

# Town of Cazenovia Planning Board

## Meeting Minutes

November 4, 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; J. Richard Sadlon; Elizabeth Sadlon; John Sadlon; Amy Skeelee; Joseph Sovocool; Ray Ulinski; Lauren Ulinski; Brian Manning; Jon Verbeck; Jeremy Davidheiser; Andrew Leja; Michael Frateschi; Gerald Mehlbaum; Alan Brandolini; David Eilers; Joan Curtis; Kim Mitchell; David Mitchell; Jen Wong; Anthony Mercado; Daniel Dixon; Jackson Wright; Gary Brink

-----

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

R. Ridler asked that those in attendance record their names on the sign-in sheet that was circulated.

Roll was taken.

-----

Motion by A. Ferguson, seconded by T. Clarke, to approve the October 7, 2021 meeting minutes was carried unanimously.

-----

The next regularly scheduled meeting will be Thursday, December 2, 2021.  
The next regularly scheduled work session will be Tuesday November 23, 2021.  
The next deadline day will be Wednesday, November 17, 2021.

### **HEARINGS**

*Sadlon, J. Richard (Rich) & Elizabeth (Betsy) -- Minor (2 Lot) Subdivision – 2208 Ballina Rd  
File # 21-1384 (Robert Ridler)*

J. Richard (Rich) Sadlon, Elizabeth (Betsy) Sadlon, and John Sadlon were present to represent the file.

Motion by T. Clarke, seconded by M. Koppers, to open the public hearing was carried unanimously.

R. Ridler explained this was for a minor subdivision on Ballina Road. He then invited public comment.

David Mitchell of 2162 Ballina Road asked to see the plan. He questioned the width of the right of way for Lot 1 B as it appeared on the drawing entitled *Line Change Map on Part of Lot 13 of the Road Township Lands of Sadlon* created 10-02-2021 by Michael J. McCully Land Surveying PLLC. He said the (12-foot) driveway was on the lot line shared by the Sadlons and himself. He said he knew there were setbacks for structures and wondered if there were setbacks for driveways.

R. Cook said there were not.

D. Mitchell responded that “was absolutely ridiculous.”

A. Ferguson advised Mr. Mitchell to raise the issue with the Town Officials saying the Planning Board only enforces the laws, it does not make the laws.

R. Ridler asked if there was anyone else wishing to comment.

Hearing no one, motion by A. Ferguson, seconded by M. Koppers, to close the public hearing was carried unanimously.

Motion by A. Ferguson, seconded by M. Koppers, to approve the minor (2 Lot) subdivision as most recently proposed was carried unanimously.

*Skeele, Amy & Sovocool, Joseph -- Line Elimination – 2525 Tucker Road & Tucker Road  
File # 21-1389 (Thomas Clarke)*

Amy Skeele & Joseph Sovocool were present to represent the file.

T. Clarke explained the proposal was to combine two (2) lots into one via a line elimination. He said he saw no problem with the proposal.

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

R. Ridler asked if there was anyone present wishing to comment.

Hearing no one, motion by T. Clarke, seconded by D. Bowers, to close the public hearing was carried unanimously.

Motion by T. Clarke, seconded by G. Rasmussen, to approve the line elimination as most recently submitted was carried unanimously.

-----

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

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

No one was present to represent the file.

Motion by D. Bowers, seconded by T. Clarke to continue the file was carried unanimously.

-----

*Ulinski, Ray & Lauren -- Site Plan Review – 2064 Wright Road, Cazenovia  
File # 21-1392 (Jerry Rasmussen)*

Ray & Lauren Ulinski were present to represent the file, as was their architect Brian Manning of Teitsch-Kent-Fay Architects, PC.

B. Manning said they were proposing s 200-square foot addition to the rear of the house with a 300-square foot deck.

R. Ridler asked Mr. Rasmussen if he had any comments relating to the impervious surface percentages.

G. Rasmussen said the existing impervious surface area was 11.63%. He said the Applicants will be removing some concrete patio and installing a deck in its place resulting in 12.24% overall. He said the increase would be .61%. He felt it was a straight-forward application and expressed his approval.

J. Langey said this would be a Type II Action in regard to the State Environmental Quality Review (SEQR).

Motion by G. Rasmussen, seconded by A. Ferguson, to approve the site plan to construct a 200-square foot addition and a 300-square foot exterior wood deck as most recently submitted was carried unanimously.

-----

*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 explained that when he and Mr. Ridler first visited the site, they thought this would be a low-impact project, but after getting input from Mr. Cook, they decided otherwise. He said he and Mr. Cook believe a planting plan should be submitted as part of the site plan review. He explained the Owners were in Florida at this time.

A. Ferguson thought the plan had been for the Owners to remove brush and then return with a planting plan, and asked if now a planting plan should be submitted before the brush removal.

T. Clarke responded a plan should be submitted first. He asked if the Board should approve the removal of some trees outside the area in question.

R. Cook said he already approved the tree removal, which required a separate permit.

T. Clarke said he would communicate the need for more information for the proposal. He noted the work would be done in the Critical Environmental Area (CEA). He felt that was cause for a detailed plan.

R. Ridler noticed a boat port was part of the plan as well.

Motion by T. Clarke, seconded by G. Rasmussen, to continue the file was carried unanimously.

-----

*Verbeck, Jon & Kathleen -- Site Plan Review – 4505 Seven Pines, Cazenovia  
File # 21-1396 (Jerry Munger)*

Jon Verbeck was present to represent the file.

J. Verbeck explained the proposal was to angle the new house differently and to move it forward approximately 18 feet. He said this would be similar to the angle of the previous house and would be more “respective” of the neighbor’s lot. He said the corner of the house would be at the 100-foot line (from the lake). He said approximately 84 square feet of the patio corner would then be in Zone B.

A. Ferguson asked for clarification as to how this compared to the previous approval (granted for the new home).

J. Verbeck showed the location of the previously approved site plan.

A. Ferguson asked the rationale for the change.

J. Verbeck said they had not had a good understanding of how the existing home was angled in regard to the lake. He said angling the home would give his neighbor a better perspective as well.

J. Munger asked if there were new impervious surface calculations.

J. Verbeck answered the impervious surface area of the revised home would not differ from the previously approved home except that 82 – 84 feet would now fall into Zone B.

J. Munger asked if that was the only impervious surface area that would be in Zone B.

J. Verbeck responded that it would be. He said all other surfaces that had existed in Zone B “were gone.”

Motion by J. Munger seconded by A. Ferguson, to reappoint the Planning Board as Lead Agency for the purposes of the SEQR, to reaffirm the matter an Unlisted Action and make a Negative Declaration based upon the Board’s review of the SEAF and to approve the revised site plan to for the reconstruction of a new home as most recently submitted was carried unanimously.

-----

*Setter, Theresa --Site Plan Review – 5001 East Lake Road, Cazenovia  
File # 21-1397 (Mary Margaret Koppers)*

Jeremy Davidheiser of Watson Farms LLC was present to represent the file.

J. Davidheiser said based upon comments he had received at the work session he had modified the plan. Originally six (6) pillars were proposed along the walkway to the water. Now only the two (2) pillars at the top were being proposed and he had a sketch of the enlarged area to reflect that change. He said plants were proposed in lieu of the four (4) pillars that were removed from the plan.

J. Davidheiser said also per the work session discussion he created a section view of the fire pit location.

J. Langey asked if the new drawings were submitted to the file.

J. Davidheiser responded that he would email the new documents for their inclusion.

J. Davidheiser believed it would be difficult to view all of the fire pit from the water which would be above the water level.

A. Ferguson asked the diameter of the fire pit.

J. Davidheiser answered it would have a 4-foot outside diameter with a 2 ½ foot inside diameter. He said the fire pit would be raised about a foot from the ground. He pointed out that the drawing also showed the proposed terraced plantings.

J. Davidheiser stated the plant list would be the same as the what was shown at the work session.

J. Davidheiser said part of the initial submission was photographs of the existing conditions and he wondered if everyone had seen those. He said some Board members also visited the site. He offered if anyone else wanted to see the site, he would be happy to meet with them there.

R. Cook asked if the planting plan identified the number of plants as well as the species.

J. Davidheiser affirmed the quantities were supplied as well. He added if the Board needed to know the size of the material, he could provide that too, remarking some of the trees would be larger than what would ordinarily be used. He repeated the quantities were listed on the key of the planting plan as well as on the site plan drawing.

D. Bowers and A. Ferguson asked about comments from the Cazenovia Advisory Conservation Commission (CACC).

The application was sent to Don Ferlow the CACC representative, but Mr. Ferlow had not been asked to comment.

J. Davidheiser said all the plant material proposed was native. He said a number of burning bushes would be removed as well as a number of barberry bushes. He said no significant trees would be removed; one large honeysuckle bush would also be removed. He said in addition they would remove two (2) tree stumps that he believed had been cut a number of years ago.

J. Langey then led the Board through the Short Environmental Assessment Form (SEAF). All finding for the eleven questions were “no impact.”

Motion by T. Clarke, seconded by G. Rasmussen, 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 to reconstruct the lake wall at the lakefront, install a new seating area at the lakefront, to reconstruct stairs from the top of the hill to the water, and to install new native plantings and informal boulder outcrops as most recently submitted was carried unanimously.

-----

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

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

A. Leja said he had not been part of the process when the original approval was granted, but since that time there had been “some obvious motion” in the Town “with respect to solar facilities.” And there had been some “unfortunate lack of motion with respect to suppliers.” He said the Planning Board granted site plan approval for the project in February of 2021 and shortly after that TJA started mobilizing to proceed with

construction. In June the Cazenovia Town Board enacted a moratorium on all (commercial) solar development. He said TJA was exempted from the moratorium because they had obtained all approvals before the moratorium took effect. He explained by August it became clear the supply chain disruption that had been in effect “since COVID hit” was affecting the solar industry, as well, in terms of the availability of panels from the Far East which were delayed interminably due to “shipping hold-ups.” He continued that by August, TJA realized that the anticipated shipping arrival times for the panels approved by the Board as part of the original proposal jeopardized New York State Energy Research and Development Authority (NYSERDA) incentives. The deadline for those incentives was October 7, 2023 at which time projects must be completed and operating. He said NYSERDA incentives were a substantial part of the project - without them, the project becomes untenable.

A. Leja said August 18, 2021 C & S Engineers, the technical consultants for TJA, sent an amended site plan package. Due to the moratorium, the Planning Board was unable to consider the amendment package. TJA then applied to the Town Board for a special exception to the moratorium based upon the demonstration of hardship faced as a result of complying with the moratorium. The Town Board granted the exception October 19, 2021 which allowed TJA to come before the Planning Board with a proposed amendment for site plan approval which, if granted, allows TJA to appear before the Zoning Board of Appeals for an amended special use permit.

A. Leja believed the amended plan would be an overall, unquestionable benefit to the community from the original approval given in February. He said obviously the storm water package would need to be reviewed by the engineers for the Town; Mr. Frateschi would answer questions about the changes of the revision; they would be happy to answer any questions the Board may have; and the Board would want to hear the public comments.

M. Koppers asked if the option of asking for an extension from NYSERDA had been pursued.

A. Leja said they had reached out to NYSERDA at the behest of the Town Board. The response, which was provided to the Town Board, was that NYSERDA does not consider giving exceptions to their deadline unless it becomes absolutely clear that the deadline cannot be met. The tentative date that TJA was given for the shipping of the single - racking from the Far East was 40+ weeks from ordering.

A. Leja said a European vendor was located that promised it could ship double-racking in about 20 weeks which would allow TJA to finish construction and to obtain approval from National Grid on time.

A. Ferguson noted the letter from the European supplier had been provided with the application.

A. Leja said they had supplied letters from NYSERDA setting forth the deadline, the email from NYSERDA, and the letters from the two (2) suppliers regarding shipping times to the Town Board, and they would be happy to provide that confirmation to the Planning Board as well.

A. Leja explained that rather than waiting until they were sure there was no way the panels would arrive and then seeking an extension from NYSERDA which NYSERDA may or may not grant, they thought it more appropriate and wiser to seek an amendment to move to a double-rack configuration from a different supplier who could deliver in a much shorter time.

A. Ferguson asked about the impact of any new regulation being developed for solar facilities during the moratorium, specifically regarding height, upon the proposal for these proposed, higher double-racks. She wondered if a variance for height would need to be sought.

J. Langey explained there was a standing committee that was working diligently on a new set of regulations. The current version of those new, unapproved regulations created a lower height restriction. He said the question was what if in the middle of taking TJA through the process the new regulations apply. He said the situation rarely happens in zoning and land use matters, but it would be possible for this application. He said the process of site plan review with the Planning Board and the process of the special use permit with the Zoning Board of Appeals may not be completed before new regulations were approved.

A. Ferguson said the new regulations may only allow the overall height of 15 feet if combined with agricultural use, which would be defined as grazing or pasturing animals, and she did not believe the Applicants' proposal included that feature.

A. Leja asked if a distinction was being made between agricultural uses and other commercial uses as far as the height requirement went.

More discussion followed about the current law, the proposed law, and the prior approval.

It was determined the approved height had been eight (8) feet; the current law for commercial solar farms was an average height not to exceed 20 feet including any base and supporting material; the proposed height for non-agricultural use would be 14'8"; and the new TJA proposal was for 14'6".

R. Ridler asked about the measuring of height.

M. Frateschi illustrated by using the board they brought with the new drawings attached, showing physically the height of the double panels on the trackers when at full-tilt and when table-topped. He explained the panels would be highest early in the morning and late in the afternoon. At night, the panels would be level. When the panels were flat, the height would be 8 – 8 ½ feet high. When the panels were tipped at the most vertical level, the height would be 14 ½ feet high for the top panel and 36” from the ground for the lower panel. He said that was designed for snow, but it also exceeded the 24” that was usually required for grazing.

A. Ferguson then asked that Mr. Frateschi go through the most recent drawings for the proposal, comparing them to the previously approved plans.

On Drawing C-101 *Aerial Site Plan* revised 10-20-21 by C & S Engineers, Inc, M. Frateschi pointed out the previous fence line delineated in red and the new fence line in blue. Speaking about the western array, he said the proposal was to shrink the facility into the bowl area of the topography. He said a low point runs through the center of this facility and storm water basins were proposed at the south end of the low point. Previously, racking was proposed on the high point in the northeast corner, on the knob of a hill. Screening had been proposed, but driving along Route 80 there were points where the screening did not conceal the facility because of topography. Along another section of Route 80 there was a swath where the arrays on the hillside would also be visible. They now propose to condense the facility moving the eastern boundary farther to the west. He said they were able to shrink the size due to the efficiencies of the double-rack panels which allow for some consolidating. They have bumped the fence out in the southwestern corner of the western array and proposed some additional landscape screening on the west and south sides. He said the site would be shifted to the north. Jim Wright, the neighbor to the north, attended the Town Board meetings and was in favor of the latest project.

M. Frateschi said the eastern facility had not changed from a disturbance standpoint. The fencing would be almost identical to the approved with the same screening and clearing limits. He said the clearing to connect the two facilities would be shifted about 100 - 150 feet to the south, and they performed a tree survey (for the new location) to avoid any old growth wood.

M. Frateschi said that with the proposed racking, it would now require a little more than half the driven piles, the construction time, and the related disturbance. He felt this summarized the scope of the changes.

R. Ridler asked about energy production.

M. Frateschi said in terms of Direct Current (DC) power, the eastern array produces a little more than the western array, but the overall DC size would be the same.

A. Ferguson asked if there was a change in the location of access roads, particularly the property acquired from a neighbor for access to the eastern array.

M. Frateschi said the access road currently ran along the proposed landscaping going through the wetland area midway. It would have been less than a tenth of an acre so it would not have been considered jurisdictional, there would have been no need for mitigation however, to utilize the new route the revised plan would have required applying to the Army Corp of Engineers (ACOE). He said the ACOE was so backed up it would have taken months to be approved, so they now will revert to the approved access location, which will now be within the fenced area, coming down the middle of the facility. He said the fence line would not change, and the clearing would not change. He explained they endeavored to avoid needing extra permits from the ACOE at this time. The drawings did not reflect that preferred location but the updated ones would.

A. Ferguson asked if the change in the road would change the number of racks in the eastern facility.

M. Frateschi responded it would not.

A. Ferguson asked about setbacks.

M. Frateschi said they would continue to meet the current bylaws for setbacks.

M. Frateschi informed Mr. Dunkle that in terms of storm water, this should be an easier SWPPP since the impervious area would be decreased.

J. Dunkle asked if the new row spacing was in compliance with the standards to be consider pervious.

M. Frateschi affirmed that was the case, stating the row spacing was greater than the width of the double panels.

M. Frateschi said the road into the western array would also now be more within the flats, requiring less grading coming into the basins. He said the relocation of the road for the eastern array would have a more gradual slope also requiring less grading. He said they would note all the changes, and he felt Mr. Dunkle would be happy with what he saw regarding storm water.

R. Cook believed at the last site plan review, the view from Kinney Road, that runs parallel to Route 13/Route 80 from New Woodstock to Sheds but at a higher elevation, had not been considered. He felt this perspective should be taken into consideration for the revised application.

A. Ferguson advised this would be addressed when the Board reviewed the photo simulations.

A. Ferguson asked that they discuss drawing C-102 *Overall Site Plan* by C & S Engineers, Inc. revised 10-20-21.

M. Frateschi said no additional changes were shown on this drawing that were not shown on the previous drawing.

A. Ferguson noted that drawing C-103 *Site Survey Plan* by C & S Engineers, Inc dated 10-20-21 was labeled the same as C-101 and asked that the title be changed to help differentiate between the two drawings.

M. Frateschi explained C-103 illustrated the existing survey, C-102 depicted the survey with the proposed solar facilities.

J. Dunkle explained C-103 was the existing topographical (topo) conditions.

M. Frateschi said C-103 also showed the existing boundaries.

A. Ferguson clarified there was no change on this drawing from the previous approval.

A. Ferguson then asked about drawing C-104 *Landscaping Plan* by C & S Engineers, Inc dated 10-20-21.

M. Frateschi said the only changes were location and quantity, with a higher quantity along the western and southern boundaries of the western array, which were reflected in the table count at the bottom left of the plan.

A. Ferguson understood that the amount of removal on the east side, which was a lot but was approved, would be the same, but the change would be along the northwest edge.

M. Frateschi agreed.

A. Ferguson then asked about drawing C-105 *Grading Plan* by C & S Engineers, Inc dated 10-20-21.

M. Frateschi said anything reflected in the Storm Water Pollution Prevention Plan (SWPPP) would be shown on this drawing. He noted the grading on the western access road changed in accordance with the alignment. He said the grading for the eastern access road would remain the same as the approved plan, which would actually be less than the grading shown on this plan.

A. Ferguson asked if all the plans would be updated and dated to show the revised plan for the location of the road for the eastern array.

M. Frateschi said he would ensure they were.

Moving on to drawing C-106 *Erosion and Sediment Control Plan* by C & S Engineers, Inc dated 10-20-21, J. Dunkle said he would review this plan with the SWPPP.

A. Ferguson asked that Mr. Dunkle also review C-501 *Site Details* by C & S Engineers dated 10-20-21 which addressed the panel specifications.

M. Frateschi said the drawing showed the width of the panels to be 14'3" with a maximum height of 14'6". He said the details were similar (to the previously approved design) aside from the heights. He stated the other details were the same.

J. Dunkle asked if two panels would be on one rack.

M. Frateschi answered two would be on one rack.

A. Ferguson asked the color of the racks and the panels.

M. Frateschi replied the racks would be galvanized steel.

A. Ferguson asked if that would be black.

M. Frateschi said galvanized steel would be gray. He believed that detail was approved in the special use permit and/or the site plan.

A. Ferguson asked if the racks would be non-reflective.

M. Frateschi said they would be. He added the panels would have an anti-glare coating.

A. Ferguson noticed in some of the photo simulations (sims) the panel glass appeared blackish whereas in others it appeared to be bluish.

M. Frateschi clarified the panels would be black.

R. Ridler asked if the maximum height of the panels would be the same throughout the seasons when the angle of the sun changes.

M. Frateschi said that would be the maximum height unless the snow sensors sense snow that would shade the panels at the bottom of the panel, in which case the panel would be adjusted.

A. Ferguson said drawing C-502 *Details* by C & S Engineers, Inc dated 10-20-21 showed the planting selections which were the same as those previously approved.

A. Ferguson asked if any of the details shown on C-503 *Fence Details* by C & S Engineers, Inc dated 10-20-21 differed from the previous fence plan.

M. Frateschi said it would not be different – it would be an agricultural-type black fencing.

A. Ferguson asked if the fencing would be taller since the panels would be higher.

M. Frateschi clarified the fence would be eight (8) feet tall, as was the approved fencing; it would not be taller.

A. Ferguson asked if the height of the fence was to keep animals out or people out.

M. Frateschi explained the electric code was more for the electric equipment within the facility, not for the racking. He elaborated the fence was to keep people out. He remarked the height required in the electric code was seven (7) feet.

A. Ferguson said the racks and panels would then be above the fence.

M. Frateschi responded when the panels were table topped, the racks and panels would be the same height as the fence. He pointed out the woven detail would be thicker at the top than at the bottom allowing smaller animals to enter and leave the facility.

A. Ferguson asked if that was standard in most installations.

M. Frateschi answered it was standard for TJA.

A. Ferguson clarified her question was regarding the racking and panels towering over the fence.

M. Frateschi replied for this racking it was standard. He said they have not installed any fencing over 8-feet tall.

R. Cook remarked he did not think the fencing was a screening mechanism.

M. Frateschi elaborated “the intent was more the electric side” – for safety.

A. Ferguson said drawing C-504 *Signage Details* dated 10-20-2021 by C & S Engineers, Inc had not changed.

A. Ferguson noted C-505 *Racking System Datasheet* by C & S Engineers, Inc dated 10-20-21 was new.

M. Frateschi said Ideematec was the German brand they were proposing, and the drawing showed some photographs of the product. He explained the superiority of the design with the alignment of the racking regarding the wind load and its effect on the drivetrain.

A. Ferguson asked Mr. Dunkle to review that information, as well as the information found on C-506 *Erosion and Sediment Control Details* dated 10-20-21 by C & S Engineers, Inc.

M. Frateschi remarked the change to C-506 was the widths.

The Board then reviewed the photo sims provided with the revised application. Each set of perspectives illustrated the existing conditions, the approved conditions for single panels, and the proposed conditions for the dual panels. The audience, as well as the Board, was shown each set of photo sims from each of the seven viewpoints.

A. Leja felt these comparisons best demonstrated the net positives from a visual impact standpoint. He felt the change was dramatic in the reduction of the visibility of the panels in certain areas.

M. Frateschi pointed out the photos were taken when there were no leaves on the trees.

The first viewpoint, Photos #1a, b, and c, was from Barrett Road at 1580 feet.

The second viewpoint was from Barrett Road at 600 feet.

The third viewpoint was from Barrett Road at 1100 feet.

The fourth viewpoint was from Barrett Road at 950 feet. From this vantage point the proposal would now not be visible.

The fifth viewpoint was from Barrett Road & Route 80 at 2000 feet.

The sixth viewpoint was from Route 80 at 600 feet.

The seventh viewpoint was from Route 80 at 1600 feet. A. Ferguson noted an improvement from this vantage point, as well.

M. Koppers remarked that the perspective from Kinney Road that Mr. Cook had mentioned should be added.

A. Ferguson asked Mr. Frateschi to create photo sims from that view.

M. Frateschi agreed and asked to be shown the approximate location of Kinney Road.

R. Cook explained the location was across the valley on the eastern side of the hill, to the west of Route 80/Route 13.

A. Ferguson said the photo sims were “great and helpful.”

A. Ferguson asked that the Applicants address the changes in the application and specifically regarding the Environmental Assessment Form (EAF).

M. Frateschi said he was not prepared to discuss the EAF in detail this evening. He said the conditions from the previous site plan approval would all be maintained, aside from the height restriction.

A. Ferguson stated the amended SWPPP would be given to Mr. Dunkle with the changes noted.

A. Ferguson saw that the United States Department of Agriculture (USDA) Soils Analysis Report had been submitted with the previous application. She asked if a third-party, independent consultant also had evaluated the soils.

M. Frateschi recalled they did with their wetland work, but he would verify whether that was the case.

A. Ferguson explained that was something the Board was now seeking. She also noted for the record that the Maryland Department of Environmental Departments findings regarding storm water and solar installations, which was also submitted for the prior application, was the source of the commentary about the panels’ being nonintrusive to the environment. She pointed out that was not a New York State issued document.

M. Frateschi said the New York State Department of Environmental Conservation’s (NYSDEC) technical memo references that (document from MD).

J. Dunkle interjected that those standards have been adopted by New York State.

A. Ferguson assumed there was no need for a new Department of Agriculture & Markets review.

M. Frateschi indicated there was not.

A. Ferguson also assumed there was no need for a wetlands determination, believing nothing had changed since the last determination.

M. Frateschi indicated that was also true.

A. Ferguson asked if the Operations Plan has changed.

M. Frateschi responded that it had not.

A. Ferguson asked if the Road Maintenance Agreement had changed.

M. Frateschi answered, "No."

A. Ferguson asked if the SEQR needed to be updated.

J. Langey suggested the Planning Board make itself Lead Agency for the amended approval.

A. Ferguson asked if the Decommissioning Agreement had changed.

J. Langey said they had not gotten to the point of filing the original Agreement.

M. Frateschi said the cost of the decommissioning was based on the megawatt Alternating Current (AC) power, which he said had not changed.

A. Ferguson asked if the Federal Aviation Administration (FAA) approval still held.

M. Frateschi affirmed it did.

A. Ferguson assumed the sign-offs from the Emergency Medical Service agencies still held as well.

M. Frateschi responded they did.

R. Ridler asked about the Payment In Lieu of Taxes (PILOT) agreement.

M. Frateschi said it was "all set and executed with all three parties – Town, School, and County."

A. Ferguson said there were four (4) items she wanted to identify and confirm TJA had in its documentation, which were in the proposed legislation the Solar Subcommittee was reviewing. The first was utility notification and service order number.

M. Frateschi believed that was listed on the legend of the drawings and was #270379.

A. Ferguson said the second item was a sun chart which she found included with the application, which showed the rotation of the panels based upon Eastern Standard Time.

A. Ferguson said the impact of reflection upon neighboring properties was another consideration. She believed the Applicants have stated the material would be non-reflective, and there were no neighboring properties that would be affected.

A. Ferguson said the final document was an electrical diagram, but she was unsure about the specifics.

M. Frateschi recalled submitting one line electrical drawings for the previous approval.

J. Langey repeated his advice that it would be prudent for the Planning Board to make itself Lead Agency for the amended project. He expected they would adopt basically an identical Lead Agency resolution incorporating the changes with the same Involved and Interested Agencies as before. He said those would be distributed shortly starting the 30-day response period to secure Lead Agency for the balance of the application.

Motion by A. Ferguson, seconded by M. Koppers, to designate the Town of Cazenovia Planning Board as Lead Agency, identifying the agencies previously identified as Involved or Interested Agencies and instructing Mr. Langey to draft a resolution to that effect for proper notification was carried unanimously. (The Interested and Involved Agencies were:

- 1) Cazenovia Zoning Board of Appeals,
- 2) US Army Corp of Engineers,
- 3) NYSERDA,
- 4) NYSDEC,
- 5) NYS Ag & Markets,
- 6) Town of DeRuyter
- 7) NYS Office of Parks, Recreation and Historic Preservation (SHPPO).)

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

J. Munger asked about the potential height requirements being discussed as they pertain to animal grazing.

R. Cook explained that the current law does not require animal grazing for heights up to 20 feet, which is the law the Applicants would be operating under at this time. The new regulations may require grazing for the proposed revised height if it were enacted prior to the approvals now being sought.

J. Munger remarked that the 36" height from the ground would not accommodate cow grazing.

Gerald Mehlbaum asked if the public could comment at this time.

He was told he could comment at the Solar Subcommittee meetings, or at the upcoming public hearing for this application, but no public comments should be made at this meeting.

J. Langey elaborated that the Applicants were no longer present, so it would not be fair to hear public comment. He repeated the Subcommittee meetings were "pretty free and open about receiving comments." He encouraged the public to write letters expressing their comments about this particular application. He said there also will be a public hearing in the future for this application. He assured the audience the public hearing would be held before the Board voted about the project. He explained the unwieldiness of having public comment during the preliminary portions of meetings, saying "this might go on for a number of months." He again encouraged written comments or verbal comments at the Subcommittee meetings.

-----

R. Ridler asked Mr. Langey if there was anything the Board needed to discuss regarding files on the pending section of the agenda.

J. Langey believed the Board needed some legal advice which he would give after the meeting was closed.

Motion by D. Bowers, seconded by T. Clarke, to adjourn the meeting at 8:48 P. M. was carried unanimously.

-----

Sue Wightman, Planning Board Secretary – November 5, 2021