

# Town of Cazenovia Planning Board

## Meeting Minutes

October 5, 2023

Members Present: Robert Ridler, Chairman; Anne Ferguson; Jerry Munger; Dale Bowers; Thomas Clarke; Gerald Rasmussen; Mary Margaret Koppers; Roger Cook, Alternate Member; Linda Cushman, Alternate Member

Members Absent:

Others Present: Wendy Loughnot; John Dunkle; Chuck Ladd; Michael Babato; Andrew Martin; Michael Barbato; Helen Barbato; Mark Jenner; Chris Babiarz; Lee Dowling; Adrienne Dowling; Peter Muserlian; Rob Seeley; Jo Anne Gagliano; Seth Waltz; Brian Keeler; Berta Keeler; Hollie Loson; Gail Azeredo Woods; Charles (Sam) Woods; Bruce Race; JoAnne Race; Daniel Accordino; Thomas Anderson; Marc Schappell; Nancy Frisbey; Karen Thiess; Edward Kusiak; Glenn Edelstein; Carmen Druke; Jonathan Brodock; Sarah Webster; Sheila Fallon; Alexandra Shaw; Bryan Wendel; Kyle Reger; William Zupan

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

Roll was taken.

The next regularly scheduled meeting will be Thursday, November 2, 2023.

The next deadline day will be Wednesday, October 18, 2023.

The next regularly scheduled work session will be Thursday, October 26, 2023.

R. Ridler noted the upcoming December Planning Board meeting will be the first Tuesday of December rather than the first Thursday, and the deadline for that meeting has been changed to November 15, 2023.

Motion by T. Clarke, seconded by A. Ferguson, to approve the September 7, 2023 meeting minutes was carried unanimously.

R. Ridler asked all attendees to sign the sign-in sheet provided for this evening's proceedings.

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

*Barbato, Michael & Helen — Site Plan Review – 3350 Canon Crest, Cazenovia  
File # 23-1488 (Dale Bowers)*

Andrew Martin of Martin Custom Homes was present to represent the file, and Michael and Helen Barbato were also in attendance.

D. Bowers welcomed the Applicants to the neighborhood. He displayed the site plan drawing entitled *Lot 6 Cannon Crest Part of Lot No. 50 Town of Cazenovia Madison County, New York* dated August 14, 2023 by Ianuzi & Romans Land Surveying, PC and showed where the lot was located along the cul-de-sac. He noted the impervious surface percentages were not an issue and that the General Municipal Law Recommendation Report (GML) from Madison County Planning Department was received.

A. Ferguson asked if the well and septic locations had been delineated on a drawing.

A. Martin showed the general areas where those items would be located and sketched them on the site plan drawing. He explained the land sloped to the north; the septic would be beyond the walk-out basement, and the well would be located at least 100 feet away to the southeast side of the home.

J. Dunkle confirmed the septic system would be approved by Chuck Ladd, the Code Enforcement Officer for the Town of Cazenovia. It would not need Madison County Department of Health approval.

A. Martin remarked the septic was downhill, the well was “up high,” and “it all flows the proper way.”

A. Ferguson asked about the exterior siding.

A. Martin answered the siding would be vinyl.

A. Ferguson asked the color.

H. Barbato answered the color would be gray.

This was a Type II Action in regard to State Environmental Quality Review (SEQR).

Motion by D. Bowers, seconded by A. Ferguson, to approve the site plan for a new home as most recently proposed was carried unanimously.

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*Druke, John – Site Plan Review – 3631 Rippleton Road, Cazenovia  
File # 23-1489 (Robert Ridler)*

R. Ridler did not believe Mr. Druke was in attendance and explained this site plan review was for a ground mount solar array which was already installed. He said Mr. Druke was in the process of having the array sited on a subdivision map. He explained that once that has been done by the survey company, Mr. Druke will either be requesting an area variance of the Cazenovia Town Zoning Board of Appeals if rear yard setback relief is needed, or he will be attending the November 2<sup>nd</sup> Planning Board meeting.

Motion by T. Clarke, seconded by J. Munger, to continue the file was carried unanimously.

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*Jenner, Mark & Christine – Site Plan Review – 3328 West Lake Road, Cazenovia  
File # 23-1491 (Mary Margaret Koppers)*

Mark Jenner was present to represent the file.

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

M. Jenner said he lives on the 2-mile stretch of West Lake Road between North Lake Road and Peth Road. He said they have lived at his home for 26 years and they plan to continue living there for 20 – 30 years more. He explained he was trying to make his life

easier by extending their existing garage by 28 feet, saying he moves the contents – cars, boats, motorcycles, bicycles, lawn equipment – three (3) times a year.

M. Koppers noted the drawing of the addition was included in the file. She saw that the roofline would follow the existing roofline and the exterior of the addition would match the existing exterior.

A. Ferguson asked about setbacks and impervious surface percentages.

M. Koppers indicated there were no issues with those items.

D. Bowers stated the Board was awaiting the GML.

M. Jenner asked about the GML.

It was explained that the referral from the Madison County Planning Department was necessary before the Board could proceed with any action regarding the application.

A. Ferguson remarked it was uncommon for the referral to be delayed.

M. Jenner was informed he would receive a copy of the GML so he would know when it arrives and what it says.

M. Jenner asked for clarification for the fees that were collected for the deposit portion of his filing.

It was explained that any legal fees and any engineering fees will be deducted from the deposit collected, and any residual balance would be returned to him.

M. Jenner asked if his project received Planning Board approval, what would his next step be.

It was explained that he would then submit a building permit application to Chuck Ladd with the permit fee.

M. Jenner asked if his application would automatically be on the agenda for the next meeting.

R. Ridler explained that the Board would continue his file this evening, and it would be carried over to the November agenda.

M. Jenner asked how long the Planning Board approval would be valid.

M. Jenner was told the approval would be good for one (1) year.

R. Ridler elaborated the work would need to commence within a year; it would not need to be completed within a year of the Board's approval.

M. Jenner asked if that would correlate with the building permit.

M. Jenner was told it would.

R. Ridler informed Mr. Jenner that Mr. Ladd would help him with any questions he might have regarding the building permit. He apologized for the delay.

Motion by M. Koppers, seconded by D. Bowers, to continue the file was carried unanimously.

### **HEARINGS**

*Dowling, Lee & Johnson-Dowling, Adrienne — Minor (1) Subdivision – 2074 Ballina Road, File # 23-1478 (Mary Margaret Koppers)*

Chris Babiarz of Barclay Damon, LP was present to represent the file, and Lee and Adrienne Dowling were in attendance.

Motion by M. Koppers, seconded by A. Ferguson, to open the public hearing was carried unanimously.

R. Ridler asked Mr. Babiarz to explain what the application involved.

C. Babiarz stated it was a minor subdivision. Mr. Dowling owns 100-acre farm parcel with a single-family residence and three (3) acres that he would like to split from the parcel. He said at the last meeting he attended the Board had requested that the survey map show how the newly created property would get access to water and septic, so the surveyor indicated the leach fields and a draft of a Shared Well Agreement was circulated earlier in the week. The map would be recorded and then the Shared Well Agreement could be finalized.

R. Ridler asked if there would be separate septic systems for each of the houses (the farm house on the newly created lot and the farm house on the parent lot) with one (1) shared well.

C. Babiarz responded that was correct.

M. Koppers noted the location of the septic for the smaller lot on the survey created by Michael J. McCulley Land Surveying, PLLC dated 05-31-23, and asked where the septic system was located for the home on the larger lot.

C. Babiarz answered it was between the barn and house, explaining they only included the septic location for the new lot.

R. Ridler invited comments at this time.

There were no comments.

Motion by A. Ferguson, seconded by M. Koppers, to close the public hearing was carried unanimously.

C. Ladd asked if the lot being created was where Mr. Avery currently resides.

C. Babiarz answered that it was.

C. Ladd noted the permit for work on the house was issued over a year ago, but no Certificate of Occupancy (C of O) had been issued and requested that he perform the final inspection before the subdivision be considered complete.

C. Babiarz asked the timeframe for that.

C. Ladd said he could schedule that inspection as soon as the Owner requested it.

Motion by M. Koppers, seconded by J. Munger, to approve the minor (1 lot) subdivision as most recently submitted was carried unanimously conditioned upon the issuance of the C of O, and upon the Attorney for the Town's review of the completed Shared Well Agreement.

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

R. Ridler repeated for any late-comers that there was sign-in sheet for this public hearing.

Peter Muserlian, Seth Waltz of AVL Designs Inc, Rob Seeley and Jo Anne Gagliano of Environmental Design & Research (EDR), were present to represent the file.

Motion by A. Ferguson, seconded by J. Munger, to open the public hearing was carried unanimously.

J. Gagliano asked if the Board would like them to display their drawings on an easel.

A. Ferguson affirmed they would and asked that it face the audience so the attendees could see what was being discussed, since the Board has seen the drawings. She also asked that Ms. Gagliano speak loudly given the poor acoustics of the room.

R. Ridler addressed the public saying they could see the size of the documents that were part of the “lengthy file,” which contained a great deal of material. He stated all the material in the file has been reviewed by the Board, and many meetings and work sessions have been part of the application. He stated the file was open and remains open for public review. He wanted it to be understood that the purpose of the meeting this evening was solely for the proposal within the application. He said other questions or comments outside the scope of the application would not be heard by the Board this evening.

J. Gagliano introduced herself and her team and said she would give a summary of the proposal, a review of the site plan changes, and then give the sound consultants' findings. She said they first came to the Board last August because the existing tent was at the end of its lifespan. She said they preferred to replace the tent with a building to mitigate the issues that had “been coming up for a number of years.” In addition to the building, they proposed other site improvements to mitigate other issues such as lighting, that were expressed as well. She said the tent currently operates as an outdoor venue as it was approved. She stated it was very difficult to contain sound within that structure. She said they were “trying very hard to look at this as an indoor venue because the outdoor venue isn't working.” She said they do currently have an indoor venue with the Tasting Room that operates without restrictions on days or hours, and “there hasn't been a problem.” She continued saying they used that building to test the sound, so they would have a basis for the information that would be shared this evening.

J. Gagliano said the Tasting Room has an outdoor component. She said those hours were set daily until 9:00 PM. She also relayed that any outdoor venue was not allowed to have amplified music. She said that included the small area where there was a pergola. She explained the pergola area was only used as a booked space, usually as part of a ceremony that was happening in conjunction with the tent. She said that area was available the same hours as the tent.

J. Gagliano said over the last few months they were asked to provide clarity for many topics. They were asked to provide information regarding bookings – what events were happening. They were asked to provide information regarding security and maintenance of the site when patrons were there. She said they took into

consideration comments from the Board as well as comments from some of the neighbors. She said the improvements on the site plan were to address those comments to the best of their ability.

J. Gagliano said they were also asked to quantify the sound, providing data and a record that could be followed. She stated they hired a consultant and the Town hired an outside consultant to review the findings.

J. Gagliano said they were also asked to look at reducing the hours originally requested and they did adjust the times so that there would be days with no events (to offset the allowance for events twelve months per year). She said Mondays and Tuesdays there would be no events/hours; originally the request was for 11:00 Am – 5:00 PM. Wednesdays and Thursdays the hours would be 10:00 AM – 9:00 PM. Fridays and Saturdays the hours would be 10:00 AM – 10:00 PM. Sundays the hours would be 10:00 AM – 5:00 PM. She said in addition, they proposed that during January, February, and March events would be limited to a maximum of four (4) events per month.

J. Gagliano said they were also asked to identify some key maintenance and security issues. They were asked what actions they would take for issues that have arisen. She said they created a document and received comments during the work session which were incorporated into changes that were agreed upon and she offered to read those changes.

#### OWERA FARM PROMOTION AND MARKETING FACILITY SECURITY OPERATING PROTOCOLS:

Security duties are:

1. To monitor the parking lot and driveway for loitering and uninvited guests.
2. Check for guests with alcoholic beverages around the property including those from the event or that are not from the event.
3. Monitor noise in the parking lot, east patio, and on the grounds.
4. Monitor and handle guest disturbances.
5. Inform the Event Coordinator on site of any and all issues surrounding the event.
6. Encourage orderly departure of guests from the site at 10:00 PM.

Security will have a list of the board members' names for clearance on the premises.

Security arrival time = 5:30pm

Security departure time = 10:30 or after guests leave.

She said the interior sound monitoring would be discussed separately.

(See the statement below for the information enclosed in the document:

Interior sound monitoring: Owera will utilize Studio Six Digital's Dual SPL Traffic Light application (or equivalent software) installed on a tablet device as a metric to monitor volume levels within the venue to a preset condition. The system will send out e-mail notifications to the Zoning Enforcement Office and other designated recipients when sound levels exceed the preset conditions. This device would be visible to the DJ or band leader, not the audience, so that sound levels can be adjusted as necessary to remain within the preset levels. Owera's Event Coordinator on duty and the General Manager will be responsible for monitoring and correcting sound levels throughout each event. Event sound history will be maintained for each calendar year, with results submitted quarterly to the Zoning Enforcement Officer.)

J. Gagliano said it was noteworthy that in the previous approvals, the end time always allowed for one (1) hour for clean-up staff and others to leave the site with lights off. She said that would continue to be the proposal. She said there would not be music after the time for "the end of party." Guests would strongly be encouraged to depart and staff "would be closing down."

J. Gagliano then showed the audience the site plan drawing and the location of the entrance, the ponds, the Tasting Room with the outdoor seating area, and the area for the proposed solid building which would be placed where the tent was.

J. Gagliano repeated that they had gone through all the comments, and to address complaints about lighting, they also propose to replace the lighting on the poles with a more current fixture which would be better shielded and more dark-sky compliant than the fixtures that were installed between 2012 -2014. She assured that the lights would be monitored and extinguished at the appropriate times set for the new building. They also propose to add evergreen vegetation across the front for added screening for lights "coming down the drive." She said they would grow to be large Norway spruce and they would also shield the view of the "whole development" over time. The current trees are Norway maples and she said one could see beneath the understory of those trees. She said they tested every position one could see headlights, so there would be two (2) additional areas of evergreen plantings to shield headlights in those directions. As another measure to improve the situation, she showed where they propose a 4-foot fence to shield the positioning of cars from the roadway which would also contribute to some noise containment. She added there would be vegetation to soften the look of the fence.

J. Gagliano showed the footprint of the tent which has an open veranda. With the new building the veranda would also be enclosed. She also explained how guests would exit the building along the back side of the building to help reduce the sound of celebration at the end of events.

J. Gagliano said they could show the audience the architectural drawings, saying the appearance would be in character with the Tasting Room which she described as an “agricultural, farm-looking structure.”

R. Seeley displayed the elevations.

J. Gagliano then suggested the sound engineering be summarized.

Seth Waltz from ADL Designs in Rochester introduced himself and explained they primarily design things in recording studios and they are experts in sound. He said when they learned that Owera had no complaints regarding sound from the Tasting building, they brought a DJ to the Tasting Room, which he said was louder than what was usually happening in the Tasting Room, they set the DJ up on the outside wall of the building, between the windows and toward the parking lot and turned the music up to about 100 decibels. They then tested transmission loss from the windows, doors, and roof, as well as testing the sound at the neighboring properties. He said there was a light drizzle that evening which produced some background noise, but the music was basically inaudible from the existing structure, which they felt was reasonably well-designed. They then reviewed the technical drawings for the proposed building and added more structure for sound attenuation. He said, “the roof was beefed up, the windows were almost a studio-grade window,” similar to what would be used between a control room and where a band would perform. He said they “beefed up the exterior walls,” and they proposed double doors with automatic closers with acoustic seals on both sets of doors. He explained the process they used for determining the sound that would reach the neighboring properties and explained that often that sound was measured in dBA, “Which is not good for music.”

R. Ridler asked for the definition of dBA.

S. Waltz responded “dBA was where, at a particular frequency, which was just before base starts, it rolls off the response.” He explained if one took the number 50 dBA there could be “a whole bunch of base going on,” and it would still measure as 50 dBA. He elaborated that typically when one converts from dBA to dB on a meter it sometimes “jumps” from 10 – 15 dB. He explained New York State Mitigation Policy states their standard, which is dBA based, is not adequate for music. He said that was “because music is impulsive.” The State’s recommendation was what Mr. Waltz did for the Board. He explained that involved coming up with a source sound, they went to a receptor distance – which was at the neighbors’ property – and determined the level of the sound which was inaudible there. He said one controls the source and then looks at distance to calculate. He said when they did the building design, they used sound ten (10) decibels higher than what would be necessary. He explained ten (10) decibels translated to being twice as loud, which in practicality it would never be. He said the building was designed for 110 dB which was a very high number. He said management would be controlling the sound as well to prevent the music from ever being that loud.

He said even if the sound reached that level “for a split-second, the building was designed to contain it.” He said the mapping they performed was for 40 dB at neighboring properties, he said converting that to dBA would be 23. He said 23 dBA was a factor of four (4) below background noise, which he stated was inaudible.

S. Waltz said an independent firm out of Buffalo reviewed the entire project, made their own calculations, which they did differently than his firm, and their numbers concluded it would be 10 dBA (at the neighboring properties).

S. Waltz said the second part of the attenuation was a system from the company Studio Six Digital. He said they have used it successfully for outdoor venues for the City of Rochester and for Skaneateles. He explained the system has a stop light – yellow, green, and red – that measures sound and gives the person running the system a warning when the predetermined threshold set by the owner is being hit. This system would be able to send an email to the Town if the sound exceeded the levels set. He repeated wherever they have implemented this system, it has succeeded. He explained they would calibrate the system for the owner. He said they would control voice and the DJ would monitor his output, being informed that if he sees the signal going from green to yellow, he is “in trouble” and if he hits red, he may not be invited back. He said since the implementation at those outdoor venues, there have been no complaints other places.

S. Waltz concluded that it is their opinion that the proposed building “is robust for what it needs to be.”

R. Ridler explained that the outside Engineer the Town asked to review Mr. Waltz's findings submitted a report which could be found in the file if anyone wanted to see it. He said the Engineer for the Town, John Dunkle, has also reviewed the report submitted by the outside Sound Engineer as well. He noted one item that was stated was the potential for sound to escape from some eave vents.

S. Waltz responded that his firm found that concern to be highly unlikely.

J. Gagliano interjected that the feature could be removed from the architecture.

S. Waltz said they could also install a barrier. He said coming down the roof to the edge of the eave there would be 8 – 10 inches of foam insulation. He said there would be six (6) inches of fiberglass bat coming up from underneath it. He did not think sound would get through the ceiling to escape from the small vent, and he said bass sound would not be able to escape from the small opening, which he said escapes from openings 10 – 15 feet wide and five (5) feet across. He said only high frequency sound could escape from the vent, but he repeated he did not believe that sound could get through the roof structure. He believed the other engineer calculated it based upon a

radiant of STC 57 for the interior ceiling. He said he was perfectly happy to talk to the architect about removing the vents, however.

R. Ridler believed that was what the Applicants would do.

J. Gagliano confirmed that was correct.

R. Ridler said another issue that was discussed was the location of air conditioners on the building. He believed vibration rails had been recommended. He believed both sound experts had determined that any noise from those units would not travel to the property lines.

S. Waltz responded, "Correct, correct.

R. Ridler repeated that in consideration regarding some of the comments previously received from the neighborhood, there was a question being posed about the farm status of the operation. He said those references were not to be a point of comment this evening. He asked that speakers approach the Board, state their name, and to speak loudly. He also asked that speakers not repeat the same statements if at all possible due to the number of attendees and the time it might take for everyone to be heard. He then invited the public to speak.

Dan Accordino said he has three (3) properties – 5210, 5200, and 5175 East Lake Road. He said he was informed that part of the proposal was the installation of a pump house, but there was no mention of that during the discussion this evening.

J. Gagliano said Mr. Accordino was correct; a pump-house was part of the proposal.

D. Accordino asked where it would be located.

J. Gagliano answered it would be in the rear of the property, next to the existing ponds.

D. Accordino said the property had been cleared next to his property line. He asked if that was where the pump-house was going.

J. Gagliano answered, "No," and said she was unaware of the clearing.

D. Accordino responded the clearing had been done last fall and trees along his property line at 5210 had been removed.

J. Gagliano showed Mr. Accordino on the plans where the pump house would be located.

Tom Anderson and Marc Schappell asked to see the location as well.

It was clarified that the area of clearing near Mr. Accordino was not where the pump house would be located.

D. Accordino asked the reason for the clearing.

J. Gagliano answered, “for the farm operation.”

D. Accordino remarked, “There are no vines over there.” But he was assured the pump house would be located quite a distance from his property line, near the irrigation ponds.

JoAnne Race of 5320 East Lake Road asked for a point of clarification. She believed at the outset of the public hearing, Chair Ridler had said the Board would not be taking any comments regarding the farm winery (designation). She asked if that meant the Board would not be considering anything in that regard and if the public would be censored from speaking about that topic.

R. Ridler answered the topic of the status of the winery as is allowed by New York State Agriculture & Markets (Ag & Markets) was not a condition of this application. He said if one has a question of whether Owera should be in business, or whether they are complying with Ag & Markets rules and regulations, that was not a topic for discussion at this meeting.

A. Ferguson and T. Clarke explained it was not a Planning Board issue.

A. Ferguson elaborated that the Planning Board did not have authority over that.

J. Race said she understood, but she planned to speak to something related to that which was very distinct from the statement that the Board was making, and asked if that would be allowable.

R. Ridler indicated that it was.

J. Race then said, “I make these comments as a person who attended many of your work sessions and meetings from spring through fall with interest. With each application, I heard you advocate for consistency – such as black wrought iron pool fences. Consistency here with this application would include a 9:00 pm end time that matches all other beverage entities in the town. 9:00 pm is more and more commonly nighttime hours as applies to noise control laws across NYS. Last week, Chair Ridler stated that this is not the Board's place to determine if Owera is a farm winery - I think that is what you just reiterated.”

R. Ridler responded, “Correct.”

J. Race continued, "That is a very true statement, but no one is asking this board to make that determination. There is a very important distinction between that statement and this Board's applying existing zoning regulations – it is your responsibility to include a condition in this application for the farm winery determination to be made by the appropriate governing entity.

When the application (for a different project) came before you, the proposed application, at last week's work session to have bedrooms in the accessory building, you did not say - well, we'll plan to allow that because it is not our place to set the zoning regulations, and we don't want to tell you what to do, and we want to make sure you stay in Cazenovia. The zoning regulations were already set, and you followed them. That is true in this case too – it is this Board's responsibility to include a condition to establish if Owera meets those farm winery regulations that are already set, before they can be allowed to build further. The Supreme Court of the State of NY upheld this fact. Otherwise, you are sending a message that zoning regulations only apply to some applications, and not all of them. You would be giving up this Board's authority in that regard and future decisions could be challenged. You would be setting a concerning precedent.

This board took many steps to review Owera's sound attenuating building characteristics. We are very appreciative of that -- that included an independent sound expert review, as we talked about tonight, requested by this Board. What we are asking with the establishment if zoning regulations are met, is no different than that-- it is an independent review and determination, not by this Board.

Further, this condition is protective for all parties involved – I know from experience on a board that it is a member's first obligation to protect, in this case the Town, from liability. Establishing and requiring ongoing zoning determination is protective for the Town of Cazenovia. Why would the town want an entity operating outside of zoning regulations? It is also protective for Owera – why would Owera want to invest in a building only to potentially have future limits placed on their activities? Please make a condition of this application for it to be determined by the appropriate entity, if Owera meets farm winery standards so that there is mutual understanding.

I have talked to Ag and Markets in the past – they are very helpful in outlining guidelines. I suggest that you reach out to them, too.

This board has a major privilege of 20/20 vision with this deliberation. There was a set of conditions created by a past Board for a past building application and those conditions were upheld by the Supreme Court of the State of New York. If you read that decision, you know exactly where boundaries lie, where your rights and responsibilities are as a board with respect to this application.

The neighbors have informed you last week in a letter that we provided that we would rather maintain a tent structure – I mean they have said it's their preference to build this building, but it sounds like that could be an option - than to have a permanent event center without the 2015 list of conditions included. The conditions function to preserve properly zoned land use and neighbors' safety and our rights. Please spend time publicly deliberating reasonable conditions and include reasonable protective conditions in the application for a permanent building, or else table this application. Public deliberation ensures that this Board's reasons are understood, otherwise we are left wondering why Owera is getting special consideration this time around.

I am submitting materials to you today with the goal of providing more background information. There is a NYS Zoning Law and Practice Report for Wineries; and this has a lot of great information about Ag & Markets law in New York State. It also has considerations for town board to collaborate on updating Comprehensive Planning, and tools municipalities have to deal with such new entities that are coming out. The next thing I have is an article from Syracuse.com that just came out today about neighbors in the Town of Pompey suing their Planning Board regarding a farm entity and I would like to share that with all of you. And also, I have John Langey's slide deck from a presentation that he gave to the Onondaga County Planning Annual Symposium to municipalities, where slides 24-25 have a checklist of considerations. Please contribute positively to this Owera Vineyards case study with this decision. Do not let Cazenovia become a teaching point of what not to do for other municipalities. Collaborate carefully with the new members of the Town Board, and the existing members of the Town Board, who will be elected on November 7<sup>th</sup> to get this right.

I must add publicly that it has been an absolute pleasure to get to know and work with this group of amazing people. Cazenovia is a special place in so many respects and we are all here tonight to advocate for current and future residents of this town to keep it as desirable a location with a high quality of life as it is now. I think we can agree that we all share this goal.

Thank you."

R. Ridler thanked Ms. Race for her comments and asked if the Board could have a copy of them.

J. Race submitted copies to be entered into the record.

R. Ridler said the Board would take the comments under advisement. He pointed out John Langey was not in attendance this evening, but he would be given the comments.

Tom Anderson spoke for himself and Marc Schappell. He explained they "own the farm that backs up to Owera," Meadow Wood Farms, which comprises 250 acres. He said

the previous comments “were carefully orchestrated” for the Board so the Board would not have to deal with the emotional expressions by the neighborhood. He alleged “that what is going on here is not unique to Cazenovia.” He said Louden County Virginia has enacted a curfew for all vineyards. He said they have learned that entrepreneurs buy farm properties masquerading as vineyards for weddings and event facilities which is interfering with the private enjoyment “that we all enjoy on our private properties.” He said vineyards have become wedding (venues) and he expressed fury about having “a wedding facility next door to our farm.” He spoke about the curfew set in Skaneateles so weddings would not be running at night. He named Fauquier County “which was Middleburg and Upperville and all that,” has set a curfew for all vineyards to be shut at 7:00PM. He asked that the Board please protect the neighbors by not expanding the hours, asserting the hours should actually be reduced. He again named, “Fauquier County, Louden County, Maryland, South Hampton, East Hampton” were all “cutting back” and “taking over in a bigger way the whole situation.” He wanted to reinforce what has been presented. He again entreated the Board to “please protect us. We have beautiful properties here on the lake of Cazenovia, and farms, and families, and kids.” He was incredulous that there was discussion about dBA, etc...He noted too that the exit behind the building would be directed toward their property. He said they (the neighbors) were the ones who funded and supported the New York State Supreme Court decision, and questioned why they were back before the Board regarding subjects that have already been covered. He expressed gratitude for the Board’s volunteers who look after the Town’s best interests, but he said, “we know what’s going on down there, but that’s our home – those are our properties, and our quiet enjoyment of our properties.” He asked that the Board would take that into consideration, particularly regarding the hours of operation. He added the after-party noise was “unbelievable” and could not be “measured.”

Brian Keeler who also lives on East Lake Road wanted to point out one additional feature of the Syracuse.com article (regarding the Pompey dispute). He said the article talks about the event center that has already been approved for Heritage Hill. He read, “Instead the Town Planning Board approved the expansion and limited the amount of visitors, vehicles and hours of music at the venue. Now, Heritage Hill can’t host more than 578 people.” He interjected that, “Heritage Hill is a much bigger operation than Oweria is right now and sits way out away from any homes nearby.” He resumed reading, “and 370 vehicles at any given time. The Town determined that live music must be limited to no more than three (3) hours a day, four (4) days a week, and it must end by 9:00pm.” He stated a precedent has been set in the area, and suggested Cazenovia join and be consistent, presenting an equal opportunity. He submitted the article he printed from Syracuse.com.

Nancy Frisbey said her whole southern border borders Oweria. She said she was the one who sold Oweria the property in 2007. She said she has never “had a problem with anything that has gone on.” She said she hears it all and she’s been part of the meetings in the past, and has “walked away from it,” feeling that “it really should be a

nonissue.” She stated the building would resolve a lot of noise issues. She said the hours were up to the Board to decide. She said the building versus the tent was “a huge thing.” She asked how many times she’s heard “a cannon going off by a certain neighbor” and then that neighbor complains about hearing fireworks going off (at Owera) or about them (Owera) making too much noise, then when the Code Enforcement Officer sat in her driveway, with a sound meter, and there was no issue. She repeated the building would resolve many issues. She said hours of operation and parking lot concerns were other issues, but she was “100% in agreement” with replacing the tent (with a building) and resolving that noise issue.

Hollie Loson said she lived on the corner of East Lake Road and North Lake Road being one of the closest neighbors (to Owera) and a new neighbor. She said she and some of the other new neighbors have school-aged children, and she cited the noise and the hours of operation as concerns for them. She said in her opinion “the hours are way too late” and are “completely inappropriate for residential area.” And spoke about the inappropriateness for them (the neighbors) to be hearing “any music at all.” She said there was a potential for more young families to be moving to the neighborhood, and she noted a safety concern regarding alcoholic beverage bottles strewn “all over our property.” She said she has consistently sent letters regarding the noise. She has not been involved in the situation for its entirety, but she felt a good-faith effort should be made wherein “this needs to be earned,” and emphasized the importance of the hours of operation for the “neighbors’ quality of life.” She asked the Board to take that “into consideration for the young families that have moved into the area.”

Charles (Sam) Woods of 5211 East Lake Road said he did “not want to beat a dead horse,” and he believes the struggle was that people do realize the building will solve a lot of the neighbors’ problems, but the building will expand the time there will be events in the neighborhood. Right now, they know that once it’s November, the tent will be removed, and they will “have six (6) months of quiet.” If Owera expands and has events throughout the year, he asked how does that equate with the potential of crowd noise the entire year. He believes they have heard “that consistency may make a huge difference.” He pointed out Heritage Hill must now end at 9:00 PM; Meiers Creek ends at 9:00 PM; the Distillery ends at 9:00 PM. He said the event center would not end until 10:00 PM and would not be ultimately vacated until 11:00 PM. He felt that “just doesn’t compute.” He believed those events should end at 9:00 PM and the gates should close at 10:00 PM.

R. Ridler thanked the public for their attendance and comments. He said the Board would move to continue the public hearing since John Langey was not able to attend this evening. He said the comments and information has been “taken onboard,” and will be reviewed and the Board will reconvene next month, continuing with the public hearing.

Town of Cazenovia – Planning Board – Meeting Minutes – October 5, 2023

Motion by A. Ferguson, seconded by G. Rasmussen, to continue the public hearing was carried unanimously.

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

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Motion by D. Bowers, seconded by A. Ferguson, to adjourn the meeting at 8:33 P.M. was carried unanimously.

Sue Wightman, Planning Board Secretary – October 6, 2023