

Town of Cazenovia Planning Board

Meeting Minutes

October 6, 2022

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

Members Absent: Gerald Rasmussen

Others Present: James Stokes, Esq; Marcin Marchewka; Matthew Vredenburgh; James McDonough; Michael Frateschi; Matthew Kerwin; Kyle Reger

Present Via Zoom: John Langey, Esq.

R. Ridler called the meeting to order at 7:30 P.M.

Roll was taken. All were present except Gerald Rasmussen. Jon Vanderhoef acted as a voting member in Mr. Rasmussen's absence.

The next regularly scheduled meeting will be Thursday, November 3, 2022.

The next regularly scheduled work session will be Thursday, October 27, 2022.

The next deadline day will be Wednesday, October 19, 2022.

Motion by A. Ferguson, seconded by T. Clarke, to approve the September 1, 2022 meeting minutes was carried unanimously.

R. Ridler said the work session typically held in November falls on Thanksgiving this year and he asked the Board when they would like to meet. He also mentioned the date for the December regular meeting had been changed to Thursday, December 8, 2022 so that the Cazenovia Town Zoning Board of Appeals meeting would not be in the same

week as the Planning Board meeting. After further discussion it was decided the work session should be changed to Thursday, December 1, 2022.

J. Langey mentioned he would not be able to attend the December 8, 2022, but he would ask for someone from his office to attend in his place.

LAND DISTURBANCE/SITE PLAN REVIEW/SUBDIVISION

Burdin, Donald & Eunice -- Minor (2) Subdivision – NYS Route 13 South, New Woodstock File # 22-1420 (Mary Margaret Koppers)

James Stokes, Esq. was present to represent the file.

J. Stokes described the project as “a very basic land subdivision.” He explained the Burdins wanted to take a large farm parcel that “they have owned for decades” and they would like to divide it along Parker Road to convey the lots to their children. He said there was no development associated with the conveyance; the subdivision was purely to legally transfer the title.

D. Bowers asked about percolation (perc) tests (for the creation of two (2) new lots).

J. Stokes responded no perc test had been done. He repeated there would be no development. He stated the land east of Parker Road was a hay field and would continue to be a hay field. He stated the parcel that would be created behind Susan (Rinaldo)’s house would not be developed, nor would the lot created to the north of Susan’s house be developed. He said the conveyance was for “estate-planning purposes.”

Motion by M. Koppers, seconded by A. Ferguson, to move the file to a public hearing at the November meeting was carried unanimously.

Motion by M. Koppers, seconded by A. Ferguson, to appoint the Planning Board as Lead Agency for the purposes of the State Environmental Quality Review (SEQR), to affirm the matter an Unlisted Action and make a Negative Declaration based upon the Board’s review of the Short Environmental Assessment Form (SEAF) was carried unanimously.

Motion by M. Koppers, seconded by T. Clarke, to continue the file was carried unanimously.

J. Stokes was given public hearing notification instructions for the November meeting.

*Lockheed Martin Corp -- Site Plan Review – 1633 Grassy Lane Road, Cazenovia
File # 22-1436 (Jerry Munger)*

Marcin Marchewka of C&S Engineers was present to represent the file.

R. Ridler said the Board had taken part in a site inspection.

M. Marchewka explained the project was for Lockheed Martin to build an access road off their existing tower site and to build three (3) additional pads for equipment. He said the site visit had taken place a couple weeks ago. He said he's been working with John Dunkle, the Engineer for the Town, to ensure the erosion sediment control plan was acceptable. He stated the last time he and Mr. Dunkle had spoken, "everything looked good."

A. Ferguson verified the Town had received Mr. Dunkle's approval. She asked if there were any other outstanding follow-up items.

J. Langey said Mr. Dunkle also confirmed a Storm Water Maintenance Agreement was not needed in this instance.

A. Ferguson recalled some simulation photographs had been submitted for the last meeting. She asked for a reminder of where the new access road would be located.

Referring to Drawing CD-101 entitled *Cazenovia Site Q-53 Test Tower Lockheed Martin Cazenovia, NY Site Plan Demolition Plan* by C & S Companies dated September 2022, M. Marchewka showed the road that was used for the site visit and explained where one site pad would be located to the north, and two (2) pads would be installed to the south, and how the access road would be extended for those areas. He said a little less than one (1) acre of impervious surface area would be added, and 1 ½ - 2 acres of land would be cleared.

R. Ridler understood the project would be merely an extension of the existing road that grants access to the existing pads. He also understood that the entire 1 ½ - 2 acres would not be completely cleared, but just the section needed to install the access, which would not involve a lot of tree removal.

M. Marchewka said that was correct. He said they endeavor to keep the clearance "as little as possible."

A. Ferguson asked if one (1) tower would rotate among the three (3) sites.

M. Marcheka answered three (3) towers would be utilized, one trailer for each new pad with each tower having differing heights.

The Board expressed confusion thinking only one mobile tower was planned.

M. Marcheka explained the towers were mobile for easy access in bringing the towers to and from locations, but not for relocation on the pads at the same site.

R. Ridler asked if the towers would be down until they were targeted.

M. Marcheka answered that was correct, saying they would “go up as needed.” He said when they were no longer needed, they would be “hailed away.”

M. Koppers asked if the fire department had been contacted.

M. Marchewka said he called this week and was awaiting a response.

A. Ferguson suggested an approval require the fire department’s sign off.

R. Ridler asked if Mr. Langey had gotten the wording for that.

J. Langey said he would make the condition subject to acknowledgement by the fire department. He informed the Board a review of Part 2 of the SEAF was needed for the project and he guided the Board through the questions.

Motion by J. Munger, seconded by M. Koppers, 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 SFEAF, and to approve the site plan as most recently submitted subject to acknowledgement by the local fire department was carried unanimously.

*Skanda Farms LLC/ Ingrid Mahoney -- Site Plan Review – 2684 Route 20 East, Cazenovia
File # 22-1436 (Jerry Munger)*

Matthew Vredenburgh was present to represent the file. He said at the last meeting, Mr. Dunkle had asked for more time to review the storm water management design. Mr. Dunkle had also wanted to give the Town of Nelson time to review the project (since access to the Cazenovia site will be via the Nelson property). The final outstanding item was a letter from the fire department.

M. Vredenburg said Mr. Dunkle completed his review of the storm water and provided comments which Mr. Vredenburg had addressed. He went on to say last week Mr. Dunkle had stated the design was “an acceptable strategy” and his issues had been “satisfactorily addressed.”

M. Vredenburg met with the Town of Nelson. The Town of Nelson asked that the site plan for the Town of Nelson be updated to include the changes proposed to accommodate the proposed Cazenovia expansion. The updated site plan requires a formal application, but he said the design was done, and Mr. Dunkle was satisfied with that as well. He commented that the Town of Nelson had no record of the initial site plan within their township and had to contact Madison County to get drawings, so they would like to document these changes to make the record complete.

J. Langey said he had spoken to the Chair of the Town of Nelson Planning Board. He said Mr. Vredenburg was correct in saying the Town of Nelson will treat this as an update to prior site plan/special use permit approvals granted years ago to acknowledge and incorporate the connection point. He did not anticipate a problem with this. He said if the Cazenovia Planning Board was satisfied with the rest of the plan, he recommended the Town of Nelson’s acknowledgement of their approval be a condition of this Board’s approval.

R. Ridler read into the record the comments received from Mr. Dunkle via an email sent earlier today, “...I am good with...Mahoney self storage (sic). Approval of Mahoney’s should be conditioned on them also getting approval from Nelson.”

J. Langey mentioned the Cazenovia Town Zoning Board of Appeals (ZBA) did an exhaustive SEQR review. He said the Planning Board was welcome to do their own, but he could recommend the Board affirm and adopt for their purposes the Negative Declaration already made.

J. Munger expressed satisfaction with the affirmation and adoption of the previously determined Negative Declaration.

A. Ferguson asked if, after the first phase of development, the Applicants would return for further site plan review or if approval for all phases was being granted at once.

It was clarified approval for the overall project was being sought at this time.

A. Ferguson said in consideration of the Second Phase, the section of the SEQR regarding vegetation should note the removal of vegetation will occur, but will be mitigated by the landscaping that will be provided.

J. Munger asked if the ZBA held a public hearing for their review.

It was stated that two separate public hearings had been held (one for the Area Variance and one for the Major Special Use Permit).

J. Munger concluded the need for a public hearing for the site plan was unnecessary and asked the Board if they agreed.

The Board expressed agreement.

Motion by J. Munger, seconded by D. Bowers, for the purposes of the SEQR, to reaffirm the Negative Declaration made by the Zoning Board based upon the Zoning Board's review of the Full Environmental Assessment Form (FEAF), and to approve the site plan as most recently submitted conditioned upon the Town of Nelson's acknowledgement of their approval of the updated site plan review and special use permit was carried unanimously.

*McDonough, James & Pamela -- Site Plan Review – 4555 East Lake Road, Cazenovia
File # 22-1442 (Thomas Clarke)*

James McDonough was present to represent the file.

T. Clarke asked Mr. McDonough to explain his project and Mr. Clarke displayed renderings and photographs Mr. McDonough had submitted to the file.

J. McDonough said they have two (2) existing docks and pointed out on the site drawing where there were some existing stairs. He said they need to have stairs to the new dock. He then indicated where they would like to install a "canoe ramp" and explained how they would like to reinforce the area for the canoe ramp with a honey-combed metal mesh filled with "clean one stone" topped with soil and then (grass) seeded. The photograph of that material was shown. He explained the reason they want to do that was because the shoreline washes away and they are endeavoring to prevent that erosion. He summarized the three (3) components of the site plan are the canoe ramp, the replacement stairs, and the new stairs.

A. Ferguson asked if "clean one stone" was uniform in size.

J. McDonough affirmed it was.

T. Clarke explained that if the mesh was filled with runner crush, the area would be considered impervious and the impervious percentage would have exceeded the 5% maximum limit for the zone.

T. Clarke asked if the landscaper had recommended the “clean one stone.”

J. McDonough answered, “Oh yeah.”

A. Ferguson asked if the Board had seen this utilized for other projects. She commented that she hoped it would work well.

D. Bowers remarked, “it was almost like a gabion.”

J. McDonough responded it was similar except in this case it was on the ground and it was about 3-4 inches high. He said they would actually mow over the top of it. He repeated it would keep the lakefront edge (intact) and prevent erosion.

R. Ridler asked if it would be considered fully pervious.

T. Clarke answered when he had spoken to Mr. Dunkle about it, Mr. Dunkle stated if a uniform stone fill was used, it would be considered pervious.

J. McDonough added that was also the reason for using clean stone.

T. Clarke said by using number one stone, Zone A impervious surface area would be 3%.

A. Ferguson noted there were other areas around the lake that would benefit from this design.

Motion by T. Clarke, 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 SFEAF, and to approve the site plan as most recently submitted was carried unanimously.

A. Ferguson asked if Mr. McDonough was going to install this in the spring or try to do it this fall.

J. McDonough replied they would try to do it this fall. He thanked Mr. Clarke for his help.

*Scarano, V Martin & Cydney -- Site Plan Review – 2101 Rippleton Cross Road,
File # 22-1443 (Robert Ridler) Cazenovia*

Matthew Vredenburgh was present to represent the file.

R. Ridler asked if Mr. Vredenburg had provided elevations.

M. Vredenburg thought the elevations had been sent by the Builder.

During a brief search for the drawings, J. Langey stated this would be a Type II Action in regard to SEQR.

A. Ferguson expressed the need for the elevations.

D. Bowers asked if there were any outstanding items other than the elevations.

A. Ferguson noted the General Municipal Recommendation Report had been received from Madison County stating there was no countywide impact. She noted the septic information and the perc had been received.

D. Bowers believed earth-tone colors would be used.

D. Bowers suggested the Board move on to other applications while the elevations were being obtained.

The file was moved to the end of the agenda.

*Lucas, David -- Site Plan Review Extension – 2405 Barrett Road, New Woodstock
File # 21-1280 (Anne Ferguson)*

Michael Frateschi was present to represent the file and Matthew Kerwin, ESQ. was present in the audience.

A. Ferguson understood Mr. Frateschi had sought an extension from the ZBA and asked that Mr. Frateschi clarify for this Board the need for an extension. As she recalled a modification was made previously for the use of different solar panels. She asked if the extension was needed for the racks that solar panels would be on.

M. Frateschi explained “it was the other way around.” He said the original amended request was for solar racking. Initially single-paneled-racking was proposed, but that had to be amended for double-panel-racking due to supply issues. They were asking for an extension now for the modules (panels). He explained the company called Auxin is a solar panel manufacturer who put out an investigation of solar panel manufacturers from certain companies in Asia. The investigation went to the Department of Commerce who issued a tariff on all those module manufacturers. It was suspected

that the Asian manufacturers were bringing in parts from China even though the modules were not being assembled in China, to bypass the tariff levied on Chinese imports. If the investigation found the allegations to be true, the tariff would be 50% – 200% on price. The module manufacturers from companies in question made up 80% of the modules coming into the United States. The manufacturers said they would continue to make the modules, but the buyers would have the risk of the tariff. Because of the tariff risk, all the financiers for TJA said, “Halt.” He stated construction seized across the whole industry as well. He explained the Executive Office saw the big delay and removed the tariff after about two (2) months, but a bottleneck had been created in which “all the large players” ordered a “huge capacity” to avoid future shortages resulting in TJA having a module issue. He said they finally have some clarity but they were “pretty severely” delayed. He said they were expecting to have construction completed by January of 2023, and they were requesting an extension for 18 months which would be July of 2024 with the anticipation of being substantially complete by the end of 2023, with SWPPP completion and landscaping replacements having “a buffer window.”

A. Ferguson asked why two (2) years was not requested.

M. Frateschi did not want to overreach.

A. Ferguson asked if Mr. Frateschi believed he could “hit the 18-month” deadline.

M. Frateschi did. He explained they have a deadline with the New York State Energy Research and Development Authority (NYSERDA) incentives. He said they would “be up against that window,” and they “would probably have to apply for an extension on that.” An extension from NYSERDA would not extend through two (2) more years. He felt 18 months was all they could request.

M. Koppers thought the panels were coming from Germany.

M. Frateschi clarified the racking was coming from Germany.

A. Ferguson asked if the racks would still be 14 ½ feet with double panels and there would be no change to the configuration of the site (as last approved).

M. Frateschi said all those details remained the same.

R. Ridler asked if the racks would still tilt and asked the name for the racking.

M. Frateschi affirmed they would and said they were called, “single-axis- trackers.”

R. Ridler asked if Mr. Langey had anything to add.

J. Langey said the ZBA approved the exact request.

Motion by A. Ferguson, seconded by T. Clarke to approve the extension for the site plan review with the terms and conditions of the 2021 approval with completion to now be July 2024 was carried unanimously.

*EBAC, LLC/Owera Vineyards -- Site Plan Review – 5276 East Lake Road, Cazenovia
File # 22-1428 (Robert Ridler)*

No one was present to represent the file.

R. Ridler said it was his understanding that the Applicants wanted to “pause” their application this month.

J. Langey said he had spoken to Jo Anne Gagliano and she indicated that they wanted to be removed from the agenda this evening so that her client could continue internal discussions.

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

*Scarano, V Martin & Cydney -- Site Plan Review – 2101 Rippleton Cross Road,
File # 22-1443 (Robert Ridler) Cazenovia*

Matthew Vredenburgh returned with the elevations created by KK-J Architecture, PLLC entitled *Scarano Residence Cazenovia, NY Drawing 1 of 7 Front Elevation; 2 of 7 Elevations; 3 of 7 Foundation Plan; 4 of 7 First Floor Plan; 5 of 7 Second Floor Plan; 6 of 7 Wall Section And Detail; 7 of 7 Notes* all dated 01-02-2021.

A. Ferguson noted the design was consistent with the character of the community. She asked if Mr. Vredenburgh knew what color the house would be.

M. Vredenburgh had asked Leonard Riedl, the Builder, if it would be earth tones, which he confirmed it would be, but he was unsure of the color.

A. Ferguson said, “white would be fine too.” She remarked it “was a nice-looking federal home.”

Motion by T. Clarke, seconded by D. Bowers, to approve the site plan as most recently submitted was carried unanimously.

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

Sue Wightman, Planning Board Secretary – October 6, 2022