

Town of Cazenovia Planning Board

Meeting Minutes

August 4, 2011

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

Members Absent: Jennifer Basic

Others Present: Wendy Reese, Esq.; Bill Dunn; Roger Cook; Don Ferlow;
Ann Redfern; Ed Jones; Kelly Yerdon; Luke Davis; David
Rainbow; Shayne Sunderman; Conor Kays; Michael Rudy;
Dennis Gregg; Matthew Willis; David Hazer; Charles
Woods; Gail Woods; Katharine Auchincloss Lorr; Robert
Germain; David Horowitch; Todd Schanbacher

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

The deadline to be on the next meeting agenda is August 17, 2011.

The next regularly scheduled meeting is September 1, 2011.

The next work session is August 25, 2011.

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

Motion by Tom Pratt, seconded by Anne Ferguson to approve the July 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 Steve Curtis wants to purchase 2.48 acres at the corner of Ballina Road and Lane Road.

M. Palmer confirmed it was noticed for the public hearing.

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

Motion by Tom Pratt, seconded by Anastasia Urtz to close the public hearing was carried unanimously.

Motion by Anastasia Urtz, seconded by Anne Ferguson to approve the line change was carried unanimously.

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

K. Yerdon stated they want to divide the parcel into 3 lots. The applicant stated Luke and she would be buying the 25 acre lot with the house and all the outbuildings. The applicant further stated that Gene Reed would be buying lots 2 & 3 (as stated on the survey provided) and keep it as farmland. K. Yerdon confirmed they did the perc tests and deep hole tests.

M. Palmer stated the highway department signed off on the driveways and the applicant pointed out the driveway locations on the map. M. Palmer provided the Board with engineering results from Bob Chevako for the perc test. R. Cook confirmed he witnessed the deep hole test.

The applicants confirmed to the Board they noticed the neighbors for the public hearing.

M. Palmer stated the Board was not putting this subdivision through with conservation subdivision regulations. The applicants confirmed they were putting a couple of cows on the land.

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

Motion by Dale Bowers, seconded by Tom Pratt to close the public hearing was carried unanimously.

Motion by Dale Bowers, seconded by Anne Ferguson to approve the major subdivision was carried unanimously.

LAND DISTURBANCE/SITE PLAN REVIEW/SUBDIVISION

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

No one was present to represent the application.

Motion by Hugh Roszel, seconded by Tom Pratt to continue the file and send a letter to the applicant in regards to her intentions 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 application.

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

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

The file will be reviewed upon final decision from the Zoning Board of Appeals.

Motion by Tom Pratt, seconded by Anastasia Urtz to continue the file was carried unanimously.

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

C. Kays and M. Rudy of Alternative Power Solutions were present to represent Mr. Hile.

The applicants confirmed they received their ZBA approval for the windmill.

C. Kays stated the windmill would be all gray with black blades. He showed the revised site plan and stated the windmill would be 172' off one side line, 175' from the house, and 153' tall.

The applicant stated the location moved from originally proposed. The ZBA had them move the windmill location east. The approval was for two variances: 1) 3' for height 2) 6' North property line.

The Board inquired if the blades could be another color besides black. C. Kays stated the only other color is white, however black is recommended for Northern climates because they have a benefit for deicing. C. Kays further stated if they had to do white, they could-but it has not typically been done in the past.

C. Kays showed the Board several photos that were taken from various spots around the windmill location to show visibility/non-visibility.

C. Kays stated the windmill "is visible from just around the corner on 92 and there is one spot" which is shown on Picture 5 from the file and the applicant stated "it gives you a pretty good idea of how low it (the windmill) looks when

you get just a little up the road actually." Picture 4 from the file showed the visibility from 92. He stated picture 4 was unique and the only spot on 92 you could see the turbine.

C. Kays showed images to the Board where they did a balloon study. In Picture 1, the smaller balloon represents 100' in the air.

The Board inquired about the fall zone. C. Kays confirmed the fall zone was 178'; the windmill is 153' tall and the town ordinance requires 25' in addition to the height of the windmill. This is why they needed a 6' area variance from the property line where they are at 172'. C. Kays confirmed if it were to fall, it would fall within the owner's property.

C. Kays stated the windmill location will be straight back from the East corner of Mr. Hile's barn.

C. Kays said everyone within 500' of Mr. Hile's property lines were notified.

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.

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

D. Gregg stated he made a few additions to the map and changed a few lines and he was going to meet with the County on 8/5/11 to go over site lines and will get a letter from the County. D. Gregg's engineer is in the process of working on storm water information and a road design.

M. Palmer stated the Board had additional items from the work session: 1) locate driveways and county approval; 2) locate road and county approval (road being private drive); 3) storm water management system; 4) buildable areas (difference between conservation easement & no build zone); 5)

conservation easement for Fenner Road; 6) prime agricultural soils; 7) slope; 8) 25' setbacks; 9) 50' back; 10) wetlands.

The building envelopes would be defined as a frame around the property and a reasonable number of feet from the property line that they could not build. This would prevent the houses from encroaching on the lot lines. M. Palmer stated it should coincide with the setbacks for zoning regulations which is 25'. The no build zones should be stated on the map.

M. Palmer stated the plant life needs to be protected and the trees along Fenner Road. Initially, M. Palmer stated the line should be 50' back from edge of right of way to protect the band of trees along Fenner Road (treescape) and it should be labeled conservation on the map. D. Ferlow stated scaling it on the map it is approximately 70' from the edge of the road.

M. Palmer stated the prime agricultural soils need to be shown on the map and a notation has to be made on the map stating there are no steep slopes.

M. Palmer stated to the applicant the road design and inspection: the engineer should design a road suitable for the traffic that is anticipated and for fire apparatus. Once submitted, the town engineer will review and make comments. As the road is being constructed, it will need to be inspected by the Board and the town engineer; which can be discussed later.

M. Palmer asked the applicant about federal wetlands. D. Gregg stated there are no DEC wetlands. He pointed out an area on the map and stated Barb Ryder mapped and flagged the area. D. Gregg pointed to additional areas on the map that Barb had observed which were on the no-build conservation zone. D. Gregg stated he did not want to identify, flag and map the wetlands areas because they are in areas where nothing is going to happen and he felt it was an unnecessary cost.

M. Palmer asked the Board their thoughts on one of the ordinances that states that federal wetlands be considered. He reiterated D. Gregg feels that wetlands outside the no-build zone area mapped but the wetlands within the no-build zone are not mapped and he questioned why they need to be flagged if already within a no-build zone. The Board agreed with D. Gregg.

D. Ferlow stated for general subdivision regulations it states sketch plans should show wetlands and he feels the wetlands should be looked at and not set a precedent. He feels the yield should be calculated and make the case D. Gregg is not developing to the yield and that land is being preserved.

W. Reese stated for a conservation subdivision you have to do density calculations as required. In order to do the density calculation, you have to know how much is constrained land. The constrained land is considered DEC wetlands and Army Corps of Engineers wetlands. At the very least, you need to find out how much acreage are DEC wetlands.

D. Ferlow stated what the Board should ask for is for a reasonable amount of where wetlands could be on the site. He further stated he would walk the site with D. Gregg and sketch the approximate federal wetland areas. The areas will only be sketched not flagged.

R. Cook mentioned to make sure the federal lands are within the constrained lands that D. Gregg has set aside. D. Ferlow stated that would be determined when they are in the field.

Motion by Dale Bowers, seconded by Tom Pratt to move the file to a public hearing was carried unanimously.

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

No one present to represent the application.

Motion by Tom Pratt, 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)*

No one was present to represent the application.

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

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

The file will be reviewed upon final decision from the Zoning Board of Appeals.

Motion by Dale Bowers, seconded by Tom Pratt to continue the file was carried unanimously.

*John & Patricia Dellas- Site Plan Review - 2913 West Lake Road
File # 11-778 (Tom Pratt)*

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

T. Pratt stated it is for the construction of a 6'x10' deck and will be a minor increase in impermeable area from 1.64 to 1.65.

Motion by Tom Pratt, 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.

*Penny & David Hazer - Site Plan Review - 5857 East Lake Road
File # 11-779 (Anne Ferguson)*

The file will be reviewed upon final decision from the Zoning Board of Appeals.

*Matthew & Elizabeth Monroe - Site Plan Review - 1516 Owahgena Terrace
File # 11-780 (Anne Ferguson)*

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

It is for the repair of leaking solarium.

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.

*Charles and Gail Woods - Site Plan Review - 1516 Owahgena Terrace
File # 11-781 (Hugh Roszel)*

C. Woods stated they have an existing pond on their property and it drains part of their yard but the pond is falling in. Additionally, they have a very wet area across the yard that drains down into the lake.

G. Woods stated they want the pond to help with the drainage on the hill. They want to clean up the pond and put a French drain going into the pond and flood it out the other side. There are currently plantings around the pond and more would be added. The main goal is to restore the pond (making it deeper and cleaning up the edges) and add a French drain.

M. Palmer stated the Board needs a bigger map showing how far the pond is from the lake, the size of the pond, cross-section of what it will look like, and the size of the French drain.

W. Dunn stated it is important there is no direct discharge of water into the lake. He also mentioned the size of the pond is important as well as the plantings around the pond.

M. Palmer inquired about the intentions with the spoils from the pond. The applicant stated the spoils would be taken off the site, from the back hoe to the truck.

M. Palmer stated the disturbed land would need to be seeded and mulched as soon after project is done.

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

*J. Howland Auchincloss - (1) Line Change - 3935 Rippleton Road
File # 11-782 (Anastasia Urtz)*

K. Auchincloss-Lorr stated that the dry well and septic tank is currently with the adjacent lot and they want to add it to 3935 Rippleton Road.

M. Palmer stated it is important when moving the line you do not restrict access to the other property and do not reduce road frontage.

M. Palmer told the applicant to bring an updated map with existing and proposed changes.

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

Motion by Dale Bowers, seconded by Hugh Roszel 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.

*Martin and Steven Wells - Site Plan Review - 5007 West Lake Road
File # 11-783 (Hugh Roszel)*

R. Germain represented the Wells application. He stated the town ordinance states that a fence has to be set one foot of the property line. His client, the Wells had the property surveyed and iron pins set. If the clients put the fence one foot off the property line, it would be in a row of trees. The Wells are seeking a variance to put the fence as close to the property line.

M. Palmer asked R. Germain how much of a variance would be needed? R. Germain stated as close to the property line as possible.

R. Germain stated the survey in the file showing the fence on the neighbor's property was inaccurate. He confirmed the fence would be on his client's property not the neighbors.

M. Palmer stated to R. Germain the map needs to clearly depict the location of the fence. He further stated the exact placement of the fence from the property line needs to be stated by the applicant.

R. Germain reiterated that the surveyor has set iron pins for the fence company to follow.

M. Palmer stated to R. Germain the Board was supplied with a letter from a neighbor stating they are opposed to the variance. The letter stated the neighbor is not interested in the fence being placed closer than one foot to the property line.

M. Palmer stated the Board needs to be supplied with a map from a surveyor stating where the fence will be located with an actual distance from the property line. He further stated the Board needs to know the length of the fence.

The fence will be 6' high and will be black chain link.

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

R. Germain wanted the Board to know he did not draw the line on the survey and write "fence" on the neighbor's property and he has no intentions of putting the fence on the neighbor's property.

Motion by Dale Bowers, seconded by Tom Pratt to continue the site plan review was carried unanimously.

*David Horowitch - Site Plan Review - 4945 East Lake Road
File # 11-785 (Tom Pratt)*

D. Horowitch stated he has a drainage issue on his property he wants to address.

T. Schanbacher of Green Scapes stated they wanted to collect water from a couple of gutters on the garage with some drain tile and deter it from going onto patio and carry it over to the property edge into vegetation. Along the driveway, there is water moving downhill and going under the paver driveway causing heaving and settling. They would install drain tile at the end to catch the water there also. The drain tiles would go into an existing basin and alternatively into a swail. They would both be connected and collected into drainage basin. There is a planted bed and there would be 2' x 5'-6' area with cobblestones at end of pipe.

There is currently a drainage basin on the front of the property near the landscape bed that catches foundation drainage. There is room in basin to install a few more pipes. All of the water drains down to the north corner of the property that juts out of the ground. Currently it drops over a concrete wall into lake and they would cut back and add rocks so it does not drop over wall.

D. Horowitch stated by putting in the new system, water would not go to the existing drain.

T. Schanbacher stated they initially wanted to put in rain gardens. However since initial application, they are now considering to have water exposed out to the edge of slope. There is roughly 25' of junipers and daylilies on neighboring property that they were going to run the water into and put cobblestones to disperse it. The neighboring property belongs to Dave Horowitch, also.

M. Palmer stated the design has to be at least 25' back from the water's edge because of the CEA.

D. Ferlow suggested the applicants review rain gardens from the *NYS Stormwater Manual 2010 Edition* that has a design section. Additionally, J. Dunkle has rain garden designs the applicant could refer to.

B. Dunn stated he thinks the rocks are a good idea at base to dissipate the energy from the hill and then the rain gardens.

T. Schanbacher mentioned when conversing with R. Cook, he suggested keeping everything on the one property.

W. Reese confirmed an easement would have to be created if it involved the other property, in case D. Horowitch sold the neighboring property in the future, and work was necessary on the stormwater management.

M. Palmer stated a map is needed with dimensions. The size of the rain gardens, distance back from the water, and the proposed plantings.

T. Pratt stated that he would like to see riprap or vegetation, something to stop water, in case of storm, from going into the lake.

T. Schanbacher stated that there is a concrete wall which is 23'-25' with mature planted vegetation. The mulch would be replaced with cobblestones.

The drain pipe will be 4".

The Board expressed the goal is to filter the water before it gets into lake.

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

RECOMMENDATIONS TO ZBA

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

M. Willis stated no changes from last year except for the benefactor. Last year it was a non-profit organization and this year it is the Cazenovia Ski Club.

M. Willis stated the hours are from 3 p.m. to 11 p.m on September 24, 2011. They have temporary lighting for leaving at night, traffic direction, and port-a-potties. They have not used police in the past and have had no problems but will use private security company.

Motion by Dale Bowers, seconded by Tom Pratt to make a positive recommendation to the ZBA was carried unanimously.

*Shayne Sunderman - Special Use Permit - 2683 Ballina Road
File # 11-752 (Dale Bowers)*

The applicant stated he would use an outbuilding in the back of his property as a detail shop. S. Sunderman stated no hazardous materials or chemicals would be used. There would be no lighting. The applicant confirmed 1-2 cars would be detailed per day.

He stated if a car was kept overnight it would be stored inside the barn.

The applicant submitted a business plan to the Board.

Motion by Dale Bowers, seconded by Tom Pratt to make a positive recommendation to the ZBA was carried unanimously.

*David and Penny Hazer - Use Variance - 5857 East Lake Road
File # 11-770 (Anne Ferguson)*

D. Hazer stated that he started out with the ZBA for a special use permit and but the town attorney said it should be a use variance.

D. Hazer provided the Board with a site plan. The structures on the site plan are all existing except it did show one that has since been torn down.

He owns two parcels: one in the Town of Sullivan and one in the Town of Cazenovia.

D. Hazer stated his daughter wants to do horse lessons and it is a good experience for her.

D. Hazer stated the special use permit has 4 points (I believe he misspoke and meant to say use variance) and hardship is the hard point to prove.

He further stated the area around their property is a combination of RA and agriculture/farmland.

M. Palmer inquired about traffic? D. Hazer stated approx. 3 cars at a time other than their own. He further stated there is an Aspen grove along the road and they could make that parking to hide vehicles. There would be no signage.

D. Hazer said they are allowed to have 6 horses and currently have 4 horses.

Motion by Anne Ferguson, seconded by Tom Pratt to make a positive recommendation to the ZBA 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.

Robert Frazee - Possible Project - Route 20 East

No one was present to represent the applicant.

At 9:14 pm, a motion by Hugh Roszel, seconded by Tom Pratt to close the meeting was carried unanimously.

Connie Sunderman - Planning Board Secretary - August 4, 2011