefield said he was willing to comply if that helped make a clear decision.

J. Langey said one of his thoughts regarding the survey was that ultimately Mr. Scholefield will have to appear before the Planning Board for the subdivision so if he takes his cues from the Zoning Board of Appeals (ZBA) at this time, the survey would serve as a subdivision map as well, so he will have that

benefit if it was drawn approximately as the ZBA would consider acceptable. It was mentioned that Mr. Vredenburgh would be asked to do the survey, so he would look to him for guidance that some preservation language be included. He did not feel a conservation easement was necessary, but perhaps a legend for the cemetery lot would indicate the intent was not to put structures on that parcel. He added that if Mr. Vredenburgh was retained, he suggested Mr. Gianforte step in to take his place for the balance of the application.

D. Vredenburgh said he would not be surveying the property since he was retired. He added his agreement with his successor was that he would not perform surveys in this area.

T. Pratt said the Board would keep the public hearing open for the next meeting and they look forward to seeing the survey.

Motion by J. Anderson, seconded by G. Mason, to continue the file and the public hearing was carried as follows:

Gary Mason	Voted	Yes
Joe Anderson	Voted	Yes
Val Koch	Voted	Yes
David Vredenburgh	Voted	Yes
Thomas Pratt	Voted	Yes.

J. Scholefield asked for clarification regarding the survey asking if they were looking for locations of items like the house, grave, corners.

T. Pratt explained the survey would be for the full site, which would be needed for the Planning Board, but with details regarding the front piece of the property, including where trees are located, where the thicket ends and where the lawn begins, the location of the septic system, the house, the driveway, any additional buildings.

*Lucas, David - #21-1339 – Major Special Use Permit – 2405 Barrett Road, New Woodstock
(Thomas Pratt)*

Matthew Kerwin of Barclay Damon, LLP Law Firm in Syracuse, NY was present to represent the file as was Michael Frateschi of TJA Clean Energy, LLC, and Eric Kenna of C & S Engineers, Inc.

T. Pratt said the application was to operate a 5-megawatt (MW) solar farm on 15 acres of a 76-acre parcel.

T. Pratt asked Mr. Langey if the Board needed to reaffirm the SEQR performed by the Planning Board (during site plan review) and if that would be done at the time the ZBA made their motion.

J. Langey said that was correct. He said as the Board knew, it was a very extensive Planning Board site plan review process with the Planning Board as well as all the other Involved and Interested Agencies conceding Lead Agency to the Planning Board, so SEQR was well in hand. He said the Board was being asked to grant a major special use permit considering the criteria found in the Town Code for the granting of those types of permits. He mentioned there also was a 20-page Planning Board resolution with a number of conditions consistent with the solar farm law in place, so the special use permit would be for a project that already has site plan approval.

T. Pratt reminded the Board of the components of the major special use permit, saying the components were:

- 1) Does it comply with the laws and the Comprehensive Plan?
- 2) Are there no harmful substances, noise, dust, odors, colors, waste, or glare?
- 3) Does it cause any traffic congestion, impair pedestrians, or overload roads?
- 4) Does it have appropriate parking, and will it be accessible to police and emergency vehicles?
- 5) Will it degrade natural resources or the environmental system?
- 6) Will it be a suitable design to ensure compatibility with the surrounding uses, and protect the scenic resources?
- 7) Will it cause any issues with the site or surroundings?

T. Pratt said the setbacks specifically defined and with which the Applicants have noted they would be in compliance include 300 feet of road frontage, 250 feet of front yard setback, 100 feet of rear yard setback, and 100 feet of side yard setbacks.

T. Pratt said they were not to be in the viewshed; they must have adequate emergency and safety measures with security and access road for emergency vehicles; they were to have no impact on fish and wildlife; and as stated, sufficient setbacks.

T. Pratt said those criteria were found in 165 – 104.7 and 165 – 114 of the Code.

T. Pratt said he noted a few summary items from the Planning Board resolution, which had many more conditions. He listed those which he felt would most interest the ZBA. There would be no outdoor storage. The work needed to be completed in one (1) year. The planting and landscaping would be as drawn and would be maintained. A Stormwater Pollution Prevention Plan was created for stormwater issues and to ensure there would be no effect on the highway drainage. A decommissioning plan was created and a bond of \$240,000.00 would be established for that decommissioning. The road use was acceptable, and any damage and associated repairs would be part of a \$40,000.00 bond created for that purpose. The maximum height of the fence surrounding the facility would be eight (8) feet. The panels would be kept in good condition and system would require inspections. An emergency phone number would be written on the fence in the event of problems. The system would be monitored 24 hours/day. The panels would be black, and the racking would be steel gray. The fencing would be black. There would be no directional glare to the roadways or the neighbors. Maintenance would be on a 24 hour/day basis. He asked Mr. Kerwin to confirm all those statements were true.

M. Kerwin confirmed the statements were true.

T. Pratt noticed that in the EAF that there would be a small use of pesticides.

M. Frateschi said under guidelines by New York State Department of Agriculture and Markets (Ag & Markets) no type of pesticide use was allowed, so they would not be using any pesticides.

T. Pratt said in the EAF in the section addressing noise, light, and odor, it was indicated there would be a small impact, but he noted there was a reference to blasting.

M. Frateschi said they should not be blasting.

T. Pratt asked Mr. Langey if an official document needed to be created to note the corrections of these two (2) items.

J. Langey said the minutes would capture the comments from Mr. Frateschi and Mr. Kerwin to set the record straight.

T. Pratt said a letter was received today regarding concerns about decommissioning. He recalled the Planning Board required everything to be removed from above ground to 48 inches below ground.

M. Kerwin said that was accurate. An extensive decommissioning discussion was part of the Planning Board review and the resolution included the decommissioning plan with a decommissioning bond in connection with the building permit application. He said subject to the Town's review and approval, and the landowner's consent, the Planning Board allowed them to leave the proposed roads as well as anything below four (4) feet, which would include conduit that might be below four (4) feet. He did not believe that would be an issue.

T. Pratt explained the issue in the letter was the depth of what might be left when it was time to restore the soils to farmland. He believed this concern was already addressed by the standard required.

T. Pratt then asked about emergency access of roads during the winter. He asked about plowing (since the roads are seasonal use roads and are not plowed regularly in the winter).

M. Kerwin believed the intent was to maintain access for personnel as needed.

M. Frateschi said no personnel would be on site during the winter unless there was an emergency requiring equipment to be repaired in which case a truck would be used to plow for that purpose. If there was an emergency with the utility, they would also send a person to clear a path for access for the first six (6) poles noted on the western access road.

T. Pratt asked in the event of any emergency would they be able to accommodate access to the site.

M. Frateschi affirmed they would, saying they would have someone on call.

R. Cook asked that the Applicants address the Town of DeRuyter portion of Barrett Road which could be used for access of the eastern array, but which also was not plowed by the Town of DeRuyter during the winter months. He wanted to ensure the Town of DeRuyter would not be obligated to maintain the road for access for the upper field.

M. Kerwin said it was his understanding that access would be from Route 80 (jointly Route 13) and Barrett Road, not via the eastern route.

T. Pratt clarified that if access was needed from either end, neither the Town of Cazenovia nor the Town of DeRuyter would be asked to provide that access; the facility will provide its own access.

Both Mr. Frateschi and Mr. Kerwin responded, “Correct.”

R. Cook believed that was the Town of DeRuyter’s understanding, but the Town of DeRuyter wanted that to be stated and memorialized in the minutes.

G. Mason thought one minor discrepancy he found in his review of the resolution was that the fence would be ten (10) feet tall not eight (8).

M. Kerwin clarified the height of the fence would be eight (8) feet.

L. Gianforte said regarding decommissioning and the restoration to farmland, he did not believe there was a precedent (in our area). He said the land would be taken out of farmland by the Farm Service Agency and the United States Department of Agriculture (USDA) so to be returned to farmland it would need approval through those agencies as well. He had not read the decommissioning report, so he thought that procedure may have been addressed in it.

M. Kerwin said he could not speak specifically to the regulatory oversight, but the intent was to return the land to its prior condition when the facility becomes decommissioned. He said it would be made available for farming should the property owner desire it to return it to that state when the facility was

beyond its useful life. He stated the facility would continue to be used for agricultural purposes through the use of pollinator-friendly plants that will be planted after construction.

M. Frateschi added that with their submission to Ag & Markets, there was criteria as to how they would restore the site to existing conditions, including several construction-related items, tilling the land once the facility was removed, and at the end, soil samples to be taken to ensure soil chemical characteristics would match those present before the facility's existence. From a physical standpoint, the land will be restored to the existing conditions as closely as possible.

D. Vredenburgh felt the concern expressed in Mr. Wright's letter had been addressed. He noticed the resolution stated the arrays would not exceed eight (8) feet in height, but another response stated the arrays would not exceed ten (10) feet. He said it was a matter of semantics, but he wondered which was correct.

M. Frateschi explained how the tracker system rotates with the sun and at the panel's highest tilt would be 7' 7" tall, so the panels would not exceed eight (8) feet in height.

V. Koch asked the term of the bond and if the decommissioning bond included road damage that might occur when the facility was removed. He understood a road bond was in place for construction, but wondered about the bond at the end of the project.

J. Langey explained the bond was designed in a way so that it should never expire and ample time was built into its creation in case they were to receive a notice of cancelation. It will be issued in 5-year increments for the life of the project. John Dunkle, the Engineer for the Town, set the amount for the decommissioning bond. The road repair bond was a separate bond also calculated by Mr. Dunkle. Dean Slocum, the Town Highway Superintendent also has a record of the existing condition of the road and upon completion of construction the condition of the road would be reviewed again. If any repairs needed to be made, the Developers would have the option to fix the road or to use the funds in the bond. If there were no issues with the road, the funds would be released.

V. Koch asked about road damage during decommissioning.

J. Langey said road damage would be included in the decommissioning bond.

T. Pratt asked about plantings to shield the panels from visibility from Route 80/13 and from Barrett Road.

M. Frateschi shared his screen displaying the drawing created by C & S Engineers, Inc. entitled *Aerial Site Plan C-101*.

Eric Kenna was in attendance via the telephone, so he was unable to view the drawing, but was available to answer questions.

M. Frateschi explained the lay-out of the two facilities. He said the eastern array was screened almost on all sides with the exception of eastern border midway to the north, so landscaping in that area was

designed. It would be comprised of double-stacked rows of plantings. He said the lay-out of the landscaping would be the same on all four (4) quadrants.

M. Frateschi said on the western facility, a portion of the northern edge would be screened to the east of the access road. That was created to shield the section visible from a portion of Barrett Road. Otherwise, the western facility would be naturally screened in the north by Mr. James Wright's property which he described as fairly wooded, as well as from the east by the existing wood line in the middle of the property.

M. Frateschi said he had several conversations with Mr. Wright and Mr. Wright was satisfied with the proposed visual aesthetics of the project.

T. Pratt understood that near Mr. Wright's property on Barrett Road and the nearest facility, the topography "was basically a big bowl." Mr. Wright's property was above the dip, so his property would provide some visual protection. The other facility was on the hill to the east.

M. Frateschi said the elevation change was about 250 feet.

T. Pratt then asked Mr. Frateschi to address the view of the panels in the bowl as one would see them driving north on Route 80.

M. Frateschi described the topography and indicated where two (2) storm water detention and infiltration basins would be located at the low point at the southwest edge of the western facility.

M. Frateschi said the landscaping of the western facility along the western edge would be installed midway from the northern corner. The screening would be supplemented by some additional material located farther west of the array. There was another area of existing vegetation that would provide some screening between the southwestern edge of the facility and Route 80. To the south there would be landscaping confined around the stormwater basins to conceal the view into the bowl.

M. Frateschi then displayed the drawing by C & S Engineers, Inc. entitled *Barrett Road Solar Site Details C-501*. He said this showed the tree spacing detail and photographs of the various species they proposed. He said trees would be spaced five (5) feet from their centers within rows and 8'6" between rows, staggering species of grey dogwood, Fat Albert blue spruce, red cedar, elderberry and nannyberry. He said extensive work was done regarding the species selection endeavoring to keep it close to native species and to make it look natural to the area.

T. Pratt asked if that was in collaboration with the Cazenovia Area Conservation Commission (CACC).

M. Kerwin responded that they had multiple conversations with Don Ferlow (of the CACC) and the Planning Board ensuring these varieties were the most appropriate for the site.

T. Pratt then asked about glare.

M. Frateschi said the glare analysis performed did not reflect any vegetative screening, it was based upon open meadowland.

E. Kenna explained how the analysis was performed west-north and along the eastern side of the project saying it was predicted there would be zero (0) minutes of predicted glare at any point on any of the roadways around the facility. He said the program and software used accounted for and calculated the tracking of the sun from east to west, and described the method used to generate the results. He said the report would predict glare on an annual basis, predicting what month and what time of day glare could be expected. He repeated no predicted glare was calculated on any of the roadways. It was based upon the site's location in the world, the local topography based upon Geographic Information System (GIS), and the attributes of the tracker system, repeating it did not take into consideration any vegetative screening that was now planned.

T. Pratt asked if they would be willing to provide additional plantings in the event glare were to be an issue.

M. Kerwin said if that were to occur, they would have to see what it would look like. He said one issue they had with the Planning Board and the CACC was the attempt to make the site invisible. Given the topography of the property, the viewshed from Route 80, and the placement of the facility 1000 feet to the east, it was difficult to further mitigate or minimize the viewshed from the brief stretch of road.

T. Pratt explained his concern was if any unforeseen glare occurred along Route 80. He was seeking assurance that if that arose, they would assess and solve the problem of glare, noting it would be a safety risk.

J. Langey interjected that among the Planning Board conditions of approval it was stated (in number 31) that, "The design, construction, operation and maintenance...shall prevent the direction, misdirection and/or reflection of solar rays, glare or glint onto neighboring properties, public roads, public parks and public buildings." He said effectively the Planning Board's condition was an affirmative requirement that this project not emit glare. He said if it should emit glare, it becomes an enforcement issue that the Applicants must solve. He felt that covered the issue concerning the ZBA.

T. Pratt agreed.

Motion by V. Koch, seconded by J. Anderson, to open the public hearing was carried as follows:

Gary Mason	Voted	Yes
Joe Anderson	Voted	Yes
Val Koch	Voted	Yes
David Vredenburgh	Voted	Yes
Thomas Pratt	Voted	Yes.

T. Pratt invited comment at this time.

Jimmy Golub asked about the size of the plantings when installed, wondering if immediate mitigation would be provided, or what timeframe would be required for screening. He asked how it would look when the trees and shrubs were planted.

E. Kenna believed the plantings would be five (5) feet tall when planted.

M. Kerwin confirmed the height.

E. Kenna thought the plantings would grow about a foot a year, so he expected mature screening to be achieved in 2 -3 years.

T. Pratt asked the height of the panels, not only at the highest point but when level.

E. Kenna thought table-topped they would have four (4) feet of racking from the ground varying with the contours of the ground beneath. He explained how the panels would reach their highest point at a 60- degree angle.

M. Frateschi added the height of the flat panel would therefore not be more than five (5) feet.

Jen Wong of the Cazenovia Preservation Foundation (CPF) said they submitted a letter in January of 2021 to the Planning Board giving their position regarding the project. She said they were supportive and appreciative of the project proponents' work to mitigate some of the original design plans with regard to natural resources, farmland preservation, and preservation of some of the mature timber on the site. Chairman Pratt stated that a consideration of a major special use permit was compliance with the laws and the Comprehensive Plan. She wanted to remind the Board that the Comprehensive Plan was dated 2008, before projects of this sort were considered. She said the Board was further charged with considering scenic resources, impacts upon the site and surrounding areas. One of the elements CPF commented about in its January letter to the Planning Board was regarding the vegetative screening and the viewshed from Route 80. While the project has a limited lifespan, a 25-year planning horizon was still a significant amount of time so the decisions made for this property will have potential impacts on the land use in the vicinity. She said because this was a precedent-setting project in our town, she hoped the Board would encourage the highest adherence to the protective measures ensuring the impacts of the project would be sufficiently reduced for neighboring landowners and for passersby. She said there was some concern that the efforts for screening from Route 80 have not been as fully addressed as they potentially could be by the project proponents. She recalled from previous hearings with the Planning Board that, with mature growth, the intended plantings would provide 40% coverage of the viewshed into the property from Route 80. While Route 80 was not a designated scenic byway, she felt it was recognized as an important access route and main entrance route into the Hamlet of New Woodstock. She said if there was a substantial change there, it would result in an impactful change for the residents and passersby. She encouraged the Board to consider options for increasing that coverage to be better than 40%. She asked if there were opportunities for plantings that were either more mature at the time

of planting or planting in locations that would allow for taller plantings that would provide additional screening compared to what was proposed. She thanked the Board for their time.

Justin Brink said he lives just outside of New Woodstock and he drives past this (site) daily. He said he would like to see it here. In his opinion he thought the Applicants have done the best that they could do for screening based upon their location. He remarked there was a lot of elevation change. He said he would like to see this project go forward having seen a lot of it firsthand as part-owner of the farm that works land surrounding the proposed solar farm. He applauded all the work the Applicants have done to minimize the impact they would have in the area.

Bob Giardina was in favor of the solar field. He said he was in favor of the size, not being a mega-field. He felt the Town has done a wonderful job making sure all the details were considered and addressed. In his opinion it would not be “an eyesore,” mentioning other solar facilities in the area without screening that he doubts people notice. He said vegetation would grow and language could be added to ensure maintenance, but he felt having solar power was wise. He indicated it would be another source of power that would prevent the community from power outages like those recently experienced in Texas. He said it would be clean, unobtrusive, and effective. He applauded the Board for its diligence, but he felt the landscaping issues were minor in comparison to the benefits.

T. Pratt asked Mr. Langey if the Planning Board resolution dealt with issues with planting in the Route 80 area believing it was a qualitative issue, not a quantitative issue.

J. Langey said that was correct.

Gary Brink said he lives adjacent to the proposed site. He said he definitely supports the proposal. He felt making the site efficient would require keeping them on the smallest footprint possible without a lot of additional cost to the developers. He said he farms the land, which was good, agricultural land, around the proposal and he would hate to see the land wasted with extra tree plantings that rob nutrients from crop soils and use potential crop space. He stated he would like to see landscaping minimized as much as possible.

Seeing no further participants wishing to comment, motion by J. Anderson, seconded by D. Vredenburgh, to close the public hearing was carried as follows:

Gary Mason	Voted	Yes
Joe Anderson	Voted	Yes
Val Koch	Voted	Yes
David Vredenburgh	Voted	Yes
Thomas Pratt	Voted	Yes.

T. Pratt said the General Municipal Law Recommendation Report (GML) given by Madison County Planning Department was completed and he asked Mr. Langey if there was anything else the Board would need to complete.

J. Langey replied that he would fold the decision by the Planning Board in any resolution he would create for the ZBA so that the conditions outlined in the original resolution would be reaffirmed by the ZBA as well.

Motion by V. Koch, seconded by J. Anderson, to reaffirm the matter a Type I Action and make a Negative Declaration, based upon the Planning Board’s review of the Full Environmental Assessment Form (FEAF), and to approve the major special use permit for a solar facility as most recently submitted and as approved by the Cazenovia Town Planning Board was carried as follows:

Gary Mason	Voted	Yes
Joe Anderson	Voted	Yes
Val Koch	Voted	Yes
David Vredenburgh	Voted	Yes
Thomas Pratt	Voted	Yes.



Motion by G. Mason, seconded by J. Anderson, to adjourn the meeting at 8:58 p.m. was carried as follows:

Gary Mason	Voted	Yes
Joe Anderson	Voted	Yes
Val Koch	Voted	Yes
David Vredenburgh	Voted	Yes
Thomas Pratt	Voted	Yes.

Sue Wightman, Zoning Board of Appeals Secretary – March 23, 2021