

# Town of Cazenovia Planning Board

## Meeting Minutes

August 6, 2020

**ZOOM video <https://madisoncounty-ny.zoom.us/j/91526521745>**

**Meeting ID: 915 2652 1745**

**Or Dial by phone (no video)**

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

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

Members Absent: Hugh Roszel

Others Present: John Langey; John Dunkle; Don Ferlow; Roger Cook; Dean Slocum; Matthew Kerwin; Michael Frateschi; Eleanor Byrne; Josh Marshall; Heidi Bianco; Chad Dorrance; Kristi Andersen; Gary Brink

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R. Ridler called the meeting to order at 7:31 P.M. He read the following announcements:

“Welcome to the August 6, 2020 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 except Hugh Roszel. Jon Vanderhoef was asked to vote in Hugh Roszel’s absence this evening. Gerald Rasmussen joined shortly after the roll was taken.

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Motion by A. Ferguson, seconded by T. Clarke, to approve the July 1, 2020 Zoom meeting minutes was carried as follows:

Robert Ridler	Voted	Yes
Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes
Jon Vanderhoef	Voted	Yes.

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The next regularly scheduled meeting will be Thursday, September 3, 2020.

The next deadline day will be Wednesday, August 19, 2020.

The next regularly scheduled work session will be Thursday, August 27, 2020.

**HEARINGS**

*Slocum, Dean & Bonnie -- Line Change – 1903 Ballina Road & Ballina Road, Cazenovia*  
File # 20-1283 (Hugh Roszel)

Dean Slocum was present to represent the file.

R. Ridler said this application was for a line change. He said the plat has been received. He asked if the Board had any questions. He asked Mr. Langey if the State Environmental Quality Review (SEQR) had been performed.

J. Langey said it had been completed at the last meeting.

Motion by T. Clarke, 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
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes
Jon Vanderhoef	Voted	Yes.

Hearing no other comments, motion by A. Ferguson, seconded by D. Bowers, 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
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes
Jon Vanderhoef	Voted	Yes.

Motion by D. Bowers, seconded by B. Wendel, 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
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes
Jon Vanderhoef	Voted	Yes.

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

*Crawford, Albert & Michelle – Site Plan Review –5039 East Lake Road, Cazenovia  
File # 18-1192 (Robert Ridler)*

No one was present to represent the file.

R. Ridler said there was nothing new in the file.

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
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes
Jon Vanderhoef	Voted	Yes.

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*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.

A. Ferguson recapped some items from the July meeting for the record. She noted there were no setback variances required. The impervious surface calculations were ok'd per the Department of Environmental Conservation (DEC) although they were calculated differently than the Board was accustomed to doing them, and John Dunkle will review them for compliance. Two (2) acres of trees will be removed. This parcel is not within an Agricultural (Ag) District. The impact on the 13 acres will be under the threshold. No batteries will be installed on site. There will be upgrades to the utilities, and upgrades to the sub-station will be done. There will be no lighting requirements needed. Minimal maintenance inspections, 3-4 times a year, will be done. There was no foreseen impact upon the aquifer. She asked if anyone disagreed with any of these statements to please speak. She said she would like to consider these items closed unless future issues emerge.

A. Ferguson continued discussing open items and their status. The first being the Topographical Site Survey. She said this was received by TJA and she noted Mr. Dunkle had asked in his email from today that solar panels locations be added or designated in relation to the topographical contours so she asked Mr. Dunkle if he would rather have what was now on the site plan transferred to the survey.

J. Dunkle answered he would like to have the topographical drawing and the survey "married together" so that the pairing of the alignment of the solar arrays with the contours could be seen, and so it could be shown that the arrays will be installed parallel to the contours.

A. Ferguson addressed Mr. Kerwin and Mr. Frateschi saying usually the site plan was displayed on a survey map. As this was now, two drawings had to be referenced, so she asked if at the next meeting they could overlay the aerial map C101 over the survey map.

M. Frateschi responded, "Absolutely." He also informed the Board that the Engineer from C&S, Eric Kenna, was on the line (315-569-1568) to answer any technical questions the Board might have.

M. Kerwin said the revised plans submitted July 22, 2020 were based on the survey, so the Board not only had the survey but revised plans that reflect that survey.

E. Kenna said C101 from the most recently submitted drawings has the topographic information embedded on the aerial map. He said in response to Mr. Dunkle's comments, the New York State Guidelines are relative to fixed-rack systems. This proposal was for tracker-rack systems. He said these do not need to be laid parallel to

the contours; they run north-south. He said they would meet the separations guidelines and requirements of having the aisles between the panels wider than the width of the panels. He said these racks track the sun east to west, so in the morning they would tilt 60 degrees to the east and in the afternoon they would tilt 60 degrees to the west so there is no fixed, consistent drip edge; lines move as the panels tilt back and forth throughout the day. He said they have reached out to the DEC about these new tracker-rack systems, but the DEC has no written guidance regarding these systems yet. They have tried to keep the DEC slope guidelines that have been used. He explained how different slopes were calculated within the Storm Water Pollution Prevention Plans (SWPPP) and approvals given for past projects that have been similar to this proposal.

J. Dunkle said it would be helpful if they could show how the panels will arc between the rows in relation to the topography and separation rather than showing them in one fixed location.

E. Kenna explained that in the C101 drawing, each long line going north to south represents one long rack. He said the panels all rotate together on one motor that moves the whole rack. He said the panels will be laid in a landscape layout all along the rack.

A. Ferguson said she did not see any contours on her C101 drawing.

E. Kenna said they could create a drawing that would not have the aerial underneath and thought that might help the Board see (details) better.

A. Ferguson repeated they would like all details to be on one survey so that they would not have to look at two (different drawings to get information). She said she would leave this item open and it would be noted for the record that some of Mr. Dunkle's comments related to a fixed array rather than the tracker-rack system proposed. The Applicant will provide something to show the range of motion of the panels.

E. Kenna responded that the tracker is situated on the rack to follow the sun, so that at noon it lies four feet off the ground and would be flat. In the morning, it would tip 60 degrees to the east and in the afternoon, it would tip 60 degrees to the west.

J. Dunkle asked if it would be a 3-dimensional rotation.

E. Kenna said, "no – it's a teeter-totter affect." He explained it does not rotate, it tilts.

J. Dunkle said he could discuss the engineering with the Representatives, he did not want to cumber the Board with those discussions. He said the point was to understand the relationship of the rotation to the open space between the panels and the topography, and the slope. As Ms. Ferguson said it is an open issue and he will take a look at it with the details the Applicants have, and he will ask his questions separately.

A. Ferguson said another open issue was the need or the confirmation that there will no need for an Army Corps of Engineers (ACOE) wetlands permit. She said at the last meeting TJA was going to provide an example of an approval they had received from the ACOE with an approach similar to this proposal. She said the Board received some comments from the Cazenovia Area Conservation Commission (CACCC) with questions regarding this issue. She asked if TJA has submitted an application to the ACOE for a determination on the wetlands.

E. Kenna answered they have not yet, but they will do so.

A. Ferguson asked if Mr. Ferlow wanted to highlight anything in particular from his comments.

D. Ferlow said he had a question. He said in some of the submitted documents there was a reference to the wetlands in the center of the site being a federal wetland. He said piles will be used to install the solar panels, but in details found on 501 conduit was shown. He said if it was a federal wetland then a Nationwide Permit, probably #51 would be required, however was it a regulated wetland as one document shows or was it a wetland that exists but was not federally regulated. He said if it was not federally regulated there would be no jurisdiction. If it was federally regulated, would they have 1/10 of an acre of impact, or would they have ½ an acre of impact. He said if there was over 1/10 of an acre of impact the wetland permit might require mitigation. If so, the drawings might have to be amended to show where the mitigation would go.

E. Kenna said it was a US Army Corp wetland. They have performed a “full-blown detailed delineation” with revised boundaries, but there will still be some federal wetlands on site, not as large as what was depicted originally. The installation of the piles and the types of piles systems that will be used in the ACOE wetlands are not considered disturbance by the ACOE, it will be a non-jurisdictional activity and no permit will be required. The ACOE does not consider this to be a disturbance. The installation of conduit underground will be for routing from some of the pads to the racks but once the power was on the racks they will not have to trench because power will be routed along the racks. The wetlands can be avoided in this way. If conduit was needed in the wetland that would require permit #12 which would be a temporary impact with notification requirements and thresholds. As this site would be laid out, they do not anticipate doing anything within a federal wetland that the ACOE would consider jurisdictional or that they would consider a permit. He referred to an example submitted of a similar project with racks installed in the wetland which required 100 foot of road in the wetland as well in which no permit was required for any of that activity. He said they will file with the ACOE despite that so that the Board will have documentation.

A. Ferguson said that will remain an open issue until the response from ACOE has been received to avoid hypotheticals. She continued by talking about access roads. She said there was a question of what primary roads would be used to bring in equipment and a list of roads was received. She asked Dean Slocum if he had received the list and if it was satisfactory.

Mr. Slocum was no longer attending the meeting.

A. Ferguson said the Board would leave open the Highway Department inspection of Barrett Road in terms of impact upon the current condition as well. The inspection of culverts will remain an open issue too. She said a Road Maintenance Agreement remains to be prepared by TJA as well as the potential need for posting a bond.

M. Kerwin acknowledged that was correct. He said he received a draft from Mr. Langey and he will coordinate with him regarding that.

A. Ferguson said the next item was the notice of Intent for the New York State Agriculture and Markets (Ag. & Markets) review. She recalled TJA was going to include Mr. Langey and the Board in the Ag. & Markets comments believing the application was still in progress.

M. Frateschi said that was correct. He said they had been waiting for the wetland delineation to be completed to include that as part of their submission. Now that the report has been completed, they can finalize the application. He expected to have that for the Board at the next meeting.

A. Ferguson said the next item was operations. The Board received a general operations plan from TJA in terms of the maintenance, the mowing, snowplowing and so forth. She asked the Board if they felt it was satisfactory.

The Board indicated they felt it was.

A. Ferguson asked if the Applicants will reach out to the first-responders.

M. Kerwin said he spoke with Mr. Cook to confirm the list of agencies Mr. Kerwin was given. He stated that would be sent soon and he would provide the Board with copies of the responses they receive.

A. Ferguson said the next item was tree removal, site mitigation, visual impacts and so forth. She said TJA was going to designate on the site plan the trees to be removed. She believed that was done on drawing C101, but said she had difficulty figuring that out. She said the landscaping plan was to include general comments regarding the character, age, and type of trees to be removed. She asked if that plan was in progress.

E. Kenna responded that when the wetland people were on site, they looked at the trees in the area to provide a write-up with that information.

A. Ferguson said the site plan should include where trees will be planted to prevent impact on the viewsheds and to mask the fencing. She commented that too was in progress. She said the Board was awaiting updated photograph simulations once the landscaping plan has been developed to show the reduced (visual) impact. That item too was still open. She said a minor point noted by the neighbor was the correct address labeling.

M. Frateschi stated 2405 (Barrett Road) was the correct address. He explained 2407 was utilized at the beginning of the project, but the 911 assignment had been finalized. He said he spoke with Mr. Kenna to ensure the permanent documents will have the correct address.

A. Ferguson said the decommissioning agreement was to be done in conjunction with Mr. Langey. She believed that was in progress as was the SWPPP, the SWPPP Operation and Maintenance Plan. She said Mr. Dunkle will be reviewing that for DEC compliance. She said Mr. Dunkle sent the DEC guidance to be used. She noticed in Mr. Dunkle's email earlier today he requested the SWPPP to contain a storm water management plan regarding the transition from the meadow. She asked if the Applicants had any updates or if that was in progress.

E. Kenna said it was all part of the SWPPP report which was in progress.

A. Ferguson said the Board received the updated SEQR document which removed the Cazenovia Town Board approval requirement and added the Federal Agency approvals that may be required. She said Mr. Wright, the neighbor, had a question about plastic drainage on a neighboring site and whether that needed to be noted. She asked if that came to the attention of the Applicants during any of the site visits.

M. Frateschi said he had been in contact with Gary Brink, a neighboring property owner, who has been farming this area. He said there were a couple of issues and that was one Mr. Wright raised. He said he will be doing a site visit to identify the location. He said they intend to avoid the area but if it happens to be in the footprint of their proposal, they will reroute it or they will incorporate it in the SWPPP.

A. Ferguson responded that she will leave that item open.

A. Ferguson said she had some minor edits. She said in terms of emergency relief it should be noted it would be the Madison County Sheriff's Department, not the Cazenovia Village Police. She said regarding animal impacts it should be noted that there are foxes and wild turkeys on the site which have been noted by the neighbors.

E. Kenna said they had those notations for the next version as well.

A. Ferguson also noted in the email received from Mr. Dunkle today the need for an Erosion Control Plan. She was unsure if that would be separate or included as part of the SWPPP.

J. Dunkle and E. Kenna both said that would be included in the SWPPP.

A. Ferguson said as Mr. Dunkle indicated he will be reviewing all the engineering specifications and installation drawings.

Then next item A. Ferguson covered were the plans and exhibits. She wanted to confirm the changes that were and were not made. She noted there was no change to the cover sheet (G-001). She said there were no changes to the preliminary site plan (C-100) and she did not think that sheet was needed any longer.

It was agreed that the survey map now identifies the neighboring property owners so that page was unnecessary in future packets.

A. Ferguson said C-101 was the aerial site plan and she asked that an explanation of the revised sheet be given.

M. Frateschi shared his screen so everyone could see the drawing together. It was discovered the one displayed did not coincide with the one the Board received electronically. He said one of the changes was the addition of trees that were added to the plan to screen the western array from Route 80 as well as some landscaping added to the east side of the eastern array for any future development that may occur which would extend until the existing, thick screening begins.

A. Ferguson asked if the blue hash-marked areas represent the removal of trees.

M. Frateschi said that was correct.

E. Kenna explained those trees would be removed for the installation of the arrays and to make sure the panels will not be shaded. He repeated a write-up would be provided regarding the nature of the area.

A. Ferguson asked about the tree removal in the area along the south eastern portion of the eastern array where it was said no landscaping would need to be installed.

M. Frateschi explained the trees along the property line would be left intact while those at the edge of the array would be removed.

A. Ferguson advised, as the CACC had noted, when considering species of evergreens, the Applicants might want to choose spruces and pines as opposed to arborvitae, cedar, and deciduous varieties to create a mix and so the view would not be blocked by tall trees used for screening. She said the Board would like to see how the choices would ultimately look in terms of simulated views from each vantage point – north, east and west. She said not only would neighbors in the future who would buy, and build be a consideration, but she expected the landowners of the Sheds Corner Preserve to have an interest in keeping the viewshed they currently have free from fencing and solar panels. She encouraged them to do better mitigating the visual impact. She said she would note that that too was in progress.

A. Ferguson said there was a question regarding the location of the electrical conduit versus the natural gas line. She asked for clarification about that and where those connections would be.

E. Kenna said a title report for the property will be done to see the language regarding the easement and then TJA will have to work with the owner of the easement to ensure all that will be done complies with the easement.

A. Ferguson did not think that was the issue.

E. Kenna said physically they could put the conduit in concrete or steel pipe. He believed the gas line would be below the ground significantly deeper than the 24 inches they would go with polyvinyl chloride (PVC) pipe. He said if they “need to come shallower” they can use rigid (rgs) conduit or even put it in concrete if needed. He felt the issue would be getting permission crossing someone else’s easement more than it would be an installation issue.

M. Frateschi highlighted the area on the map on his screen so the Board could see where the easement was located between the solar arrays.

A. Ferguson asked if TJA would use an existing conduit of National Grid.

M. Frateschi explained there was an existing gas line in the area currently. He said they would ask the depth and they would determine what would be needed for conduit separation. He said once that was established, they could create a cross-section to show the Board how that conduit will be installed either over or under the gas line.

E. Kenna added they would install the conduit over the gas line if at all possible.

A. Ferguson asked if the Board had any other questions regarding the site plan, saying an updated one will be coming from the Applicants.

R. Ridler said he thought the Board was good.

A. Ferguson said C-102 which was the black and white version of the site plan with labeling was unchanged. She did not think there was a need for that drawing either.

M. Frateschi said that had just been provided so that it would be easier to see those details.

A. Ferguson said if the aerial made it too hard to read, they could just overlay this on the survey.

E. Kenna thought they would have an aerial and then put the topographical information on the site plan.

A. Ferguson said C-103 was in regard to the soil and land type coverage. She said there were no changes and at the last meeting it was determined the soil labels were based on the on-site field designations versus the government mappings. She thought Mr. Ferlow had some concerns about that.

D. Ferlow spoke about a question he had related to prime agricultural soil. He said this soil runs from the north to the south about a third of the way from the west side according to the County soil survey and has been copied as a base for the proposal and then a wetland was plotted in that area. He stated prime agricultural soil would not exist within a wetland except in certain muckland areas. He said similarly, on the eastern part of the property, an area of statewide farmland was mapped. He wondered if that was a pocket or if it extended farther out because the size might not be considered viable for farmland production. He asked the basis of the maps and the accuracy of the maps.

E. Kenna said the map was based upon the soil survey map. He said they have a full soil report from United States Department of Agriculture (USDA) and relative potency factors (RPF) and their website with all the soil types and soil designations. He repeated that was the reference that they used. He did not think that just because there was a pocket of core wetland the soil type would be changed.

D. Ferlow countered the soils of a Federal wetland are defined as something specific and prime agricultural soil has a different designation.

E. Kenna did not think the two were mutually exclusive; he believed they could be both.

D. Ferlow questioned whether prime agricultural soils were actually there.

E. Kenna said the wetland report could be provided and the soils there could be compared to the USDA soil survey. He said the wetland data was infield delineation done on site.

A. Ferguson said C-501 was Tree, Pad Equipment Install and Specs. She noted it was changed to show junipers and that had already been discussed.

A. Ferguson saw there were many changes to C-502 Gate & Fence Detail. She asked the Applicants to speak to that.

E. Kenna believed the original design used a standard chain-link. He said TJA prefers a box wire fence in rural settings because it looks less industrial, less commercial, and more agricultural.

A. Ferguson expressed approval.

A. Ferguson said C-503 was signage and she did not think there was any change for that. She asked if that was acceptable to the Board.

The Board indicated it was.

A. Ferguson concluded that progress was being made but there were a number of things still developing. She asked the Board if they had any additional questions for the Applicants at this time.

No questions were asked by the Board.

J. Langey asked if Ms. Ferguson felt it was time to commence Lead Agency noticing. He said he would need the most updated information to accompany his letters, but he had started a resolution naming the Involved and Interested Agencies to start the process. He said it could wait until the next meeting or it could be done at this time.

A. Ferguson said they could do that now.

The Applicants said they would like it to be done at this time as well.

J. Langey said the Board would assume Lead Agency status and would identify the following agencies as Involved or Interested:

- 1) Cazenovia Zoning Board of Appeals, which will have to issue a special use permit after site plan review is completed,
- 2) Army Corp of Engineers (ACOE),
- 3) New York State Energy Research and Development Authority (NYSERDA),
- 4) New York State Department of Environmental Conservation (DEC),
- 5) New York State Department of Agriculture & Markets (Ag. & Markets), and
- 6) Town of DeRuyter which borders the project.

J. Langey repeated his need to have someone from the development team send him the most up-to-date, complete package so that he can electronically send it with the notice. He commented that he would probably send a copy of the Town’s solar regulation with the packet as well.

E. Kenna asked Mr. Kerwin to let them update the EAF to show the corrections regarding the Madison County Sheriff’s Department and the foxes and wild turkeys.

Motion by A. Ferguson, seconded by J. Munger, to designate the Town of Cazenovia Planning Board as Lead Agency, identifying the agencies previously mentioned as Involved or Interested Agencies and drafting of a resolution to that effect was carried as follows:

Robert Ridler	Voted	Yes
Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes
Jon Vanderhoef	Voted	Yes.

Motion seconded 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
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes
Jon Vanderhoef	Voted	Yes.

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*Byrne, Eleanor -- Site Plan Review – 4789 Ormonde Drive, Cazenovia*  
File # 20-1290 (Jerry Munger)

Eleanor Byrne was present to represent the file.

J. Munger said the application was to replace an existing deck that has deteriorated with a request to provide a 3-foot cantilevered extension over the water. He said the Board discussed this proposal at the work session and he wondered if the Board had

any other comments. He said he did some research and found in 2017 the Board approved a similar project on Ormonde Drive involving the placement of pilings in the water to extend the deck as opposed to cantilevering. That project was for Darren and Cecelia Fuller and Ms. Ferguson had been assigned the file. He said he did not recall all the details, but he was an Alternate Member on the Board at the time. He said that was an example of an existing, Board-approved deck built to extends over the water.

R. Ridler said he has seen the site and he assumed all the other members have as well. He asked if the Board had any questions regarding the application. He had taken photographs of the existing deck.

Other Board Members said they had received the photographs Mr. Munger had taken.

R. Ridler asked Mr. Munger to describe how the cantilevering would appear.

J. Munger said from the water the deck would resemble what exists now with the exception of bracing beneath the deck with the addition of latticework to conceal the bracing. The proposed deck would be on the existing footprint of the deck being replaced.

A. Ferguson said her concern was that the Planning Board was intended to review compliance with existing regulations and the Board has no regulations governing cantilevered decks over the water. She felt the Board would be establishing law that does not exist. She said this “has nothing to do per se with this Applicant’s petition” but she preferred to have guidelines before approving the proposal. She felt approving this would be to approve future requests “without limitations on length, without whether or not they can move back into the yard, whether or not they can be squeezed into their spot in the CEA (Critical Environmental Area).” She said prior to approving this proposal she felt the Board needed to ask for regulation concerning this type of development.

J. Munger asked if Ms. Ferguson could “refer back to the situation” he referenced with the Fullers.

A. Ferguson responded she did not “recall the file per se.” She could not recall if the pilings required DEC approval.

J. Munger said according the minutes of that meeting, the project did not require DEC approval because the pilings were less than 12 inches in diameter. He said one would be allowed to put pilings in the water to extend a deck. He said he understood Ms. Ferguson’s point about there being no guidelines. He did a search (of the Code) “based on decks” and could not find anything referencing cantilevering decks.

D. Bowers asked about the *Cazenovia Lakefront Development Guidelines* developed with the input from the CACC. He asked how the project could be considered by those standards.

J. Langey said the Town changed the language to “put the burden on the Applicant to demonstrate how their project, which is located on or around the lakeshore, complies with that” (guideline). He said decks were allowed as an accessory use on the property. He said in the future if the Planning Board would like the Town Board to address cantilevered decks, that could happen, but because this proposal was before the Planning Board at this time, “the Board can consider what’s been asked” and in his opinion they “would look at it in conjunction with the lakefront and its compliance with the development guidelines” that have been adopted. He indicated those *Guidelines* would be the Board’s “guideposts for this.”

A. Ferguson inquired about being in the CEA and exceeding the allowed percentages, saying one “could exceed them even more by going over the lake.” She said it did not “sit right with her.” She said, however, if it was an engineering technique, cantilevering versus pilings, it was “a moot point.”

R. Ridler said in looking at the *Guidelines* he noticed the statement about “lots bordering the lakefront that have not been previously developed, or on land subdivided from larger parcels.” He noted this land has been developed, already having a deck on it. He said the Board was “talking about modifying something that was there.” He felt the *Guidelines* which related to undeveloped land would not apply “other than generally speaking.”

J. Munger said he wanted to point out that Ms. Byrne was not planning to expand the width of the deck, the north-south dimension, so it would not change the existing shoreline vegetation, which he described as being “a very natural setting.” He repeated the view from the lake would not differ from what was there except for the latticework which would hide the underpinnings of the structure.

D. Bowers said he agreed that Ms. Byrne could not extend the deck in width, but he said he did not know what latitude the Board had in saying “this little bump out is all right, but the next one that comes along is a lot bigger – how do we say ‘no’ to that?” He said, it was not a question of it not “tucking in nicely”, or the fact that the Owner does not have a boathouse or a permanent dock, he asked how does the Board “defend against others that are in the neighborhood that have the resources to do something significant.”

J. Langey answered that each project is to be “measured on its own merits, on how it might affect the character of the shoreline and of the area and of the neighborhood.” The Board is to look at what is around the proposal, considering the language of the *Guidelines* mentioned. If the Board encounters a proposal that is clearly offensive and

would alter the character of that shoreline, or neighborhood, or area, that would be grounds to deny.

D. Bowers said looking at the proposal factually, the site has 6% of the CEA covered currently, which Ms. Byrne was allowed to have because it would be “grand-fathered in.” He said that would be nearly three times what the current regulation now allows. He said to allow another 66 feet in the CEA to him does not seem in keeping.

J. Munger asked if that involves the question of whether the cantilevered section over the water was pervious or impervious.

D. Bowers answered “yes” in terms of the impervious surface area question, but “no” in terms of the lakeshore guidelines which he felt was “all-inclusive of the CEA.” He said they would be “creating more mass whether it was over the water or on the shore,” which would be “congesting the lakefront.” He said if the *Guideline* dictates that only 5% of the lakefront be developed, but she is allowed more because of what’s already there, expanding it even more would be contrary to the intent (of the *Guidelines* and the regulations.)

There was discussion among the members as to what the current impervious surface area was.

J. Dunkle said in terms of the coverage, the concern was how impervious surfaces impact run-off that will flow into the lake. When there is a deck over the water surface it would not be a concern because all the water would fall into the lake anyway. He said in terms of stormwater, anything over the lake should not be included in the calculation in terms of permeability.

D. Bowers agreed but said there would still be a visual impact.

J. Dunkle said “totally.” He said he just wanted to ensure the Board did not get “hung-up on the impervious calculation.”

R. Ridler asked Mr. Cook for his thoughts.

R. Cook said when one looks at the reasons for creating the lake watershed, one reason was environmental and another was aesthetic. He said there was a great effort to prevent people from cutting trees to keep properties screened and not visible from the lake. He said the proposal was to extend an existing deck, which would not be allowed to be built if the parcel was currently vacant, into the lake where it would be even more visible. He felt if every property was given the opportunity to extend itself, from an aesthetic standpoint, that would defeat what was intended with rules about tree cutting and additional vegetation to screen properties from the lake.

J. Langey said that returns to the earlier discussion. He said the overall character that the project might create, whether it is positive or negative should be part of the site plan review to the extent that the *Guidelines* come into play.

D. Bowers asked Mr. Langey about the possibility of creating a covenant in the deed stating the right to have a boathouse or a permanent dock would be relinquished as a condition of an approval . He felt those items would create a worse situation than the one proposed.

J. Langey suggested the Board hear the Applicant’s response.

E. Byrne declared she had listened to all the arguments and she would like to replace just the existing deck. She no longer wished to pursue the cantilevering option, saying she “was over it.”

J. Langey said this was a Type II Action in regard to SEQR.

Motion by J. Munger, seconded by B. Wendel, to approve the site plan to replace the existing deck and to strike the cantilevered portion of the deck from the proposal was carried as follows:

Robert Ridler	Voted	Yes
Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes
Jon Vanderhoef	Voted	Yes.

E. Byrne asked R. Cook about the permitting process and thanked those who worked on the file.

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*DeMarco, Bethany -- Site Plan Review – 4505 East Lake Road, Cazenovia*  
File # 20-1292 (Dale Bowers)

Josh Marshall was present to represent the file.

D. Bowers said this was a property on the corner of East Lake Road and Seven Pines. The Applicants were requesting a swimming pool with a small concrete patio/walkway around it. He said the existing impervious surface area on the lot is 13.8% and will be increased 1% to become 14.8%. He said the allowed amount is 10% but the Board has granted up to 15% (with certain mitigations).

J. Marshall said they were more than willing to decrease some of the existing impervious surfaces to offset the pool addition. He said there was a walkway between the garage and patio they could remove.

A. Ferguson asked the amount of impervious surface that would be reduced if the path was removed.

J. Marshall estimated about 80 square feet would be removed which would be about .2%. He added near the house there was an old stone/concrete patio that was about 280 square feet that was crumbling. They would like to remove that as well and replace it with slatted wood with stone underneath the wood.

D. Bowers calculated that the removal of the two areas would result in a reduction of .75% - .8% so the overall increase with the pool would be about .25%. He said he did not have an issue with that.

A. Ferguson asked if the replaced patio could be considered pervious if there was stone beneath the wood.

J. Dunkle shook his head.

R. Cook said it would not be impervious if the stone was not compacted.

J. Marshall said the stone would be pea gravel for drainage.

A. Ferguson asked that the changes mentioned be noted on the plan.

J. Langey led the Board through the SEQR review questions.

D. Bowers noted Madison County "has given its blessing on this."

Motion by D. Bowers, 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 Short Environmental Assessment Form (SEAF) and to approve the site plan as most recently submitted with the reduction of existing impervious surface area modifications was carried as follows:

Robert Ridler

Voted

Yes

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Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes
Jon Vanderhoef	Voted	Yes.

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*Bianco, Heidi -- Site Plan Review – 5256 Temperance Hill Road, Cazenovia*  
File # 20-1295 (Thomas Clarke)

Heidi Bianco was present to represent the file.

T. Clarke said the proposal was to build a new house on 18 acres.

He asked Ms. Bianco to explain what she would like to do.

H. Bianco said she originally came before the Board to build inside the (existing) barn, but she said that became a financial problem. Now she was looking to build a small, one-bedroom house with a pool. She said she would like to have three (3) phases of development. The first phase would be a small house with a pool and a basketball court. The second phase would be the construction of a garage which she has learned would need to be attached to the house. Phase three would be an expansion of the house. She said she did not think she would want to expand the house, but she wanted to situate the house so that in the future, if one wanted to enlarge it, they could.

A. Ferguson clarified the Board was only considering phase one at this time.

H. Bianco said that was correct. She said the size of the house she was proposing was 1485 square feet. She said she was aware her plans were not stamped, but it was her understanding that a house less than 1500 square feet would not require stamped plans.

T. Clarke said there was some confusion regarding that point. He asked Mr. Cook to explain the regulation.

R. Cook said New York State Education Law states that any house under 1500 square feet and agricultural buildings are not required to have stamped architectural plans. He said when it comes time for him to issue a building permit, the State gives a wide latitude to ask for any information needed. He explained if he were to receive a set of drawings for a house of that size that met all the criteria set forth by the Building Code

for the construction of the house, he would not need the plans to be stamped, based on the technical abilities of the Applicant or the Applicant's Builder to create a drawing similar to one an architect would produce with adequate details. He said the law allows for that, but he must be able to find the submitted plans to be adequate for the details he needs to approve the actual building of the structure in compliance with the Building Code requirements.

J, Langey agreed with Mr. Cook.

A. Ferguson asked if Ms. Bianco has elevations for the project.

T. Clarke said "no."

H. Bianco said she was putting forth a plan she was hoping to do, so if the Board approves her concept, she would provide whatever the Board wants to see. She was seeking what she "needs to do next." She was asking if the placement of the house on the lot was acceptable and she was looking for her next step.

T. Clarke asked Mr. Cook if it would be easier for Ms. Bianco to hire a professional to create what the Board needs.

R. Cook answered a competent builder could create a drawing that would give him what he would need from the building permit consideration. He said what the Board needs in terms of site plan review would be details such as the location of the house, the size of the house, the appearance of the house such as whether it would be a single-story house with a cape cod roof – those types of details.

T. Clarke felt hiring a professional would be advisable.

H. Bianco said the information she provided showed the Board where she would like it on the lot and what she wants it to look like. She said she also provided the impervious surface information.

T. Clarke informed Ms. Bianco the calculations were inaccurate. He said he had gotten an interpretation from Mr. Cook and the existing road/dirt driveway around the barn should be included. He did not think that addition would greatly impact the overall percentage, but the calculation should be complete.

H. Bianco repeated her presentation was a first step and she needed guidance from the Board as to how to proceed.

D. Bowers said the site plan (instructions) outline what the Board needs to see. He advised Ms. Bianco to review those instructions and to ask the Zoning Department or Mr.

Clarke for help with anything she does not understand. He referred to the checklist that is included in the applications.

H. Bianco said those instructions were difficult for her to understand as a layman.

D. Bowers said one of the submittals is to be ¼ inch scale, which the Board has been flexible about, elevations for the building so the Board can see what the structure would look like, as well as where it would be located, which Ms. Bianco has done, impervious surfaces, etc. He repeated the checklist would be helpful to her, and he believed Mr. Clarke would review it with her to help her. He felt the items the Board was looking for were “straightforward.”

H. Bianco apologized if she was wasting the Board’s time, repeating she was looking for what she should do next.

R. Ridler thought a professional architect might give Ms. Bianco the help she needed.

D. Bowers disagreed stating he understands what Ms. Bianco was endeavoring to do and he believes she was capable.

H. Bianco asked what she needs to get.

A. Ferguson repeated Ms. Bianco needs to get the items on the checklist.

D. Bowers advised Ms. Bianco to meet with Mr. Clarke for guidance and clarification. He reiterated that she needs to review the site plan requirements in the application before returning to the Board. He cautioned she may need professional assistance either from a builder or an architect, which would be an expense in fees to her, if she cannot provide the details Mr. Cook will ultimately need when she is ready to build.

A. Ferguson said when reviewing the list of 30 – 35 items with Mr. Clarke, not all those items will be necessary for this review. Mr. Clarke will let her know what is needed and what is not.

H. Bianco asked if they could talk about the information she has provided such as the driveway.

T. Clarke recounted that Ms. Bianco has stated the roof will be black, either shingled or metal. The exterior of the house will be white. The pool will be 2000 square feet with a jacuzzi.

H. Bianco interjected the pool dimension includes the concrete around the pool.

T. Clarke continued by saying in addition to the pool and patio there would be 4700 square foot basketball court. He said all that information was in the site plan application submitted. He said there was no location of the septic or the well at this time. He explained that there was an existing well, but the Owners are unsure if they want to hook to it because it is a long distance away, so they may opt to dig a new well.

R. Ridler advised Ms. Bianco to meet with Mr. Clarke for assistance.

A. Ferguson said she did not think there was any objection conceptually, but the Board needs to see the proposal on a site plan.

R. Ridler also advised that the development be considered at one time rather than “piecemeal,” with whatever details apply to the project on the site plan.

H. Bianco wondered which items she would need to address.

T. Clarke instructed Ms. Bianco to call him to set up a time to meet to review the requirements.

The Board reassured Ms. Bianco that there was not a problem with the general concept of the proposal for a house to be built on the 18-acre parcel, they were merely lacking details at this point.

R. Cook wanted to note that when built the house will be located behind the existing barn resulting in a property that has an accessory building in the front yard. His interpretation was that it will be a pre-existing, non-conforming building which will not be changed in use, so it can continue as it will remain. He felt an area variance to allow this situation was unnecessary.

A. Ferguson asked if the accessory structure being referred to would be the existing barn or a different structure.

R. Cook clarified it would be the existing barn. He said he wanted to state that for the record so that the situation would not be “a stumbling block” for Ms. Bianco in the future.

J. Langey said this would be a Type II Action in regard to the State Environmental Quality Review (SEQR).

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

Robert Ridler	Voted	Yes
Anne Ferguson	Voted	Yes

Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes
Jon Vanderhoef	Voted	Yes.

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*Dorrance, Chad & Richards, Jacquelyn -- Site Plan Review – 3985 East Road, Cazenovia  
File # 20-1296 (Bryan Wendel)*

Chad Dorrance was present to represent the file.

B. Wendel explained that the parcel has 20 acres and was located on East Road. He said the Applicants would like to build a house with a barn to be used as a private stable. He said the house and barn were prefabricated and were being built already so the Owners are hoping to expedite the process if possible. The barn/stable would be placed first. He said the ZBA will be reviewing a special use permit application for the stable use. He noted the Board will need to seek Lead Agency consent from New York's State Historic Preservation Office (SHPO) which will add extra time to the process.

J. Langey said the Board could get that part of the process started this evening.

B. Wendel talked about the proximity of the Village as well.

A. Ferguson asked if there would be one out building or two (2).

B. Wendel answered, "one." He said the setbacks from the sidelines may be a problem citing the General Municipal Law Recommendation Report (GML) which stated the barn must be located 150 feet from the lot lines and the area where the barn was proposed was only 310 feet across. One option was to change the configuration of the Pasture 1 and Pasture 2 according the sketched site plan that was submitted, but that posed some problems as well. If Mr. Dorrance cannot reposition the barn to be within the allowed setbacks, he would have to apply for an area variance with the ZBA in addition to the special use permit. Another item would be the driveway location which would need to be approved by Madison County. The well location would need to be ascertained as well. He said he had spoken with Mr. Cook and that would need to be ten (10) feet from the lot lines. He did not think the location of the leach field should be a problem. He said the setbacks for the house would need to be determined. He said the Applicant had some time to get these details since the first ZBA meeting would be September 28, 2020 and ZBA approval could be anticipated to be October 26, 2020.

J. Langey asked the property that triggers the response from SHPO.

He was told it was the adjacent property to the south, (the Parker Farmhouse).

R. Ridler asked about the stable being contained within the barn.

B. Wendel asked Mr. Dorrance about the stable proposed with the barn and about relocating the barn to be 150 feet from all property lines.

C. Dorrance said it would be possible to relocate the barn but it would result in a substantial separation between the house and the barn; he was hoping not to have to run water that far back on the property also. He preferred to leave the location of the barn closer to the house.

B. Wendel thought appealing to the ZBA would be the easiest route.

R. Ridler asked if he understood correctly that the request was to construct the barn before the house.

C. Dorrance said the barn was already built and the company that built it was pushing to set it on the property. He said the house will be completed in a month or so. He was asking to set the barn first because of the timeline in the building process.

R. Ridler asked Mr. Cook's thoughts.

R. Cook said in the past, if an applicant has given the Town a building permit with a house and an accessory structure to be constructed simultaneously, the Town has granted the permit with the applicant's understanding that if for some reason the house is not built, "the accessory structure goes."

J. Munger asked if that was all dependent upon site plan approval.

R. Cook affirmed it was.

J. Munger figured that would be two months away.

J. Langey said they would hope SHPO would consent by the September 3, 2020 meeting. He asked if that would be the only Involved or Interested Agency. He thought the ZBA could hold its public hearing for the application, but the ZBA, like the Planning Board, could not act until SEQR has been completed.

B. Wendel tried to clarify the timeframe, asking if the soonest the Applicant could begin construction would be October 26, 2020.

R. Cook said construction could be done before the special use permit was granted. He said it would be considered merely an accessory structure until horses were kept in it.

J. Munger said that would be if the issue of the 150-foot setback was resolved first.

R. Cook agreed.

A. Ferguson asked if the Applicant understood.

C. Dorrance believed he did.

B. Wendel said he would reach out to the ZBA Chair, Tom Pratt, and see if arrangements could be made before the next work session and to “grease the wheel.”

Discussion followed regarding the agencies that should be named as Involved or Interested Agencies.

R. Cook said the driveway location may have been approved by Madison County when the subdivision was created.

Motion by B. Wendel, seconded by A. Ferguson, to designate the Town of Cazenovia Planning Board as Lead Agency, and to identify New York’s State Historic Preservation Office (SHPO), the Town of Cazenovia Zoning Board of Appeals (ZBA), the Madison County Highway Department, and the Village of Cazenovia as Involved or Interested Agencies for this Type I Action was carried as follows:

Robert Ridler	Voted	Yes
Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes
Jon Vanderhoef	Voted	Yes.

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

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

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Jon Vanderhoef                      Voted                      Yes.

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Motion by D. Bowers, seconded by B. Wendel, to adjourn the meeting at 9:22 P. M. was carried as follows:

Robert Ridler	Voted	Yes
Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes
Jon Vanderhoef	Voted	Yes.

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Sue Wightman, Planning Board Secretary – August 7, 2020