

Town of Cazenovia Planning Board

Meeting Minutes

July 1, 2020

ZOOM video <https://madisoncounty-ny.zoom.us/j/93506277596>

Meeting ID: 935 0627 7596

Or Dial by phone (no video)

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

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

Members Absent:

Others Present: John Langey; John Dunkle; Don Ferlow; Roger Cook; Heather Ryan; Matthew Kerwin; Michael Frateschi; Dean Slocum; Eleanor Byrne; Kristi Andersen; Gary Brink

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

“Welcome to the July 1, 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 with Bryan Wendel joining just after the roll was called.

Motion by H. Roszel, seconded by T. Clarke, to approve the June 4, 2020 Zoom meeting transcription 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.

The next regularly scheduled meeting will be Thursday, August 6, 2020.

The next deadline day will be Wednesday, July 22, 2020.

The next regularly scheduled work session will be Thursday, July 30, 2020.

HEARINGS

*Ryan, Timothy & Heather/ Alley, John & Abigail -- Line Change – 3955 East Road/
File # 20-1277 (Thomas Clarke) 3969 East Road, Cazenovia*

Heather Ryan was present to represent the file.

T. Clarke said the line change request between the Ryans and the Alleys is to convey land to the Ryans so that they will have the sufficient side yard setback of 25 feet when they build a garage in the future. He explained that the Board could not proceed at the prior meeting because the New York State Historic Preservation Office (SHPO) had not yet responded to the Board’s request to be Lead Agency for this Type I Action. He said that has now been obtained. He asked John Langey if the State Environmental Quality Review should be done before opening the public hearing.

J. Langey reminded the Board this was a Type I Action due the property’s proximity to two (2) parcels listed on the State Register of Historic Places. He then took the Board through Part 2 of the Full Environmental Assessment Form (FEAF) where the Board found all impacts of the 18 items to be “no impact.”

Motion by A. Ferguson, seconded by T. Clarke, to affirm the matter as a Type I Action and to make a Negative Declaration, based upon the Board’s review of Part 2 of the FEAF was carried as follows:

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

Motion by 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

Town of Cazenovia – Planning Board – Meeting Minutes – July 1, 2020

Dale Bowers	Voted	Yes
Hugh Roszel	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes.

T. Clarke asked if there was anyone wishing to speak in favor of or in opposition to the line change.

H. Ryan said Mr. Clarke described the request accurately. She said they are requesting the line change to build an attached garage.

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

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

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

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

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 and the site is still under construction.

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

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

*Bianco, Heidi -- Site Plan Review – 5256 Temperance Hill Road, Cazenovia
File # 20-1272 (Anne Ferguson)*

No one was present to represent the file.

A. Ferguson said she reached out to Ms. Bianco recently to ascertain her intentions. Ms. Bianco confirmed she does want to change the project to construct a new house on the property. She advised Ms. Bianco to send a letter withdrawing the current application and to reapply with the new plans. At this time the letter has not yet been received.

Motion by A. Ferguson, 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

Hugh Roszel	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes.

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

Matthew Kerwin of Barclay Damon, LLP law firm in Syracuse, NY was present to represent as well as Michael Frateschi of TJA Clean Energy, LLC.

A. Ferguson hoped the Board members had been able to visit the site. She asked Mr. Kerwin to summarize the project before the Board started to address specific issues. She said what has been submitted was a preliminary site plan since the survey has not yet been received. She said much of what will be discussed will need to be reflected in the final documents.

M. Kerwin asked if the Board would like an introduction of TJA Clean Energy, LLC. before beginning discussion of the project.

A. Ferguson asked Mr. Frateschi to give a two-minute introduction.

M. Frateschi said the company is based out of New Bedford, MA. He oversees the New York projects and is based in Pompey, NY. He called this project a community solar project, which is an opportunity for individuals who cannot have solar to buy into the program and receive a standard discount on their electric bill. This project would be a five-megawatt alternating current (5 MWAC) solar facility. This would be sufficient power for up to 1000 homes, but more realistically for 750 – 850 people. He said he would have Matt discuss the more technical details of the project.

M. Kerwin continued by saying the solar array installation would be on 25 acres of the 75-acre parcel. There would be 234 racks containing 18,252 solar panels. The facility would be surrounded by an eight-foot high security fence. Landscaping was proposed on the western side of the installation. The arrays were proposed in two (2) areas, one on the east and one on the west. The landscaping would be on the northern side of the western arrays. He said they have received comments from the Cazenovia Advisory Conservation Commission (CACC) as well as a neighbor of the parcel, Mr. Wright. They also observed the work session to get a sense of what the Board’s concerns were in regard to the application. He said he spoke to Mr. Cook regarding the question the Madison County Planning Department raised in their Recommendation Report regarding the need for area variances for side yard setbacks, which was an issue

discussed at the work session. He clarified the proposed fence would be within the setbacks, which was permissible, but the facility itself would have sufficient distance from all property lines and would therefore not need setback relief.

Drawing C-100 entitled *Property Plan Barrett Road Solar Barrett Road New Woodstock, NY 13122 National Grid Case No.: LAT: 42.83224 LONG: -75.82884* by C & S Companies dated DECEMBER 2019 was viewed for further clarification.

M. Kerwin said the setback from Barrett Road would be 250 feet and the setbacks from the other property lines would be 100 feet.

A. Ferguson asked about the middle area between the two sections of arrays, wondering if it was more elevated and forested.

M. Kerwin said the area consisted of “unsuitable slopes mixed with some trees.” He said they avoided the area from a construction standpoint, wanting to develop in the areas most level and with ease of access. He said two (2) access roads were proposed, one for each set of arrays. He said there are some wetlands on the property and C & S Engineers have walked the property to identify those areas. They compared their observations with the information available from the US Fish and Wildlife Service.

A. Ferguson asked if C & S Engineers were aware of the CACC comments regarding the wetlands and the possible need for a US Army Corp Of Engineers (ACOE) federal wetland permit.

M. Kerwin responded that the way they propose to construct the project, it would not disturb the wetlands in a way that would require a permit from the ACOE. He explained that there is no concrete pouring involved, supports are driven directly into the wetland itself. This method has been used by TJA for other projects which have been determined not to need ACOE wetland permits. This installation method is not considered as “fill.”

A. Ferguson asked Don Ferlow if he wanted to respond at this time.

D. Ferlow said the issue was whether the wetlands were isolated. If they were, they would require permitting from the ACOE. The installation of footings, conduit, and other elements such as machinery running over the wetland would, however, change the soil of the wetland, modifying it. He said it was the opinion of the CACC that there would be an irrevocable impact.

A. Ferguson noted that would be an issue that should be recorded when they do the final SEQR FEAF Part 2.

A. Ferguson then said it was difficult for her to understand the proximity of the installation sites to the two (2) houses on Barrett Road.

M. Kerwin said drawing C-101 *Aerial Site Plan* by C & S Companies shows the location of the two (2) houses. The house on the south side of Barrett Road belongs to Mr. Wright, and the house on the north side of Barrett road belongs to David Lucas.

J. Munger asked for help locating the Wright residence on the drawing.

M. Kerwin explained Mr. Wright's property is located north of the western arrays on the same side of the road.

R. Cook reiterated the property to the northwest of the second house on Barrett Road belonged to Mr. Lucas.

D. Bowers said the Wright home was up the road, heading east, from the Lucas home on the opposite side of the road.

A. Ferguson said it was under #2 of the grid at the top of the sheet.

M. Frateschi split his screen to show C-101 so the Board could view it together.

A. Ferguson asked about removing two acres of trees, expressing concern about the lack of visual mitigation from the vantage point of Route 80, seeing it as the loss of a beautiful viewshed, which she said was a concern of Madison County as well.

M. Kerwin referred to C-101 and said the Board could see the trees to the south of the eastern solar array.

M. Frateschi shared the drawing on his screen again.

M. Kerwin pointed out the area of trees between the arrays. He said the trees to be removed would primarily be along the southeastern side of the eastern array and along that property line. He said he was not aware of the removal of trees along the western array, and he said he could confirm that.

M. Frateschi drew in red on the drawing to show where the tree removal was proposed along the south and eastern side of the east array.

A. Ferguson asked that the final site plan drawing/survey document that detail. She asked what thoughts they had about mitigating the impact on the viewsheds.

M. Kerwin said they are proposing landscaping along the north edge of the western array (between the array and the Wright property).

A. Ferguson asked what species would be used in the landscaping.

M. Kerwin answered arborvitae.

A. Ferguson cautioned that would not be a recommended species, thinking the deer would devour them.

M. Frateschi said they were open to the species. He said he could have the C & S landscaping team revisit that to find an acceptable choice. He said a similar screening could be provided along the western side of the western array to provide screening from Route 80. He said the trackers proposed are 7 - 8 feet tall as opposed to the standard fixed tilt racking which is 12 -14 feet tall. He felt screening could be done easily since the fence will be the same height as the tracking.

A. Ferguson asked that the screening be depicted in the simulated photographs, particularly from Route 80 but also where the racks are highly noticeable.

M. Kerwin asked if Ms. Ferguson could be more specific about the areas where the views are most pronounced.

A. Ferguson responded that she did not have all the photograph images with her, but she recalled that in each of photographs some of the racks were visible. She was unsure if it was from the southern view or the southwesterly view, but thought that might be an area, as well as any areas where other neighbors could be affected. She said if this is to be a 25-year lease, other homes may be constructed on Barrett Road so that would be a consideration as well.

M. Frateschi said along the east property line there is already a natural buffer and they can evaluate if that will be adequate. He asked Mr. Kerwin which Photo Simulation he should display.

M. Kerwin answered C & S Companies *Photo Simulation – Existing Conditions Photo #1a – Barrett Road 1580 Feet* and *Photo Simulation – Proposed Conditions#1b*. He said this location would be ¼ east of the eastern array.

M. Frateschi also showed *Photo Simulation – Existing Conditions Photo #2a – Barrett Road 600 Feet* and *Photo Simulation – Proposed Conditions #2b*. He said these photographs show the conditions with foliage down; if supplemental screening is needed, they would be happy to provide that.

R. Cook mentioned it was a seasonal road.

A. Ferguson asked if they could talk about the installation of the racks, asking for more details about that.

M. Frateschi displayed drawing C & S Companies drawing *C-501 Site Details* dated December 2019. He said these are tracking access facilities which follow the sun, so the racking is driven or screwed into the ground. He said either method is non-intrusive to the land around it, with no cut and fill necessary. He said regarding grading, the trackers have unlimited slopes from east to west orientation, but from north to south orientation 15% would be the maximum. Another reason the slopes are important is because the New York State Department of Environmental Conservation (DEC) has guidelines which they will be following regarding perviousness based upon the slope of the land beneath the arrays.

A. Ferguson said she had some questions about how their impervious surface percentages were derived.

M. Frateschi said the only items the DEC classifies as impervious would be the equipment pads where the transformers would be located. He said there is a detail they follow which is by the DEC for a low-use, pervious access road. He said if the road is built to the DEC specifications, it would be considered pervious. He repeated they intend to follow those specifications. He said regarding the permeability of the racking and the panels, there was a formula used to determine whether they would be considered pervious as well, depending on the slope and spacing. They based their calculations on those formulas and specifications.

A. Ferguson asked John Dunkle and Roger Cook to comment since that method of calculation was not the usual way the Town considers impervious surfaces.

J. Dunkle said he has been personally involved with the DEC in formulating the policy they have established for these types of facilities. He said the guidelines are "pretty specific," relative to the panel surface, the ground surface, and the slopes, and how ground water runs off those surfaces and interfaces with the ground. He thought it was important that the Board reviews this proposal in terms of compliance with those policy statements and whether or not the Board can agree that, according to DEC policies, this can in fact be considered pervious. He suggested the Board recommend that type of review be done to ensure the statement by the Applicants that they are within compliance are true.

R. Cook agreed with Mr. Dunkle, saying the Town Code states that the surface beneath the solar energy systems not be included as impervious surface. He agreed with Mr. Dunkle that the DEC standards should be used.

A. Ferguson asked Mr. Dunkle to perform the review.

J. Dunkle said the pervious access roads need to follow specific design elements as well. He said it seems that the Applicants are aware of these things and the Board must just confirm the Applicants are meeting all those standards.

A. Ferguson asked if Mr. Cook knew if the road details have been reviewed by the Town Highway Department. She asked if the road is plowed since it is a seasonal road.

R. Cook said the road was currently plowed partially. He has had conversations with Mr. Langey thinking that before construction begins, Mr. Cook, Mr. Dunkle and the Highway Superintendent, Dean Slocum, evaluate the present condition of the road to ensure it stays at its current level of maintenance. The level of activity the Applicants may need to have access to the installed roads should also be determined to know if the Highway Department needs to plow farther up Barrett Road.

J. Dunkle said often with these types of situations a security bond may be required of the Applicants for the Town road systems so if damage occurs there is a bond or security that would require the Applicant or the Town to make repairs if the roads are deemed damaged during construction.

J. Langey said it would be helpful if the Applicants would supply to the Planning Board and the Highway Superintendent how they will bring the equipment for construction. He asked that they map the roads used to access the project to know which Town, County, or State roads will be involved, particularly the Town roads. He said it just so happens Dean Slocum is attending this meeting. He asked if Mr. Slocum was following the discussion regarding the solar project.

D. Slocum affirmed he was. He said Barrett Road was the road the Town would be most concerned that it remain in the condition that it was now after construction.

J. Dunkle asked if there were any main culverts on the road that the Town would need to inspect before construction.

D. Slocum responded that there were a couple.

A. Ferguson said the culverts were on the north side of Barrett Road. She asked Mr. Dunkle to also see if there would be any impacts on drainage resulting from construction.

J. Dunkle said he would want to review the grading plan for the proposed access roads to see how they would interface with the highway system and the drainage system, saying they would not want substantial run-off being dumped on the Town highway.

J. Langey addressed Mr. Kerwin, saying a road use ordinance had been adopted so he may want to review that local law to see what implications that may have on the project as well.

M. Kerwin responded, "Sounds good."

A. Ferguson said she had some operational aspects to discuss. She wanted to confirm that there will be no lighting on the site.

M. Frateschi affirmed there would be no lighting.

A. Ferguson asked if a maintenance check would be performed weekly.

M Frateschi responded that a maintenance check would be performed 3 - 4 times during the mowing season. He said site would be monitored remotely.

J. Langey suggested the Applicants may want to discuss if they want to propose and submit a formalized operation and maintenance plan with the schedule of whatever maintenance will be done on site. He said it was fairly common for occasional maintenance to be scheduled. He said either the Planning Board or the Zoning Board of Appeals will ask to see that maintenance schedule ahead of time. He added that Mr. Dunkle would be a good resource for creating that as well.

M. Kerwin said he would be able to provide that.

A. Ferguson asked if Mr. Dunkle would be undertaking the Stormwater Pollution Prevention Plan (SWPPP).

J. Dunkle said he would be reviewing the SWPPP submitted by the Applicants.

A. Ferguson noticed in the SEQR material it was mentioned the installation would be over an aquifer. She asked if that required the Board's attention.

J. Dunkle said in his opinion "probably not." He said the management of the surface water probably will not interface with the underground ground water supply.

A. Ferguson asked Mr. Dunkle to confirm he will be reviewing the specifications regarding the engineering aspects of the proposal.

J. Dunkle said that was correct.

A. Ferguson asked about decommissioning.

J. Langey said he and Mr. Kerwin would work on a proposal for decommissioning. He said typically the Developer submits what they intend to propose, and Mr. Dunkle would be consulted about that as well. He said any final approval would be conditioned upon the decommissioning plan.

A. Ferguson wanted to be sure the wetland condition would be considered during the decommissioning, not wanting gravel or pads to remain.

J. Langey said when the Board receives the decommissioning plan for review from Mr. Dunkle and himself, it would be helpful to see what the Developer proposes for security. The amount proposed should reflect the anticipated cost 25 years in the future. An analysis should be provided to Mr. Dunkle and himself to show the decommissioning bond will be sufficient considering inflation, prevailing wage figures, and similar details.

J. Dunkle added the decommissioning plan should include the removal of all impervious surfaces and restoring soils to their pre-development conditions.

M. Frateschi said regarding decommissioning, they will be required to submit a Notice of Intent (NOI) to New York State Department of Agriculture and Markets (Ag & Markets) certifying they will adhere to the Ag & Markets guidelines on the removal of a solar facility which includes the items Mr. Dunkle mentioned.

J. Langey asked if Ms. Ferguson was going to ask about impact to ag land at this time or at a later time.

A. Ferguson said they could address that issue at this time since it was the last item on her list. She said 13 acres of prime agricultural land would be removed for this project. She was unsure if the Planning Board had any other role than noting that. She asked for Mr. Langey's thoughts.

J. Langey asked Mr. Cook about the property being in the Ag overlay district.

R. Cook said the three (3) criteria to be in an Ag overlay district are: 1) one must have seven (7) acres of land, 2) one must be in a New York State Certified Ag District, and 3) one must have 50% or more prime soils. If all three (3) of these criteria were met, this project would not be allowed. However, it appears by the maps presently in the office that the Applicants do not have 50% of prime soils, so they would not be considered in an Ag overlay district.

J. Langey asked if they have 20 acres of prime soils, since that is the standard if 50% of the property was larger than 20 acres.

R. Cook said they do not.

A. Ferguson said Mr. Ferlow believed some of the labeling regarding the soils was incorrect.

M. Kerwin said he spoke with C & S regarding that comment in Mr. Ferlow's report and he was told the soil designations listed on the plans were based on United State Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) reference mapping, not current on-site, in-person evaluations of the soils. He said the maps were relatively dated. He said the wetlands depicted on the plans were based on actual field observations. He said that accounts for the conflicting information.

J. Langey asked when the NOI will be formally sent to Ag & Markets.

M. Frateschi said they were waiting for a Coordinated Electric Systems Interconnection Review (CESIR) study which has been received, so they should be actively working on sending the NOI in the next couple of weeks.

J. Langey said he has seen comments returned from Ag & Markets and wants to make sure this Board and the ZBA, who will be reviewing the special use permit application, will be able to take any suggestions and comments into account as they move forward with the project.

M. Frateschi asked Mr. Kerwin if the Town could be included in the application and response from Ag & Markets.

M. Kerwin affirmed that could be done.

J. Langey confirmed he would like to be carbon copied on the letter to Ag & Markets as well as the response from Ag & Markets.

M. Frateschi believed that would be worthwhile and important.

J. Langey asked if battery storage facilities would be on the site.

M. Frateschi said there would not be.

A. Ferguson noted in one part of the application the height of the security fence was eight (8) feet but in another it was ten (10) feet.

M. Kerwin said that was an error. The height of the fence would be eight (8) feet.

A. Ferguson had a question about the National Grid Preliminary Screening Analysis and their statement, "the local area is not suitable for the interconnection of the generator system as proposed and further evaluation would be required."

M. Frateschi displayed that document on his screen. He explained one of the first steps in the process was to check with the local utility company to see if the project was viable. He said any project for 5MW will come back as “not suitable” because the equipment on the feeders and the equipment at the substation is not sufficient to accommodate the facility. National Grid also requires implementation of equipment that can remotely monitor the facility and turn it off in an emergency. The further study required would be the CESIR study referred to earlier. That study which was recently received determined and noted the project was viable with certain upgrades to both the utility lines and the substation.

A. Ferguson asked where the hook-up to National Grid was on the site.

M. Frateschi returned to Drawing C-101 *Aerial Site Plan*. He said both the eastern facility and the western facility are coupled at one common point of connection which is located a little south of the intersection of Barrett Road and the access road for the western facility. He further explained the poles on Barrett Road are for single-phase power which will not be sufficiently supportive for a facility of this size. National Grid proposes to upgrade to a three-phase line from Route 80 as part of this project.

R. Ridler asked what National Grid intends to install to support the three-phase.

M. Frateschi said National Grid would upgrade the power poles; for the proposed facility they will require TJA to be metered and to have a recloser which allows National Grid to turn the facility off in case of an emergency, as well as some additional equipment. He said a facility of the proposed size triggers the need for 3V0 protection at the substation which he explained was protection on the transformer.

R. Ridler asked if power would be going to an existing substation or one National Grid would need to construct.

M. Frateschi said it would be going to the existing substation north of DeRuyter Lake.

J. Langey said the Applicants should reach out to the local first-responders, the firemen and the ambulance companies (Cazenovia Fire Department, New Woodstock Fire Department, DeRuyter Fire Department, Cazenovia Area Volunteer Ambulance Corp [CAVAC] and Smith Ambulance Services in DeRuyter), asking for letters from them stating that they have been shown the plans and what concerns they may have responding to that area for whatever reason. He also asked if National Grid will overdesign the upgrades needed for this facility to accommodate future facilities.

M. Frateschi said the feeder lines would be able to support another facility but the substation will only be able to handle 8MW.

H. Roszel asked if the lines going to Barrett Road will be underground.

M. Frateschi said the lines will be underground until they get to the nearest pole then National Grid requires them to be overhead unless they have a reason to go underground. He said there would be six (6) poles.

A. Ferguson asked the height of the poles.

M. Frateschi said they would be the standard height of 30-40 feet.

R. Ridler said he had a conversation with Mr. Cook about the proximity of the eastern boundary line of the eastern array to the property line and wondered if the location needed to be adjusted.

R. Cook said drawing C101 shows the northeast corner of the eastern array would be right at the 100-foot setback line. On another drawing a measurement to the fence showed 79 feet between the fence and the northeastern property line but did not show the distance from the array itself. He said C101 clarifies the matter raised by Madison County.

M. Kerwin said they are in the process of conducting a survey and will be revising the plans to include that survey.

J. Langey thought by the next meeting the Board would be in a position to decide if they want to be Lead Agency for this project. He asked Mr. Kerwin the triggers for this being a Type I Action.

M. Kerwin believed they would be disturbing more than ten (10) acres of land.

J. Langey said the Applicants have completed Part I of the FEA. The Interested and Involved Agencies would be:

- 1) New York State Department of Agriculture & Markets (Ag & Markets)
- 2) Madison County Planning Department
- 3) Town of Cazenovia Zoning Board of Appeals (ZBA)
- 4) Town of Cazenovia Town Board, because this would involve a Payment in-lieu of tax agreement (PILOT)
- 5) New York State Department of Environmental Conservation (DEC)
- 6) United States Army Corp of Engineers (ACOE)
- 7) New York State Energy Research & Development Authority (NYSERDA)
- 8) Town of Cazenovia Highway Department.

J. Langey explained to Mr. Kerwin that he usually comes to those meetings with a prepared resolution with the list of Involved and Interested Agencies and a letter for each of the Agencies to expedite the process. He would do this once the Board has all the information they need to formally start that part of the process.

M. Kerwin asked if there was anything to be done to speed up the 30-day consent period.

J. Langey responded that he includes a consent signature line at the bottom of the letter and “offers the agency to sign it and zip it back.” He said sometimes he gets them all and sometimes he doesn’t. He said Mr. Kerwin “can always shake the trees as it gets closer and call someone.”

A. Ferguson asked Mr. Kerwin and Mr. Frateschi if they had any questions regarding what they need to do to prepare for the next meeting, or if they need anything clarified from the discussion this evening.

M. Kerwin repeated they will be preparing a survey which should resolve some matters mentioned hopefully before the next meeting. He said they were asked to assess some trees they would like to remove and hopefully that will be on the survey. He asked if a tree by tree inspection was necessary.

A. Ferguson said that was not necessary. She said a general description of the character of the forest to be removed, including the age and species would suffice.

M. Kerwin said they would do their best to look at the visual impacts from various angles where the arrays are visible and opportunities to mitigate that visibility in some fashion.

J. Langey asked if the Applicants are expected to come to the next work session and give an update before the next formal meeting.

A. Ferguson answered the Board was not expecting it, but if the Applicants were in a position in which they had material or they would like clarification prior to submitting material, they were welcome to come.

M. Kerwin asked when the next work session meeting was scheduled and how soon before that date the Board would need material.

He was told the next work session will be July 30, 2020 and the next deadline day will be July 22, 2020.

A. Ferguson advised that anything the Board would review at the work session must be received by July 22, 2020.

R. Ridler said he was unclear about where things stand regarding the CACC comments regarding the wetlands.

M. Kerwin said based upon prior experience with wetlands overseen by the Federal Government, and based on the design and installation of this type of facility, their

position was they would not be impacting wetlands such that they would require any type of permit or approval from the ACOE. He asked Mr. Frateschi if they have requested anything from the ACOE specifically for this site.

M. Frateschi said they have not.

A. Ferguson understood Mr. Ferlow to state that although no permit may be necessary, the statement in the SEQR saying there is no impact should be corrected to say there will be an impact on the wetlands due to the disruption of the soil character.

R. Ridler asked that supporting documentation from the Applicants be submitted so the Board can compare that documentation to the CACC review.

J. Langey said what Mr. Ridler was asking was consistent with what has been done in the past concerning CACC reports. Developers have been asked to respond in writing specifically to the comments found in the CACC reviews.

Gary Brink asked if he could pose some questions at this time.

J. Langey responded that this is not a public hearing yet. He did not want Mr. Brink to think his questions weren't answered, and suggested he contact the developer directly. He said there will be a public hearing for this application in the future.

G. Brink said he appreciated the answer and he appreciated the Board's efforts and their thoroughness.

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

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

Dean Slocum was present to represent the file.

H. Roszel said the Applicant currently has three (3) lots and will have three (3) lots after adjusting one line. He explained one parcel on the north side of Ballina Road continues on the south side of Ballina. One of the parcels is entirely on the south side of Ballina Road. The third parcel is entirely on the north side of Ballina. He would like to combine the portion of the first lot on the north side of Ballina with the third lot on the north side, resulting in one lot to the north and two (2) lots to the south. He asked if the Board understood.

The Board indicated they did.

H. Roszel asked Mr. Langey if they could do the SEQR.

J. Langey said he has prepared the SEAF Part II for the Board’s review, answering the questions regarding impacts as either “no or small impact.”

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:

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

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

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

Motion by H. Roszel, 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
Hugh Roszel	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes.

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

Eleanor Byrne was present to represent the file.

J. Munger explained this was a project to reconstruct a deck on the same footprint as the existing deck, cantilevering the deck an additional three (3) feet out over the lake.

E. Byrne said her reason for wanting to extend the deck was because it is currently very small and the extension would allow her to fit furniture on it and to better enjoy it.

H. Roszel asked the current size and what it would become.

J. Munger said the issue was the width of the deck. Looking at it from the yard, there is a steep bank that descends to the lake. He did not think it was practical to increase the width of the deck by going back into the shoreline. He estimated the width of the deck to be 6 – 8 feet.

E. Byrne thought that was an accurate estimation.

J. Munger thought the maximum width would become 12 feet at the most and would probably be closer to 9 - 10 feet. He said Ms. Byrne was not changing the footprint from the north to south dimension.

R. Ridler asked if the addition would be over the water.

E. Byrne said that was the case and she couldn't make it wider by building closer to the house.

D. Bowers corrected the verbiage saying the deck could not be made deeper because of the bank, but it could be made wider by extending the footprint parallel to the shore.

E. Byrne said one reason it cannot go wider along the shore was because the deck is “nestled in” among the trees.

D. Bowers asked what percentage of development was currently within the Critical Environmental Area (CEA). He said 5% is allowed and he would not expect her to have that much, but he wondered what the percentage was.

J. Munger said her overall impervious percentage was approximately 13.6%.

R. Cook said the original permit request was to rebuild an existing deck in need of repair. There was some thought of just repairing some of the deck boards and supporting lumber, but there was the possibility of having to repair posts on the very steep slope in the CEA which would then require site plan approval. He believes Ms. Byrne has a right to replace the deck as it is regardless of the square footage, being a pre-existing, non-conforming structure. The question was whether the 3-foot extension over the lake was considered an increase in impervious surface.

J. Munger asked if it would be increasing the impervious surface if the extension is over water.

D. Bowers believed another way to consider the proposal was the precedent is might set if everyone wanting more space decided to extend additions over the water.

J. Munger asked if Ms. Byrnes had found other properties with cantilevered decks along the lake which he had recommended she do.

E. Byrnes said she had not since her research was small because she did not have access to a boat.

R. Cook commented that there were very few.

A lengthy discussion followed among the Board members regarding various opinions about the cantilevered deck.

D. Bowers thought the visual impact was an issue.

H. Roszel asked how the deck was any more impactful than docks that extend 20 – 30 feet into the lake.

A. Ferguson asked to see the deck design which was not included in the site plan file but found with the permit application.

E. Byrne said the dimensions include two (2) landing areas.

A. Ferguson said the Board needs to know the calculation in the CEA.

E. Byrne asked Mr. Cook if he knew.

R. Cook did not. He said the land they are dealing with was along the shoreline and 20 feet back. He thought there was 150 – 200 feet of lake frontage.

E. Byrne thought it was approximately 150 feet.

R. Ridler thought the existing impervious surface area was 13.9% and it would increase to 14.8%.

J. Munger said that was the case if one calculates the 3-foot extension over the water as impervious. He repeated Ms. Byrne will not be changing the existing footprint on land; she is extending the structure over water. If one does not count the addition as an increase in impervious surface area there would be not increase over any zone including the CEA. He suggested they continue the file until the next meeting enabling Ms. Byrne to obtain the dimensions with a more precise drawing from the contractor, establishing the current percentage in the CEA, and getting guidance on determining whether the extension should be considered impervious. He said he might be able to get some photographs to help the Board debate the visual impact by the next meeting.

E. Byrne asked what could be approved this evening.

J. Munger said she could rebuild the structure in the same footprint without the extension. He said it was the extension that was the issue.

R. Cook said that was his interpretation. He said it was pre-existing space so she “has the right to repair it, maintain it, and keep it in good shape.”

J. Langey nodded agreement.

E. Byrne asked if the only approval that could be given was to redo the deck as it was now.

A. Ferguson explained the Board does not have guidance at this time regarding extensions over the water and without that the Board does not want to render a decision. She said she did not want to penalize Ms. Byrne, but the Board needs to

understand the impact if everyone can cantilever their decks three (3) feet over the water.

E. Byrne expressed understanding.

R. Ridler asked Ms. Byrne her decision.

J. Munger explained the decision was whether Ms. Byrne wanted to continue the file or if she wanted an approval this evening “as is.”

D. Bowers did not think the Board needed to render a decision if she was going to rebuild what she already has. He believed Mr. Cook would oversee that during the permitting process.

R. Cook said repairing the posts would involve some land disturbance within the CEA so he would like the Board’s input on things such as silt fencing and similar concerns.

D. Bowers said there was no salvaging what was currently there. He felt a plan needed to be developed to show the Board exactly what Ms. Byrne will be doing and how they will be doing it. He felt there were engineering questions involved.

E. Byrne asked if there were engineering questions regarding replacing what was already there.

D. Bowers felt there would be since a new structure would be constructed.

E. Byrne said she then does not have an option of getting a decision this evening.

D. Bowers did not believe she did, but he said he did not know how the other Board members felt.

A. Ferguson agreed. She said Ms. Byrne needs to get her plan documented and submitted.

E. Byrne asked if Mr. Cook could help her with that.

R. Cook said he was not typically the one who creates the design. He said typically the contractor would draw the design showing how he intends to construct the deck.

J. Langey said the key was to show how the land disturbance will not impact the lake through run-off, whether it be silt fence or some other measure that will protect the lake.

E. Byrne said she did not install the deck so until it is removed, she will not know what the project will entail. She asked if she could remove the deck.

R. Cook said before removing it he would document where it was located by taking photographs of it. He said Ms. Byrne would have one year from removing the deck to replace it. He repeated they would want to document what was now there.

E. Byrne expressed her desire for Mr. Cook to do that.

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

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

E. Byrne then asked if she needs to get information for the cantilevered detail. She asked Mr. Roszel about his comment regarding docks.

H. Roszel said his point was that there are many structures that extend into the lake.

D. Bowers interjected this proposal was a deck, not a dock.

H. Roszel asserted that on the west side of the lake one would find many structures either hanging over the water or in the water.

E. Byrne asked if she needs to provide examples of that and if so, how she would go about doing that.

A. Ferguson answered, "no."

J. Munger said he thought that would be most helpful and he would leave it up to her as to how she would do that.

D. Bowers advised Ms. Byrne to hire a professional to create drawings showing the Town and this Board how she intends to structure the deck, repeating that cantilevering a deck requires engineering principles. He said that was the information the Board needed, as well as how posts will be installed and how the lake will be protected during construction.

E. Byrne asked if she is to address the cantilevering.

H. Roszel said it would be the job of the engineer Ms. Byrne hires.

R. Cook said he found no place in the Code addressing the cantilevering over the water. He said the Board may have their own opinions but the only sure way to address the issue is to request an interpretation from the ZBA.

J. Langey said the structure attaches to the land so there is Planning Board jurisdiction.

R. Cook said when a swimming pool is installed in a yard, if it has four (4) inches of freeboard, it is not included as impervious surface. He likened the situations.

E. Byrne said she has understood very little of what has been discussed.

R. Ridler said Ms. Byrne’s contractor will help her.

Motion by D. Bowers, seconded by H. Roszel, to adjourn the meeting at 9:14 P. M. was carried as follows:

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

Sue Wightman, Planning Board Secretary – July 2, 2020