

# Town of Cazenovia Planning Board

## Meeting Minutes

June 6, 2024

Members Present: Robert Ridler, Chairman; Anne Ferguson; Linda Cushman; Dale Bowers; Thomas Clarke; Mary Margaret Koppers (7: 39pm); Roger Cook, Alternate Member; Jerry Munger, Alternate Member

Members Absent:

Others Present: John Langey; John Dunkle; Chuck Ladd; John Watson; LUIS Torrent; William Stratton; Margaret Stratton; Will Shamblen; Sheila Fallon

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R. Ridler called the meeting to order at 7:30 P.M.

Roll was taken; Jerry Munger was asked to be a voting member, and Roger Cook was asked to be a voting member in Mary Margaret Kopper's absence until her arrival.

The next regularly scheduled meeting will be Tuesday, July 2, 2024.

The next deadline day will be Tuesday, June 18, 2024.

The next regularly scheduled work session will be Thursday, June 27, 2024.

Motion by A. Ferguson, seconded by L. Cushman, to approve the May 2, 2024 meeting minutes was carried unanimously.

**LAND DISTURBANCE/SITE PLAN REVIEW/SUBDIVISION**

*Kennedy Enterprises 1, LLC – Site Plan Review – 3172 West Lake Road, Cazenovia  
File # 24-1528 (Anne Ferguson)*

No one was present to represent the application.

R. Ridler believed the Applicants were seeking some house construction in addition to the site plan review (for outside improvements). According to his discussion with the Applicants yesterday, they may not be ready to appear until the August meeting.

A. Ferguson asked if a landscape plan would be ready at that time.

R. Ridler answered, “Yes.” He elaborated that the Applicants would have the required remediation for their work which was previously done without Planning Board approval.

Motion by T. Clarke, seconded by J. Munger, to continue the file was carried unanimously.

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*EBAC, LLC/ Owera Vineyards – Site Plan Review – 5276 East Lake Road, Cazenovia  
File # 22-1428 (Robert Ridler)*

No one was present to represent the file.

R. Ridler said he has spoken to Mr. Muserlian regarding his application. He explained the Applicant’s attorney was interested in meeting with the Planning Board during a work session, but the Board was in agreement that it was preferable to meet during a regular meeting. He asked Mr. Langey to discuss the Board’s request with the attorney for Mr. Muserlian.

J. Langey elaborated that his advice was that the Board have the discussion on the record at a regular meeting. He explained that he did not think the Planning Board

would do anything differently at a work session, but he believed the perception from the Public would be better received if it the discussion were during recorded proceedings. He has spoken to the applicant's attorney a few times asking if he could attend when Mr. Langey was present because Mr. Langey has conflicting meetings elsewhere concurrently with the work sessions of the Town of Cazenovia Planning Board. He said the Board could follow or ignore his recommendation, but it was his opinion that the proper setting for the discussion was a regular meeting.

The Board expressed their agreement.

J. Langey said he would contact the Attorney with the Board's decision not to meet with him during a work session.

R. Ridler added the Board would meet with him at a regular meeting if the Applicant so chooses.

Motion by A. Feguson, seconded by T. Clarke, to continue the file was carried unanimously.

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*Vaas, Sarah – Line Change – 2687 Mill Street with 2697 Mill Street, New Woodstock  
File #24-1531 (Anne Ferguson)*

No one was present to represent the file.

R. Ridler explained it was the Applicant's request to move the file to a public hearing at the next meeting.

J. Langey explained the public hearing could not be held without an applicant present, but this preliminary meeting could address the application.

A. Ferguson indicated the request was for a simple line change involving two (2) parcels (both owned by Mrs. Vaas) along Mill Street in the Hamlet of New Woodstock.

It was further explained that the line change would adjust the two (2) existing lots (enlarging one from the other adjacent property).

Motion by A. Ferguson, seconded by R. Cook to move the file to a public hearing at the next Planning Board meeting, and to continue the file was carried unanimously.

J. Langey suggested the State Environmental Quality Review (SEQR) be done prior to opening the public hearing in July. He said the Board was required to perform SEQR before opening the public hearing.

R. Ridler spoke about some health issues of the Owner.

J. Langey said either Mrs. Vaas or her designated representative could attend the public hearing.

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*Love Frazee Assoc with Pushlar, Paul — Site Plan Review – Route 20 with Route 20 &  
File # 23-1497 (Robert Ridler) Fenner Road, Cazenovia*

John Watson and Lluís Torrent were present to represent the file.

J. Watson said at the last meeting the Board went through Part 2 of the Full Environmental Assessment Form (FEAF). Since that time, they had talked to the Board about having an emergency access lane for National Grid via an existing farm lane from US Route 20. They sent an updated site plan for that change. They also adjusted the construction timeline knowing that unforeseen delays may occur and not wanting to return to the Town requesting extensions, so the end date has been projected to be 2 ½ years from the time of approvals. They believe construction should only take six (6) months, but they have projected the timeline to avoid a need to extend it.

A. Ferguson asked the label or date of the most recent site plan drawing showing the newly added access lane.

J. Watson answered it was Revision 6 dated May 16, 2024.

(At this time Mary Margaret Koppers arrived and assumed her role as a Voting Member and Roger Cook resumed his role as an Alternate Member.)

J. Watson continued saying the third update was to revise the Facility Operation & Maintenance Plan to include the Applicants' maintenance of the newly added access road for the duration of the project.

A. Ferguson asked if that meant the duration of the construction.

J. Watson answered it would be for the duration of the life of the project. He repeated the lane already exists; it has a curb cut and a swale. He said Mr. Frazee never used it,

so it was “basically just grass and dirt right now.” They will put some gravel on it for National Grid, and they will continue to maintain it.

R. Ridler asked Mr. Langey to remind the Board where they were in the SEQR process.

J. Langey said at the last meeting they reviewed Part 1 as it had been amended by the Applicants, and the changes that had been made were discussed. With the help of Mr. Dunkle, they then reviewed each question and applicable sub-questions of Part 2. He then wrote the responses to those questions including the comments for the file. He then anticipated a Negative Declaration under the SEQR process and created a Part 3 “and baked it into a formal resolution,” which will be added to these minutes. He summarized the reasons supporting a Negative Declaration: there would be no negative impacts on land with regard to construction or physical alterations that could not be mitigated; there were no identified geological features of concern; the construction itself would have no impacts on wetlands, other surface waters, and will not result in flooding – and all that activity would be occurring outside the wetland areas; the proposed action would have no air emissions; the proposed action would have a small impact on plants and animals as a result of loss of flora or fauna, and would not have a significant impact upon protected species; the proposed construction would have no impact upon agricultural resources; nor will the proposed action have any impact upon any identified aesthetic resource; the project is located in close proximity to an historically registered site, but construction itself will have no impact on it, and the Applicants have a letter to substantiate that; there will be no impacts on any open space or recreation areas; the project will not involve lands which have been deemed Critical Environmental Areas; there will be no impact upon transportation, energy use, or other impacts of noise, odor, or light associated with the construction, which would be temporary, or when it is permanently in place; and there will be no impacts to human health.

J. Langey comments that the resolution was much more detailed, but he wanted to remind everyone of the findings determined last month.

Motion by D. Bowers, seconded by M. Koppers, to appoint the Planning Board as Lead Agency for the purposes of the SEQR, to affirm the matter Type 1 Action and make a Negative Declaration based upon the Board’s review of the FEAF as summarized by Mr. Langey was carried unanimously.

J. Langey said the Board could now carry on with the merits of the application.

R. Ridler asked if the Board had any questions regarding the merits of the application. Hearing none, he asked if the Board was comfortable with the application and felt it was now “in good shape.”

J. Langey said the resolution he had prepared in anticipation of a formal approval was 21 pages long and contained a set of facts about the application; “it talks about” the mitigations that the Applicants have offered for the project; “it talks about” the modifications the Board had requested and the Applicants have implemented; it covers everything the solar law requires in terms of the Decommissioning Bond, the Decommissioning Plan, Operations & Maintenance, etc. He explained there was more to be done by the Town Board in terms of a Payment In Lieu of Taxes (PILOT) Agreement and a Host Community Agreement. He also explained this project must now go to the Cazenovia Town Zoning Board of Appeals (ZBA). He indicated the bulk of the details of the project had been addressed by this Board, so the ZBA process should be easier. He continued describing what was included in the resolution for an approval saying he attached the key documents, provided by the Applicants, as exhibits which the Board has “signed off on;” and he has proposed conditions – many of which came from the Barrett Road solar project. He said if any Board members had additional conditions, he would incorporate those into the resolution as well. He concluded by saying basically the resolution states the Applicants will build the facility the way they said they would, and he laid out exactly all the plans with the last revisions including those mentioned earlier.

A. Ferguson asked to add the condition that the Applicants would designate an overall Project Manager to be the primary contact for the Code Enforcement Officer (CEO), and that the Applicants would establish predetermined checkpoint reviews as to the status of the project, so the CEO will know when to visit the site for inspections; part of the construction and implementation plan would have that condition in effect.

J. Watson expressed agreement, calling that person designated to be considered a single point of contact.

J. Langey commented that it was a considerably “robust resolution” giving balance to the surrounding property owners, to the environment, and to the property owner.

R. Ridler thanked everyone involved for the great job and the “superb result.”

Motion by A. Ferguson, seconded by L. Cushman, to approve the site plan review as outlined in the resolution by Mr. Langey (which will be included with the minutes) was carried unanimously.

J. Watson expressed thanks and asked if the next step was to attend the ZBA meeting for the introduction of the project for the request for a (Solar Major) special use permit.

He was told that the public hearing for that would be scheduled for their first meeting and was given public hearing notification instructions for the July 29, 2024 ZBA meeting.

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J. Langey said he and Mr. Dunkle will be following up with the Applicants, and there will be some work with the Town Board for key documents.

J. Watson believed that would be for the PILOT, Decommissioning, and Host Community.

J. Langey said a Maintenance Drainage Agreement would also be created and recorded and offered to send Mr. Watson samples. He said Mr. Dunkle will help him suggest the security needed for that.

J. Watson repeated his thanks.

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R. Ridler said that concluded the agenda items for this evening. He noted a couple of projects that were awaiting ZBA approvals before their addition to the Planning Board agenda. He believed Mr. Clarke would not be available for a file that was assigned to him, so he reassigned that application to Ms. Koppers.

Motion by D. Bowers, seconded by T. Clarke, to adjourn the meeting at 7:50 P.M. was carried unanimously.

Sue Wightman, Planning Board Secretary – June 6, 2024