

Town of Cazenovia Planning Board

Meeting Minutes

March 31, 2021

ZOOM video <https://madisoncounty-ny.zoom.us/j/96282407971>

Meeting ID: 962 8240 7971

Or Dial by phone (no video)

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

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

Members Absent: Hugh Roszel; Jon Vanderhoef, Alternate Member

Others Present: John Langey; John Dunkle; Don Ferlow; Roger Cook; Eric Beyer; Allen Olmstead; Neale Moore; Sarah Stuart; Rob Connor; Nathan Hickey; Michael Borkowski; Whitney Hughes; Kasey Gabrielsen; Kathy Stoeckel; Kristi Anderson; David Eilers; JW Davis; Bonnie Robinson; Chris Anderson; Jim Curtis; Gerald Mehlbaum; Luke Huysman; 1-703-217-3116

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

“Welcome to the March 31, 2021 Meeting of the Town of Cazenovia Planning Board, which has been legally noticed in the *Cazenovia Republican*, on the Town Website and outside the Town Offices.

This meeting is a virtual meeting as authorized by New York Executive Order 202.1.

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This meeting is being recorded and will be made available on the Town’s website.

The public may be participating. When public speaking is allowed, speakers are asked to please state their name and address for the audio recording. Otherwise, the public is asked to remain silent during the proceedings.

Attendance will be taken, and votes will be conducted by roll call.

When possible, the Board members and applicants will be named while speaking for audio recording purposes.

Please note: The output of transcribing from an audio/video recording from Zoom, will be fairly accurate, although in some cases will be incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting. If you should need clarification for something said, please contact the Planning Board Secretary.”

Attendance was taken by roll call. All were present except Hugh Roszel & Jon Vanderhoef. Gerald Rasmussen was asked to assume the position of a voting member in Mr. Roszel’s absence.

Motion by A. Ferguson, seconded by T. Clarke, to approve the March 4, 2021 Zoom meeting minutes was carried as follows:

Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes
Gerald Rasmussen	Voted	Yes
Robert Ridler	Voted	Yes.

The next regularly scheduled meeting will be Thursday, May 6, 2021.

The next deadline day will be Wednesday, April 21, 2021.

The next regularly scheduled work session will be Thursday, April 29, 2021.

R. Ridler stressed the importance of complying with the deadline submission dates for documents and information so that Board members as well as the public have an opportunity to review those documents with sufficient time before meetings, emphasizing that such items must be received either on or before those dates.

HEARINGS

*Beyer, Eric -- Minor (1 lot) Subdivision – 1601 Grassy Lane, Cazenovia
File # 21-1342 (Anne Ferguson)*

Eric Beyer was present to represent the file as was his realtor, Allen Olmsted of Canaan Realty.

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

Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes
Gerald Rasmussen	Voted	Yes
Robert Ridler	Voted	Yes.

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

Neale Moore of 3151 Pompey Hollow Road said he was the seventh generation living on his property which adjoins Mr. Beyer's property. He said he lives downhill from the proposed subdivision. He was concerned about drainage and runoff which might affect a stream that runs through his property, Polly Monz's property, and then enters Pompey Hollow Road. He said his property is downhill in elevation through a steep corridor and he wanted to bring up the watershed issues that he presumed were being reviewed by the Board.

A. Ferguson responded that the proposal was for a one-time subdivision carving out approximately ten (10) acres and the balance of the property would be subject to conservation subdivision (considerations) so Mr. Moore's concerns would be addressed

if there would be further subdivisions any time in the future. She repeated at this time there was only one (1) lot being created.

Sarah Stuart said she was also a downhill neighbor and she asked what was meant by a conservation subdivision.

A. Ferguson explained that when any property greater than ten (10) acres was to be subdivided it would be subject to consideration that no development occur on what would be considered conserved land, barriers, or natural land that one might want to conserve as open space due to the size of the tract. The conservation subdivision would allow for the development to be concentrated in one area so that the bulk of the property would remain open space.

S. Stuart said within the application there was mention of an additional creation of 4 -5 lots. She, being a downstream neighbor, shared the concerns about the watershed issue.

A. Ferguson said the 4 – 5 additional lots were not being requested at this time. She explained any future subdivisions would require a subsequent application and Board review.

S. Stuart said there was an archeological site adjacent to the property and wondered if the Board was aware of the Atwell Fort dating from the 1540's being nearby.

A. Ferguson responded, "Yes." She added that the Board was also aware that the property belonging to Polly Monz was being conserved as well, which she said was a reason the Board would consider future subdivision subject to a conservation subdivision in the future.

N. Moore asked if the reference to 4 -5 lots, which he said concerned him, was not an issue for this evening.

A. Ferguson answered, "That's correct."

R. Cook remarked that there were several buildings on both proposed lots and after looking at the latest drawing this evening he wanted to be sure that there would only be one (1) residence on each lot.

A. Ferguson said she visited the site. She said on one lot there would be the house and a work shed/cottage behind it, and on the second lot there was a barn that was being converted to living space which would become Mr. Beyer's main residence.

R. Cook asked if there would be only one (1) residence per lot.

A. Ferguson affirmed that was correct.

S. Stuart asked if the septic would be inspected and approved for the barn conversion.

R. Cook answered if the barn was being converted to living space a permit would be required and would cover any construction conversion of the structure. He said the septic system would have to be designed by a licensed New York State engineer and inspected and approved by himself.

N. Moore asked about the distance between the septic and the well if they are existing features.

R. Cook said if the septic system and well are on the property at this time then typically they may remain as they are. He said any new construction would have to meet the New York State Health Department regulations.

E. Beyer said the septic system was in place when Cazenovia College had separate bathroom facilities for men and women in the barn. Then the previous owners, the Harwoods, converted it and had bathrooms in the barn. He said the septic was existing. He said the water was at one time supplied by the house, but when the Town paved the road, they broke that water pipe, so he installed a new well last summer. He said the well meets the Code.

Rob Connor of 1583 Route 20 said his property abuts the proposal as well. He said he was less concerned about this subdivision than he was future subdivisions. He asked about minimum lot requirements and he asked what the subdivision process for a 90-acre property in the Town of Cazenovia was, wondering what the considerations would be if the Board were to reject an application.

J. Langey explained the Board will examine this particular application on its own merits this evening. If any future applications should come forward, the Board has expressed their intent to very carefully examine a conservation subdivision. For purposes of tonight, the Applicant was proposing that the new lot would be 9.677 acres, which was more than sufficient from the minimum 3-acre lot requirement for normal, residential subdivision. The remainder lot would be 83 acres which should be more than adequate to support the water and septic. He elaborated that if one was to want to do further subdivisions for the lot, it would be carefully examined under the subdivision regulations at that time which would also include a public hearing.

R. Connor said there was a nice barrier of trees between the lots currently. He asked if there was substantial site work to convert the barn to a residence were there any restrictions to that work, asking if Mr. Beyer would need a permit. He also asked if there were any plans to remove part of the forest that exists or clearing, noting there was a power line easement that runs between the two (2) properties.

E. Beyer responded that the site work was already done. The buildings and structures were already there. He plans to plant trees around the barn. The only trees he would remove would be what he called “weed trees” like box elders. He said he would be happy to share what he envisions with anyone wishing to stop by.

A. Ferguson added that if there was a future subdivision, site plan review would require that tree removals and tree plantings be shown.

R. Ridler asked if there were any others wishing to comment about the application.

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

Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes
Gerald Rasmussen	Voted	Yes
Robert Ridler	Voted	Yes.

Motion by A. Ferguson, seconded by D. Bowers, to approve the minor (1) subdivision as most recently submitted was carried as follows:

Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes
Gerald Rasmussen	Voted	Yes
Robert Ridler	Voted	Yes.

LAND DISTURBANCE/SITE PLAN REVIEW/SUBDIVISION

*33 Rippleton, LLC/Meiers Creek -- Site Plan Review – 4025 NYS Route 13 South,
File # 20-1313 (Thomas Clarke) Cazenovia*

T. Clarke said he spoke with Matthew Vredenburgh today and the archeological survey has been completed and Mr. Vredenburgh was currently reviewing it. At this time Mr. Vredenburgh did not think anything of importance had been found. Mr. Vredenburgh also plans to submit a revised site plan. There have been discussions

with Mr. Krumsiek, the neighboring property owner who operates a Bed & Breakfast. The Applicants will be addressing the issue of additional screening, some fencing, and relocating the proposed building somewhat to the north, closer to the Brewery.

A. Ferguson asked if the site plan would be submitted for the May meeting.

T. Clarke said Mr. Vredenburgh plans to have everything in order by the next deadline.

T. Clarke said the Board was also awaiting a more specific operating plan for the facility.

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

Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes
Gerald Rasmussen	Voted	Yes
Robert Ridler	Voted	Yes.

T. Clarke asked Mr. Langey if the (archeological) survey should be sent to the New York State Historic Preservation Office (SHPO) as well as the Town.

J. Langey said it would be good to send it to SHPO and receive their comments.

*Donohoe, Peter -- Site Plan Review – 4895 East Lake Road, Cazenovia
File # 20-1323 (Jerry Munger)*

J. Munger assumed everyone on the Board saw the request by Matthew Vredenburgh to continue the file until the next meeting.

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

Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes

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Hugh Roszel	Voted	Yes
Thomas Clarke	Voted	Yes
Gerald Rasmussen	Voted	Yes
Robert Ridler	Voted	Yes.

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

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

R. Ridler said the status of the application was that the Applicants have submitted various forms most recently talking about the soil analysis and related information. Based on a recommendation from Don Ferlow of the Cazenovia Advisory Conservation Commission (CACC) Mr. Ridler has contacted two (2) individuals who would be qualified to review any submissions by the Applicants and who would create their own analysis of the soils and the impact the solar arrays would have upon the soils. He asked Ms. Hughes for an update.

W. Hughes said most recently they submitted the soils analysis and decommissioning plan (entitled *Soil and Decommissioning Report Ballina Road Solar Cazenovia, NY March 2021*) with the understanding they did not meet the deadline for this meeting. She said it included their report as well as a third-party report, and the soil restoration plan which would be part of the decommissioning plan.

M. Borkowski said in response to the thoughtful comments made at the last meeting they endeavored to assemble a document that encompassed the decommissioning plan, a wetland report, a soil analysis, and a third-party soil analysis. He said recently in Virginia as a part of a project in the Chesapeake Bay watershed they acquired a third-party report explaining how converting a farm field to a solar field with pollinator-friendly (vegetation) has positive impacts upon the soil. He said they could add that report to the documentation the Board may submit for review.

R. Ridler asked Mr. Cook his thoughts.

R. Cook said that as he has stated previously the Board needs the information that tells the Board that in the end the soils on this site will not be negatively impacted (by the proposal). He felt the information John Dunkle provided from New York State Agriculture & Markets (Ag & Markets) and their views regarding projects such as this was very thoughtful, and he hoped everyone had an opportunity to read that.

R. Ridler asked Mr. Dunkle if he cared to comment.

J. Dunkle said the information he sent was a standard in restoring soils on agricultural land for wind farms and solar farms. He strongly recommended that any work this Board does reference that industry standard for soil restoration.

M. Borkowski asked if they have seen a copy of that information.

A copy of the information will be sent to the Applicants via the Planning Board Secretary.

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

Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes
Gerald Rasmussen	Voted	Yes
Robert Ridler	Voted	Yes.

*East Lake Tennis, LLC -- Site Plan Review – 5240 East Lake Road, Cazenovia
File # 21-1349 (Gerald Rasmussen)*

Kasey Gabrielsen of Bartlett Tree Experts was present to represent the file.

G. Rasmussen said the site was 3.71 acres and the proposal was to create a small lawn on the north side of the property and the north side of the house by removing 20+ trees and invasive species which would allow the Applicants to create a small turf lawn 1200 – 1500 square feet. He said the lawn would be .034 acres. He said they would remove the trees, level the site where the holes would be left from the tree removals, and then put down turf.

A. Ferguson asked if the stand of buckthorn that was pictured in a photograph submitted with the application was where the tree removal would take place.

K. Gabrielsen said that was correct, explaining the majority of trees in that section (pictured) would be ash trees which had been affected by the Emerald ash borer as

well as “a handful” of buckthorn and honeysuckle that would be removed as well. She shared her screen to show a drawing of the property. She explained where the house was on the property, the location of a wetland and the general area where Owera Vineyards was located. A boxed area on the drawing was the area where the majority of the work would be completed. She explained the ash trees were 12-14 inches in diameter which had been infected by the Emerald ash borer. They would like to remove the stumps and as Mr. Rasmussen explained create a small recreational area for the Owners’ dogs.

A. Ferguson asked if Ms. Gabrielsen could share photographs of the actual trees which had been included with the application.

K. Gabrielsen searched for them, but she was unable to share those. She was able to share an aerial view. She showed the area boxed in, mentioning that there were 3 - 4 native black locust trees that they will prune and keep among the ash trees.

R. Ridler said when he and Mr. Rasmussen visited the site they spoke with Jason Maxon and Mr. Maxon said the majority of the trees along the roadside would remain. He asked if that was correct.

K. Gabrielsen confirmed that was correct.

R. Ridler said Mr. Maxon also indicated the clearing would occur to the north where a white picket fence exists. He asked if the fence belonged to the Owners or the neighbors.

K. Gabrielsen said the fence belonged to the neighbors.

R. Ridler said Mr. Maxon stated there would be 25 feet between the fence and a barrier to keep the dogs in the cleared area which was the required set back and which would allow for mowing equipment.

K. Gabrielsen said that was correct. She said when she last spoke with Mr. Maxon, she believed they intended to use Invisible Fencing for the dogs, so to her knowledge there would be no physical structure installed.

R. Ridler said they had a conversation regarding the tree removal and the installation of sod. He said there would be stump removal, but it was his understanding the lawn would not be graded to change the slope, only to smooth the surface after stump removal.

K. Gabrielsen affirmed that was correct, saying the intent was to fill any divots or holes, add some topsoil to flatten those spots and overseed it. She said no elevation or grade was being adjusted.

R. Ridler said Mr. Ferlow had sent comments on behalf of the CACC and asked if he had anything he would like to add.

D. Ferlow had some technical difficulty.

R. Ridler read from Mr. Ferlow's report, saying "hand clearing of trees in a wetland is allowed but changing area to lawn and removing stumps is not without a permit." He asked if Ms. Gabrielsen was familiar with the restriction.

K. Gabrielsen said her understanding based upon her discussion with the landscape architect was that if they were outside the 100-foot wetland buffer that part of the project could move forward. She thought the clearing would be 140 feet from the native wetland.

R. Ridler asked if Ms. Gabrielsen was working with an accepted map of the wetland.

K. Gabrielsen displayed the first drawing she displayed earlier and explained it was from a program from the New York State Department of Environmental Conservation (DEC) that allows one to see the wetlands that are existing. She pointed out a dark green area to the west of the proposed clearing buffered by a light green area depicting the wetland buffer as well as a green swath to the north and east. She said this was retrieved from the DEC website.

R. Ridler asked if that was acceptable to Mr. Cook.

R. Cook responded that was why Ms. Gabrielsen was before the Board. He said typically trees particularly ones susceptible to disease he has allowed to be removed, but the proximity to the wetlands area and being an area that eventually drains to the lake, he wanted to be very careful about the area that would be disturbed.

R. Ridler asked if Mr. Cook was comfortable with the proposal.

R. Cook answered that he was.

D. Ferlow said the wetland map essentially showed the fish and wildlife service map which he said was not related to DEC at all. He said having been made a few years prior it only shows part of the wetlands that were really in the area. He said if the proposal was near the building and not at the bottom of the hill, that was a different location than the one he was looking at in the plan that was submitted.

K. Gabrielsen said she walked the site today and the closest edge to the wetland was 128 feet where two (2) buckthorns would be removed. All other work would be about 150 feet from the wetland area.

R. Ridler asked for assurance that the majority of the trees along the roadside north and south of the driveway would not be cleared.

K. Gabrielsen said that was correct, the Owner wanted to maintain as much privacy as possible, so the maples and ash trees within the first ten (10) feet would stay as is.

G. Rasmussen read from the General Municipal Law Recommendation Report (GML) received from Madison County Planning Department, "The removal of twenty trees on this parcel located in the Watershed District, would cause no adverse County impact. However, if approved the Board should document the reasoning to avoid a precedent being set that opens the door for general tree removal." He commented that he did not feel the disturbance on a 3 – 4-acre parcel of .03 acres would set a precedent but he was open to the Board's thoughts.

A. Ferguson thought the concern could be alleviated if the Board were to note that they recognize the small impact, but they would require the Owner to return if more significant acreage were to be cut.

R. Ridler asked if Mr. Langey had input.

J. Langey led the Board through review of the Short Environmental Assessment Form (SEAF) in regard to the State Environmental Quality Review (SEQR).

Motion by R. Ridler, seconded by A. Ferguson, to appoint the Planning Board as Lead Agency for the purposes of the SEQR, to affirm the matter an Unlisted Action and make a Negative Declaration based upon the Board's review of the SEAF, and to approve the site plan as most recently submitted conditioned upon all disturbance being outside the wetland buffer and upon there being no significant change in the grade, was carried as follows:

Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Hugh Roszel	Voted	Yes
Thomas Clarke	Voted	Yes
Gerald Rasmussen	Voted	Yes
Robert Ridler	Voted	Yes.

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Motion by D. Bowers, seconded by J. Munger, to adjourn the meeting at 8:17 P. M. was carried as follows:

Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Hugh Roszel	Voted	Yes
Thomas Clarke	Voted	Yes
Gerald Rasmussen	Voted	Yes
Robert Ridler	Voted	Yes.

Sue Wightman, Planning Board Secretary – April 1, 2021