

Town of Cazenovia Planning Board

Meeting Minutes

July 7, 2011

Members Present: Michael Palmer, Chairman; Dale Bowers; Anne Ferguson;
Tom Pratt; Hugh Roszel; Anastasia Urtz

Members Absent: Jennifer Basic

Others Present: John Langey, Esq.; John Dunkle; Roger Cook; Ann
Redfern; Graham Egerton; Ed Jones; Albert Crawford;
Danielle Carr; Jesse Holmes; Lori Ahern; Jeffrey
Stowell; Tim Moore; Pat Carmeli; Brian Coughlin; Michael
Roberson; Douglas Klepper; Brian Osborne; Linda
Osborne; Linda Rainbow; Kelly Yerdon; Luke Davis; David
Rainbow; Penny Hazer; David Hazer; Kathy Gara

Mike Palmer called the meeting to order at 7:30 pm.

The deadline to be on the next meeting agenda is July 21, 2011.

The next regularly scheduled meeting is August 4, 2011.

The next work session is July 28, 2011.

Mike Palmer asked if there were any corrections or comments for the June meeting minutes.

Motion by Hugh Roszel, seconded by Anne Ferguson to approve the June meeting minutes as presented was carried unanimously.

HEARINGS:

*Ed Jones - (1) Line Change - Lane Road
File # 11-768 (Jen Basic)*

E. Jones stated to the Board that the Curtis' want to purchase 2.48 acres at the corner of Ballina Road and Lane Road and it would be a line change.

No one was present to speak for or against the application.

Motion by Dale Bowers, seconded by Hugh Roszel to close the public hearing was carried unanimously.

M. Palmer explained to the applicant that the public hearing letters were not sent to everyone within 500' of the property and it was brought to the Board's attention that everyone that should have been notified was not. M. Palmer presented E. Jones with a list showing 10 property owners that should have received letters, in addition to the 5 property owners that were sent out by the applicant. E. Jones was told the letters needed to be mailed to the 10 parties that did not receive the original public hearing notification. The letter should state the normal public hearing information and that the Board is continuing and has extended its public hearing and should include the new hearing date of August 4, 2011.

J. Langey stated the Board should not close the public hearing and extend it to the next Planning Board meeting.

Dale Bowers withdrew his motion to close the public hearing which was carried unanimously.

The public hearing was reopened and will be continued until next month.

Motion by Hugh Roszel, seconded by Dale Bowers to continue the public hearing was carried unanimously.

LAND DISTURBANCE/SITE PLAN REVIEW/SUBDIVISION

*Margaret Clark - (3) Lot Subdivision - 5089 Ridge Road
File # 09-670 (Hugh Roszel)*

No one was present to represent the application.

M. Palmer stated that Margaret Clark has been in contact with the Army Corps of Engineers.

Motion by Hugh Roszel, seconded by Anastasia Urtz to continue the file was carried unanimously.

*New Venture Assets/Enders/Muraco - Site Plan Review - 2363 Route 20 E
File # 11-702 (Mike Palmer)*

No one was present to represent the applicant.

J. Langey stated he has been in contact with S. Primo (applicant's attorney) and he was sent the same documents that the Board received. At the last meeting, the Board did the positive declaration which was the statement by the Board stating that there may be some significant environmental issues to be addressed. The next step was to prepare a draft scoping document. Applicant's attorney received the draft scoping document and he had no comments about the document. J. Langey wanted the Board to review the draft scope that he composed and advise him of changes. He also conveyed that S. Primo did not see the value of a public scoping session and J. Langey said they might not get any additional information than what was already on the scoping document. If the Board agreed with the draft scoping document, then J. Langey would send to all the involved agencies and put them on notice.

A. Ferguson noticed that mitigation actions should be added and J. Langey said he would add to Part A and B.

Motion by Anne Ferguson, seconded by Anastasia Urtz to adopt the draft scoping criteria and place the involved and interested agencies on notice was carried unanimously.

Motion by Hugh Roszel, seconded by Anastasia Urtz to continue the file was carried unanimously.

*Albert & Michelle Crawford - Site Plan Review - 4989 East Lake Road
File # 10-735 (Mike Palmer)*

D. Carr of EDR stated they made changes based on the meeting with the Planning Board at the last work session. Earlier this week, they had submitted copies of the latest and final plans.

D. Carr said the fence location has been moved a foot inside the property line - no variance is required for fence height or location because it complies with zoning for in front of house and on either side of the barn.

Based on comments from the CACC, D. Carr stated they have the number of plants along the lake and added a shade tree. The caliper of the trees was increased from 2" to 3".

Motion by Hugh Roszel, seconded by Anastasia Urtz to appoint the Planning Board as Lead Agency for purposes of the State Environmental Quality Review Act (SEQRA), to affirm the matter an Unlisted Action and to make a Negative Declaration, all based upon the Board's review of the Short EAF, to approve the amended site plan was carried unanimously.

*Jesse & Peter Holmes- Major Subdivision
File # 11-747 (Mike Palmer)*

J. Holmes submitted letter from County regarding the site view of the driveway.

The applicant brought an updated map showing perc, deep hole and septic lines.

Motion by Dale Bowers, seconded by Anastasia Urtz to approve the major subdivision was carried unanimously.

*Shayne Sunderman - Site Plan Review - 2683 Ballina Road
File # 11-751 (Dale Bowers)*

No one was present to represent the applicant.

J. Langey stated still waiting for the Town Board on pending legislation which will be approved at July or August meeting.

Motion by Dale Bowers, seconded by Anne Ferguson to continue the file was carried unanimously.

*Dennis Hile - Site Plan Review - 5089 Temperance Hill Road
File # 11-757 (Anastasia Urtz)*

No one was present to represent the applicant.

J. Langey stated that the ZBA is still working on the file and it has not been approved yet.

Motion by Hugh Roszel, seconded by Anastasia Urtz to continue the file was carried unanimously.

*Diehl/Ahern/Cook - Site Plan Review - 2421 State Route 13
File # 11-762 (Tom Pratt)*

At the last meeting, the Board had requested measurements of the building from the road, as well as, the height and colors of the building.

L. Ahern stated the building will be an indoor riding ring. The roof will be burgundy and the siding will be light stone/beige and it will look similar to the barn that is already there. The barn currently on the property will be

painted to match the burgundy/beige of the new structure. The dimensions of the building will be 120' x 90'. The eave height is 14'.

The Board had some concerns with the additional building considering there is already an outbuilding on the site.

R. Cook stated the property is over 15 acres and would fall under the definition of a farm but not a farm operation. Since it is considered a farm, the applicant can have another outbuilding in addition to the structure that is already there.

Motion by Hugh Roszel, seconded by Anastasia Urtz to appoint the Planning Board as Lead Agency for purposes of the State Environmental Quality Review Act (SEQRA), to affirm the matter an Unlisted Action and to make a Negative Declaration, all based upon the Board's review of the Short EAF, to approve the site plan was carried unanimously.

*Green & Moore Development - Major Subdivision (7) - Fenner Road
File # 11-765 (Mike Palmer)*

M. Palmer stated the Board did a site visit on June 25, 2011.

T. Moore stated they had made changes to accommodate everyone's wants: a section now incorporates the hedge row and some lots were reconfigured to give a flexible approach to buyers.

Lot 2 will have access from Fenner Road and J. Langey stated to get a sight distance. Lot 2 would be exempt from the association for maintaining the road.

T. Moore stated that D. Gregg wanted to request for the Board to schedule a hearing. The engineering report is done and a letter is being drafted regarding conservation concerns.

J. Langey stated can't do public hearing until have map depicting how lots are laid out and drainage on file with the town.

M. Palmer stated the Board wanted to wait to go to public hearing until they have maps so they can review them for a month. He suggested to T. Moore to get all the necessary information on the maps and they can look at them in August.

J. Langey stated they still needed to do formal conservation findings.

Motion by Hugh Roszel, seconded by Tom Pratt to continue the file was carried unanimously.

*Pat Carmeli - Site Plan Review - 3428 East Road
File # 11-766 (Mike Palmer)*

P. Carmeli stated she has 10 acres and wants 7 chickens.

J. Langey stated the Zoning Board of Appeals approved a maximum of 10 chickens.

Motion by Hugh Roszel, seconded by Anastasia Urtz to appoint the Planning Board as Lead Agency for purposes of the State Environmental Quality Review Act (SEQRA), to affirm the matter an Unlisted Action and to make a Negative Declaration, all based upon the Board's review of the Short EAF, to approve the site plan was carried unanimously.

*Brian Coughlin- Site Plan Review - 1512 Peth Road
File # 11-769 (Anne Ferguson)*

B. Coughlin stated to the Board he wants to build a 70'x100' pole barn/indoor riding arena. The peak of the barn is 35'.

R. Cook stated that under zoning, he is considered a farm and has sufficient acreage for an additional structure.

Motion by Anne Ferguson, seconded by Tom Pratt to appoint the Planning Board as Lead Agency for purposes of the State Environmental Quality Review Act (SEQRA), to affirm the matter an Unlisted Action and to make a Negative Declaration, all based upon the Board's review of the Short EAF, to approve the site plan was carried unanimously.

*Michael & Mary Christy Roberson- Site Plan Review - 2080 Sunset Lane
File # 11-771 (Tom Pratt)*

M. Roberson presented to the Board a picture of the dock and the sea wall. The area is currently pea stone and larger stones in the pea stone; and has settled repeatedly over time. He wants to put concrete behind the timber sea wall in the two areas that have settled including the 6'-7' wide walkway which is just large enough for two people. The total area is approx. 30' long. From the photos, the area that is currently stones would be replaced with concrete.

D. Klepper, the contractor for the applicant, stated they want to put rebar to reinforce the area where the concrete would be placed so the settling does not happen as it has in the past creating a hazard.

The Board expressed concern about using concrete because it is impervious and would cause a lot of run-off into the lake and the goal is to maintain the water quality of the lake.

After a lengthy discussion, the Board made several suggestions to the applicant to handle the run-off. The applicant could:

- do permeable pavers
- do porous concrete
- trench the water to a dry well
- install an open bottom trench drain down the center and pitch the water back and create a swail to put the water in the ground
- pitch the area back and insert a slip trench
- hire an engineer to design a system to meet the goals of both parties, the Board, as well as, the applicant

M. Roberson and D. Klepper decided to discuss their options further and they requested a seasonal repair due to safety issues.

M. Roberson stated he wanted his application to remain open until he decided on a permanent solution to the settling issue.

Motion by Tom Pratt, seconded by Anne Ferguson to appoint the Planning Board as Lead Agency for purposes of the State Environmental Quality Review Act (SEQRA), to affirm the matter an Unlisted Action and to make a Negative Declaration, all based upon the Board's review of the Short EAF, to approve a temporary repair to the affected area with pea stone and replacement of the larger stones within the pea stone was carried unanimously.

Motion by Anastasia Urtz, seconded by Anne Ferguson to continue the file was carried unanimously.

*Brian & Linda Osborne, Site Plan Review - 4561 Ridge Road
File # 11-772 (Anastasia Urtz)*

L. Osborne stated to the Board they have a purchase offer in on a property on Ridge Road which is contingent on being able to operate a bed & breakfast. The house is historic and they want it to remain in that condition. The house has multiple structures on it and they would be buying the main house and the carriage house. The gate house would not be included in the sale. They would operate the bed and breakfast out of the main house. There are a total of 5 bedrooms in the main house which would all be rented out; 10 people maximum is the State Law. The Osborne's would live on the third floor (top) of the main house. They may decide to rent out the carriage house.

There is ample parking and the current owner has agreed to an easement for the driveway of the two properties.

Motion by Anastasia Urtz, seconded by Hugh Roszel to continue the file was carried unanimously.

*Cazenovia Ski Club - Site Plan Review - 5251 Rathbun Road
File # 11-774 (Dale Bowers)*

No one was present to represent the applicant.

Motion by Dale Bowers, seconded by Hugh Roszel to continue the file was carried unanimously.

*Barbara Maziuk- Site Plan Review - 4494 Syracuse Road
File # 11-776 (Hugh Roszel)*

No one was present to represent the applicant.

At the work session the Planning Board deemed this application low impact.

It is for the construction of a practice tennis wall.

Motion by Hugh Roszel, seconded by Tom Pratt to appoint the Planning Board as Lead Agency for purposes of the State Environmental Quality Review Act (SEQRA), to affirm the matter an Unlisted Action and to make a Negative Declaration, all based upon the Board's review of the Short EAF, to approve the site plan was carried unanimously.

*Estate of Malcolm Rainbow - Major Subdivision - 1824 State Route 80
File # 11-777 (Jennifer Basic)*

L. Rainbow stated to the Board; Kelly and Luke are buying 25 acres which consists of the family home, outbuildings and pond. They want to have beef cows. The land is not contiguous and Kelly and Luke are buying the middle piece. Gene Reed is buying 16.735 acres and 16.696 acres which are on each side of the family home and outbuildings. L. Rainbow further stated, "Gene Reed is buying this and he is buying this (referring to the lots on each side

of the middle lot) which will remain farmland-so people's views will not be blocked because it will always be farmland."

M. Palmer designated the lots as: Lot #2 is to the east, Lot #1 is the house and barn, and Lot #3 is to the west.

M. Palmer stated lot #2 and lot #3 would need a perc test, deep hole test (that Roger would need to witness), as well as, a letter from the County stating appropriate site distance for the driveways. Letters for a public hearing would need to be mailed out to neighbors within 500' of the property lines.

M. Palmer stated that G. Reed had been approved to receive some "farmland protection" money. J. Langey clarified this land would not qualify because it does not extend to additional properties purchased; only for original property when request was submitted.

The Board did not see the benefit to the Town as a conservation subdivision as opposed to a traditional subdivision because under a traditional subdivision there are extraordinary circumstances that are unique to the parcel that demonstrates that a traditional subdivision is in the best interest to the adjacent neighborhoods. It is unique because it remains farmland and has a ravine.

M. Palmer stated we would need updated maps by July 21st including location of septic and well for main house.

Motion by Hugh Roszel, seconded by Anastasia Urtz to move the file to a public hearing was carried unanimously.

Motion by Hugh Roszel, seconded by Anastasia Urtz to appoint the Planning Board as Lead Agency for purposes of the State Environmental Quality Review Act (SEQRA), to affirm the matter an Unlisted Action and to make a Negative Declaration, all based upon the Board's review of the Short EAF was carried unanimously.

RECOMMENDATIONS TO ZBA

*Penny & David Hazer- Special Use Permit - 5857 East Lake Road
File # 11-770 (Anne Ferguson)*

P. Hazer stated that she wants to have a public stable. They currently have four horses and want to do some lessons with 4H groups. They have twelve acres and they may want to add some additional horses. The buildings are currently there and no plans at this time to build. Under the ordinances, they are allowed to have horses but they need permission for the use of a public stable, and possibly board a horse and give lessons. A public stable is categorized under a special use permit.

M. Palmer stated they needed to fill-out an application for site plan review and would need to come back to the August Planning Board meeting.

Motion by Anne Ferguson, seconded by Anastasia Urtz to make a positive recommendation to the ZBA was carried unanimously.

*Brian & Linda Osborne - Special Use Permit - 4561 Ridge Road
File # 11-773 (Anastasia Urtz)*

L. Osborne stated to the Board they have a purchase offer in on a property on Ridge Road which is contingent on being able to operate a bed & breakfast. The house is historic and they want it to remain in that condition. The house has multiple structures on it and they would be buying the main house and the carriage house. The gate house would not be included in the sale. They would operate the bed and breakfast out of the main house. There are a total of 5 bedrooms in the main house which would all be rented out; 10 people maximum is the State Law. The Osborne's would live on the third floor (top) of the main house. They may decide to rent out the carriage house.

There is ample parking and the current owner has agreed to an easement for the driveway of the two properties.

Motion by Anastasia Urtz, seconded by Hugh Roszel to make a positive recommendation to the ZBA was carried unanimously.

*Cazenovia Ski Club - Special Use Permit - 5251 Rathbun Road
File # 11-775 (Dale Bowers)*

No one was present to represent the applicant.

Motion by Dale Bowers, seconded by Hugh Roszel to continue the file was carried unanimously.

INFORMAL

Leonard Riedl - Subdivision - Rippleton Cross Road

No one was present to represent the applicant.

Philip & Tracie Cunningham - Subdivision - 3500 Cobblestone Drive

No one was present to represent the applicant.

The Town Board is addressing a zone change for the Cunningham property through the use of a local law. Cunningham's are waiting until the adoption of the local law to return to the Planning Board and move forward.

Estate of Joan Vadeboncoeur - Subdivision - 1330 Owahgena Road

Kathy Gara, realtor with Hunt Real Estate, stated the Vadeboncoeur Estate has approximately 136 acres under one tax map #. 110 of the 136 acres are across the street on the north side of Owahgena. Approximately 10 of the 136 acres are on the corner of Temperance Hill Road and Owahgena. The

brick house is on 15 acres on the south side of Owahgena with the views at the back of the house.

Directly in the back of the house is another lot with a separate tax map # that is approximately 43 acres on Temperance Hill Road which are where the views are from the house. K. Gara expressed the 43 acres on Temperance Hill Road and the 15 acres that contain the house should be sold together; the 110 across the street should be sold separate.

M. Palmer stated there is the option of a conventional subdivision, one subdivision of one lot which is allowed only one time, in the history of the property without doing a conservation subdivision. If estate decides to take 2 parcels off the property, it would be a 3-lot subdivision and would be classified as a conservation subdivision.

K. Gara stated a neighbor expressed interest in one of the Vadeboncoeur lots that was adjacent to their lot. R. Cook clarified if the neighbor bought the adjacent lot and combined it with their lot it would be a line change and not a subdivision. The neighbor would need to combine it with their lot so a new tax number wouldn't have to be created.

At 9:19 pm, a motion by Hugh Roszel, seconded by Anne Ferguson to close the meeting was carried unanimously.

Connie Sunderman - Planning Board Secretary - July 9, 2011