

# Town of Cazenovia Planning Board

## Meeting Minutes

February 4, 2021

**ZOOM video <https://madisoncounty-ny.zoom.us/j/97969884672>**

**Meeting ID: 979 6989 4672**

**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; Jon Vanderhoef, Alternate Member

Members Absent: Gerald Rasmussen, Alternate Member

Others Present: John Langey; John Dunkle; Don Ferlow; Roger Cook; John O’Neill & Rebecca O’Neill; Sue Machamer; Matthew Kerwin; Michael Frateschi; Joseph Jusziewicz; Grazi Zazzara; Anthony DiPeso; James Knittel; Michael Stanczyck; Whiney Hughes; Joseph Raquepas; Jennifer Basic; Joseph Basic; Kyle Reger; Kristi Anderson; Jenn Wong; Andrew Wright; Kate Hill; Kathy & Rick Stoeckel; Jon Stromer-Galley; Michael Borowoski; Hadden; Debbie E; Stephen McRae; 518-488-7257

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

“Welcome to the February 4, 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 except for Alternate Member, Gerald Rasmussen.

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

The next deadline day will be Wednesday, February 17, 2021.

The next regularly scheduled work session will be Thursday, February 25, 2021.

The April regular meeting will be changed from Thursday April 1, 2021 to Wednesday, March 31, 2021 due to the Easter holiday.

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Motion by T. Clarke, seconded by A. Ferguson, to approve the January 7, 2021 Zoom meeting minutes was carried as follows:

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

### HEARINGS

*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 the public hearing was an opportunity for the Board to hear any and all comments. He said once that was complete, he would ask the O’Neills if they wanted to address the Board. He said he had some questions for the Board and then the Board would see what transpires.

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

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

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

Susan Machamer said she owns the house and property adjacent to the west side of the O’Neill’s property. She said the reason she purchased the two (2) remote lots of the subdivision, Lot #5 (currently the Machamer property) which was five (5) acres, and Lot #6 (currently the O’Neill property) which was just shy of 12 acres 20 years ago, was to

ensure a private, rural, and remote setting for her family. She related that she built her current house in 2008 on Lot #5, and before selling Lot #6 for financial reasons, she felt it was prudent to create a much larger building envelope, giving a new neighbor plenty of options for home construction. In order to retain her privacy, she placed the envelope 125 feet east of the common property line of Lots #5 & 6. She said she proceeded with the proper Planning Board procedure for an envelope change. For the precise reasons she voiced at the time her proposal was unanimously approved by the Board in 2012. She objected to the O’Neills’ proposal to establish a new building envelope closer to her house. She said the O’Neills were fully aware of the existing envelope when they purchased the property. She stated the envelope location was quite clear on the survey filed at the Town Office. She noted as much as she welcomes a new neighbor, a house closer in proximity to her home would result in encroachment of her privacy, the very reason she established the envelope in 2012. She requested the Planning Board honor and stand behind their 2012 decision, keeping the existing building envelope as it is, and retaining privacy for both Lots #5 & 6 going forward. She thanked the Board for their time and consideration.

Hearing no other comments, motion by D. Bowers, seconded by A. Ferguson, to close the public hearing was carried as follows:

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

Motion by D. Bowers, seconded by J. Munger to deny the application was followed by discussion.

D. Bowers asked if Mr. or Mrs. O’Neill had anything they wanted to add or say.

J. O’Neill felt they had already overwhelmed the Board with information and thanked the Board for their time.

B. Wendel asked Mr. Langey if the Planning Board had acted incorrectly during the last building envelope change. He said the question was raised during the last work session.

J. Langey stated the Planning Board throughout the history of the property took the applications and requests through the proper processes. Covenants on the property are a private matter amongst the parties involved, so in this instance he recommended the Board use good planning judgment and apply it to this particular request to modify

the building envelope. He said the Board could either approve the request, deny the request, or approve the request with conditions. He said it was a planning decision for the Board. All the procedures to date have been done properly, treating this as a site plan type of application.

J. Munger asked Mr. Langey if he had reviewed the letter received by the Planning Board today from Paul Curtin, Esq. He said he was particularly concerned about the statements in the paragraph beginning, "After a careful reading of these Declarations..." where it seems to indicate Sterling Brisbin should have been part of the approval process for the (previous) moving of the building envelope. He asked if that should have any bearing on the Board's decision now.

J. Langey responded that Mr. Curtin was an excellent attorney. It was Mr. Langey's opinion, however, was that this application was apart and separate from those covenants. He said if anyone was upset about the outcome of this (decision), they have rights under those covenants and they can exercise those rights in a private manner, but the Planning Board possesses the powers that have been granted under the Town Law and under the Town Code, so the Planning Board can move forward without regard to the covenants. The covenants have their own rights, and the parties have their own rights under the covenants.

D. Bowers said that was very helpful, because he too had that question. Hearing no other questions from the Board he said this boiled down to two (2) differing requests. He said the O'Neills' request was certainly legitimate and within their rights to pursue. He said Susan Machamer's request was finalized for nearly ten (10) years since she completed the building envelope change. He said he saw no reason to supersede her request. He said she still was living on the property, she has done everything legally, and she has filed every map she was required to file. He said he would respectfully deny the O'Neills' request to move their building envelope.

Motion by D. Bowers, seconded by J. Munger to deny the review request for a building envelope change based upon the history of the lots was followed by discussion.

D. Bowers said normally people are told if they want privacy, they should buy the lot in question, but in this instance, Ms. Machamer could not keep the lot, so she did the next best thing by moving the envelope a sufficient distance to provide the privacy she needed while making the lot saleable. Based upon what Mr. Langey said, he saw no reason to change the envelope or overturn the previous Planning Board decision.

A. Ferguson said she was sympathetic to Ms. Machamer's position, yet she was unsure if 20 years from now if her intent still would stand. She said the Town Laws allow new owners and new applicants to request a change for building envelopes to suit their needs, and based upon that, she felt she would have to vote against the motion.

B. Wendel felt the O’Neills have gone above and beyond their due diligence and he felt their request was reasonable. He said, “the garages would back up next to each other,” and did not see any concerns about windows or accessibility, so he too would oppose the motion.

R. Ridler said in reviewing both sides of the request and reviewing the history of lots with the unification and then division, there have been changes in the building envelopes by Ms. Machamer, so it was his opinion that there was no reason the building envelope could not be adjusted.

T. Clarke agreed with Mr. Bowers. He felt Ms. Machamer went through the proper procedures to protect her property. He said the O’Neills have “done a lot of homework on this” (request), but the Board approved the change and Ms. Machamer was concerned about her privacy from the start. He said he would vote to deny.

H. Roszel understood Ms. Machamer’s desire for privacy as well as the O’Neills’ desire to shift the envelope. He was unsure why the driveway for Ms. Machamer was still located on the O’Neills’ property. He said he presumed the Planning Board made their decision based upon the information they had, but he said he was sympathetic toward the O’Neills. He said it was hard to change a decision already concluded by the Planning Board, so he was leaning to agree with Mr. Bowers.

Based upon what he was hearing during the discussion, J. Langey recommended Mr. Bowers amend his motion to approve the O’Neills’ request, and then Mr. Munger would second the amended motion, followed by a roll call vote, so that the wording of an approval or a denial would be more clearly understood.

Motion by D. Bowers, seconded by J. Munger, to make the wording clearer and to amend the original motion to approve the building envelope change on Lot #6 was carried as follows:

|               |       |      |
|---------------|-------|------|
| Anne Ferguson | Voted | Yes  |
| Jerry Munger  | Voted | No   |
| Dale Bowers   | Voted | No   |
| Hugh Roszel   | Voted | Yes  |
| Bryan Wendel  | Voted | Yes  |
| Thomas Clarke | Voted | No   |
| Robert Ridler | Voted | Yes. |

J. Langey said the Applicants would have to follow up with Mr. Cook and have a new survey map created for the change.

D. Bowers spoke about wanting to be sure construction occurred where it needed to be within the envelope and the measures he should have stipulated within his motion.

More discussion followed regarding that.

R. Cook said an as-built survey would need to be provided before a Certificate of Occupancy was issued, but he presumed Mr. Bowers was concerned about situating the structure properly prior to construction.

That was the case. Mr. Bowers wanted to avoid any mistakes before it was too late.

There was some discussion regarding amending the approval a second time.

R. Cook thought the foundation location should be staked prior to its being laid to be sure it was sited properly within the envelope.

D. Bowers explained that he thought the building envelope should be staked since the Owners would be allowed to build anywhere within the envelope.

D. Bowers amended his motion a second time and J. Munger seconded it again, but after more discussion it was decided that the recent motion need not be amended again.

J. Langey instructed the O’Neills to meet with Mr. Cook and to stake the envelope to his satisfaction.

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

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 said this was the acquisition of land by the solar company from the Zelenkas for a line change which was approved for the site plan at the last meeting.

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

|               |       |     |
|---------------|-------|-----|
| Anne Ferguson | Voted | Yes |
| Jerry Munger  | Voted | Yes |
| Dale Bowers   | Voted | Yes |
| Hugh Roszel   | Voted | Yes |

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|               |       |      |
|---------------|-------|------|
| Bryan Wendel  | Voted | Yes  |
| Thomas Clarke | Voted | Yes  |
| Robert Ridler | Voted | Yes. |

A. Ferguson asked if there was any one present wishing to comment.

Hearing no one, motion by A. Ferguson, seconded by T. Clarke, to close the public hearing was carried as follows:

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

J. Langey recommended the motion for the line change be included with the discussion of the site plan review later on the agenda.

A. Ferguson found that acceptable.

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*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.

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

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

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

J. Juskiwicz said he purchased Lot #2 which was the parcel on which he built his home and adjoining barn, and subsequently purchased two (2) other properties. For the last 22 years he has been maintaining and developing the property as one lot. He was seeking the Board’s approval to eliminate the lot lines so in the future any transactions can be performed as transactions for a single parcel.

Hearing no other comments, motion by B. Wendel, seconded by A. Ferguson, to close the public hearing was carried as follows:

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

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

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

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

*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 said this was for the Barrett Road solar project. She then reviewed by giving a summary of the plans the Applicants have submitted and revised so that the dates of the drawings could be read into the record. She said Drawings C-101(Aerial Site Plan), C -102 (Overall Site Plan with Topos), and C-104 (Landscaping Plan) were dated 12/18/2020. Drawings C-103 (Topos), C-501 (Site Details – Plants), C-502 (Fence Details), and C-503 (Details – Panels) were dated December 2019 with the corrected date 5/12/2020. Drawing C-105 (Grading Plan), C-106 (Erosion & Sediment Control Plan), and C-504 (Erosion & Sediment Control Details) were revised 1/11/2021 to reflect changes made to the Storm Water Pollution Prevention Plan (SWPPP).

A. Ferguson noted a change on the Drawing C-105 (Grading Plan) which appeared to reduce some piping from 140 linear feet to 75 linear feet on the southwestern array near the infiltration basins. She asked if there was anything else the Applicants wanted to highlight on that drawing.

M. Kerwin responded that the drawing now accurately represents the plans and there were no other changes.

A. Ferguson then asked where the flow diffuser at the outlet of the infiltration basin was located referring to Drawing C-106.

M. Frateschi answered it was at the end of the pipe coming from the main infiltration basin. He said it was small and it was detailed further on Drawing C-504.

A. Ferguson said that (the flow diffuser) was specifically requested by the Engineer for the Town, John Dunkle, as a result of his review of the SWPPP.

M. Frateschi affirmed that was correct.

A. Ferguson noted Drawing C-504 provided additional detail regarding the infiltration basin compared to the previous submittal. She also pointed out that all the plans reflected the line change that was previously reviewed during the public hearing.

A. Ferguson said relative to the SWPPP there were eleven (11) items from December that were requested as changes by the Engineer. At the last meeting only four (4) of those items remained open. Since that time the Board has received updates for those four (4) items. Those items were: New York State Department of Environmental Conservation (DEC) approvals regarding disturbance mitigations if more than five (5)

acres would be disturbed; winter stabilization and Blue Book notations; more details regarding the flow diffuser design; and reference to dust control measures. Information regarding all those items was received in January. Mr. Dunkle signed off on those remaining items, and the SWPPP was updated with a revision date of January 11, 2021. She asked the Board to accept the revised SWPPP.

A. Ferguson said another open item from the last meeting was Tree Removal and Sight Mitigation. She said in response to comments made by the Cazenovia Preservation Foundation (CPF) at the last meeting looking for addition mitigations for the (existing) hedgerow (seen from Route 13/Route 80), she reached out to the Applicants to see if they would be willing to pursue additional plantings to enhance the hedgerow on the neighboring property. It was determined hedgerow, owned by a DeRuyter resident, caused the Applicants to be reluctant to pursue the request feeling it would not successfully block the view of the solar panels if permitted by the other property owner. She believed the Applicants have done all that was feasible at this point to mitigate the impact on the viewshed. She felt the Board has undertaken the visual impact assessment as stated in the State Environmental Quality Review assessment (SEQR) and has determined it to be overall low to moderate impact. She considered this item to now be closed.

A. Ferguson said the next outstanding item was the letter from the Army Corp of Engineers (ACOE) regarding the wetlands. That letter was received January 29, 2021 and it stated no permit would be needed regarding wetlands. She considered this item to be closed as well.

She remarked the Full Environmental Assessment (FEAF) for SEQR was completed at the last meeting.

A. Ferguson said an outstanding item was the Road Maintenance Agreement/Bond and asked if Mr. Langey could update the Board about that.

J. Langey said the bond, the decommissioning plan, and the road agreement have been successfully negotiated to this point. They needed to be finalized and approved but that will be done between himself and Counsel. He said they have a conceptual agreement, and he did not anticipate any outstanding issues with those.

A. Ferguson asked if that was true for the Stormwater Maintenance Agreement as well.

J. Langey answered, "Yes."

A. Ferguson felt these last four (4) items were not issues for which the Planning Board could provide any additional guidance.

Motion by A. Ferguson, seconded by J. Munger, to approve the site plan as submitted with the various amendments, as well as the line change, and to move the project to the Town Zoning Board of Appeals (ZBA) for their review of the Major Special Use Permit application.

J. Langey added that Ms. Ferguson, Mr. Ridler, Applicant's Counsel, and he would be reviewing the resolution he would create for the matter to ensure a series of standard conditions as captured by the Planning Board over the course of the entire discussion be included as well as any comments he has received from Mr. Kerwin regarding wording. He would have Ms. Ferguson and Mr. Ridler review the entire document, which was currently 22 pages in length.

The motion was carried as follows:

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

A. Ferguson informed Mr. Kerwin that the ZBA meeting they would be attending would be the March meeting, not the upcoming February meeting. It was explained that the meeting would require a public hearing so notification would require additional time as well as preparation time for ZBA members.

M. Kerwin thanked the Board for their patience, time, and effort.

J. Langey complimented Ms. Ferguson on her work as well.

R. Ridler thanked Ms. Ferguson and Mr. Langey for their work.

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*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 at the last meeting had communicated that they had put their project on hold to reevaluate if they would proceed. They have notified the Board they plan to have the archeological survey (required by the New York State Historic Preservation Office [SHPO]) done. He had also asked Mr. Vredenburg to submit a more specific business and operating plan for the storage barn. Mr. Vredenburg said he would be more than willing to do that.

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

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

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*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.

R. Ridler said he understood the sewer treatment had been approved saying the wastewater line was sufficient to carry the waste. He said the Lead Agency Consent was received from the ZBA, but they were still waiting to hear from the New York State Department of Health (DOH) and the Madison County Planning Board. The 30-day waiting period would not be completed until February 13, 2021.

J. Langey clarified Madison County had returned the General Municipal Law Recommendation Report (GML).

A. Ferguson asked for an overview from the Applicants.

A. DiPeso said they spoke briefly at the last meeting, saying he was part of the development team along with Grazi Zazzara joined by their architect James Knittel and their attorney Mike Stanczyk. He said the project was to renovate and create 25 – 30 units, a mix of 1-bedroom and 2-bedroom apartments. As was stated previously, they

would not be changing the site, and landscaping would be updated, but staying relatively the same. He said the building itself was in good condition and they would love to keep the integrity and move forward. At the last meeting the Board recommended they have the sewer recommendation from Jim Cunningham and a traffic report. Both those items were provided as well as the report from the Madison County Planning Board. He said they would really love to go to the ZBA this month but hearing what was said earlier he was unsure if that was “correct.” He added this was time sensitive. He said they were here to address any questions or concerns.

R. Ridler asked if there were any other plans for the building in addition to the 25 -30 units for apartments.

A. DiPeso answered they do not have any other plans at this time. He said they were considering adding a gym and some storage, but the use of the building would be for apartments only.

R. Ridler asked if the gym and storage would be construction apart from the existing building.

A. DiPeso responded that they were still in the design phase and are exploring all options.

J. Knittel elaborated by saying it would be converting the commercial space to residential units. He said anything additional would be amenities for the residents within the building and not open to the public.

R. Ridler explained his question was if there would be construction outside the existing building.

J. Knittel said there would not be. He stated everything would be taking place within the existing footprint of the building. He said the only site improvements would be the addition of a sidewalk area along the back of the building and a couple of additional parking spots at the high point in the front of the building for additional handicap parking. He stated there would be no changes to the existing footprint of the building, and no changes to the site. He remarked the existing landscaping was well-done, but had become a little overgrown, and his clients were willing to restore the landscaping. He repeated there would be no changes to the footprint of the building.

A. Ferguson said she had several questions. She asked the intended demographic for the project, wondering what their motivation was.

A. DiPeso said as was stated at the last meeting, he was seeking a project in Cazenovia area and felt the building and location related to the project at hand. He said

regarding the demographic, they were still in the design phase, but at this moment it would be market-rate.

A. Ferguson asked if they had done market researching to determine if they would be meeting a specific demand, and to what extent they were aware of what was currently available in the Village. She said there were 275 units now with 200 on the books to be built next year, so she wondered who they were targeting to live in their building. She believed of the 25 – 30 units, eleven (11) would be 2-bedroom units. She wanted to be certain the endeavor would thrive and succeed. She continued by saying the Town does not have many apartments and that was not something that had been overlooked, but was by intent, endeavoring to put high-density housing in the Village. She said the Comprehensive Plan talks about walkable communities and the quality of life. She asked what the marketing research has shown the Applicants about the market for people wanting to live between a factory and an industrial site.

A. DiPeso said they have done marketing research and as he stated at the last meeting their development team was very well-versed in diverse projects. He commented that this particular project would be smaller than many they have done. He said they would be happy to submit a resume for the Board's review. Based upon their research they believed both 1-bedroom and 2-bedroom apartments would be adequate for the area and the Town, whether it would be market-rate or not. He said there were apartments already located along Route 20 not far from this location which he thought were doing very well and expanding. He believed their apartments would do the same.

A. Ferguson asked how the apartments would be accessed, wondering if they would have exterior doors or if everyone would enter from the front, main door. She asked if the front door would be modified.

A. DiPeso responded that they were still in the design phase.

A. Ferguson said typically the Board would require elevations so they could see how the front of the building would look. She asked if there would be balconies or patios.

A. DiPeso said there would not be balconies or patios. He asked if the Board had seen the submitted plans.

A. Ferguson answered she had seen the landscaping plan and the overall aerials of the site plan, but she had not received elevations.

J. Knittel responded that they were not making any changes to the building. He said they were anticipating some of the ground-floor units to be accessible from the exterior and would then open into the courtyard. He said the large courtyard in the center of the building was one of the amenities of the property. He said most of the ground-floor units would have access to the courtyard. He said any patio space per se would be

the ability to use that courtyard. The upper floor units would not have direct access to the courtyard. He said, “no balconies or anything of that nature would be added to the building.”

A. Ferguson said there would then be apartments on two (2) stories.

J. Knittel agreed, elaborating there would be apartments on two (2) stories, but no two-story apartments.

A. Ferguson repeated her question about access.

J. Knittel explained some apartments would be accessed through the main entrances on the east and the west sides of the building. Some of the upper apartments would be accessed on the Route 20 side of the building which was the reason they were contemplating adding additional handicap parking spots.

A. Ferguson repeated the need for the Board to see elevations showing how the building would look, which she indicated was a normal requirement.

J. Knittel agreed but added they were “not changing building at all.” He said it would be a matter of changing some of the doors and modifying some of the windows that already exist.

A. Ferguson asked for an explanation of the *Trip Generation Estimate* found in the report created by Gordon T. Stansbury, P.E..P.T.O.E. of GTS Consulting dated January 13, 2021. She noted it was estimated that of the 30 apartments units eleven (11) cars would be leaving during peak hours in the morning with the same number returning during peak hours in the evening. She wondered if the other residents would not be leaving and what they would be doing while at the apartments. She asked about a swimming pool, a community room and other amenities.

A. DiPeso said there was no plan for a swimming pool, but a community room would be included within the structure.

A. Ferguson asked to see those plans. She asked if there would be tennis courts or additional sidewalks added.

A. DiPeso and J. Knittel said there would be no tennis courts. Additional sidewalks would be added at the back of the building.

A. Ferguson asked about the large parking area and if that was to be used as recreational space.

J. Knittel responded there was more parking space than the facility required.

A. Ferguson wondered if some of that space could be used for community space. She noted that the location was isolated and according to the *Trip Generation* many would not be leaving the site, so she wondered what the residents would be doing.

J. Munger pointed out the *Trip Generation Estimate* reported traffic leaving and returning to the site during peak hours. He said that did not mean the other residents would be staying at the apartments all day, but that they would not be traveling during peak hours.

A. Ferguson expressed she wanted to be sure the project has been given ample consideration by considering the type of residents anticipated, whether it be senior citizens who might want a shuttle service or young people with children (who might want other amenities).

J. Munger noted the apartment building on Route 20 closer to the Village has no outdoor recreation space nor sidewalks.

A. Ferguson countered there were sidewalks across Route 20 from that complex. She felt the Planning Board needed to consider the quality of life, citing the suggestions by Madison County Planning Department to provide access to the factory and the nearby daycare center. She spoke about considerations such as school pick-up, shaded areas, if there would be an onsite superintendent, and where moving vans would load and unload.

R. Ridler thought the Developer would address all those good considerations, but he was not convinced those fine details were pertinent to the Board's consideration in advance of a decision.

A. Ferguson repeated the need for elevations.

R. Ridler understood the building was not being changed.

A. Ferguson believed the exterior would be changed due to the need to access the apartments.

T. Clarke asked if the building was on a slab.

J. Knittel affirmed the lower level was on a slab.

T. Clarke asked if they would have to core drill for the sanitary and water.

J. Knittel affirmed they understood.

R. Cook explained there were currently three (3) main entrances to the building, one on the east side of the parking lot, one on the west side of the building, and one on the Route 20 side of the building. He believed it was indicated that those entrances would be utilized to access the corridors for the apartments. He assumed the doors would just need upgrading to function for that purpose.

A. Ferguson said exterior lighting was another consideration, wondering if the parking lot lighting was adequate.

R. Ridler spoke about dark-sky compliant lighting.

A. Ferguson said safety lighting would be needed.

R. Ridler said some elaborations were needed (to move the project forward).

A. DiPeso expressed his desire that the details now requested had been mentioned at the last meeting so they could have been better prepared for this meeting. He said they would address those details by the next meeting. He asked Mr. Stanczyk if he had anything to add.

M. Stanczyk said the timing was “tight,” saying they would like to cover all the bases for the next meeting and asked if any other members had questions or concerns.

R. Ridler asked if there were any other questions, suggestions, or requirements for the Applicants.

J. Langey asked that Mr. Ridler repeat the date of the work session for the Applicants so that they would know they have another opportunity before the next meeting to see the Board.

They were told the next deadline was February 17<sup>th</sup>, the next regular meeting was March 4<sup>th</sup>, and the next work session was February 25<sup>th</sup>.

J. Langey explained the work session was a precursor to the meeting when the Applicants and the Board can exchange ideas, which he felt was a good opportunity for the Applicants.

A. Ferguson asked what was the deadline that the Applicants were facing.

M. Stanczyk said there were a couple “financing contractors, bank issues” complicated by COVID.

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

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

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*Sadlon, Richard & Elizabeth -- Review Request – Soils – 2208 Ballina Road, Cazenovia  
File # 20-1330 (Robert Ridler)*

Whitney Hughes and Mike Borkowski of Community Power Group, LLC were present to represent the file.

R. Ridler asked that they give an outline of what the project entailed before the Board discussed the requirements.

M. Borkowski said this was a project with Richard and Elizabeth Sadlon. He explained the challenges of situating solar in Upstate New York because it requires an electric wire onsite that can accept the power generated. He said the Sadlon property was unique because along the southern edge of the property was a sub-transmission line that was in between distribution and transmission which runs across the corner of the property that would accommodate the energy from the solar farm.

He explained Mr. Sadlon has farmed the property for a long time and would like to keep the farm in the family for generations to come. Mr. Sadlon was in a gap period currently where he has no family member to farm the property, and he still needs to generate income to stay there. The project would enable the farmland to be preserved for a long period of time while keeping it in the family. He said “one of the beautiful things about solar” was that no damage would be done to the soils which lie dormant with pollinator friendly ground cover until the solar panels are removed in 20 – 30 years when it then returns to farmland.

R. Ridler asked about the construction plans.

M. Borkowski said it would be 10 megawatts (MW), two (2) 5-MW facilities. He anticipated that it would use single-tracking technology versus fixed-tilt technology. He spoke about the advantages of using that type of technology citing its working in extremely cold weather and the fact that it would not create bare spots underneath

the arrays as happens beneath fixed-tilt systems as two major benefits. He said bifacial panels would also be used. Bifacial panels allow a certain amount of sunlight to pass through the panel bouncing off the ground and being picked up from the backside of another panel. He said the panels would be safer from hail, wind and snow loads also.

A. Ferguson asked if they could be programmed to be in a table-top position at night.

M. Borkowski responded they could be programmed to be in any position at any time. He said they have weather sensors as well. He said another advantage was their lower profile, saying they would be 7-feet tall.

R. Ridler asked the number of panels and the square footage of the area.

M. Borkowski said the square footage to be fenced would be approximately 50 acres.

R. Ridler asked how much of the acreage fenced would be covered by panels.

M. Borkowski said approximately 1/3.

R. Ridler asked about screening.

M. Borkowski responded that there were houses located to the northwest of the project so there would be screening in that corner. He said there was another house to the south, southeast which would not see the panels for the most part due to a ridge, but the lower corner would be visible, so they anticipate some screening there as well. Along East Road they would augment the natural screening that already exists.

R. Ridler said the first step would be to conduct a soil analysis to determine the quality of the soil and that analysis would need to be conducted by an independent agency which would allow the Engineer for the Town to review.

M. Borkowski said they did not have an issue doing that. He said that information was readily available through the Federal and State soil websites. He said they typically compiled that information using those websites, which was the report they have provided. He was not sure what more an independent provider could obtain. He said an independent person was sometimes sought because the developers did not know how to supply the raw data themselves. He said they were experienced in doing this for themselves.

R. Ridler repeated the need for it to be provided by an independent source.

R. Cook explained the information was on the websites, but because this specific piece of property lies within an agricultural overlay zone it requires the Developer to prove their manipulation of the land would not negatively affect the soils that are there. That

was the analysis being sought. It needed to prove that whatever takes place on the site would not result in a negative impact upon the soils. He clarified that was the data the Board needed, not the evaluation of the soils themselves.

M. Borkowski thanked Mr. Cook for his helpful explanation.

J. Langey asked how far the Applicants were with the design, wondering if they have any depiction of how the facility would look.

M. Borkowski explained the progress of the plan thus far. He named the interconnects, stamped drawings completed by an engineer, and glare studies as some of the items they have completed.

It was clarified that the Board has not requested any of the site plan information at this point, awaiting the soil analysis before advancing the project any further.

R. Cook explained the Board was under a request to review before investing in a full site plan review (and major special use permit review).

J. Langey informed the Applicants the level of scrutiny for their project would be similar to the level they witnessed for the previous solar developer. He wanted the Board to understand two (2) 5 MW facilities were being proposed. He asked Mr. Cook if the pilot agreement letter had been sent.

It was clarified the pilot agreement letter had been prepared and sent.

J. Langey talked about some of the deposit fees that would be required for engineering and legal fees if the project moves forward.

He asked the size of the largest project the Applicants have completed.

M. Borkowski said they were currently working on a 400 MW project in CO. He said most of their projects were in the 2 MW category, 2 – 10 MW.

R. Ridler asked about documentation from National Grid.

M. Borkowski said their interconnection agreement was completed.

R. Ridler said the Board would like to see that agreement.

T. Clarke asked why the fencing area would be 50 acres if the arrays would only use 17 acres.

M. Borkowski explained it would be two (2) arrays.

R. Ridler said the Board would want site details and explained he would be the member managing the file. He asked what the Applicant needs from the Board to help them do the soil analysis.

M. Borkowski responded they just need to find the right person who can satisfy the Board's request.

R. Ridler invited them to contact him with any questions they might have.

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

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

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*Raquepas, Joseph & Maria -- Line Change – 3818 Number Nine Road, Cazenovia  
File # 21-1332 (Hugh Roszel (With Number Nine Rd – Owned by William & Melonie  
Poglitsch)*

Joseph Raquepas was present to represent the file.

H. Roszel explained the line change involved two (2) bacon strip lots on Number Nine Road. He said Mr. Raquepas has a home on one lot and the Poglitsch lot which was adjacent has no buildings. He explained the property owners were swapping .5 acres. He held the drawing to his camera to show the Board the proposed relocation of the lot lines. He described the transfer of land.

The Board indicated their understanding.

H. Roszel asked Mr. Langey to perform the SEQR.

J. Langey led the Board through the Short Environmental Assessment Form questions.

Motion by H. Roszel, 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:

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

Motion by H. Roszel, seconded by J. Munger to move the file to a public hearing at the next meeting was carried as follows:

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

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

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

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*Basic Jennier & Joseph -- Line Change – 3842 Charles Road, Cazenovia  
File # 21-1333 (Bryan Wendel)*

Jennifer and Joseph Basic were present to represent the file.

B. Wendel explained the Basics own two (2) contiguous lots and displayed a drawing on his computer camera depicting the properties. He said they would like to take the portion depicted in pink where they have a football field on the larger lot and convey that land to the main parcel having the home. The blue triangle would then be taken from the home lot and transferred to the larger lot at the bottom of the hill.

Jennifer Basic explained they would like to “square up” their property so that the house parcel would include the entire football field.

B. Wendel asked Mr. Langey if they should perform SEQR.

J. Langey led the Board through the SEAF.

Motion by B. Wendel, seconded by A. Ferguson, 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:

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

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

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

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

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

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Motion by D. Bowers, seconded by T. Clarke, to adjourn the meeting at 9:00 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. |

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Sue Wightman, Planning Board Secretary – February 5, 2021