

Town of Cazenovia Planning Board

Meeting Minutes

January 7, 2021

ZOOM video <https://madisoncounty-ny.zoom.us/j/98673535422>

Meeting ID: 986 7353 5422

Or Dial by phone (no video)

+1 646-558-8656 US (New York)

Members Present: Robert Ridler, Chairman; Anne Ferguson; Jerry Munger; Dale Bowers; Hugh Roszel; Bryan Wendel; Thomas Clarke; Gerald Rasmussen, Alternate Member; Jon Vanderhoef, Alternate Member

Members Absent:

Others Present: John Langey; John Dunkle; Don Ferlow; Roger Cook; Julian Clark; Zea Wright; Michael Frateschi; Eric Kenna; John O’Neill & Rebecca O’Neill; Sue Machamer; Joseph Jusziewicz; Grazi Zazzara; Anthony DiPeso; James Knittel; Bill Perrine; Sarah & Jason Bjork; Jennifer Wong; Audrey White; Sarah Auchincloss; Karen Stein; Kyler Reger; Thomas Pratt; Gary Mason; Joe Anderson; “A C”

R. Ridler called the meeting to order at 7:30 P.M. He read the following announcements:

Town of Cazenovia – Planning Board – Meeting Minutes – January 7, 2021

“Welcome to the January 7, 2021 Meeting of the Town of Cazenovia Planning Board, 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.

The public may be participating. When public speaking is allowed, speakers are asked to please state their name and address for the audio recording. Otherwise, the public is asked to remain silent during the proceedings.

Attendance will be taken, and votes will be conducted by roll call.

When possible, the Board members and applicants will be named while speaking for audio recording purposes.

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 Planning Board Secretary.”

Attendance was taken by roll call. All were present.

Motion by H. Roszel, seconded by T. Clarke, to approve the December 3, 2020 Zoom meeting minutes was carried as follows:

Robert Ridler	Voted	Yes
Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Hugh Roszel	Voted	Yes
Dale Bowers	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes.

The next regularly scheduled meeting will be Thursday, February 4, 2021.

The next deadline day will be Wednesday, January 20, 2021.

The next regularly scheduled work session will be Thursday, January 28, 2021.

HEARINGS

*Estate of Louise Clark/Custer, Adam -- Line Change – 2602 & 2596 McKinley St, NW
File # 20-1315 (Bryan Wendel)*

Julian Clark was present to represent the file.

B. Wendel explained the Estate was transferring ten feet to the neighboring property for the existing driveway that has been located for a long time on the Estate lot, so that the Estate lot may be sold.

Motion by B. Wendel, seconded by A. Ferguson, to open the public hearing was carried as follows:

Robert Ridler	Voted	Yes
Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Hugh Roszel	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes.

R. Ridler asked if there was anyone wishing to speak at this time.

There was no one present wishing to speak.

Motion by B. Wendel, seconded by T. Clark, to close the public hearing was carried as follows:

Robert Ridler	Voted	Yes
Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Hugh Roszel	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes.

Motion by B. Wendel, seconded by T. Clarke, to approve the line change as most recently submitted was carried as follows:

Robert Ridler	Voted	Yes
Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Hugh Roszel	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes.

*Crawford Farms, LLC -- Line Elimination – 1904 Chard Road & 5008 East Lake Road
File # 20-1318 (Hugh Roszel)
(Crawford Farms, LLC -- Site Plan Review – 1904 Chard Road & 5008 East Lake Road
File # 20-1319 (Hugh Roszel) – discussed simultaneously)*

Zea Wright was present to represent the file.

H. Roszel explained there were two (2) lots on the east side of East Lake Road, one on Chard Road and one on East Lake Road. Lot One was approximately 3.3 acres and Lot 2 was approximately 6.7 acres. The Applicants wished to combine the two (2) lots.

Motion by H. Roszel, seconded by J. Munger, to open the public hearing was carried as follows:

Robert Ridler	Voted	Yes
Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Hugh Roszel	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes.

R. Ridler asked if there was any one present wishing to comment.

Sarah Bjork said they live next door (1914 Chard Road) and she wondered what the plan was for the lot.

H. Roszel believed the Owners would put livestock/horses on the lot.

A. Ferguson asked Mr. Roszel if the plan also included the demolition of the house.

H. Roszel said that was the site plan review segment of the proposal, explaining that if the lot line between the parcels was eliminated, there would be two (2) houses on the lot, which was not allowed, so one house would need to be removed. He said the house on Chard road would be demolished.

S. Bjork asked how close the horses would be to her property and if zoning allowed for horses.

Z. Wright said Mr. Roszel was correct that the plan was to demolish the home on the (Chard Road) property. She was unsure if the lot would be used for livestock but noted there was an existing barn, and she believed that barn would be utilized.

S. Bjork remarked it was a “fairly residential neighborhood” and wondered how the proposal would change the environment.

R. Cook interjected that it was zoned for private stable use. He said the amount of usable pasture limits the number of horses that could be kept. He said the previous owner of the Chard Road lot, without the additional acreage of the second parcel, was limited to two (2) horses. He said a review would have to be done before the horses could be stabled there. He noted the presence of wetlands, which would restrict pastureland as well.

Karen Stein of 1971 Chard Road asked if the footprint of the barn were to be enlarged, would neighbors be notified and would that require future review. She also asked if more horses were to be requested, would that be reviewed again.

H. Roszel said if the footprint of the barn was to be enlarged that would require another review by the Planning Board.

R. Cook added that to have a private stable, the Owners would have to obtain a special use permit from the Zoning Board of Appeals, which would require a public hearing so neighboring property owners within 500 feet would be noticed a second time for that particular use and a sign would be posted as well. He elaborated that increasing the size of the barn would not necessitate a public hearing since the Planning Board does not typically require public hearings for site plan review, although they may require one if they so choose.

K. Stein spoke of the wetland areas on the site, noting cattails, which are now an endangered species, exist along East Lake Road.

H. Roszel said the Applicants provided an updated plan that designated the wetland area on the parcel.

K. Stein asked what property address the combined parcels would have, wondering if it would be East Lake Road or Chard Road.

R. Ridler assumed since the house on East Lake Road would remain, it would have the East Lake Road address.

Jason Bjork asked if the proposal would have an effect on his taxes.

H. Roszel did not see how it would.

R. Ridler answered it would not unless he made changes to his own property.

Motion by H. Roszel, seconded by A. Ferguson, to close the public hearing was carried as follows:

Robert Ridler	Voted	Yes
Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Hugh Roszel	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes.

J. Langey said there was no need to have a public hearing for the accompanying site plan for the proposal, however the State Environmental Quality Review was performed at the last meeting for both files, so he asked if the Board desired to handle the site plan with the combination of lots with one motion and with one resolution.

R. Ridler believed that was appropriate.

K. Stein asked if there was an earlier public hearing about the site plan.

J. Langey explained public hearings were optional for site plans.

K. Stein asked what the site plan was.

J. Langey said it was for the overall proposal – the establishment of one (1) lot and the demolition of the house (on the Chard Road property).

Motion by H. Roszel, seconded by B. Wendel, to approve the line change and the site plan review as most recently submitted was carried as follows:

Robert Ridler	Voted	Yes
Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Hugh Roszel	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes.

Lucas, David -- Site Plan Review – Barrett Road, New Woodstock
File # 20-1280 (Anne Ferguson)

Matthew Kerwin of Barclay Damon, LLP law firm in Syracuse, NY was present to represent as well as Michael Frateschi of TJA Clean Energy, LLC, and Eric Kenna and Bill Perrine of C & S Engineers, Inc.

A. Ferguson explained this was the public hearing for the overall solar project.

Motion by A. Ferguson, seconded by T. Clarke, to open the public hearing was carried as follows:

Robert Ridler	Voted	Yes
Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Hugh Roszel	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes.

A. Ferguson asked if there was anyone present wishing to speak at this time.

Jennifer Wong of the Cazenovia Preservation Foundation (CPF) made the following statements. "The Cazenovia Preservation Foundation protects the historic, agricultural, and natural resources in and around Cazenovia for the benefit of the community, and as such, CPF is broadly supportive of the environmental benefits associated with renewable energy sources such as solar power generation. With careful land use

planning and community planning and diligent attention to facility scale and siting, I think that these kinds of projects can be consistent with our community values to promote renewable energy resources while still being protective of the characteristics that make Cazenovia so uniquely special.

With regard to the proposed project, we would like to thank, we would like to express our appreciation to, the Town Planning Board and the CACC (Cazenovia Advisory Conservation Commission) for their work so far, and to the Project Proponents as well for the work that has been done to make some modifications to the original project design that are protective of impacts related to soils of agricultural importance, sensitive habitat areas, and mature woodlands, so thank you for that.

As a land trust that's founded on the principle of protecting those aspects that make Cazenovia so unique, we hold conservation easements on numerous properties in the area. Those lands are preserved for a number of purposes and including the preservation of scenic viewsheds in and around Cazenovia, as well as protecting those greenbelt areas around our community centers. While State Route 80 in New Woodstock, isn't necessarily a scenic by-way, it is certainly a viewshed that offers passers-by a scenic opportunity of rural and open spaces; and it is in the immediate "greenbelt" surrounding the hamlet of New Woodstock.

A clearly visible array of panels would be a substantive change in the overall experience of that landscape, by inserting an area of a very industrial character in a place which is largely, the surrounding areas, are largely farm fields and forests.

I did want to just remind everyone here the Town recently recommended that vegetative screening be installed at a residential-scale, ground-mounted solar array that was proposed for installation along Route 20 West, the Stormon property which came before the ZBA in September of 2020. Like the proposed Barrett Road project, the Stormon project would have been visible to drivers traveling at highway speeds for a short period of time. I know that was one comment that had been raised by this group in terms of thinking about whether vegetative screening was required and to what degree for the Barrett Road project. In addition, that project was also located in a "greenbelt" area surrounding the approach to the community center. It's our belief that all reasonable attempts should be made to apply the same standards for screening plantings to proposed community-scale facilities that were required for approval of residential-scale installations in our community.

So, we would encourage the Town Planning Board to request that the Project Proponents continue to explore some more substantial vegetative screening options to minimize the visual impact of those solar arrays from State Route 80. We think this could be accomplished through the use of a diverse palette of native plant species, including a variety of relatively fast-growing deciduous and evergreen species that were of sufficient maturity at the time they were put in place to provide some initial coverage,

and that would be designed and planted in such a way to resemble some of the hedgerows that are already located in those agricultural areas, or some of those forest edge areas that are more in keeping with the character of that area. Further, we would encourage that the Town would request updated visual simulations showing the view of the project area from Rt. 80 with that revised planting plan, particularly those two (2) photos locations #5 & #7 that had previously been noted on the map.

We do recognize the challenges posed by that “spoon-shaped” project site which requires taller plantings to be able to mask the installation on what would be the back side of the project area relative to the Route 80, and we recognize that in order to have plantings of sufficient height to provide that screening, it would therefore require that those plantings be further away from the edge of the solar array, and recognize that this either means reducing some project area, or increasing the project area, or reducing area that could be covered in panels. But I did just want to close by saying in spite of those challenges, the careful attention to that appropriate visual impact mitigation is very important here and those measures are an important responsibility to the community and will set a precedent for the permitting for future community-scale solar power generation projects in the Town of Cazenovia, and potentially impact public perception of these types of renewable energy facilities within our region.”

A. Ferguson asked if there was anyone else wishing to make a comment. Hearing no one else she believed the public comment time could be concluded at this time while keeping the public hearing open for the next meeting.

R. Ridler asked John Langey if it would be appropriate to discuss the line change application at this time.

J. Langey responded that the line change application needed to be moved to a public hearing for the next meeting and he recommended that the Board, when they complete the SEQR – whether this evening or at the next meeting – they fold all applications into the review because the actions are connected. He believed Ms. Ferguson had a list of open items and thought once she had found out where the Applicants were with those items, the Board would have a better understanding of where they were with the SEQR process.

M. Kerwin thought the public hearing was left open at the last meeting to address the lot line application submitted last month.

A. Ferguson answered this was the public hearing for the overall application.

M. Kerwin thought the line change required renoticing for this meeting and thought that had been done.

J. Langey said his notes did not indicate that a second notice had been done yet.

A. Ferguson agreed, saying the line change has not been formerly discussed previously; tonight would be the first discussion. She said the file required being moved to a public hearing this evening.

J. Langey said the second notice requirement must be done; it cannot be waived. He explained it involves a separate property than what the Board has been dealing with. He was certain a public hearing notice has not been sent for the component of the line change.

A. Ferguson discussed the options of keeping this public hearing open and performing the line change public hearing simultaneously at the next meeting versus closing this public hearing and then opening a new one for the line change discussion.

Motion by A. Ferguson, seconded by T. Clark, to conclude public comment at this time while keeping the public hearing open for future meetings was carried as follows:

Robert Ridler	Voted	Yes
Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Hugh Roszel	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes.

A. Ferguson said the Applicants have resubmitted some plans. She then went through a list of open items. She asked if anything had been received from the Army Corps or Engineers (ACOE).

M. Ferateschi responded that they have been checking for that, believing the holidays put the ACOE behind. They have received notice that it should be completed before the next meeting.

A. Ferguson asked about the Road Maintenance Agreement and the bond for Barrett Road.

J. Langey answered he and Mr. Kerwin have had a number of conversations and he saw no impediments on that portion of the written documentation that remains to be "tidied up." He said they were making good progress with that.

A. Ferguson then asked about the Decommissioning Agreement and its bond.

J. Langey said he gave Mr. Kerwin his comments regarding that which Mr. Kerwin was incorporating into the documents, and he expected the final document would be completed by the next meeting.

A. Ferguson asked if the same was true for the Storm Water Maintenance Agreement.

J. Langey answered said it has been drafted and he will be sharing that with Mr. Kerwin. He said it was a standard model agreement based on the New York Department of Environmental Conservation (DEC) program version. He said he should have that to Mr. Kerwin the next day.

A. Ferguson said she would like to discuss the revised plans and asked that Mr. Frateschi share his screen to display the new drawings as they were discussed. She said many of the revised plans reflected revisions made to the Storm Water Pollution Prevention Plan (SWPPP) so when discussion turned to the SWPPP the Board would be able to move through those items with better understanding.

A. Ferguson asked the Applicants to discuss the changes found on drawing C-101 *Aerial Site Plan*. She noted the infiltration basins were depicted at the bottom and it showed the relocation of the solar panels to the east.

M. Frateschi elaborated the big item was the pretreatment basin and the infiltration basin proposed at the south end of the western facility. Also, additional screening was proposed at the southern end of the western facility with a decrease in vegetation proposed on the northern end of the same facility based upon the conversations with Jim Wright and Gary Brink regarding farming and existing screening. He then displayed drawing C-105 *Grading Plan* saying minimal grading was proposed for the western facility except for the access road and one spot on the northern end. For the eastern facility, under direction and guidance from the DEC, they propose level spreaders, and minimal grading since it was a flatter area with less slopes. He said those were the major changes for the zoning drawings.

A. Ferguson asked that he display drawing C-102 *Overall Site Plan*.

R. Ridler asked if the line change was depicted.

M. Frateschi returned to C-101 and showed the outline in yellow that depicted the line adjustment which would convey .3 acres of land from the Zelenka family to the Lucas family and would encompass the proposed access road in its entirety.

A. Ferguson asked him to display C-103 *Site Survey Plan*. She asked if she was correct in believing there was no change to that drawing.

M. Frateschi said that was correct.

A. Ferguson said C-104 *Landscaping Plan* showed the revised locations of the plantings from the north side to the south side (of the western array).

A. Ferguson said C-105 *Grading Plan* was a new plan to be included in the package.

A. Ferguson said C-106 *Erosion Plan And Sediment Control Plan* had been revised.

E. Kenna added the revisions to that drawing were made based upon revisions to the SWPPP.

A. Ferguson said C-501 *Site Details* showed the plant selections which have not been changed. She said there were no changes to the fence details, nor the panel specifications.

A. Ferguson said C-504 *Erosion And Sediment Control Details* was a new drawing which she believed also address the SWPPP items.

A. Ferguson then moved to the SWPPP itself which Mr. Frateschi displayed the cover page of the SWPPP for the Board. She said Mr. Dunkle had requested clarification of 11 items, the first being revised runoff calculations to be based upon dense grass and not on crops and that more specific cover crops be listed. She asked Mr. Dunkle if he wanted to speak to those items.

J. Dunkle responded that the Applicants have adequately addressed them.

A. Ferguson said the second item was concerning infiltration tests which she thought were performed in December.

J. Dunkle responded the tests were done in December and were now part of the SWPPP.

A. Ferguson then noted Mr. Dunkle requested that a flow diffuser be added.

J. Dunkle explained that he was requesting a change for that to be added to the current set of plans.

M. Kerwin said that the Engineers were on board with the changes that Mr. Dunkle has requested and those would be incorporated into the next revision which they would get to Mr. Dunkle as quickly as possible.

A. Ferguson said the next items were silt fencing and mitigations to ensure the (access) roads do not drain onto the highway. She asked if that had been addressed.

J. Dunkle answered, "Yes."

A. Ferguson said the next item was the depiction of slopes greater than 10% on the Drainage Area maps.

J. Dunkle asked Mr. Frateschi to display that map. He showed P-1 *Proposed Conditions Drainage Plan*.

J. Dunkle said the blue shaded areas were where grades would be greater than 10%, which needed to be modeled as impervious surface area where panels would be installed. He said this and the removal of trees all relate to the hydrology calculations which he said have been done to his satisfaction.

A. Ferguson said the next item was to include winter maintenance to the SWPPP, and she asked Mr. Perrine if he was OK with that, saying she thought that was added to the stabilization practices.

M. Frateschi affirmed that it had.

J. Dunkle explained that there were now several criteria imposed upon construction sites in the winter including increased stabilization, frequency, increased inspections, and limited times of exposure. He wanted the SWPPP to reference the criteria. He said they did not have to list them, but he wanted it to reference the Blue Book section acknowledging that if the project was done in the winter, it would be done in accordance with those standards.

A. Ferguson said the next item was regarding a Stormwater Maintenance Agreement, and as Mr. Langey has stated that was in progress.

A. Ferguson said the next item was regarding the filter strip areas and language regarding their preservation and maintenance. She asked if Mr. Perrine wanted to address that.

He said regarding the filter strips, they have updated the *Erosion And Sediment Control Plan*, they have also added notes regarding them. He said there would be green areas between all the panels that would help control runoff, but then there would be specific filter strips to handle the impervious surfaces on site that would not drain to the infiltration basin.

J. Dunkle said the Applicants have addressed them sufficiently.

A. Ferguson said the next item was disturbed slopes steeper than 33% should have steep slope protection and she said that had been addressed in the *Grading Plan*. She asked if Mr. Dunkle was satisfied with that.

J. Dunkle said they basically would not be disturbing any slopes of that steepness.

B. Perrine affirmed he has “kept everything flatter than 33%.”

A. Ferguson said the last item was to update the model to reflect the proposed outlet structure based on the design from November.

J. Dunkle said the Applicants have adequately done that.

A. Ferguson said she thought she understood that there were a few items that remain to be done and that the updated SWPPP would be submitted before the next meeting.

J. Dunkle summarized the outstanding items:

- 1) expanded notation regarding what will be done when more than five (5) acres are disturbed at any one time,
- 2) winter maintenance notation,
- 3) a new detail regarding the flow diffuser,
- 4) dust control during construction.

J. Dunkle said these four (4) items were relatively minor, and he was fine with the public hearing being closed if they were the only items keeping the Board from moving forward. He also requested that when the revisions were made that only those sections of the SWPPP be forwarded to him rather than the entire document. He said the Applicants have done a great job.

A. Ferguson said the next item she wanted to address were the planting mitigations. She asked Mr. Frateschi to walk the Board through any changes they have made based on discussion at the last meeting.

M. Frateschi displayed the *Barrett Road Solar Photo Location Plan*. He said they would discuss photos 3 – 7. He then displayed Photo #3a & #3b. He pointed out where the western array would face Mr. Wright’s property and stated that section was already adequately screened. He then displayed #4a & #4b further along Barrett Road. He asked Mr. Kenna if the proposed condition in #4b showed young growth.

E. Kenna thought it depicted what would be the height of the growth after a couple years. He felt that view probably was the same as what had been proposed previously.

M. Frateschi then displayed #5a & #5b which was the view from the intersection of Barrett Road and Route 80.

E. Kenna explained the orientation of the array and plantings.

M. Frateschi displayed #6a & #6b further along Route 80 pointing out a natural buffer that exists.

E. Kenna added that the photograph was taken when there was no foliage, so the view in spring and summer would be better.

M. Frateschi displayed #7a & #7b, saying this was the view that most concerned the Board. He pointed out the addition of landscaping as well as the location of drainage features previously discussed.

E. Kenna said that was where the effect of the bowl would be the big issue. He pointed out the full-grown evergreens that were already at the edge of the proposal which would not be tall enough to screen the array from view.

A. Ferguson acknowledged the attempt to mitigate the view. She felt they have done what would be possible without going onto the neighboring property. She felt the Board would have to acknowledge that there was still a visual impact, however, when they perform the SEQR, but she acknowledged the mitigations steps that could be done have been proposed.

A. Ferguson summarized that there are a few minor items outstanding regarding the SWPPP and the agreements were in progress, so she was agreeable to closing the public hearing, but because the line change was still pending the Board would still continue the site plan file.

J. Langey asked if the Board wanted to review Part 2 of the Full Environmental Assessment Form (FEAF) at this time. He said the lot line adjustment would have no environmental impact. He encouraged the Applicants and consultants to participate with the Board and Mr. Dunkle. He reminded the Board that although environmental impacts may exist, they must determine if those impacts were large enough to require an Environmental Impact Statement. He reminded the Board that the Environmental Impact Statement would push the project review to a significantly higher, deeper level of environmental issues that the Applicants may have already addressed in the reports, studies, and modifications that have been made thus far. He then reviewed the 18 items in the FEAF.

Item #1 was Impact on Land. Mr. Langey asked if the proposed action would involve construction on, or physical alteration of the land surface of the proposed site. He said the answer was of course, "Yes." He then read the sub-questions.

J. Dunkle asked if the FEAF could be displayed on the screen.

M. Frateschi displayed it on his screen.

After reviewing the sub-questions, it was determined that all impacts were either no, or small due to the erosion control plan and the self-stabilization plan.

Item #2 was Impact on Geological Features which were determined not to be present on the site.

Item #3 was Impacts on Surface Water. Mr. Langey asked if the proposed action would affect one or more wetlands or other surface water bodies.

J. Dunkle advised the sub-questions be addressed under this section.

After discussion of each it was determined that there was no, or small impact (sub-questions e, h, i) because the potential impact would be adequately mitigated as proposed.

Item #4 was impact on groundwater. It was determined that was not a concern.

Item #5 was impact on flooding. Mr. Langey asked if the proposed action would result in the development on lands subject to flooding. He said because stormwater was an issue for projects like these, he would ask the sub-questions. It was concluded that there was no, or small impact (sub-question d) due to mitigation.

Item #6 was Impact on Air. It was determined that the impact was not applicable.

Item #7 was Impact on Plants and Animals. Mr. Langey asked if the proposed action would result in a loss of flora or fauna. He then reviewed the sub-questions. The answers to all those queries were determined to be no impact.

Item #8 was Impact on Agricultural Resources. Mr. Langey asked if the proposed action may impact agricultural resources. He mentioned that the project had been referred to New York State Department of Agriculture & Markets (Ag & Markets) and no concerns were expressed. He then asked the sub-questions. During discussion it was noted that the use of the farmland was temporary (25 years), and that allowing the land to be fallow might improve the soils for the future; that part of the decommissioning plan was the decompaction of soils for access road; and that the potential for further solar development would be restricted because the maximum capacity for generated power reception was almost met by this project and development of any other kind was not greatly increased. All sub-questions were answered no, or small impact (sub-questions a, b, c and f).

Item #9 was Impact on Aesthetic Resources. Mr. Langey asked if the land use of the proposed action were obviously different from, or in sharp contrast to, current land use

patterns between the proposed project and a scenic or aesthetic resource. He began review of the sub-questions.

M. Kerwin said if one referred to the guidance relative to the question, it was specific to officially designated scenic or aesthetic resources. He did not believe there was an official designation in the area.

Further discussion ensued regarding sub-question c) "The proposed action may be visible from publicly accessible vantage points:" and sub-question d) "The situation or activity in which viewers are engaged while viewing the proposed action." There was a difference of opinion regarding the visual impact from the Route 80 vantage point.

M. Kerwin read from the DEC guidance document saying, "This question is oriented to those scenic and aesthetic resources that are officially designated and publicly accessible." He felt that was the "gatekeeper question." He also read, "This question explores consistency in land use between a proposed project and other land uses that may be seen from or part of scenic or aesthetic resources."

Because this area is not an officially designated scenic or aesthetic resource, the Board concluded there was no to small impact.

Item #10 was Impact on Historic and Archeological Resources. Mr. Langey said the Town was not aware of any such resources so that was also deemed no impact.

Item #11 was Impact on Open Space and Recreation. That too was not considered to be applicable.

Item #12 was Impact on Critical Environmental Areas (CEA). Mr. Langey said the only CEA for the Town was around Cazenovia Lake, so that was no impact as well.

Item #13 was Impact on Transportation. Mr. Langey felt the only change would be during construction; because that was temporary, that was found to be no impact.

Item # 14 was Impact on Energy. The Board found that to have no impact.

Item #15 was Impact on Noise, Odor, and Light. Mr. Langey asked if the proposed action may result in an increase in noise, odors, or outdoor lighting.

J. Langey asked the representatives of the project to speak to the noise of the panels.

M. Frateschi explained the trackers have DC motors so they would be quieter than the transformer itself. He said the transformers would be centrally located so all sound would be non-existent or negligible at the fence line/property line.

J. Dunkle felt there would only be temporary construction noise and dust.

J. Langey listed that on the sub-question line f and marked it as a small impact.

Item #16 was Impact on Human Health. It was marked that there would be no impact to human health.

Item #17 was Consistency with Community Plans. Mr. Langey said Cazenovia is a Climate Smart Community which encourages renewable sources of energy opportunities.

Item #18 was Consistency with Community Character. Mr. Langey read, “The proposed project is inconsistent with the existing community character. In reviewing the sub-questions, it was determined that there would be no, or small impact (sub-question f).

In summary, Mr. Langey said for all the question either the answer no impact or in review of the sub-questions, because of project design, mitigation, or some other measure taken by the Applicants, no or small impact has been answered. Therefore, it was not necessary to complete Part 3. He asked if the Board felt comfortable making a Negative Declaration based upon the answers to these questions and incorporating the comments, the mitigation measures, and the current design of the project.

Motion by A. Ferguson, seconded by J. Munger, to affirm the matter a Type I Action and make a Negative Declaration based upon the Board’s review of the FEAF for the site plan as well as the line change, was carried as follows:

Robert Ridler	Voted	Yes
Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Hugh Roszel	Voted	Yes
Gerald Rasmussen	Voted	Yes
Thomas Clarke	Voted	Yes.

Motion by A. Ferguson, seconded by T. Clarke, to continue the file was carried as follows:

Robert Ridler	Voted	Yes
Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Hugh Roszel	Voted	Yes
Gerald Rasmussen	Voted	Yes
Thomas Clarke	Voted	Yes.

LAND DISTURBANCE/SITE PLAN REVIEW/SUBDIVISION

*33 Rippleton, LLC/Meiers Creek -- Site Plan Review – 4025 NYS Route 13 South,
File # 20-1313 (Thomas Clarke) Cazenovia*

No one was present to represent the file.

T. Clarke explained the Applicants have put their project on hold. He said they would like time to consider if they wish to proceed, modify, or withdraw.

Motion by T. Clarke, seconded by A. Ferguson, to continue the file was carried as follows:

Robert Ridler	Voted	Yes
Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Hugh Roszel	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes.

*O’Neill, John & Rebecca --Review Request – 5354 Indian Lookout Road, Cazenovia
File # 20-1320 (Dale Bowers)*

John and Rebecca O’Neill were present to represent the file.

D. Bowers explained this was a request to change a building envelope.

J. O’Neill gave a brief personal history about his wife and his coming to Cazenovia saying they currently live at 1903 Ballina Road. He said they spent many months shopping for real estate in the area before finding the property they purchased at Indian Lookout.

He then shared his screen displaying his application including the site drawings with the building envelopes as well as the Zillow advertisement which included aerial and other photographs, and a satellite shot. He pointed out that in both the Zillow advertisement

where there was a finger pointing with the caption “Great spot for a home” and the aerial photographs showed a cleared area at the top of the hill. He felt the assumption they made about the build area had been a safe assumption. He said in spite of the long driveway, the lengthy covenant, and many warnings about fearsome winters, they fell in love with the view, the wind, the wildness, and the solar potential.

He said when they measured the distance of 125 feet from the northwest corner of the property, they were astonished to discover the approved build envelope, was off the cleared section of the site where it was advertised to be a “Great spot for a home,” and off the spot advertised as “cleared site with proposed building envelope,” and not in the most practical location for a house at the top of the hill. He said they received enough objective opinions and unofficial assurances, from visitors to the site, including their architect, a couple builders, a developer, and an unnamed official that a request to move the envelope to the top of the hill would be a sensible thing to do.

He said they spent the ensuing weeks working with a green architect designing a small, retirement home located on the edge of the hill to fit in with the topography – a one-story with a walk-out lower terrace – to maximize local views, with solar potential, and to provide protection from the prevailing weather. Renderings of the proposal were included with the revised application. He displayed those renderings for the Board.

He relayed what transpired prior to their first request. He thought the process would be that the Planning Board would consider a request from a legal and environmental point of view and if that was approved it would then move on to the notification of adjacent landowners in preparation of a public hearing. He said they fully intended to meet with the neighbors and explain what they hoped to do and seek support for their request. Since they had heard no objections from Ms. Machamer, they were surprised that she had received the application and that she objected to it. So, they requested the Board to table the application to give them time to reach a compromise with Ms. Machamer.

He said they empathize with her desire to continue enjoying her view unfettered with new residents. He said their lot was developed, however, for another home to be built. They asked Ms. Machamer if she would be agreeable to building the house 50 feet from the shared property line rather than the initial request of 100 feet closer, but she indicated she was only agreeable to their moving it 20 feet closer to the line. He said they met with an architect and builder to see if they could meet their requirements for solar, views, and wind protection (within the 20 additional feet acceptable to Ms. Machamer). He said they tried various designs, which was rather costly, but in the end, it could not be accomplished, so they now were asking for the extra footage of the revised request.

He said it was unfortunate that Ms. Machamer does not want them to spoil her view, but he felt it was their right to build responsibly and aesthetically on what most people would agree was the most sensible location on the lot. He stressed the last thing they

want was to have disagreements with the neighbors. He repeated it was unfortunate, but they felt strongly about the building location.

He then referred to attachment 2 which showed the existing envelope outlined in black, the original request outlined in dotted red, and the current request outlined in green. He said the rendering Attachment 2B showed the requested outline of the footprint with the structure and driveway superimposed within. He said he would not read Attachment 4 which was a detailed justification with highlighted points which the Board has received including the advertisement, their empathy and understanding with Ms. Machamer, their attempts to compromise, their attempts to comply, and the impracticality of the current envelope, which he said was essentially located on a steep hill.

He said they were confused by her objections given her house orientation. He showed a photograph of Ms. Machamer's house from the 50-foot proposed location of their garage explaining the rear of her house with the attached garage faces east, so she does not have a view from that vantage point since there are only two (2) transom windows and a small porch facing that direction. He said her house is oriented to view the west. He returned to the drawing showing the house and driveway overlay and pointed out where a driveway currently exists on the lot that was installed by Ms. Machamer. He showed how they would like to orient their garage to be able to utilize what already exists.

R. O'Neill then explained they would like to modify their request even further at this time, saying they have received unexpected, unsolicited support from the environmental engineer/architect who developed Indian Lookout. Sterling Brisbin called having received a revised copy of the application from his son. During the long conversation they assured him they have been and will continue to be totally transparent about their intentions, wanting to be good neighbors, to follow legal procedures for all approvals and procedures, and to build their little home on that beautiful spot.

After speaking with Mr. Brisbin today, they were given permission to share an email he forwarded to them in response to an email he had received from Ms. Machamer.

R. O'Neill quoted the email, "Yes, Jim did forward the info on the upcoming Planning Board meeting. Thanks. It not only tuned us in but gave us the ability to contact the new owners to discuss covenant matters and meet the new neighbors. Designing the development took a lot of work. Preparing a contour map of the whole property, coordinating with the Town Highway Department for a new Town road, hiring a planning consultant from Syracuse University to work with the Town Planning Board in formulating Lot arrangements and placement of building envelopes, performing test pits and perc tests for each lot, working with utility companies, and actually building a new road. Many hours were spent with the Planning Board, and we and they came away feeling good about a well-planned project. We have received many

compliments. We are sorry that you are unhappy about the possibility of being close to a new structure, especially with both lots having large acreage. It is necessary to point out that your house is the only one in the whole development not built in the carefully designed building envelope for your lot. How that occurred was always a question because, having worked so closely, we never received a request for comment or notice of change from the Planning Board. When we returned one spring from Florida and found your house half under construction, I asked your builder about the change. His reply was in effect, 'Sue thought she would have a better view, so we moved it up the hill.' This change on your part placed your structure close to the carefully planned building envelope for Lot 6 which has very little flat area, the balance being steeply sloped. While we were contacted by the Planning Board when you consolidated the two (2) lots into one, and we supported the conversion, we were never contacted by you or the Planning Board when it was later put back into two (2) lots, using the same boundaries. Had we been contacted, we might have pointed out the difficulty you are experiencing as are others, and probably would not have supported a second subdivide. We hope that this matter can be resolved and look forward to enjoying both parties as neighbors for many years to come. Signed by Joan and Sterling Brisbin."

R. O'Neill then explained drawings that were posted on the screen. The first depicted the original (Brisbin) envelope in red with the current (Machamer) envelope in black. The second added the requested envelope change in green in addition to the two envelopes previously created for the lot. The third drawing showed a reduced building envelope in green representing a modification in the request reducing the size of the envelope to coincide more closely with the original Brisbin envelope. She said Mr. Brisbin was fully supportive of the most recent and reduced envelope.

R. O'Neill addressed the Board saying they were only requesting an expansion of the north line and northwest corner of the either envelope the Board wished to reference to build their house and garage. They desire to build the garage on the west side to buffer the prevailing wind on the ridgeline and because they do not want to block the south side of the lot where they hope to have solar power. She said if the Board prefers to allow a smaller envelope, they would be happy to expand only in those two areas mentioned from Mr. Brisbin's thoroughly planned and originally approved building envelope (as depicted in the third drawing). Even though the envelope would be smaller, it would be more practical than the larger envelope now in place.

D. Bowers said the Board needs to give the Applicants a general idea of the Board's feelings about changing the building envelope. To change the envelope the file would need to be moved to a public hearing at which time he presumed the Board would hear from the neighbor to the west as well as any other interested parties.

A. Ferguson asked if the request was for the smaller building lot (shown in green) or the larger revised lot (shown in green).

(The Applicants indicated previously either option was acceptable to them.)

Discussion followed regarding the history of the current and the previous building envelopes.

D. Bowers said when Ms. Machamer owned both lots she changed the building envelope with the Planning Board not only for the view but also for privacy.

A. Ferguson asked if the driveway shown on the drawing was a driveway or a private road.

D. Bowers explained the Indian Lookout Road was like a cul-de-sac; he explained “these two (2) lots have basically a shared driveway.”

A. Ferguson asked if a separate agreement for the shared driveway would be needed.

D. Bowers thought that was included in the covenants that exist.

H. Roszel asked the distance between Ms. Machamer’s garage and the proposed corner of the new garage.

J. O’Neill believed it was 50 feet from Ms. Machamer’s garage to the property line and then it would be an additional 50 feet to the proposed garage.

R. O’Neill asked that when viewing the current building envelope, the Board consider the steep slope where the envelope now exists. She said the flat section at the top of the hill was where the views were best and where the original envelope was created. They would like to extend it slightly more to the west of that original envelope for the garage.

D. Bowers spoke of a flatter section within the black outlined current envelope where a house could be nestled on the lower flat. He said the request was for 50 feet to the west.

R. O’Neill said Ms. Machamer indicated that she would not object to the extension of 20 feet from the western build line, so they were only requesting another 30 feet from Ms. Machamer’s request. She repeated that the houses would not be so close to one another if Ms. Machamer had stayed within the building envelope on her own lot.

D. Bowers said he “did not want to go down that road.” He said Ms. Machamer said her house was not built outside the building envelope for her lot. He said a surveyor could determine that, but the application before the Board was for the O’Neill building envelope, not the Machamer building envelope.

B. Wendel said he was fine with the proposal, since it was garage backing up to garage and no views would be impacted. He said he understood the challenge of the topography and the hill that was there. He was fine with the file being moved to a public hearing.

A. Ferguson and H. Roszel said they supported the proposal as well.

R. Ridler asked for more clarification about how the envelope was changed initially.

R. Cook spoke about a time when the two lots were combined by Ms. Machamer and then later resubdivided by Ms. Machamer, which was when the building envelope was changed by Ms. Machamer on the O’Neill lot (#6).

R. O’Neill clarified that when the lots were created originally however, two lots (#5 & #6) were created from the beginning. Lot #5, which is now the Machamer lot was created to have a beautiful view of the west; Lot #6 which is now the O’Neill lot was created to have a beautiful view of the east.

More discussion followed about the combination of the lots, the placement of the driveway, and then the resubdivision and sale of Lot#6 with a new building envelope.

R. Ridler asked if Ms. Machamer had already built her house (on Lot #5) when she relocated the building envelope of Lot #6.

D. Bowers said she had and that was the reason she moved the building envelope (on Lot #6), so that there would be more separation when a new house was built to the east. He repeated that she had received Planning Board approval to change the building envelope. He suspected she would like to keep it that way.

J. Munger expressed that he would not be in favor of changing the building envelope. He said unfortunately he considered this to be a “buyer beware” situation.

B. Wendel disagreed saying if Ms. Machamer was concerned about the view from the rear of her lot, she should not have sold the lot.

J. Langey said the application would require SEQR review. He then guided the Board through the Short Environmental Assessment Form (SEAF).

Motion by D. Bowers, seconded by B. Wendel, to appoint the Planning Board 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 move the file to a public hearing at the next meeting was carried as follows:

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Robert Ridler	Voted	Yes
Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Hugh Roszel	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes.

Motion by D. Bowers, seconded by B. Wendel to continue the file was carried as follows:

Robert Ridler	Voted	Yes
Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Hugh Roszel	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes.

*Lucas, David & Zelenka, Jason & Alexandra -- Line Change – 2405 Barrett Road &
File # 20-1324 (Anne Ferguson) Barrett Road, NW*

A. Ferguson said this was a line change for the northeast corner of the solar proposal as seen on the plans earlier this evening.

Motion by A. Ferguson, seconded by B. Wendel to move the application to a public hearing at the next meeting was carried as follows:

Robert Ridler	Voted	Yes
Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Hugh Roszel	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes.

Motion by A. Ferguson, seconded by B. Wendel to move the application to continue the file was carried as follows:

Robert Ridler	Voted	Yes
Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Hugh Roszel	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes.

Juszkiewicz, Joseph & Robyn -- Line Eliminations – 3300 Pompey Hollow Road &, File # 20-1327 (Bryan Wendel) Pompey Hollow Rd & Pompey Hollow Rd

Joseph Juszkiewicz was present to represent the application.

B. Wendel explained that Mr. Juszkiewicz owns three (3) parcels on Pompey Hollow Road with each lot having 5.44 acres. His house is on the middle lot and he would like to combine all three (3) into one so this would be two (2) line eliminations. He wishes to “tidy up his affairs.”

J. Juszkiewicz elaborated by saying he purchased Lot #2 and built his house and barn on that lot. In 1993 he purchased Lot #3 and in 1998 he purchased Lot #1. He said he has a small horse farm, and he would like to combine the lots for a sale in the future. He said the pastureland for the horses was found on Lot #3. He affirmed he wanted to “tidy things up” for the future.

B. Wendel asked Mr. Langey if they should do SEQR at this time.

J. Langey asked if the Board agreed that the impacts for the SEAF would be determined to be no or small impact.

The Board expressed their agreement.

Motion by B. Wendel, seconded by T. Clarke, to appoint the Planning Board 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 was carried as follows:

Robert Ridler	Voted	Yes
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Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Hugh Roszel	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes.

Motion by B. Wendel, seconded by T. Clarke to move the application to a public hearing at the next meeting and to continue the file was carried as follows:

Robert Ridler	Voted	Yes
Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Hugh Roszel	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes.

*One Remington Cazenovia, LLC -- Site Plan Review – 1 Remington Drive,
File # 20-1328 (Robert Ridler) (Current Owner One Remington, LLC)*

Anthony (TJ) DiPeso, Grazi Zazzara Jr. of ICON Companies, and James Knittel of In-Architects, PLLC were present to represent the file.

A. DiPeso spoke about his ties with Cazenovia and his desire to do a project with his design team in Cazenovia. He felt this project was the perfect opportunity and the perfect fit. He said their design team was experienced with completing projects of this size and larger. He said this project would consist of approximately 29 units with a mix of one and two bedrooms. He said it “does not consist of any site work to the site,” but would be “mostly... interior renovation.” He said they have a short due-diligence period and asked for any feedback for the apartment conversion that would negatively affect them from going forward. He said he understands the Zoning Board of Appeals would also be reviewing the project as well as the Planning Board.

R. Ridler said the issues and concerns that were of interest to the Board included any input from the New York State Department of Transportation (DOT) and the Madison County Planning Department. He said they would want to consider the impacts regarding sewage and stormwater.

R. Ridler asked Mr. Dunkle's opinion regarding the stormwater management for this project in an existing building.

J. Dunkle said taking the developer's word that there would not be any site disturbance, there would be no need for stormwater permits or stormwater management. He said they would not be adding any additional impervious surfaces. He said it was his conjecture that there would be no stormwater impacts.

R. Ridler said they would await information from the other agencies and Jim Cunningham, the Town of Cazenovia Wastewater Control Facility Operator.

R. Ridler believed a FEAF was necessary for this project.

J. Langey said Part I of the FEAF had been submitted. He asked Mr. Cook if that was required because of the scope of the project, being a 29-unit apartment complex.

R. Cook believed so.

J. Langey said because a Major Special Use Permit was required, the Cazenovia Town Zoning Board of Appeals (ZBA) would be involved in the process as well. It was his opinion that the Planning Board should take Lead Agency, therefore a notice should be sent to the ZBA, Madison County Planning Department, and the DOT. He remarked he did not think the DOT would have an issue with this project's creating an increase in traffic given that previously the building employed well over 100 employees, but they will be notified to ensure the Board complies with SEQR.

J. Langey asked if a County referral had been sent.

It was stated that the General Municipal Law Recommendation (GML) request was sent December 21, 2020, but the Recommendation Report had not been received.

T. Clarke asked if Jim Cunningham should have input as well.

J. Langey asked the Applicants to submit a letter from the Treatment Plant stating Mr. Cunningham was aware of the project and he certifies there is ample capacity for the 29 residential units.

A. Ferguson asked how the proposal complies with the Zoning Code which she believed prohibited residential housing in the zone.

R. Cook said the project was in the Rural B Zone which allowed for apartment buildings and apartment complexes.

J. Langey said they were permitted subject to special use permitting.

A. Ferguson was concerned about promoting sprawl. She felt with the adoption of the Comprehensive Plan, such endeavors were meant to be done within the Village limits. She felt this section of US Route 20 was for industrial-based businesses. She felt converting the large tract, that was designed for industry, into residential apartments was the wrong step for the community. She concluded she had “a real problem with this.”

R. Ridler asked if there was historical significance to the area.

It was stated that there was not.

J. Langey suggested the Board name themselves Lead Agency and notifications be sent to the Involved and Interested Agencies already mentioned.

J. Dunkle advised that the Madison County Health Department be added to the list of Involved and Interested Agencies for the water supply.

Motion by R. Ridler, seconded by H. Roszel, to appoint the Planning Board as Lead Agency for the purposes of the SEQR, for this Type I Action, and to have Mr. Langey prepare Lead Agency status notifications to the Involved and Interested Agencies as listed was carried as follows:

Robert Ridler	Voted	Yes
Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Hugh Roszel	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes.

T. Clarke asked if they would have a master meter or if each apartment would have a meter.

J. Dunkle thought he saw in the documentation that there would be one master meter.

Motion by H. Roszel, seconded by T. Clark, to continue the file was carried as follows:

Robert Ridler	Voted	Yes
Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Hugh Roszel	Voted	Yes
Bryan Wendel	Voted	Yes

Thomas Clarke

Voted

Yes.

INFORMAL DISCUSSION

*Madison County Distillery, LLC – 2412 US Route 20 East, Cazenovia
(Bryan Wendel)*

Thomas Pratt the ZBA Chair, was in attendance.

R. Ridler said Mr. Pratt had indicated that he was interested in some historical perspective from the Planning Board regarding the creation of the (current) resolution dated 2018 (for the Madison County Distillery [Distillery]). He asked Mr. Pratt to explain his request so the Board could provide what he needed tonight.

T. Pratt said the Board has seen the revised resolution submitted to the ZBA from the Distillery. He said in the resolution there were probably items that the Board required of them and other items that they proposed to do as part of their business plan. He said the ZBA was trying to sort that out. He wanted the Board to have an opportunity “to weigh in” on any of the items. For example, the proposal for (outside) music was a major consideration, so the ZBA would be interested in the Board’s discussion of music at the inception. He said if there was something that the Board wanted to accomplish in the planning of the endeavor, the ZBA wanted to be aware of the intent and basis of the parameters of the existing resolution. He said Ms. Ferguson had sent an email that gave a description of what was going on regarding the discussion of the music in 2014. That was what he was looking for; it gave a history of what the Board was trying to do, what they had discussed, and what was the outcome. So that history was the first piece of his request and the second piece was the Board’s reaction to the proposal the Distillery was now putting forward. He said he was not seeking an analysis, the ZBA was seeking additional input regarding what was being proposed from the Board’s perspective. He said Joe Anderson and Gary Mason of the ZBA were also in attendance to listen to the discussion.

D. Bowers asked if the Board’s intent could be garnered from the minutes. He thought the Board was being asked their recollection. He indicated in regard to intent, he thought the parameters set for similar endeavors such as Owera Vineyards or Red Barn 20 were helpful.

T. Pratt said he had not reviewed the minutes yet; he had asked the Board for their input first.

B. Wendel explained in regard to Ms. Ferguson’s first bullet point (in her email) about a business plan and having a perspective, the Distillery was proposed during the heyday of Owera, so the Board was very attentive to creep – they did not want the business to change as they “went down the road,” so they required a business plan to ascertain the intent of the business for the future, at least a 5-year plan. He said they did not want the business to evolve piecemeal. His recollection was that the Board had been very explicit about that.

D. Bowers countered that just as life evolves, it was natural to expect businesses to as well and thought the Board should expect that to some degree.

A. Ferguson agreed that some change was expected but she recalled the Chair being very clear at the time that the Applicants were to envision where they wanted to be in five (5) years so that the public could weigh in on the proposal.

D. Bowers felt that was an unrealistic expectation for “a small, little family business.”

H. Roszel said the plan was meant to capture what the business “was going to do from year to year.” He did not feel it was an unreasonable request.

D. Bowers indicated his point was that he was not concerned by the Distillery’s request to change things as they see new opportunities for their business. He said that was not to say that the proposals are good or bad, but that he was not bothered by the fact that the business seeks to modify its business plan.

A. Ferguson felt the business plan needed vision using the example that it should realize it would want outdoor games whether in year one or year five, saying the change requested was not that it had volleyball and then wanted to add tennis.

B. Wendel said to Mr. Bowers’ point, the first item in the resolution about changing production hours, he understood that request.

J. Langey explained in the creation of resolutions, conditions are either imposed by the Board because of considerations raised to address an issue, or because the Applicant explains what they want to do, and as they describe the details and those details are then incorporated into the resolution. In this case, the ZBA was trying to understand which items in the Distillery resolution were created by the Board and which were a result of the business plan. He was not sure if the minutes would be able to reveal that information. He wondered if anyone had a specific, clear, and concise memory of some of those conditions thinking piecing some of those details together would be of assistance to the ZBA. He elaborated that the ZBA was trying to balance the impacts to the neighbors versus what appears to be a very successful and well-received business. He said he has not heard that it has impacted the neighborhood thus far, but now they are talking about potential events, amplified sound, different hours, and other activities,

which all may very well be quite acceptable, keeping in mind it is in a business zone, but directly behind and adjacent to the endeavor is a neighborhood which is very concerned. The ZBA is trying to be very attentive to that concern, and to ensure they are considering and understanding all aspects, including the original resolution. He suspected most of the conditions were probably proposed by the Distillery at the time and none of it was offensive, nor has been offensive. He said he did not know if that would be true of the new proposals, but he asked about the Board's recollection.

A. Ferguson said, "Check the minutes."

There was some question as to whether the original size of the building was what was built, and it was clarified that it was.

R. Ridler said he was on the Board at the time of the creation of the current resolution, and although he had no specific recollections, he suspected the Board's intent for controlling issues then was the same that the Board has now, for example, noise and traffic and those types of concerns.

B. Wendel said regarding capacity, in the letter received by the ZBA from the Distillery dated December 4, 2020 the third line item stated the Distillery would limit outdoor attendees to 150 guests. He said he had not found a reference to that anywhere previously. He wanted to make the ZBA aware of that detail thinking it was "an important piece to the puzzle."

T. Pratt spoke about the ongoing issue of trying to determine the exact number of guests anticipated by adding outdoor guests to indoor capacity. He said Mr. Basla was currently working with Matt Vredenburgh, and he hoped they would be getting that number soon since the related parking must be addressed.

B. Wendel indicated the biggest concern he noticed with the proposal was the bandstand, especially considering the neighbors to the south. He said base (notes of music) was "a moving target." He said he could speak personally about that. He said wind and humidity contributed to its being "hard to nail down." He said, "a bandstand scares me a lot."

T. Clarke asked about parking on the grass and what limit would be placed.

T. Pratt said the ZBA has requested a drawing showing where and what the parking would be. He said he was unsure if it would be on grass or gravel, so he anticipates those details.

R. Cook said a detail of the parking requirement was relative to the maximum occupancy to be determined. He said the Code does allow for a portion of the parking to be on grass.

T. Clarke said he was unaware where the parking is and wondered if it would impact the small stream that flows through there.

R. Cook explained all the parking was behind the building, and any new parking would be to the rear of the building, even farther from the stream.

T. Pratt said he would refer to the minutes to see what he could glean from them. He appreciated the Board’s comments and said if he had further questions, he would let the Board know.

Motion by D. Bowers, seconded by H. Roszel, to adjourn the meeting at 10:09 P. M. was carried as follows:

Robert Ridler	Voted	Yes
Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Hugh Roszel	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes.

Sue Wightman, Planning Board Secretary – January 8, 2021