

Town of Cazenovia Planning Board

Meeting Minutes

September 1, 2022

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

Members Absent: Jerry Munger

Others Present: John Langey; John Dunkle; Mark Blanding; Karen Blanding; Michael Palmer; Douglas Brackett; Mark Chambers; Marcin Marchewka; Matthew Vredenburg; Susan Kennedy; Timothy Kennedy; Diane Finnegan; Jo Anne Gagliano; Chris Montonte; Richard Ruggaber; Dawn Schmidt; Charles (Sam) Woods; Gail Azerado-Woods; Kyle Reger

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

Roll was taken. All were present except Jerry Munger. Jon Vanderhoef was asked to act as a voting member in Mr. Munger's absence.

The next regularly scheduled meeting will be Thursday, October 6, 2022.
The next regularly scheduled work session will be Thursday, September 29, 2022.
The next deadline day will be Wednesday, September 21, 2022.

Motion by A. Ferguson, seconded by M. Koppers, to approve the August 4, 2022 meeting minutes was carried unanimously.

HEARINGS

*Blanding, Mark -- Minor (1) Subdivision – 4676 Michigan Road, Cazenovia
File # 22-1431 (Jerry Munger)*

Mark Blanding was present to represent the file as was his realtor, Karen Blanding.

R. Ridler asked the Applicant to explain his project.

M. Blanding said he would like to subdivide his property.

R. Ridler asked where the property was located.

M. Blanding answered 4676 Michigan Road.

R. Ridler believed one (1) lot was being made into two (2) lots.

M. Blanding indicated that was correct.

R. Ridler asked the size of the lots.

M. Blanding responded that each lot would be approximately 20 acres.

R. Ridler asked if each lot would be residential.

M. Blanding stated he will be keeping the 20-acre parcel with the existing house, and the other lot will be residential as well.

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

R. Ridler asked if anyone in attendance wished to comment.

Hearing no comments from the public, motion by M. Koppers, seconded by G. Rasmussen, to close the public hearing was carried unanimously.

Motion by T. Clarke, seconded by G. Rasmussen, to approve the minor subdivision creating one new lot as most recently submitted was carried unanimously.

*Palmer, Michael & Tracy -- Line Change – 1571 Dam Road & Dam Road
File # 22-1438 (Dale Bowers)*

Michael Palmer was present to represent the file.

Motion by D. Bowers, seconded by A. Ferguson, to open the public hearing was carried unanimously.

R. Ridler asked Mr. Palmer to explain his application.

M. Palmer said he would like to redesignate the lot line between his property and the neighbors' property, the Griffithses', to coincide with the way the properties have been used for the last 30 years, saying the lot lines were oddly configured because the town line between the Town of Cazenovia and the Town of DeRuyter was unusually configured (in that section near the lake). He would convey the area where the Griffithses have parked to sensibly address the situation, explaining the neighbors have a pending offer for the sale of their property.

R. Ridler asked if there was anyone in attendance wishing to comment.

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

Motion by D. Bowers, seconded by A. Ferguson to approve the line change as most recently submitted was carried unanimously.

M. Palmer was informed that a letter would be sent with the map submission and the map filing instructions.

LAND DISTURBANCE/SITE PLAN REVIEW/SUBDIVISION

*Brackett, Leslie & Douglas -- Site Plan Review – 5090 Lakewood Way, Cazenovia
File # 22-1424 (Anne Ferguson)*

Douglas Brackett was present to represent the file.

A. Ferguson reminded the Board that the Bracketts want to attach a garage to their house and they have reconfigured the impervious surface area on the lot to accommodate that addition. She said the Board had been waiting for a response from the New York State Historic Preservation Office who had asked Mr. Brackett to provide some photographic information, which he had done. SHPO has now informed the

Town that the proximity to the Alberding home will not be an impact requiring the agency's input.

J. Langey led the Board through the Full Environmental Assessment Form (FEAF), Parts 2 and 3, finding there were no adverse environmental impacts for any of the eighteen categories, and in particular noted that the letter from SHPO dated August 25, 2022 stated there would be no impact on Historic Resources.

Motion by A. Ferguson, seconded by D. Bowers, to appoint the Planning Board as Lead Agency for the purposes of the State Environmental Quality Review (SEQR), to affirm the matter a Type I Action and make a Negative Declaration based upon the Board's review of the FEAF, and to approve the site plan as most recently submitted was carried unanimously.

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

Marcin Marchewka and Mark Chambers of C&S Engineers were present to represent the file.

R. Ridler recalled at the last meeting the Applicants were asked to provide some additional information which he believed has been submitted.

M. Marchewka said they submitted the manual for the trailer system, as well as the erosion and sediment control plan, which he has discussed with John Dunkle, to significantly reduce the clearing limits.

R. Ridler asked Mr. Dunkle to comment on the information received.

J. Dunkle said he received the erosion and sediment control plan yesterday and his general impression was admiration for the reduction of clearing now proposed. He still needed to review the details and calculations. He said his concern was the steep, wooded slope, so the fewer trees cut, the less storm water impact and the less visual impact there would be. He explained this was located on the side of the hill just above the Cazenovia College Equine field and the clearing would be seen from Pompey. He said conceptually the Applicants have made "good progress."

A. Ferguson asked if a simulation could be created to show how the view would be seen from US Route 20, mentioning a simulation had been provided and was helpful for a large solar project in the past.

M. Marchewka responded that the pads would not be any larger than the existing pad, which he said was barely visible from the road.

A. Ferguson asked if a simulation could still be done to help the Board visualize the tree removal.

M. Chambers said they could create something to show the Board how the area would look from Route 20 when the project was done.

R. Ridler interjected the Board would like to see before and after pictures.

J. Dunkle had created a photograph using *Google Earth 3-D*, and he distributed copies for the Board.

M. Chambers said they could create the visual to also show how it would look with the towers up in addition to the tree clearing.

A. Ferguson explained its helpfulness and how seeing it from various vantage points was useful. If the Applicants found there to be a visual impact, she advised that they think about how they could mitigate it.

M. Chambers spoke about how they have already mitigated visual impacts by shrinking the footprint by adjusting the grading.

R. Ridler asked about drainage.

J. Dunkle repeated that reducing the clearing and the tree removal would reduce the storm water impacts as well. He believed the swales along the access roads would no longer be part of the design, and there would only be sheet drainage, not concentrated flow, which would also help prevent erosion. He said the original pads required extensive grading up and down the hill, to get a flat pad in place, and asked how they have changed that to reduce the footprint.

M. Marchewka answered they sloped the pads, and they now propose one on one grading.

M. Chambers said the original design also included some peripheral corners that were not needed, so the corners were also eliminated.

J. Langey asked Mr. Chambers what he estimated the final disturbance to be.

M. Marchewka answered the south side would be approximately an acre and the north side would be approximately ½ acres.

J. Dunkle stated a storm water permit would be required, and he needed to review the details, but he said “the concept looked great.”

J. Langey noted at the last meeting there was some discussion of a storm water maintenance agreement, he wondered if that was still in play.

J. Dunkle did not think that would be necessary, feeling the measures proposed “were quite passive.” He said with sheet flow into the forested areas, there would be nothing to be maintained. He felt conditioning the approval upon no other cutting of trees in the future was advisable, and believed the system “would take care of itself.” He said it would not be like a traditional storm water management practice that would require cleaning out or pipes to be maintained.

M. Koppers asked what would be done when the trees grew taller, wondering if that would affect the radar.

M. Chambers said the radars need direct “vision,” so there would be the possibility of needing to trim tree tops.

M. Koppers asked if trees would need to be removed for maintenance.

M. Chambers said they would not.

J. Dunkle thought a cross section of the pads would be helpful to the Board as well, showing the trees and how the receiver would fit in that scenario.

M. Chambers said Mr. Marchewka had done a cross section showing the road and the storm water management practices but had not included the trees.

M. Koppers asked about being allowed to visit the site.

M. Chambers said the existing tower could be viewed with coordination with Lockheed Martin.

Mr. Munger had visited the site, and M. Koppers thought other members might like to visit as well.

R. Ridler asked what would be on the site once the trees were cleared, wondering if it would be gravel or concrete.

M. Chambers answered it would be a combination of the gravel pad areas, and then a concrete area on which the target system would sit. He said then there would be a transition from gravel back to the woods area with top soil and seeding.

There was discussion regarding what the Board would like to have before reaching a decision. Those items included a site visit, Mr. Dunkle’s review of the SWPPP, the simulations of the viewsheds, and the cross section showing the trees.

M. Chambers asked if those items were provided, what could they expect at the next meeting.

He was told a decision should be achievable at the next meeting.

R. Ridler asked how to arrange a site visit.

M. Chambers said they would contact Lockheed Martin tomorrow to get some dates for the Board to choose from.

J. Vanderhoef asked if there had been discussion about some necessary signage for the fire department.

A. Ferguson affirmed there was and recalled that was to be posted on the fence. She said the Applicants would need to commit to that.

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

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

Matthew Vredenburgh was present to represent the file.

R. Ridler noted the Cazenovia Town Zoning Board of Appeals (ZBA) has granted the (major) special use permit and the (area) variance with a long list of conditions. He also understood that information has been provided for Mr. Dunkle’s review.

R. Ridler asked Mr. Dunkle about the information he was given.

J. Dunkle said he wanted to be sure the Board was satisfied with the site plan before he reviewed the details of the engineering. He thought the Board should look at the “bigger picture” first.

R. Ridler asked Mr. Vredenburgh to show the Board the site plan and overview.

M. Vredenburg displayed drawing L-200 that he created 8/22/2022 entitled *Cazenovia Self Storage 2684 Route 20 East, Cazenovia, Madison County, New York Ingrid Mahoney Site Plan – Overall*.

J. Langey stated that when Mr. Vredenburg first applied this was an entirely different project and Mr. Vredenburg, Mr. Vredenburg's client, and the ZBA have worked on many details together to modify the project to obtain the ZBA approvals with significant conditions. He encouraged the Planning Board to review those conditions. He also reassured the Board that the ZBA had performed "a healthy SEQRA (State Environmental Quality Review Act) review on it" which he recommended the Board to look at and which he thought the Board may want to adopt as well.

R. Ridler also informed the Board that the ZBA had several public hearings for the proposal.

M. Vredenburg explained the property was on the corner of US Route 20 and Moseley Road. The existing self-storage facility is located on the adjacent property (to the east) which was just across the line in the Town of Nelson. The original plan was for many more buildings, nine (9) or so, but the impervious surface coverage was an issue – 20% was allowed in the Rural B (RB) zone. He pointed out that the RB zone was the only zone that would allow, with a special use permit, a self-storage facility use. The variance that was granted was for 30% impervious surface coverage.

A. Ferguson asked the basis for the area variance approval.

M. Vredenburg said the original request was for 60% and then lesser amounts were requested until they were able to agree that 30% could be accommodated.

J. Langey explained the ZBA used the 5-point review of area variances by the State of New York to determine whether the benefits to that applicant outweighed the detriments to the surrounding property owners, and during "the deep-dive of that analysis" the ZBA granted the variance.

The overall build-out would now be for five (5) buildings with the initial phase being for the construction of the first two (2) buildings.

R. Ridler asked if the existing buildings are in Nelson.

They are.

J. Langey explained the Town of Nelson has been notified of this project and Mr. Vredenburg must get a letter from the Town of Nelson stating they are aware and have no objections since this project will be accessed through the other storage facility in Nelson.

M. Vredenburg said he would be before the Town of Nelson later this month.

A. Ferguson asked the height of the proposed buildings.

M. Vredenburg answered, “No more than ten (10) feet.”

R. Ridler asked if they would be the same square footage as the existing buildings.

M. Vredenburg responded that they would be “a little bit wider.” He explained there would be two (2) types of buildings – one would have a climate controlled interior access, and one would have exterior access which “really propelled the impervious number upward” because exterior access would provide access on two (2) sides of the building which would require pavement. He said there would be a lot of pavement, but the pavement would be “rarely used.”

M. Vredenburg explained that because the project would be phased, the site was designed in a way to allow them to maintain the existing vegetation in the southern half of the site. He said the storm water facility (in the northwest corner) would have a detention pond, a basin, an infiltration trench, pretreatment, and he stated all the water from the first two (2) buildings and impervious surfaces would go into that facility. In the second phase, all the water from the new buildings would go into the storm water facility in the southwest corner.

M. Vredenburg said during the first phase they would screen the development from both roads, and then during the second phase they would complete the vegetative screening. He stated fencing would be installed from the beginning for security purposes.

M. Vredenburg repeated that there would be one entry and exit point, making use of what currently exists off Route 20 in the Town of Nelson. He showed where there was a small storm water basin which would have to be traversed. He said he would put a culvert underneath the entrance strut to equalize the water on both sides, and there was a swale coming off both new facilities showing on the drawing where any overflow would go.

J. Langey said it was important to understand that this was a 2-phase project, and it was not certain that the second phase will come, but the ZBA did address the project with that understanding as well.

A. Ferguson asked if site plan approval at this time would be an approval for both phases.

That was correct.

R. Ridler asked if the administrative buildings for the business would be in Nelson.

M. Vredenburg answered, "Correct."

R. Ridler asked about outdoor storage and where that would be located.

M. Vredenburg said there was some outdoor storage of vehicles on the existing property and showed where there would be additional outdoor storage on the Cazenovia property drawing.

J. Langey said the outdoor storage was reviewed by the ZBA with healthy discussion about how to deal with any impacts to the ground. That was an issue Mr. Vredenburg will continue to discuss with Mr. Dunkle since one of the ZBA conditions was Mr. Dunkle's approval of the method of containment.

R. Ridler clarified it was the containment of fuel oil that may leak out of vehicles.

J. Dunkle said those liquids would have to be treated before infiltration.

M. Vredenburg said they hope to intercept any leakage before infiltration, thinking containment mats that can absorb up to seven (7) gallons of oil without absorbing any water, might be the solution.

J. Langey said the ZBA required that issue to be resolved to the satisfaction of the Town's consulting Engineer in such a manner that there would be no impacts to the zone of contribution of which this parcel was part.

M. Vredenburg said the correct term for the area was the watershed.

(During the ZBA discussion it was mistakenly decided that the area was in the zone of contribution.)

M. Vredenburg explained that in September of 2007, Steven Winkley wrote the wellhead protection plan which identified two areas: the zone of contribution, and the watershed. This parcel is actually in the watershed, not the zone of contribution. Mr. Winkley wanted both areas to be included in the wellhead protection overlay district, but only the zone of contribution was included in the wellhead protection overlay district when the Town created the regulations for it. The difference between the two (2) areas as Mr. Winkley identified them was the zone of contribution was where ground water goes directly into the aquifer and the watershed was defined as areas where the ground water indirectly enters the aquifer.

J. Dunkle elaborated that surface water enters the ground water from the watershed and becomes part of the aquifer.

J. Dunkle said in his opinion the proposal Mr. Vredenburgh has shown in concept meets the criteria for the wellhead protection area which was about getting stormwater cleaned and reintroduced into the soil before it enters the aquifer. He said infiltration tests have been done in the northwest corner to show they have soil permeability. He repeated he was supportive of the concept of the plan submitted, he just needed to review the details, and it appeared there would be enough area if adjustments were necessary and things needed to be resized, or if additional pretreatment were needed for certain elements.

M. Vredenburgh said he finished the Storm Water Pollution Prevention Plan (SWPPP) and he had it this evening.

J. Dunkle said he had received it, but he was waiting to review it until he knew there would be no changes by the Board regarding the site layout that would affect those final details.

T. Clarke asked the reasoning for having only one point of ingress and egress and wondered if the fire department had looked at that.

M. Vredenburgh said the fire department had not looked at it. He stated it was determined there wasn't a need for access from Moseley Road. He elaborated that initially emergency access was planned from Moseley Road, but the neighbors were concerned that it would be used with greater frequency than for the operators to occasionally bring in a large truck or for emergency use, so that access road was eliminated from the plan.

J. Langey added the ZBA supported the idea of eliminating the Moseley Road access.

A. Ferguson asked if the vegetation proposed for screening would be evergreens.

M. Vredenburgh answered they would use evergreen and deciduous varieties for a more natural looking buffer.

T. Clarke asked about floor drains in the buildings.

M. Vredenburgh responded there would not be floor drains.

R. Ridler asked about inspection of the mats mentioned.

M. Vredenburg stated the operator of the facility walks the site daily checking the site for many items including leaks. He commented the existing site has never had a leak, but asserted the site would be monitored daily.

A. Ferguson asked about the staffing, wondering if it would be staffed at all times and when the facility would be accessible.

M. Vredenburg explained the gates were accessed by punch code only and were accessible at all times. The ZBA was comfortable having the new facility lighted up to 10:00 P.M. only.

A. Ferguson asked the hours of the on-site operator.

M. Vredenburg thought he was present in the mornings until 1:00 P.M.

R. Ridler believed the hours were Tuesday – Saturdays and knew the gentleman who held the position currently.

T. Clarke asked the number of storage spots for the new site.

M. Vredenburg showed the area on the drawing dedicated for that use. He elaborated that up to 5% of the lot could be used for outdoor storage, but he assured the Board the Owner would not reach that percentage. He said if they choose to increase the amount to be more than what was shown, they will have to request that increase from the Planning Board.

J. Langey explained the 5% was the predetermined number in the Town Code, which the Applicants did not ask to exceed.

It was determined the Board was awaiting Mr. Dunkle's technical review and a response from the Town of Nelson before they could complete their review.

J. Dunkle pointed out the proposal in Nelson would disrupt the existing storm water detention basin so Nelson will need to be comfortable with the reconfiguration.

M. Vredenburg said he did not have the design for the original storm water detail.

J. Dunkle thought there would be a record of it and the sizing.

M. Vredenburg said it was a small watershed because the drains between the existing buildings run south.

J. Dunkle cautioned Mr. Vredenburg to ensure the current volume was maintained or compensated by the design on the Cazenovia lot.

R. Ridler verified the location of the first phase of development.

M. Vredenburg showed where it would be in the northeast corner and pointed out the heavily vegetated area along the southern portion of the parcel. He said the trees were old apple trees which were gnarled, entwined, and dense.

J. Dunkle affirmed he would review the storm water calculations for the next meeting if there were no major changes being proposed.

M. Vredenburg said he would get together with Mr. Dunkle to discuss the spill containment proposal.

J. Langey encouraged the Board to review the ZBA minutes and the resolutions for the approvals to familiarize themselves with the conditions of the ZBA approvals.

It was noted that the approval letter from the ZBA was filed with the Planning Board.

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

*Kennedy, Susan & Timothy -- Site Plan Review – 1514 Owahgena Terrace, Cazenovia
File # 22-1441 (Gerald Rasmussen)*

Susan and Timothy Kennedy were present to represent the file, and their attorney Diane Finnegan was present in the audience.

G. Rasmussen explained the Kennedys are proposing to change a gravel roadway into a garden and they also are proposing to install a gate to allow for more privacy.

G. Rasmussen displayed the planting plan created by Murray Landscaping and the site plan drawing that were submitted with the application.

S. Kennedy also displayed copies of photographs that were submitted to the file.

G. Rasmussen showed the Board an aerial view of the parcel that was in the file explaining where the buildings were located and where the garden proposal would be installed on the south boundary.

S. Kennedy said they were seeking permitting for two (2) projects, the first was to replace a section of an existing gravel drive, with Cazenovia approved plants and grasses, that was a “defunct” boat launch area used by the previous owner. Their goal

was to beautify the back yard, saying they do not use the driveway and they hope to soften and diffuse the view of the neighbors' hardscaping.

R. Ridler asked if the driveway was a common driveway, shared by other property owners.

S. Kennedy stated it was not shared; it was deeded to her.

S. Kennedy said they reviewed the *Cazenovia Lakefront Development Guidelines* and believed plantings would be better for the water quality of the lake than the existing gravel driveway.

S. Kennedy said the second project they hope to do was to install a swinging garden gate about 40 feet from the (private) road. She explained there is a large garage close to the road and their smaller house was behind the garage, so they were hoping a gate would help direct people to their entrance. She said the gate would swing open and explained this was their weekend home, so the gate would be useful when they were not home as well, and it would also add to their privacy.

A. Ferguson asked if comments from the Cazenovia Area Conservation Commission (CACC) had been received. She explained the proximity of the garden to the lake was the Board's concern, and she did not feel the gate would be an issue. She explained the CACC provides guidance to the Planning Board in relation to plantings along the lake shore.

S. Kennedy said they chose Chris Murray as their landscaper because of his experience working around Cazenovia Lake and they cross-checked the material proposed with the list found in the *Guidelines*.

R. Ridler read from a letter he had received from Paul Curtin dated September 1, 2022 saying,

"I have reviewed the application with members of the CACC and have received their collective comments and recommendations. It is safe to say, that for the most part, this is an improvement of an existing condition and we reasonably believe that the plantings that are proposed are consistent with those that are recommended for areas that are proximate to the lake. That said, the question is will the existing gravel driveway be removed or will it be simply covered with new material and thereafter plantings placed on it.

In either event, the committee is concerned about the potential run off during the course of installation and stabilization and would highly recommend that specific attention be given to silt fencing as well as the use of bales of hay in order to preclude the introduction of any materials into the lake.

Other than that, CACC makes no further comments or recommendations at this time.

Respectfully submitted,
Paul Curtin.”

A. Ferguson asked the quantity of the plantings Mr. Murray proposes to use.

S. Kennedy said the area was very small, less than 50 feet.

D. Bowers said the planting plan would be done as the submitted plan shows, with the number of plants shown.

S. Kennedy noted that part of the planting would be within the Critical Environmental Area (CEA) - a ninebark and a viburnum, which she said could be easily shifted out of the CEA. She said the area was quite flat, and they have let it grow naturally since the photograph submitted had been taken. In the photograph she showed where her floating dock was situated and said the neighbors’ new boat house was also pictured. She said they were hoping to diffuse their view of the boat house. She said many of the plantings would be the overgrown June grasses that are already on the property which would be moved.

A. Ferguson asked if the gravel would be removed and replaced with soil.

S. Kennedy believed Mr. Murray would hand rake the gravel as best he could, believing the greater disturbance of digging it out would be more detrimental than scraping it from the top.

D. Bowers believed either method would require a silt fence at the lake.

S. Kennedy expressed agreement to comply. She repeated that she had double checked her planting material to be sure it was listed in the *Guidelines*. A mugo pine was not on that list but was on another list she found on the Town website.

A. Ferguson commented that would be fine.

J. Langey then led the Board through the Short Environmental Assessment Form (SEAF). He said the statements would be considered with the Planning Board’s acknowledgment that the necessary measures to prevent siltation into the lake would be a condition of an approval.

D. Bowers verified that the CACC letter has been added to the file.

Motion by G. Rasmussen, seconded by A. Ferguson, to appoint the Planning Board as Lead Agency for the purposes of the SEQR, to affirm the matter an Unlisted Action and make a Negative Declaration based upon the Board’s review of the SFEAF, and to approve the site plan as most recently submitted and conditioned upon the use of silt fencing per the CACC recommendation to prevent siltation into the lake was carried unanimously.

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

Jo Anne Gagliano, Chris Montonte, Richard Ruggaber, and Dawn Schmidt of EBAC, LLC were present to represent the file.

J. Gagliano recapped the proposal by saying part of the application was for the replacement of the existing tent with a building in lieu of replacing the fabric of the existing structure which was at the end of its life after 10+ years. They were asked to reconsider the proposal in terms of the proposed hours of operation, which they had done, and they propose no change to the most recent request for hours of operation. She acknowledged many letters of complaint have been received recently and said much of the content of those complaints was related to issues from the past which were the things they wanted to address with this application. She said with all due respect to those who submitted the complaints, there were inaccuracies in some of the content. She repeated many of the issues they have brought before the Board were the issues mentioned in the complaints. She repeated the issues in the complaints were the very reason they were applying. She said they truly believe the building and the site improvements that accompany the building address the issues. She said they were appearing before the Board with the same information and asking the Board to view the application as a new application and not as any of the applications submitted prior years. She continued by saying they need to understand generally the Board’s response to the application, hoping to move forward with engineering detail for the Board’s consideration. She reminded the Board of their admission that it was not the Planning Board’s purview to evaluate or determine how the operation is functioning under New York State Department of Agriculture and Markets’ (Ag & Markets) requirements as a farm. She was hoping for good conversation regarding where the Board and the proposal stand and if the application could move forward or if her clients should just replace the tent. They had additional information about other venues which was requested and which they felt should be provided since information from other sources has been submitted allowing the Board to compare findings. She stated they were there to answer any additional questions the Board may ask and asserted they did not want to make this project a problem for the Town. She concluded by

saying the venture was a benefit to the Town, creating jobs, and providing “community support in many ways.”

R. Ridler invited Board comments.

M. Koppers said she lives close enough to the Winery to hear it although it has not been an active problem for her. Recently when she has heard the music, she has visited the Winery, touring the parking lot to see what was happening. What she has observed is the location of a bar on the front veranda and when the tent flap was open, the music within the tent was heard throughout the neighborhood. She visited on August 6th and it appeared by the number of vehicles in the parking lot that there was a small party, but there was a flap being held open, so people could access the bar area, and music was heard through the neighborhood. One day the following weekend, either August 12th or 13th, music was audible throughout the neighborhood and the tent flaps were again open. August 27th the music was audible, and the tent flaps were open. On other occasions she has been able to hear the DJ announce the bride from her yard, but when she visited the site, the music from the tent could not be heard in the parking lot. She said it was only when the door was opened that sound escaped. It was her understanding the tent flaps were to be closed when the tent was being used, but that does not seem to be consistently done. She asked if the Winery was supposed to be operating with the tent flaps closed.

D. Schmidt said she was never told she was supposed to be operating with the tent flaps closed. She said the tent flaps were open to allow guests to go in and out to go to the bar for cocktail hour.

R. Ridler said he visited twice in August and noticed the same thing from the parking lot and from a pull-off area/driveway south of the Winery. When the tent flaps were open the noise was well above the 55 decibel (dB) level. He was also there one evening and he believed he viewed fireworks coming from the Winery. He did not find noise from the parking lot to be an issue recently after discussion of controlling noise from that area except for the noise coming from a bus when the air conditioning within the bus cycled, but he only heard that in the parking lot; he was not at the road to hear if it was audible from East Lake Road. He verified that the tent flaps were open.

A. Ferguson had thought, when the application was first presented, there would be a win-win situation with the building, but unfortunately it now appears the building would be addressing a symptom. She commented if there were no weddings there would be no need for a million-dollar building. She acknowledged that was the business model however, and the Board could not specify otherwise. She was frustrated that there were still noise issues outside, unrelated to the music. She understood the building would eliminate many of the complaints particularly the issue of the bass level music, but the building would not address issues associated with people in the parking lot. She felt asking approval for corporate events during the week would not contribute to more

noise, and those events would not likely employ bands, and she anticipated that buses would be used to transport guests rather than cars which would also be positive. However, the Applicants were asking for the public's trust for the next endeavor, and the business has not yet built that trust. She felt the neighbors were skeptical of claims made by the Winery. She stated she would love to see 2023 be a year of consistent outside security, controlled noise, and the tent flaps in place to the neighbors' "A+" satisfaction. She said the Winery was asking for more when they had not operated at a "B+" level yet.

J. Gagliano responded that she did not think it would ever be possible to keep the music from coming through the tent, stating that was the reason for the building and the vestibules in the building with air locks. She felt the site solutions regarding the parking lot issues such a stockage fence inside of a hedge along the parking lot would be a definite improvement. She said there were measures they could do. But she was wondering if they were at a point where they should just plan to put up the tent "and live with it the way it is." She had thought improving it seemed the right way to go.

A. Ferguson agreed she felt the building would address many of the noise complaints, and she felt some of the other improvements proposed would as well, but she repeated it was difficult to "accept that on trust." She said they could reapply in the future when they had gotten "a better report card from the neighborhood."

T. Clarke asked if they would consider hiring security now for a month to see what happens.

D. Schmidt asked to submit the dB readings for the month of August. She said they record the readings 2 – 3 times a night and have been doing so since 2015. She said she attended every event in August from 5:30 P.M – 10:30 P.M. as security. She said they have not discussed hiring an additional person for security; currently the security person has been her. She said they have hired security in the past, but the reason has not been for disruptions on the property based on clients, but they had feared disruptions from "other people."

Perusing the data, A. Ferguson asked if she was right in seeing there had been three (3) occasions when the dB level was more than 50 dB.

D. Schmidt responded that the data shows that whenever the event has been over 50 dB, they have had complaints and they have adjusted the volume. She said when they received the last complaint from the Brodocks regarding the previous Saturday night event, Mr. Brodock was at the front north corner, the entrance, when the reading was 51.3 dB. She stated the average from 2015 to current was 48 – 49 dB.

R. Ridler said he was present at the location he had mentioned south of the site and using his cell phone he measured the dB consistently at 55 dB; when the "techno" music

was playing the reading was 65 dB; and when the DJ was speaking while the music was playing, the dB was higher than 65 dB. He saw the readings taken on the sheet just issued were taken at 9:00 P.M., but he was present 9:30 P.M. – 10:00 P.M. “when things are wrapping up and everybody’s in high gear.” He was not dictating a certain genre of music, but he believed if he could hear it sitting in a car on the street one night a week, it was easy to understand the issues experienced by the neighbors. He said he, and he presumes everyone on the Board, has read the letters from the neighbors and those issues must be taken into consideration.

J. Gagliano repeated they endeavored to mitigate the issues by erecting a structure that can contain the sound; otherwise, she believed the situation would continue for a long time.

R. Ridler hoped that the Winery would not continue to generate the same sound that creates a hardship for the neighbors.

J. Gagliano asked how one would stop fabric from emitting sound. She said they were present because they did not want the situation to continue to happen. She felt the request was a mitigation.

R. Ridler asked if there was anything the Applicants could do to mitigate the situation using the existing structure.

J. Gagliano responded, “No because it’s a building without a foundation.” She said it was a framed structure, and it could not be clad with a hard surface.

R. Ridler suggested reducing the volume, reducing the base, and asking the DJ to wait to speak until the music stopped so he/she would not have speak at an elevated level to be heard over the music.

J. Gagliano responded they certainly could ask, but she did not feel it was reasonable because the (DJ) “was in the moment doing what they do.”

D. Schmidt asserted that they do ask that the base be lowered when the music is loud. She said they do that diligently every weekend. She stated, “my numbers are my numbers.”

J. Gagliano added that the readings could vary depending on the location the readings are taken, indicating the sound could be different at the corner than where Mr. Ridler may be taking his readings. She said they could not control that. She repeated that was the reason they wanted to contain the sound. She repeated that the system would be different than previous applications, stating technology has changed. She said if the building was not the alternative, she could think of no other.

D. Schmidt asked if the Board would like the spread sheet they had asked her to create.

The Board added that to the file.

A. Ferguson asked what the response was to the question about hiring a security person.

D. Schmidt said she would be happy to do it, but currently she was the security person.

A. Ferguson asked if that was a commitment that could be made for 2023.

D. Schmidt said she could do that.

A. Ferguson asked if Ms. Schmidt will do it.

D. Schmidt answered, "Yes, if you're asking me to hire security, yes, I will do that. Probably for right now it will probably be myself just because we have a month...."

A. Ferguson said she was endeavoring "to get the complaints outside the noise down as well as recognizing that noise problems could be mitigated by the building." She said if they were still having issues outside the building, having security would be helpful in getting the number of complaints down and would put the Applicants in a better position to request.

T. Clarke asked if they would consider operating within the tent with the flaps down.

A. Ferguson said part of the resolution created in 2017 was that the tent was to operate with the flaps down.

R. Ridler asked Mr. Langey his thoughts.

J. Langey said the Applicants have heard comments from the Board and they must decide how they would like to proceed, or if they want to modify anything they have mentioned. He said there was not anything "to hold a public hearing on right now."

J. Gagliano responded that they would think about it, and they would get back to the Board.

R. Ridler said there were no new developments concerning the pending files on the agenda.

R. Ridler said the boat tour of Cazenovia Lake was scheduled for Sunday, September 18, 2022 at 9:00 A.M. at Lakeland Park, and he asked who would be attending.

T. Clarke asked that the CACC review the upcoming McDonough site plan application.

Motion by D. Bowers, seconded by T. Clarke, to adjourn the meeting at 8:46 P.M. was carried unanimously.

Sue Wightman, Planning Board Secretary – September 2, 2022