

# Town of Cazenovia Planning Board

## Meeting Minutes

December 2, 2021

Members Present: Robert Ridler, Chairman; Anne Ferguson; Jerry Munger; Dale Bowers; Thomas Clarke; Gerald Rasmussen; Mary Margaret Koppers

Members Absent:

Others Present: John Langey; Roger Cook; John Dunkle; Donna Shaffner; Michael Frateschi; Andrew Leja; Matthew Kerwin; Kyle Reger; Thomas Pratt

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R. Ridler called the meeting to order at 7:31 P.M.

Roll was taken. R. Ridler said Jerry Munger might be a few minutes late. Jerry Munger arrived at 8:01 P.M.

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Motion by A. Ferguson, seconded by T. Clarke, to approve the November 4, 2021 meeting minutes was carried unanimously.

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The next regularly scheduled meeting will be Thursday, January 6, 2022.  
The next regularly scheduled work session will be Thursday, December 30, 2021.  
The next deadline day will be Wednesday, December 22, 2021.

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

*Shaffner, Donna -- Site Plan Review – Route 92, Cazenovia  
File # 21-1360 (Robert Ridler)*

Donna Shaffner was present to represent the file.

D. Shaffner, displaying a site plan map, said they had started to clean up the area. She said the New York State Department of Transportation (DOT) worked on the culvert area, which she indicated on the drawing. She pointed out where water flows from US Route 20, under NYS Route 92, and spills unchecked into the lake.

R. Ridler showed the Board photographs of the conditions which he had taken on his tablet.

D. Shaffner described the erosion that has already taken place since the State worked on the State property. She said the rip rap that was installed as a check dam has already washed away. She said what was now being created was “a mud pit.”

D. Shaffner said she and her husband have removed 8 -10 pickup truck loads of debris.

D. Shaffner said it took the State about two hours to dig out the section they cleared in the summer, and since that time, she contacted John Thomasmeyer, the previous owner, regarding the agreement with the State that existed before she and her husband purchased the property. She referred to a letter issued in November of 2000 that stated the land should be landscaped with a natural fieldstone arrangement in order to resemble a more natural environment, and to provide landscaping to the disturbed area in consideration of the greenbelt character zone.

D. Shaffner explained this area was not part of their property, saying they cared about the lake, yet felt they were unable to do anything.

A. Ferguson asked if the culvert was owned by the State.

D. Shaffner said it was. She said she had not been able to speak to anyone from the State other than Tim Marshall.

A. Ferguson asked if the Town could take up this matter with the State.

J. Langey thought the Town could, remarking if the Town had allowed the condition to happen, the Town would have received a violation from the State.

D. Shaffner said another concern was that the drop was about four (4) feet, saying if someone drove off Route 92, it would be a very real hazard.

T. Clarke asked how wide the ditch was originally.

D. Shaffner thought it was 4 – 5 feet, but it sloped whereas now it is like a wall.

R. Cook said the problem was the extended maintenance that is required for these drainage areas.

D. Shaffner said they would like to see a rip rap bed or a cobblestoned creek bed. She said they were willing to maintain it. She said the previous owner did not maintain it, and it became overgrown with invasive plants.

A. Ferguson asked how this situation affects the site plan application.

D. Shaffner said the Board told her that she could not move forward with her plans for her property until “this was finished.” She said she could not be approved for anything, such as the fence or landscaping, other than clearing the land.

D. Shaffner spoke about the theft issue they had experienced over the summer, implying the need for a fence.

R. Ridler asked if Ms. Shaffner’s plan was to do nothing until the end of the year.

D. Shaffner said Jeff Stowell could install a fence which would provide safety and privacy, but Mr. Stowell wondered what would be done with the material on the State land that would impact her property. She said she called the State “at least 20 times,” and she still has not gotten any action from the State.

J. Langey asked what happens when Ms. Shaffner calls the State and who has she called.

D. Shaffner said she has called the Utica and the Rome offices, and was referred to Tim Marshall who is this area’s supervisor.

J. Langey asked what Mr. Marshall has said regarding this issue.

D. Shaffner said Mr. Marshall has told her that what was done was all that the State was going to do; the State was done with the work there.

D. Shaffner said she asked about rip rap. She explained Mr. Marshall had the small amount installed, it washed away, and Mr. Marshall said that was all that would be done.

R. Ridler did not think what the State had done was acceptable to the Town in terms of the water that now discharges directly into the lake. He asked Mr. Cook his opinion.

R. Cook said Mr. Dunkle was the expert, but typically there would be a settling basin – a place to slow the velocity of the water and to collect the silt. He said in this situation that has not been engineered.

J. Langey said an applicant would not be allowed to have the conditions that the State has created.

R. Cook spoke of another drainage area on East Lake Road where the owner was required to engineer the handling of a large volume of water. He said that was a problem around the lake where tributaries and culverts empty into the lake without any treatment, resulting in silt being deposited as well.

D. Bowers asked, moving forward, should the Board ask the State to do this, or does the Town devise a plan that is acceptable to the State and then it becomes the responsibility of the applicant to implement.

D. Shaffner repeated that it was the State's land.

J. Dunkle asked if the State owns all the way to the lake.

D. Shaffner affirmed the State did.

J. Dunkle said representatives of the Town should then meet with the State about the issue and let the State know it is unacceptable.

There was some discussion about what was usually done by the State for prevention as well as the past history with the Town being cited by the State at the South end of the lake for the installation of boulders in the parking area.

J. Dunkle said they would either attempt to have the State create a mitigation plan, or the Town would create a mitigation plan that would be part of a permit Ms. Shaffner would need to obtain.

D. Shaffner expressed hesitation to incur an expense for mitigation work on State land.

J. Dunkle and J. Langey expressed understanding.

D. Shaffner also indicated that she was concerned about protecting the property and was hoping to be allowed to fence it at this time.

J. Langey asked if the proposed fencing would be on only Ms. Shaffner's property.

D. Shaffner affirmed it would be.

J. Dunkle asked if the fencing would restrict access to the State's land.

D. Shaffner said it would not.

J. Dunkle said the two matters could then be considered independently.

A. Ferguson asked if the Board had seen the plan for the fencing.

D. Bowers recalled it had not been determined during the last discussion.

D. Shaffner said the Board had seen the area for the installation of the fence.

M. Koppers recalled the proposed fence had been a white plastic.

D. Shaffner said she had sold that fencing since the Board had not been in favor of it.

A. Ferguson recalled there had been landscaping ideas for hydrangeas, and wondered if the plan had been finalized.

D. Shaffner replied she had not finalized the planting plan, and she would submit a new application for that.

A. Ferguson said the Board would need the planting plan.

D. Shaffner indicated that she understood that it was taking a long time, so she would postpone the landscaping portion of her request to be able to get the fence approved for safety.

R. Ridler believed the hazard of cars going into the ditch should be another item to mention to the State, wondering if a guard rail should be installed.

R. Cook said the fence that was there might not meet the Town Code which now requires a fence to be outside the highway boundary.

D. Shaffner stated the fence was outside the highway boundary and said she had measured it from the center line of the road as well.

R. Ridler asked Mr. Cook if the fence needed to be 35 feet from the centerline.

R. Cook said in some cases it would need to be 33 feet, but in others it would need to be 45 feet. He said they would want to determine that requirement for this particular roadway.

D. Shaffner spoke of her willingness to comply.

D. Shaffner then showed the Board pictures on her phone of two types of fencing she was considering. One she said was like the fencing used at Crawford Farms, a split rail fence with four (4) horizontal boards. The other was a solid fence with vertical boards, which was their preferred style, and was the same as the existing neighboring fence.

R. Ridler asked where the Board was in terms of action for this evening. He said Mr. Dunkle had stated that a meeting would be arranged with the DOT. He asked if the file should be continued.

A. Ferguson thought the Board should inform Ms. Shaffner which fence they preferred, and then the Board would need a site plan showing the landscaping and the location of the fence.

D. Shaffner thought that had been provided with the original submission.

A. Ferguson said the style she preferred the split rail fence which would not block the view of the lake as much as a 6-foot-high solid fence.

R. Ridler thought the open style would be better for drivers as well, providing better sight while rounding the corner.

J. Langey said the State Environmental Quality Review (SEQR) had not yet been done, but felt that should be done when all the details were finalized. He said a survey showing the proposed location of the split rail fence would be needed.

The original application was reviewed and it was decided the rendering submitted did not meet the site plan requirement.

J. Langey said another detail was the commercial use of the property as a dock or a marina. He recalled that Ms. Shaffner was going to prohibit that activity at the end of this year's season. He expected that would be a condition of this Board for any approvals for the property.

D. Shaffner expressed understanding and said she had stated that she would have three (3) docks which would be strictly for family use. She was emphatic that they would not be for commercial use.

A. Ferguson asked if there was a condition regarding the number of docks allowed per residence.

R. Cook responded, "The Code is silent to that."

A. Ferguson concluded a site plan showing the fence and the proposed landscaping was needed for the next meeting.

J. Dunkle said every feature that would be part of the modified plan should be shown on the site plan. He repeated anything on the DOT property would be a separate issue.

J. Langey agreed.

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

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*McDonough, James & Pamela -- Site Plan Review -- 4555 East Lake Road, Cazenovia  
File # 21-1395 (Thomas Clarke)*

No one was present to represent the file.

T. Clarke said they were awaiting a planting and landscape design for the 60 feet that the Applicants want to renovate.

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

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*Lucas, David -- Site Plan Review – 2405 Barrett Road, New Woodstock  
File # 21-1387 (Anne Ferguson)*

Matthew Kerwin of Barclay Damon and Michael Frateschi of TJA-NY-Barrett Rd New Woodstock, LLC were present to represent the file. Andrew Leja of Barclay Damon was in the audience.

A. Ferguson reviewed items in the revised plan that were accepted and closed out at the last meeting. The Plans & Specifications (Specs) were:

- 1) C-502 Details – Plant Selections,
- 2) C-503 Fence Details, and
- 3) C-504 Signage Details.

A. Ferguson said the Amended Documents which were accepted and closed out at the last meeting were:

- 1) Amended Application (A),
- 2) New York State Energy Research & Development (NYSERDA) incentives deadline confirmation (D),
- 3) Email regarding deadlines (E),
- 4) Email of Supplier needing 40 weeks (F),
- 5) Letter from European Supplier with 20-week estimate (G), and
- 6) Construction Timetables.

A. Ferguson said the Additional Items that were confirmed and accepted with no changes November 4, 2021 were:

- 1) New York State Department of Agriculture & Markets (Ag & Markets) Review (1)
- 2) Wetland Determinations by Army Corps of Engineers (ACOE) (2),
- 3) Operations Plan (3),
- 4) Federal Aviation Administration (FAA) Approval (4),
- 5) Energy Management System (EMS) Sign-off (5),
- 6) Road Maintenance Agreement (7)
- 7) Payment In Lieu Of Taxes (PILOT) Agreement (10).

A. Ferguson said the proposed (Town Solar) Law items, which were optional at this time, that were provided and accepted November 4, 2021 were:

- 1) Utility notification and service order number,
- 2) Sun chart, and
- 3) Impact of reflection on Neighbors – waived due to lack of neighbors for this project.

A. Ferguson said the Open Items of the Revised Plans & Specs which were to be resubmitted to show the new and revised access road (for the Eastern Facility) were:

- 1) C-101 Aerial Site Plan,
- 2) C-102 Overall Site Plan with New Topo,
- 3) C-103 Site Survey Plan (Re-label – Existing Topo),
- 4) C-104 Landscaping Plan.

She asked Mr. Frateschi to show those drawings to the Board and to explain the revisions.

M. Frateschi showed the location of the new driveway as it compared to the original approval, as well as the first submission for the revised plan. He explained this third location was to avoid a wetland.

A. Ferguson asked if the drawings being explained were the same drawings submitted to the file.

M. Frateschi affirmed they were. He said C-102 reflected the new driveway location, and there was no change to C-103.

A. Ferguson asked for a comparison for C-104 to the earlier landscaping submission.

M. Frateschi had not brought C-104, but indicated it was correct.

A. Ferguson said C-105 (Grading Plan) and C-106 (Erosion and Sediment Control Plan) were submitted for Mr. Dunkle's review.

J. Dunkle said he reviewed them, and he was fine with the minor changes that were found.

A. Ferguson said C-501 (Site Details: Panel Specifications) were also to be reviewed by Mr. Dunkle.

J. Dunkle said he was fine with those as well as the drawing he received for the panels and posts.

A. Ferguson explained Mr. Dunkle was referring to drawing C-505 (Racking Datasheet) which was received after the deadline. She said to expedite the review, she would consider that item closed in terms of acceptance, but she would leave it open through the public hearing to give the public time to review it.

A. Ferguson asked Mr. Dunkle about his review of C-506 (Erosion & Sediment Control Details).

J. Dunkle said he was fine with the minor changes that were made to that plan as well.

A. Ferguson said regarding Amended Documents, the first item was the Full Environmental Assessment Form (FEAF) changes. She asked that those items be recapped.

M. Frateschi said the question Ms. Ferguson had about the amount of disturbance was the one he wanted to address. He said the answer was 27 ½ acres. Ms. Ferguson had recalled it had been 20 acres. He explained the original facility within the fenced array was between 24 – 25 acres. It would now be 22.4 acres. The total disturbance would include the clearing of trees wherever construction would be done, so that would amount to 27 ½ acres. He said 27 ½ acres would only be disturbed temporarily.

A. Ferguson said the Board had also asked that photographs be taken from Kinney Road and photo simulations be created from those vantage points.

M. Frateschi and M. Kerwin displayed a legend showing where on Kinney Road the photos were taken, and then showed before and after photos to illustrate the various perspectives from Kinney Road.

A. Ferguson asked if the photo sims included the landscaping.

M. Frateschi answered the photos were created showing the growth after the first year; the landscaping would actually be fuller and taller as time passed.

J. Munger arrived at this time.

A. Ferguson asked the Board if they saw anything in the photos that they thought would require further mitigation.

They did not.

A. Ferguson stated the Board accepted that plan as proposed.

A. Ferguson said the next item was the amended Storm Water Pollution Prevention Plan (SWPPP) which underwent review by Mr. Dunkle.

J. Dunkle said the SWPPP was satisfactory.

A. Ferguson asked Mr. Frateschi to clarify the impervious surface area calculation.

M. Frateschi said the initial application's impervious surface calculation submitted in May of 2020 assumed a different road type coverage which would have been .07%. However, the road spec type allowed by National Grid would have caused the impervious surface area to increase for the first approved site plan. What was proposed now, with the new width and spacing of the panels, would actually decrease the impervious surface area by 1 ½ acres and would amount to 3.4%.

A. Ferguson asked if the figure found in the SWPPP stating there would be 2.53 acres of impervious surfaces was correct.

M. Frateschi said it was.

A. Ferguson asked that the percentage on the application be corrected to reflect the change from .07% to 3.4%.

A. Ferguson said among the Remaining Items Needed or Confirmed Not Required was the Soil Analysis (6). She said the firm used was Lobella. She asked the Board if they required any other information other than what was submitted.

No one requested anything more.

A. Ferguson said that was then accepted as submitted.

The second item was the SEQR (8) which A. Ferguson said had been updated for the Planning Board to assume Lead Agency for this revision. She asked Mr. Langey if anything further was required for that.

There was not.

A. Ferguson asked if Mr. Langey was still working on the Decommissioning Agreement (9).

J. Langey reported on the process that had been done for that and spoke about the decommissioning bond. He said the final resolution had stipulated the bond be issued on a 5-year initial term, to be renewed in 5-year increments. He said he and Mr. Cook would need to ensure the instrument states it would be a 5-year, noncancelable bond which would be renewed six (6) months in advance. He did not think that would be an issue.

M. Kerwin indicated it would not be.

M. Frateschi said that would be submitted with the building permit application.

J. Langey said the other conditions in the prior approval included insurance and a few other items which he suspected the Board would include in the next approval.

A. Ferguson said there were three (3) items that were conditions of the previous approval that she wished to confirm would remain in effect.

- 1) Tree and shrubbery replacement would be for ten (10) years,
- 2) The Highway Department would inspect the roads regarding the condition once construction was completed for the installation.

M. Frateschi asked to comment on that. He asked if they could redo the video they had submitted for the preexisting conditions since some time has passed.

A. Ferguson did not object.

R. Cook said the Town of DeRuyter Highway Superintendent asked which section of Barrett Road would be used to access the Eastern Facility.

M. Frateschi said he thought they would be coming from the southern section.

R. Cook said the Superintendent was asking because there had been talk of doing some work on that section of road, which would not be done if TJA would be using it. He said he would pass the information along.

M. Frateschi responded the video they took and will retake included the DeRuyter portion of Barrett Road.

A. Ferguson said the third item for Post-install Items to remain as a condition was the Town would inspect the culverts prior to construction.

M. Frateschi agreed.

A. Ferguson said a Supplemental Item provided by the Applicants was a Glare Analysis.

A. Ferguson said regarding the Electrical Diagram, the Applicants affirmed they supplied a one-line diagram versus a three-line diagram.

M. Frateschi said that was correct.

A. Ferguson concluded there were now no open items other than leaving the Racking Data Sheet open for the public's review prior to the public hearing.

Motion by A. Ferguson, seconded by D. Bowers, to move the file to a public hearing at the next meeting was carried unanimously.

Motion by A. Ferguson, seconded by D. Bowers, to continue the file was carried unanimously.

J. Langey asked Mr. Kerwin if he knew the Town Highway Superintendent had retired and there was a new Superintendent to be contacted for coordinating any highway matters.

A. Ferguson said the Town would be sending instructions regarding the public hearing requirements.

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Motion by D. Bowers, seconded by T. Clarke, to adjourn the meeting at 8:09 P. M. was carried unanimously.

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Sue Wightman, Planning Board Secretary – December 2, 2021