

Town of Cazenovia Planning Board

Meeting Minutes

October 1, 2020

ZOOM video <https://madisoncounty-ny.zoom.us/j/97946445992>

Meeting ID: 979 4644 5992

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; Dean Slocum; Matthew Kerwin; Michael Frateschi; Eric Kenna; Ashley Cinque; Chad Dorrance; Peter Carmen; Brian Coughlin; Carolyn Brink; Jason Zelenka; David Vredenburgh; Elizabeth Kennedy; Jonathan Brodock; 1-315-374-1416

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

“Welcome to the October 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.

Motion by H. Roszel, seconded by T. Clarke, to approve the September 3, 2020 Zoom meeting minutes was carried as follows:

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

The next regularly scheduled meeting will be Thursday, November 5, 2020.

The next deadline day will be Wednesday, October 21, 2020.

The next regularly scheduled work session will be Thursday, October 29, 2020.

HEARINGS

Cinque, James & Ashley -- Review Request – 5199 Temperance Hill Road, Cazenovia
File # 20-1298 (Hugh Roszel)

Ashley Cinque were present to represent the file.

H. Roszel said the Applicants were in last month requesting to have a setback line moved 100 feet for the installation of a deck and swimming pool.

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

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

There was no one present wishing to speak.

Motion by H. Roszel, seconded by A. Ferguson, 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 H. Roszel, seconded by T. Clarke, to approve the setback 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 that construction (on the house) was still underway.

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

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

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

Chad Dorrance was present to represent the file.

B. Wendel asked the Board if they had any comments regarding the concerns received from the Lead Agency request for the State Environmental Quality Review (SEQR),

saying he had taken photographs and distributed them among the Board members to aid in understanding the concerns.

A. Ferguson pointed out the concerns were issued by the New York State Office of Parks, Recreation and Historic Preservation (SHPO).

(The concerns listed on the correspondence dated September 3, 2020 and received September 8, 2020 were, “* Alterations to the existing farmland – which is considered a significant feature of the historic resource – should be given careful consideration, as it has the potential to impact the integrity and significance of the farmhouse, outbuildings and farmland and their relationship to each other. * To reduce the intrusion of a visually incompatible resource into the historic vista of open farmland, the location of the new construction should be carefully considered. We recommend distancing the new residence from the historic resources. * We are concerned that the addition of a vegetative buffer has the potential to further erode the relationship between the farmhouse, outbuildings and farmland, by giving the appearance that the land was historically wooded and undeveloped, not a cultivated farm. We suggest that you not use a vegetative buffer and leave the landscape open.”)

A. Ferguson asked Mr. Wendel to summarize the application.

B. Wendel said Mr. Dorrance was going to build a new home with a barn behind the house. The site plan approval would be conditioned upon area variance and special use permit approval from the Cazenovia Town Zoning Board of Appeals (ZBA). He said the details for site plan review have been “taken care of.” He mentioned the well location, septic system location, and setback locations. He said the lot is 310 feet wide at the location of the proposed barn, so the barn would be positioned 140 feet from the north setback line and 140 feet from the south setback line (thus requiring 10 feet of relief from both boundaries). There was discussion of putting it on the lot farther from the road where the property widens, however that would be impractical for getting water for barn and animal use.

A. Ferguson asked if Mr. Dorrance assented to the suggestion by SHPO about not creating a hedgerow of any kind.

C. Dorrance believed SHPO’s concern was regarding planting any trees between the properties and he said was “fine with that.”

J. Langey reminded the Board this was a Type I Action because of the proximity of the proposal to the (adjacent) home that was on the State Historic Register. He said the Applicant has completed Part 1 of the Full Environmental Assessment Form (FEAF) and he then guided the Board through the examination of environmental impacts listed on Part 2 of the FEAF.

A. Ferguson asked Mr. Dorrance if he will have horses in the barn and if so, how many.

C. Dorrance responded that they will have two (2) horses and two (2) miniature horses.

Motion by B. Wendel, seconded by T. Clarke, to make a Negative Declaration for this Type I Action based upon the Board’s review 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 B. Wendel, seconded by A. Ferguson, to approve the site plan conditioned upon the observing of the suggestion by SHPO relative to the vegetative buffer as well as conditioned upon the granting of the requested area variances and special use permit sought by Mr. Dorrance from the ZBA.

R. Ridler asked about the lighting. He explained to Mr. Dorrance that he was looking for dark-sky compliant lighting especially for the barn explaining he would not want it to be offensive from the road or to other neighbors as opposed to standard barnyard “spotlighting.”

C. Dorrance said the only outdoor lighting he intended to have was the typical motion-sensored light over the door. He affirmed it would be downward facing.

R. Ridler felt that lighting detail should be included in the Board’s motion.

The original motion was amended by B. Wendel, seconded by A. Ferguson to include the condition that the barn lighting would be night-sky compliant in addition to the previously stated conditions of the original motion, and 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.

J. Langey instructed Mr. Dorrance to attend the next ZBA meeting.

Carmen, Mary Beth -- Site Plan Review – 1080 Tunnel Lane, Cazenovia
File # 20-1302 (Robert Ridler)

Peter Carmen was present to represent the file.

R. Ridler said the application was for modifications of some pathways around the home.

P. Carmen had expected a representative from Michael Grimm Services to be present but because there was not, he explained he would like to replace an existing patio. He stated the replacement would be the exact square footage of the existing patio and it would be a permeable-base paver. He said the description of the environmental measures that would be taken during the development was submitted with the application.

R. Ridler split his screen and displayed a photograph of the existing patio with the current pavers. He recalled during his visit that he was told the Owners would like to create a step down to the patio to make the walkway more level.

R. Carmen said that was correct.

R. Ridler showed a second photograph of a wooden walkway and said the Owners had also talked about replacing the boards on the walkway along the front of the house.

P. Carmen said that was also correct.

R. Ridler said it was his understanding that there would be no increase in the size or shape of any of those improvements.

P. Carmen repeated the improvements would be “the exact same size.”

R. Ridler said Mrs. Carmen indicated that there was a large cedar tree leaning away from the house and the current pathway of the blocks was close to the tree. The Owners would like to swing the pathway out a bit to make it easier to walk around that tree.

P. Carmen affirmed that was correct.

J. Langey then guided the Board through the environmental considerations found in the Short Environmental Assessment Form (SEAF).

Motion by A. Ferguson, seconded by H. Roszel, to appoint the Planning Board as Lead Agency for the purposes of the SEQR, to affirm the matter an Unlisted Action and make a Negative Declaration based upon the Board’s review of the Short Environmental Assessment Form (SEAF) and to approve the site plan as most recently submitted 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.

*Coughlin, Brian -- Minor (1) Subdivision & Line Change – West Lake Road
File # 20-1304 (Dale Bowers) & 3544 West Lake Road (Thomas & Danielle Miller)*

Brian Coughlin was present to represent the file.

D. Bowers summarized the application saying there was a 3+ acre subdivision and a line change on an existing parcel. He said the property was on the east side of West Lake Road almost to Peth Road. Mr. Coughlin will have to provide an accurate survey showing that adequate road frontage for a legal lot exists. A Deep Test and a percolation test (perc) test for the new lot will need to be done as well. He said an email was submitted to the Board with questions a neighbor posed. He has asked Mr. Cook to speak to those queries.

R. Cook said the first question was how many times this parcel can be divided before it would be considered a major subdivision. He said typically a major subdivision would create five (5) or more lots and would then come under the New York State Health Department’s scope of review when there would be five (5) lots each having five (5) acres or less created within five (5) or fewer years. He said this project does not meet that threshold. He asked Mr. Coughlin if there would be five (5) lots when this is completed.

B. Coughlin answered there had been two (2) lots and six (6) would result (so four [4] new lots will have been created).

R. Cook reasoned this was not “of a major consequence.” He said the person raising the concerns mistakenly believed this would result in a nine (9) lot subdivision. He clarified only one (1) new lot would be created at this time.

R. Cook said the second concern was there was no acknowledgement of the New York State Department of Environmental Conservation (DEC) wetland on the property. He said there are DEC wetlands on the eastern side of the property which Mr. Coughlin’s drawings indicated. He said the 100-foot buffer was also shown on the submitted documents. All that was lacking was checking the box for question “13 a” on the SEAF affirming the existence of wetlands on a portion of the site.

B. Coughlin said he had left that box blank so that he could be “steered in the right direction.”

R. Cook said the box is to be checked. (That was done by the Planning Board Clerk 10/2/2020.)

R. Cook said the third concern was the proximity of the property to an Agricultural (Ag) District with the question, “How does the Planning Board use the information requested on the application re soils in making a decision re sub-divisions?” He said he cannot answer for the Board. He thought perhaps Mr. Bowers would like to answer for the Board.

D. Bowers said he would address that after Mr. Cook is finished with the other issues.

R. Cook read the fourth concern, “The Town adopted the Farmland Protection Plan which calls for adequate buffer between residential neighborhoods and farmland...the proposed houses appear too close to the farmland.” He felt the DEC wetlands and the wetlands buffer provides more than sufficient separation between Mr. Coughlin’s subdivision and the farmland to the east. He also believed the subdivision was in keeping with the spirit of subdivisions in the area in the past.

D. Bowers said he had no issue with the soils for this proposal.

A. Ferguson asked Mr. Coughlin to give the Board an explanation of how the subdivision has evolved. She said she understood this application was to create just one (1) parcel from the 20-acre lot. She believed there originally had been a small parcel with the original farmhouse with 1.9 acres and then there had been a second lot with 45 acres. She wondered how many parcels will have been created from the 45-acre lot.

B. Coughlin said the original 45-acre lot was bisected by West Lake Road. His original subdivision increased the size of the smaller lot to approximately six (6) acres and

created two (2) other lots on the west side of West Lake Road. He left the lot on the east side of the road as one piece thinking he could sell that as an “equine estate.” Since that time no one has expressed interest in buying the whole lot, however the adjoining neighbor to the south has asked to acquire five (5) acres from it to add to his land. After speaking with fellow real estate agents, Mr. Coughlin now believes the optimum size for “an estate lot would be 10 – 12 acres.” By creating a 3 – 4 acre-lot and by deeding five (5) acres to his neighbor, he hopes to have a more sellable lot.

R. Cook said the original 45-acre lot will then result in five (5) parcels.

B. Coughlin said he had two (2) lots originally and from those two (2) there would now be five (5).

A. Ferguson wondered if the subdivision would have qualified for a conservation subdivision originally. If it had, it would have been entitled to approximately ten (10) houses with normal zoning. This proposal would only result in five (5) houses so she felt greater (farmland) protection had been applied without going through the formal process. She asked if there were any plans to divide the 10 – 12-acre lot in the future.

B. Coughlin said there was not and he could add language in the deed of the 10 – 12-acre lot that it shall not be subdivided in the future, saying he did not want to see it “bacon-stripped” either.

A. Ferguson believed that precaution would be helpful and asked the Board if they agreed.

Agreement was expressed.

R. Ridler said another concern expressed was the impact of farming for the new neighbors of the newly created lot. He said he had been assured that the local law in Cazenovia favors farming. He wanted it to be known that inconveniences related to the farming endeavor would have to be borne by the residents.

B. Coughlin spoke about the odor that was related to the adjacent farming endeavor and expressed surprise that complaints about it was a concern to the farmers.

J. Langey then performed the environmental review with the Board.

Motion by D. Bowers, seconded by T. Clarke, to appoint the Planning Board as Lead Agency for the purposes of the SEQR, to affirm the matter an Unlisted Action and make a Negative Declaration based upon the Board’s review of the SEAF was carried as follows:

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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 D. Bowers, seconded by T. Clarke 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.

4747 Ridge Road LLC -- Site Plan Review – 5290 Mark Lane, Cazenovia
File # 20-1306 (Thomas Clarke)

Brian Coughlin was present to represent the file. He said he is proposing to act as the contractor for Brad and Julie Wheler who purchased the house a year or two ago. For health reasons they would like to add a first-floor, master bedroom to the house which is at the corner of North Lake Road and Mark Lane. The addition would 18 feet wide and 28 feet deep. He said there had been a question regarding the side yard setbacks. Using the numbers from the original survey it was determined that there would be 50 feet 8 inches from the new construction to the boundary of the neighboring lot to the east, so no area variance would be required according to his calculations.

R. Cook commented that being a corner lot, the setback actually required would only be 25 feet, not 50 feet.

B. Coughlin said it would be a single-story addition. A door from the living room would lead into the bedroom with an extra-wide door for handicap accessibility to a bathroom, and a closet.

T. Clarke said the General Municipal Law Recommendation Report (GML) had been received from Madison County and there were no issues. He said there was a question

about the septic system. Mr. Coughlin had a dye test performed which showed no leaching to the surface.

B. Coughlin clarified that the Owners had the dye tests done when they purchased the house late in 2018 and he recently obtained the documentation from home inspection company.

T. Clarke said it was currently a 4-bedroom home and will become a 5-bedroom home, so he was unsure if the septic system would be adequate. Mr. Coughlin had indicated the Owners were willing to remove a closet from an upstairs bedroom to convert it from a bedroom to an upstairs room.

B. Coughlin said that was correct explaining the Owners have no children and use the space as offices, so they would be happy to make that change if it would satisfy the regulation.

R. Cook clarified that it was rare that septic systems are overdesigned for the number of bedrooms, so he assumed the septic system would be built to accommodate only four (4) bedrooms at this location. He believed the addition of a fifth bedroom would require the replacement of the septic tank with a larger, 1500-gallon tank, and likely the addition of several leach lines per the sanitary code.

B. Coughlin asked if the idea of removing a closet would not change the requirement.

R. Cook said his experience with the Health Department would cause him to think not because in the future the closet could be reinstalled by future owners.

B. Coughlin said the property may still have its original 1960's steel septic tank so the installation of a modern, concrete, large capacity tank was not disagreeable to the Owners. He said the Owners would be happy to contact a company about adding footage to the leach field as well.

R. Cook said that would satisfy what would be required to issue a building permit.

J. Langey clarified the condition as being for a redesigned and constructed septic system that would accommodate five (5) bedrooms with leach field.

T. Clarke asked if the proposal included footers to run to surface.

B. Coughlin responded that he had not "set up transits to see." He explained the architect had drawn the plans for the addition showing footer drains to daylight. He said the lot is relatively flat and there would be a crawl space under the addition. He personally did not think footers draining to daylight would be necessary but if it was

required, he thought the portion of the yard toward North Lake Road would be the location saying there was a gulch there.

More discussion followed about the drainage of the site.

R. Cook commented that typically the Highway Department did not like to see pipes draining into the roadway ditch. He thought perhaps a sump could be dug in the area “that would bleed into the ditch on its own.”

B. Coughlin asked if it would be a drywell near the ditch.

R. Cook clarified that it would out of the highway right of way, but “it would still get to the ditch.”

B. Coughlin said that could be done. He did not think the ditch would receive a lot of water because as he said, it would be a crawl space, not a full-depth basement.

R. Cook agreed.

D. Slocum expressed he did not feel that would be a matter of great concern.

J. Langey recounted that the conditions he heard was that there would be a design and construction of a new septic tank and leach field to accommodate a five-bedroom home with approval of the design from the Health Department and the installation of the drain system from the house is to discharge into an acceptable drywell on the site.

B. Coughlin asked for clarification whether footage could be added to the existing leach field or if a new leach field needed to be installed.

R. Cook responded that the existing system could be expanded.

T. Clarke asked if the Board was satisfied with the stated requirement.

The Board expressed satisfaction.

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

Motion by T. Clarke, seconded by D. Bowers, to approve the site plan as recently submitted with the stipulation that a larger septic tank with additional leach field and that footers will drain to a drywell that leaches into a ditch belonging to Madison County (along North Lake Road) 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

*EBAC, LLC- Owera Vineyards -- Revisit Site Plan Review – 5276 East Lake Road
File # 16-1060 (Robert Ridler)*

R. Ridler explained this was a revisiting of an application that had been approved longer than a year ago. He said it was not the same proposal, but it involves the modification of the previous application creating an outdoor seating space to the west of the Tasting Room. He displayed photographs he took during a site visit he recently made. He said the first photo was looking to the northwest from the current parking lot of the Tasting Room. The parking lot was asphalt. The grassy area shown would be the proposed seating area. In the past it would have been covered in pavers or stone-work. The proposal now was to continue to keep it sod. That area, enclosed with posts, would be leveled, and a wall would be created to separate the seating area from the driveway behind it. The second photo showed the area looking directly north toward the Tasting Room. As he said it would be leveled, elevated and covered in sod. The other aspect of the proposal would be stringing “decorative party lights.” He said those lights were in the previous application which had been approved. He asked if there was anyone present to represent the file.

There was not.

A. Ferguson asked the height of the decorative lights.

R. Ridler did not know.

A. Ferguson asked if the lights were going to be on poles.

R. Cook said the former approval was for the lights to be on poles. He was not entirely sure, but he suspected the height to be 8 – 9 feet tall. He believed they proposed “the low-level, Edison-type lights” that are currently popular residentially.

A. Ferguson asked the current and planned capacity of the Tasting Room; she thought there was an outdoor seating capacity stated in some of the submittal.

R. Ridler said he did not know that answer.

A. Ferguson said to note that the Board may want to ask the Applicant that question during the next discussion.

J. Langey said there was some specification of lighting options included in the new packet he received from the prior approval.

A. Ferguson said three (3) options had been included; she thought it would be good to know which had been chosen.

A. Ferguson commented the proposal included an inside hedge which she thought would be nice from a safety perspective saying it would keep people from walking into the driveway.

R. Ridler believed the edge parallel to the driveway would be elevated and he assumed there would be a barrier there to prevent people from stepping off the seated area.

R. Cook affirmed there would be by Code.

It was determined that in the absence of a representative for the Applicant and because there were some unanswered questions regarding some details an approval should not yet be granted.

Motion 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.

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 and Eric Kenna of C & S Engineers, PC.

A. Ferguson recapped what had been approved at the last meeting. She said the Soils Report was accepted. The Tree Inventory and Analysis Report was received. There was no issue with the Timing of (Tree) Removals. The updated SEQOR was submitted. The Gate & Fence Detail has been accepted. The Panel Details have been accepted as sufficient as shown on the C-503 Drawing.

A. Ferguson thanked Mr. Frateschi for taking people to the site for an in-person visit.

A. Ferguson asked Mr. Frateschi to display Drawing C-101, the overall revised site plan based on the modifications suggested at the last meeting. She explained that “the white (numbered) squares were just anomalies with the way the topographical lines were showing.” She said the drawing reflects the location of the gas line through the current woods area and it shows the shift of panels from the western side of the western array to the southeastern side of the western array. This would allow for land along the western edge to continue to be used as farmland. That shift would also result in some modification to the tree removal and mitigation plan. She said the revised drawing also showed the revised access road coming from the east. The access road for the other array has not changed.

M. Frateschi said his company was still working with the landowner to the east of the eastern array. The drawing showed access from that field but that has yet to be confirmed. He said the utility line easement would now be overhead as Ms. Ferguson mentioned. They have also identified any tree that will be removed in that corridor that was close to old growth or greater. Other than some hemlocks and cherry most of the hardwoods would be preserved. To repeat the benefits of the new placement of the panels in the western array, he cited the improved viewshed as being primary. He said removing panels from the top of the hill and relocating them in the bowl was beneficial. The second benefit was the preservation of some “prime farmland” which would continue to be utilized. A third benefit was a natural drainage path could be used in the creation of the Stormwater Pollution Prevention Plan (SWPPP). He showed an area where stormwater practices could be developed which would be more conducive to the grading. He said the details of the east facility have remained about the same. He said the landscaping plan has been updated to include comments from the last meeting.

A. Ferguson asked if the gas line area would have poles instead of having to dig trenches.

M. Frateschi responded that was correct; the electric line would traverse the gas line via poles.

A. Ferguson said the SWPPP and the Erosion Control Plan needs to be based upon the approved site plan, so she asked the Board if they conceptually assent to what has been submitted.

H. Roszel and T. Clarke expressed acceptance.

A. Ferguson asked that when documents are revised, that the dates of the revisions be printed on the documents and that document numbers stay consistent for ease of Board review and the historical record reflected in the minutes.

A. Ferguson then spoke about drawing C-103 *Site Survey Plan* (which number formerly was the *Soil Survey Map*). She thought this rendering was acceptable providing sufficient detail. She said she knew Mr. Dunkle had been working with the Applicants in determining the placement of the panels and the distances relative to the topographical nature. She wondered if Mr. Dunkle cared to comment.

J. Dunkle informed the Board that some of the proposed arrays in the western facility would be constructed on slopes in excess of 15%. He said that would be “somewhat steep” and added that “was not to say it can’t be done,” but he wanted to be sure that the Board was aware and took no issue with layout before they lock themselves into the proposed design and develop the drainage assessment and erosion assessment. He estimated about 1/3 of the western array would be on slopes greater than 15% according the maps that have been supplied.

H. Roszel asked if Mr. Dunkle “was happy with 15%.”

J. Dunkle answered that it could be mitigated. He said it would be a challenge and it may change the spacing of the rows and the arrays given that the slope gets steeper, but the Board considered the aesthetics as well as other reasons for the location. He did not know if the steeper slope was a concern for the Board as well. He repeated that it would not be something that could not be mitigated or addressed; extra precautions for erosion control and drainage management would need to be taken because of the steeper slopes. He said the slopes for the eastern array would be in the 10% or less range.

A. Ferguson responded that if Mr. Dunkle feels that the mitigation will be sufficient and if it poses no environmental or other kinds of risks, the Board will take his recommendation.

M. Frateschi outlined the map on his screen showing the area with steep slopes.

E. Kenna said the slope would get steep as one approaches the gas line easement. He said they could do some minor grading to reduce the slope. He said anything greater than 10% of slope they would treat as impervious surface area and would deal with it

accordingly. He explained the racks now proposed that would run in a north to south alignment could be worked with because the slopes run east to west. He said the equipment would stack up the hill in lines. He said there may be minor grading to make the rows more even. He said they will assess whether it would be better to grade to reduce the slope to be 10% or if it would be better to put in some type of treatment.

J. Dunkle said from his perspective the potential impacts could be mitigated and he would review that closely as the SWPPP was prepared.

A. Ferguson said the Board can consider the submission of the topographical display of the area to be adequate, but the placement of the panels would remain an open issue to be addressed in the SWPPP as to whether the slopes will be 10% or 15% or more.

A. Ferguson said the next open item was the Army Corp of Engineers (ACOE) wetlands permit. She said the determination was requested and she wondered if there was any update.

E. Kenna did not believe a response had been received.

A. Ferguson said regarding the roads, markers were going to be placed in the driveway to assess the sight distance, and a pre-installation video was going to be made.

M. Frateschi said that had been done. He said he made the video earlier in the week and sent a flash drive to Mr. Slocum.

A. Ferguson asked if Mr. Slocum had any comments.

D. Slocum said he had not seen it because he was not working this week.

A. Ferguson asked if there were any updates about the road maintenance agreement.

M. Kerwin said he and Mr. Langey are working on that.

A. Ferguson said at the last meeting the Applicants talked about the Notice of Intent (NOI) submitted to Ag & Markets and asked for an update about that.

M. Frateschi said he submitted the NOI last week. He explained the process saying that the New York State Energy Research and Development Authority (NYSERDA) was the governing board and was facilitated by Ag & Markets. Ag & Markets responded this week asking how many acres of each soil type will be disturbed. That plan has been submitted to them, so it was still under Ag & Markets' review.

A. Ferguson believed included in the document was the decommissioning plan.

M. Frateschi said the decommissioning plan was still being worked on in conjunction with Mr. Langey, but they had to include where they were in that process. He said Ag & Markets was primarily concerned about compliance with their guidelines for solar decommissioning.

A. Ferguson said concerning Operations the open item was the response from the EMT, Fire, and First Responders in the area. Last month there had been no responses from any entities. She asked if there had been responses since then.

M. Kerwin reported he had received “a handful” of responses with three (3) more outstanding. He was waiting to send them at one time.

A. Ferguson said the updated SEQR had been submitted and asked Mr. Langey about those responses.

J. Langey said he had received all the agencies’ responses that were needed. He said he would work with Mr. Kerwin regarding the (SEQR) findings for the Board’s determination.

A. Ferguson then addressed Tree Removal and Site Mitigation. She said personally she was comfortable with the proposed plantings for the eastern array and the views from Barrett Road as well as the neighbor’s view from the north side of the western array. She said she still had concerns about the views from the Route 80 side. Referring to the Photo Location Plan Mr. Frateschi displayed on the screen, she said Photo 1 – Photo 5 were fine in terms of views, but Photo #6 and Photo #7 were areas for further discussion.

Those photos were exhibited.

E. Kenna said there was some natural screening that already exists that was shown in Photo #6b. He said the array would also be somewhat downhill from that vantage point.

A. Ferguson said Photo #7b was the viewshed that concerned her thinking it might be the view for a homeowner across the road. Although it was customary to install plantings along the perimeter edge, she was wondering if plantings could be put closer to the road in this section that looked like a farm field in the foreground of the photo. She thought a hedgerow or buffer to block the view would be in order.

It was not known if the field was used.

E. Kenna thought the best location for that would be along Route 80 for this particular vantage point. He said he did not know whose land it was or what right they could be given to do that. He thought 10 feet off the asphalt would block the sight of the panels.

A. Ferguson said even 110 feet would possibly accomplish adequate screening.

M. Frateschi said he would approach the landowner and ask them about allowing his company to plant screening.

A. Ferguson believed the State would have an issue about putting anything too close to the road, and she felt it would look more naturalistic farther back as well.

There was more discussion about the location of existing trees in the area as well as the location of the homeowners along that stretch of Route 80.

R. Cook said the house Ms. Ferguson was concerned about was across from Photo#6. He and Mr. Kerwin said there was no house opposite Photo#7. Mr. Cook said there was a manufacturing plant opposite Photo#7 which was in the Town of DeRuyter.

A. Ferguson said it was still a view one would see from Route 80 and she would like the Applicants to explore some additional screening. She said it should be a consideration for the future and how it would be seen in 50 years. She said that was the only open detail for Site Mitigation.

M. Frateschi and E. Kenna talked about what could be done to accomplish the request.

A. Ferguson then talked about the revised planting plan found on C-501 *Site Details*. She said in this version, instead of having one predominant species hugging the fence they now propose a mixture of dogwood, Fat Albert blue spruce, nannyberry, red cedar, and elderberry. She thought that was a good mix and would look much more naturalistic than a formal English garden. She asked if the elderberry was a plant or a viburnum shrub.

E. Kenna said the elderberry was a shrub. He said the nannyberry was a viburnum shrub that could be treated as a tree.

D. Ferlow affirmed elderberry was a large shrub that grows 10 – 12 feet high. He said the landscape architect used the suggestions made by the Cazenovia Area Conservation Commission (CACC) and the choices have been approved by the CACC. He said some of the shrubs would provide food for a number of creatures. He concluded that the planting plan was good.

A. Ferguson commented that the choices were “good, indigenous species.”

R. Ridler asked about the plantings under the arrays, noting that it had been mentioned that they be “pollinator friendly.”

M. Frateschi said those plantings would be specified on the SWPPP.

E. Kenna said he did not know if the SWPPP typically would detail specific grasses. He said the SWPPP would assume a certain grass type for coefficients for the stormwater. He said whatever pollinator grass species that makes sense for the array and the area would be used, but their consideration would be from a coefficient standpoint. He said they could certainly specify that detail “once everyone is onboard “with what they would like to install.

A. Ferguson believed at the last meeting it was agreed that the species would be included in the erosion plan.

E. Kenna said they are starting the erosion plan now. He said by the time they get the draft report ready for Mr. Dunkle they can have that species included.

A. Ferguson believed the SWPPP would be started with Mr. Dunkle now as well.

E. Kenna said it typically would take them about two (2) weeks to get the SWPPP together and have it ready for Mr. Dunkle’s review.

A. Ferguson asked Mr. Dunkle if he had anything to comment or ask about the installation drawings or engineering specifications.

He said it would all be covered in the SWPPP.

M. Frateschi informed the Board they have submitted their Notice of Intent (NOI) to the Federal Aviation Administration (FAA). He said they want to know height of poles and location of solar panels, so that has been completed. He said they normally respond in 45 days and he submitted the NOI 25 days ago, so a response should be coming soon.

Motion 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

*EBAC, LLC- Owera Vineyards -- Revisit Site Plan Review – 5276 East Lake Road
File # 16-1060 (Robert Ridler)*

R. Ridler said the Board jumped ahead on this file and he wanted to be sure no one was present to speak to this file at this time.

There was still no one present from Owera Vineyards to discuss the application

Matt Kerwin asked when a public hearing would be held for the solar project.

A. Ferguson responded that the Board would typically have all the open items closed and completed and then the public hearing would be scheduled for the following month. She said if all the items were covered in November, Mr. Kerwin could anticipate a December public hearing. She was unsure if the Applicants would have everything done by the November meeting.

Motion by D. Bowers, seconded by H. Roszel, to adjourn the meeting at 9:04 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 – October 2, 2020