

# Town of Cazenovia Planning Board

## Meeting Minutes

October 6, 2011

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

Members Absent:

Others Present: John Langey, Esq.; Ralph Monforte; John Dunkle; Roger Cook; Don Ferlow; Chris Fischer, Chairman of the ZBA; Louis Orbach; Gene Smith; Richard Sheridan; David Silverman; Timothy Moore; Bob Frazee; Michael Frazee; Jim Frazee; Rod Ives; James Knittel; Pat Race; Greg Widrick; Robert Germain; Martin Wells; Phillip Cunningham; Tracie Cunningham; Marco Coronado; Terry Stearns; Judy Gianforte; Donald Burdin; David Vredenburgh; Joanne Gagliano; David Durkin; Kevin Pole

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

The deadline to be on the next meeting agenda is October 19, 2011.

The next regularly scheduled meeting is November 3, 2011.

The next work session is October 27, 2011.

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

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

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M. Palmer stated the Planning Board would start with their meeting and then there would be a short Zoning Board of Appeals meeting and then the Planning Board meeting would resume.

HEARINGS:

*Cazenovia Equipment - Site Plan Review - Route 20 East  
File # 11-791 (Tom Pratt)*

J. Langey stated the Planning Board needs to consider the environmental impacts of the project. The Board will discuss part II of the long form EAF. Once they go through the form, they will vote on the environmental significance of the project.

J. Langey stated all of the other involved and interested parties have conceded lead agency status to the Planning Board.

The job of the Board is to review Part II of the long form EAF and to consider if there are any potentially negative environmental impacts that are SIGNIFICANT. Significant is the key word. If one of the impacts is deemed significant, Part III of the long form will need to be completed. In order to keep the process moving, J. Langey suggested answers and the Board had the option to discuss further whenever they felt necessary. The impacts to be reviewed were as follows:

1. **Will the proposed action result in a physical change to the project? Also, will there be a significant change that will result in a negative environmental impact.** J. Langey stated "Yes" there will be a physical change and based on the list of examples given, there are none that would be triggered as significant. Therefore, the Board can assume the physical change is not a significant environmental impact.
2. **Will there be an effect to any unique or unusual land forms on the site?** The Board agreed that the answer was "No."
3. **Will the proposed action affect any water body designated as protected?** J. Langey stated "No."
4. **Will the proposed action affect any non-protected existing or new body of water?** J. Langey stated "No."
5. **Will the proposed action affect surface or groundwater quality or quantity?** J. Langey stated "No."

6. **Will proposed action alter drainage flow or patterns, or surface water runoff?** J. Langey stated "yes," but the way the project is presented it will not be a negative environmental impact with a significant affect. The project could cause some erosion but erosion control will mitigate the impact.
7. **Will the proposed action affect area quality?** J. Langey stated "No."
8. **Will proposed action affect any threatened or endangered species?** J. Langey stated "No."
9. **Will proposed action substantially affect non-threatened or non-endangered species?** J. Langey stated "No."
10. **Will proposed action affect agricultural land resources?** The Board felt it would be a small impact.
11. **Will the proposed action affect aesthetic resources?** The Board answered "no."
12. **Will the proposed action impact any historic or archaeological resources?** J. Langey stated "No."
13. **Impact on open spaces and recreation?** J. Langey stated "No."
14. **Impact on critical environmental areas?** J. Langey stated it is not located in one.
15. **Impact on transportation?** There will not be an increase in traffic flow because the same road used to get to the Nelson store is the same as the new proposed location.
16. **Will proposed action affect the community's sources of fuel or energy supply?** J. Langey stated "No."
17. **Will there be objectionable odors, noise, or vibration as a result of the proposed action?** J. Langey stated it would have temporary noise from construction – therefore, it would be a temporary impact.
18. **Will proposed action affect public health and safety?** J. Langey stated "No."
19. **Will proposed action affect the character of the existing community or neighborhood?** J. Langey stated "No."
20. **Is there likely to be public controversy related to potential adverse environmental impacts?** The Board stated "No."

J. Langey stated if any of the above answers were "yes" and potentially large impacts that could not be mitigated, then Part III of the Long Form EAF would

need to be addressed. However, J. Langey stated that nothing was answered “yes” that could not be mitigated. The Board agreed.

J. Langey stated he prepared, in advance, a proposed resolution that would adopt a negative declaration with findings. The findings are as follows:

1. the subject property is zoned Rural B under the Town of Cazenovia Zoning Law
2. the proposed action is for approval of a commercial 24,000 +/- sq. ft. sales and service building with outdoor equipment display yard, approximately 80 parking spaces, utilities and stormwater management plan
3. the project area consists of approximately 70 acres, of which approximately 6 +/- acres will be utilized for the proposed action;
4. there are no unique or unusual land forms associated with the project site
5. the projects is not intended for use, nor has it traditionally been used by the community or neighborhood as open space or recreational area
6. portions of the premises are utilized for active agricultural use
7. the proposed use will permit a continuation of agricultural utilization of portions of the property
8. the proposed use on the premises will not impact any scenic views known to be important to the community, while Route 20 is an important traveling byway in this portion of the Town, the applicant's proposed landscaping, building placement and site layout will provide sufficient screening so as not to impact the views from Route 20
9. the proposed project plan sufficiently demonstrates that the use will be accommodated by the existing public sanitary sewer adjacent to the frontage of the property
10. the applicant has demonstrated sufficient potable water, the use of which will not adversely impact either neighboring properties
11. the use will require a special use permit to be granted by the Town of Cazenovia Zoning Board of Appeals
12. the use of a farm equipment sales and repair business is not in contravention with the surrounding uses as such uses are complimentary to the nearby agricultural uses and the property will further support the flourishing of agricultural in the Town of Cazenovia and the region in general

13. the Madison County Planning Department on August 29, 2011 returned its referral to this matter for a local determination
14. the site plan and proposed structure locations meet all Town of Cazenovia lot area and yard regulations
15. no traffic impacts are anticipated as the property will utilize the pre-existing road cut known as Remington Park Drive, which further serves parcels to the East. The proposal's use of the existing road cut provides an added level of safety to this area
16. the proposed project will require a New York State Department of Environmental Conservation stormwater approval
17. while there will be physical changes to the project site, many of the changes will compliment the agricultural and commercial surrounding properties
18. the proposed stormwater runoff improvements will be installed and maintained in a manner that will not adversely impact the surrounding or down-gradient properties
19. there is no evidence of any impacts on any threatened or endangered species
20. the proposed action site has not been identified as a critical environmental area by the Town of Cazenovia

Motion by Hugh Roszel, seconded by Tom Pratt for the Town of Cazenovia Planning Board to adopt a negative declaration for purposes of SEQRA, for Part II of the long form EAF was carried unanimously.

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The Zoning Board of Appeals started their meeting for purposes of the special use permit for Cazenovia Equipment at approximately 7:45 p.m.

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The Planning Board resumed their meeting at approximately 8:05 p.m.

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*Cazenovia Equipment - Site Plan Review - Route 20 East  
File # 11-791 (Tom Pratt)*

R. Ives of Napierela Consulting stated they incorporated the discussion from last Thursday's work session and the report from the CACC on the new plans that they presented at the meeting tonight. He further stated they met with the town engineer on 10/3/11 to go over stormwater.

R. Ives stated that the biggest change was to the display area up front. They have created a 27,600 sq. ft. area that will have stonewalls. The stonewalls are from the foundation that is on the property. They will break-up the display area as opposed to the isolated pods. The walls will be 2' because of the grade change. The walls will be terraced East to West.

R. Ives talked about the 2 maples. In regards to the larger, healthier maple tree, they have adjusted the grading and the display areas so no fill will go on top of the root system. Also, they are going to place construction fence around the tree, so contractors know that is an area that should not be disturbed. The fence will go 10' outside the canopy of the tree. The second maple, if they were to save, would hinder the display area and affect the grading. The alternative, if they took out the tree, would be to provide a new landscaped area up front with 7'-8' high dogwoods. In maturity, they will grow 20'-25'. Also, 4 potentillas would be planted underneath.

R. Ives said there will be a new sugar maple up front and a new dogwood. The planted height will be 8'. The anticipated height will be 20'-25'.

D. Ferlow stated the applicant has incorporated a number of the items suggested in the CACC report. The CACC felt it was important to save a good block of the Western plants and the applicant has accomplished that. He further stated they have addressed the major issues and the other items are miniscule.

R. Ives stated they are adding 41 trees/shrubs to the site.

R. Ives said the John Deere sign will be going in the front corner.

R. Ives said up front, near Remington Park Drive, there is approximately a 10' swath of shrubs which was recommended by the CACC to be saved. The vegetation is

primarily grey-stemmed and red-stemmed dogwoods. He stated they are trying to provide drainage without structures and piping and go with a green area. They will try to disturb as little land as possible but it will be a construction call, during the construction phase.

D. Ferlow stated it is near the shoulder of the road and shields the view.

R. Ives stated the shipping/receiving area will have two lights for safety which are along the West wall in the middle of the building. Deliveries are received between midnight and 3:00 a.m. The lights will have shields so lighting will be directed down.

The light inside the store will remain on for security. The other lights will turn off at 11:00 p.m.

R. Ives submitted specifications on the wall packs and flood display lighting.

R. Ives stated there will be 8 landscape uplights on the display equipment including 2 on the sign. The lights will be on until 11:00 p.m. The lights will not exceed 100 watts. There will be 3 site lights that will go off at 11:00 p.m.

J. Dunkle stated the applicant has prepared a comprehensive stormwater plan that addresses erosion control, water quality control and peak flow mitigation (the three components of a stormwater plan). They have also used green infrastructure practices by using vegetative soils, and installing bioretention areas which will meet the criteria for stormwater clean-up. They have proposed a stormwater detention basin at the low end of the site to capture runoff and release at an acceptable rate. He further stated, comprehensively, they have addressed all the issues and he agrees with the concepts that they have proposed and feels that the overall plan is in good shape. He said they met and he wants to make sure the runoff calculations represent what is currently there as to what is proposed. He does not see anything outstanding that will affect the site plan. He mentioned the size of the basin could change depending on the outcome of the calculations. He is comfortable with the way the site plan is laid out and what is proposed.

J. Dunkle stated, at the bottom of the site, once the drainage has been cleaned up and then leaves the site it was proposed to discharge West into a broad wide swale

into the adjacent property and now they will be reorienting it to discharge out to the Route 20 drainage system.

J. Dunkle stated they are proposing a well. Therefore, he asked them to locate GHD's well and do a 4-hour pump test on the proposed well while monitoring GHD's well. This would ensure there is not an impact on the adjacent well.

J. Dunkle said they are proposing a connection to the Madison County Sewer District. Therefore, they would need a sign-off from the County Sewer District that there is adequate capacity in the system and at the treatment plant.

R. Ives stated he talked to the plant operator and he said there is plenty of capacity and he does not see that as an issue. The operator talked to the Sewer Board and he needed authorization to send the applicant the adequate capacity letter.

R. Ives stated they will get the well test scheduled. He stated they did a flow test on their well and the results were 10 gallons/minute. The GHD well distance is approximately 200'.

R. Ives stated the applicant is proposing a conforming sign of 24 sq. ft.

J. Knittel stated the back of building has come up 4'. He further said it should not impact what is seen from the road.

J. Knittel showed colors and some samples to the Board. They are awaiting metal samples from the building manufacturer for the back end of the building. The metal canopy will be evergreen. As of now, the back of the building will be fox gray which is a light, soft warm gray color. They are going to try to use some stone on site for the base. The colors to be used are Monterey taupe, cobblestone and khaki brown.

M. Palmer requested actual samples and color swatches be submitted to the Planning Board file.

M. Palmer opened up the public hearing.



Pat Race, a resident of Cazenovia and a member of the Town Board, stated the Board has been working on the comprehensive plan for a couple of years and the intent was to designate this area, which is zoned as Residential B, a commercial/industrial part of the community. A part of the comprehensive plan is to save/enhance the rural, agrarian history. He is in favor of the project because he feels nothing keeps the rural flavor more than a John Deere dealership. He further stated that he feels the Frazee's have made a strong effort to keep a lot of the existing growth of vegetation. He said the Town Board unanimously passed the ability for the applicant to ask for a zoning variance for this and making it an approved special use. He stated the Town Board is in favor of the project because the project will invest millions of dollars into the community, the sales tax revenue and property taxes. In closing, he urged the Board to pass and grant Cazenovia Equipment Company site approval.

Greg Widrick, a resident of the Town of Cazenovia, thanked the Board for their service to the community. He said he wants the Planning Board to consider this project because of the millions of dollars of investment into the Town, the jobs it will create, the sales tax that will be gained and he recommend that it be passed.

M. Palmer stated there is approximately 6 letters in the file in support of the project from local businesses. He said there is strong support from the business community.

Motion by Hugh Roszel, seconded by Jennifer Basic to close the public hearing was carried unanimously.

M. Palmer stated the applicant made a good effort to incorporate the recommendations from the CACC into the planting plan.

Motion by Anastasia Urtz, seconded by Jennifer Basic to approve the site plan with the conditions of: final stormwater calculations to the satisfaction of the town engineer; well pump test certified by the applicant's engineer subject to the town engineer's review; sewer letter; current drawings will be approved including the display areas that Roger has enforceability on and the minor changes of the new maps which will be subject to Roger and John's approval; applicant will enter into an appropriate stormwater management facility agreement; the applicant will, as necessary, apply for the establishment of a small drainage district that covers

the property; and a color pallet of all the colors of siding, trim & stone including actual samples submitted to the Planning Board file was approved as follows:

Mike Palmer:	Yes
Jennifer Basic:	Yes
Dale Bowers:	Abstain
Anne Ferguson:	Abstain
Tom Pratt:	Yes
Hugh Roszel:	Yes
Anastasia Urtz:	Yes

The Board thanked Don Ferlow and the CACC for the time and effort that he and his committee put into the project.

B. Frazee thanked the members of the Planning Board for the time they put into the project.

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

T. Moore was present to represent his application. He stated he presented the engineering drawings and they have determined they will need a Homeowner's Association. He said there is already interest in Lots 2 & 4.

M. Palmer stated the town engineer will review the set of drawings which includes the road design on the drawings.

The applicant will have to provide the Board with a Homeowner's Association that the town attorney will review and approve. The HOA will have to address the relationship of the owners with the maintenance of the road. The maintenance of the stormwater practices also needs to be addressed in the HOA.

D. Ferlow stated the open space has increased in the upper end.

M. Palmer stated it was a continuation of a public hearing.

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

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

M. Palmer stated the town engineer received the drawings tonight.

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

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LAND DISTURBANCE/SITE PLAN REVIEW/SUBDIVISION

*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.

J. Langey stated he sent the applicant's attorney a letter and called him and he has not received a response.

Motion by Tom Pratt, seconded by Hugh Roszel to send the applicant a letter was carried unanimously.

The letter should state that we need to know his intentions by a certain date or the file will be closed at the next meeting. The letter also needs to include the applicant is still responsible for the outstanding balance.

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

No one present to represent the application.

Motion by Jen Basic, seconded by Hugh Roszel to send the applicant a letter and continue the file was carried unanimously.

The letter should state that we need to know his intentions by a certain date or the file will be closed at the next meeting.

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

No one was present to represent the application.

M. Palmer stated the Osborne's withdrew their application.

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

No one present to represent the application.

The application is still before the Zoning Board of Appeals.

Motion by Jennifer Basic, seconded by Hugh Roszel to continue the file was carried unanimously.

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

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

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

No one present to represent the application.

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

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*Phillip & Tracie Cunningham - (2) Lot Subdivision - 3500 Cobblestone Drive  
File # 11-787 (Anastasia Urtz)*

J. Basic recused herself from the file since she represents the Cunningham's.

J. Basic stated they took a 99 acre lot and had portions rezoned from RA to RB to accommodate a non-conforming business on site.

The business is now in the newly rezoned RB area. The subdivided lot that is proposed overlays both the RA and the RB zone including Cobblestone Drive which they are proposing to be a private drive because there is not enough road frontage to accommodate both of the lots. She requested a one-lot traditional subdivision with a private road because they are not proposing any new construction. She further stated the RB zone cannot have a new residence built without approval. She also said going forward they know that any further subdivision would require conservation subdivision.

The private road serves both lots A & B. Lot A has sufficient road frontage but Lot B does not.

J. Basic further stated there will be an addition on the existing building in the RB zone.

J. Langey said they can be relieved of the conservation subdivision since it is a 2-lot subdivision. They can use their one-time, free 2-lot subdivision but would have to go to the ZBA to get relief from the road frontage.

P. Cunningham stated they have 1500' of total road frontage but some of it is in the Town of Nelson.

J. Langey stated the public policy behind road frontage is to have enough sight distance. He felt the argument could be made because it is in another jurisdiction does not mean it is any less safe.

M. Palmer does not feel it would benefit anyone to put the applicant through conservation subdivision. He does not feel it will save or prove anything. He said if a variance is needed they can go that route or if it is acceptable for the Planning Board to have a policy which would allow the Town of Nelson road frontage. He further stated if they want to subdivide again in the future, they will have to do conservation subdivision.

J. Basic stated there will be no changes on the lot except for an addition on the building in the RB zone.

J. Dunkle, chairman of the Town of Nelson Planning Board, stated from the Town of Nelson perspective, it would render the Nelson portion of the lot with the road frontage unbuildable.

J. Langey stated to the applicant if they went the route with declaring the Town of Nelson frontage unbuildable, they would not be able to have a separate use or structure on it ever in the future. It would be rendered "unbuildable."

P. Cunningham stated that the triangle portion that is the road frontage in the Town of Nelson is approximately 1 1/3 acres.

M. Palmer asked the Board how they felt about considering road frontage in an adjacent municipality to provide sufficient road frontage for the two-lot subdivision.

The Board did not have an issue because there is sufficient visibility and the fact that the applicant already owns the land in the adjacent municipality.

J. Basic stated she could put it in the covenants that the triangle section is "unbuildable" and has to remain attached to Lot B.

R. Cook stated the lot with their residence has the septic, perc test, and deep hole test done. The lot with the business had the deep hole and perc test done less

than a year ago. R. Cook said we could get the results from another file and add to the Planning Board file.

The applicant will have the septic, perc test and deep hole test information added to the maps. The map will indicate that the triangle portion is a no-build zone.

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 two lot-subdivision contingent on the property line in the Town of Nelson be considered to provide sufficient road frontage for Lot B and it must remain part of Lot B was approved as follows:

Mike Palmer: Yes  
Jennifer Basic: Abstain  
Dale Bowers: Yes  
Anne Ferguson: Yes  
Tom Pratt: Yes  
Hugh Roszel: Yes  
Anastasia Urtz: Yes

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*Michael & Paula Fallon - Site Plan Review - 5039 East Lake Road  
File # 11-788 (Jennifer Basic)*

No one present to represent the application.

Motion by Jennifer Basic, seconded by Tom Pratt to continue the file was carried unanimously.

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*Marco Coronado - Site Plan Review - 1812 Route 20 West  
File # 11-789 (Anne Ferguson)*

T. Stearns talked about using leaching chambers which provide a cavity in the ground for the water to go into and the water will drain away. He further stated

the chambers are mostly used for leach fields and septic tanks but they will work equally well for stormwater runoff.

T. Stearns pointed out on the updated map the existing leach field and the stormwater leach area as well as the existing/proposed berms. He showed the Board on the map where the various areas would drain to. The berm will be placed to keep water away from the existing leach area.

J. Dunkle stated the applicant supplied him with 1" rainfall calculations. The applicant addressed the water quality issue and a sufficient backup system. He feels they have adequately mitigated the stormwater.

J. Langey stated that Madison County Planning Board responded with positive comments on the project.

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.

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*Daniel Falter - Site Plan Review - 2619 West Lake Road  
File # 11-794 (Mike Palmer)*

At the work session, the application was deemed low impact.

Motion by Jennifer Basic, 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 the site plan was carried unanimously.

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*Philip Scripa - Site Plan Review - 4963 Syracuse Road  
File # 11-795 (Hugh Roszel)*



No one was present to represent the application.

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

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*Donald Burdin - Minor Subdivision (4) - 3981 East Road  
File # 11-797 (Jennifer Basic)*

D. Burdin stated he needs to get the house and barn subdivided from the rest of the land. He further said the house is sold and land is sold. He said he was going to do 4 lots but he thinks in the end it will be 3 lots.

R. Cook stated that the code requirement is 250' for residential road frontage.

M. Palmer confirmed with the applicant his plan which for now is to do a 2-lot subdivision, to separate the house from the property.

D. Burdin stated that the whole parcel is in 4 people's names.

M. Palmer stated that the applicant needs to come back with a map that shows the house and 250' of road frontage and the remaining property. The lots should be labeled Lot A and Lot B. The applicant will have to do deep hole and perc test on the undeveloped land. Roger Cook will witness the deep hole test. The perc test has to be done by an engineer. The driveway for the existing house should be shown on the map. Also, a driveway should be located for the remaining property to show safe sight distance in both directions. The well and septic should be labeled for the existing house.

D. Burdin stated that D. Vredenburg, the neighbor, wants to do a line change.

M. Palmer reminded the applicant he may need the road frontage.

The Board and the applicant discussed some options for his future subdivision, once he gets the two lots separated.

Motion by Jennifer Basic, seconded by Tom Pratt to continue the file was carried unanimously.

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*Robert Knauff - Site Plan Review - 1548 Peth Road  
File # 11-798 (Jennifer Basic)*

At the work session, the application was deemed low impact.

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.

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*Phillip & Tracie Cunningham - Site Plan Review - 3500 Cobblestone Drive  
File # 11-800 (Anne Ferguson)*

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

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*Michael Roberts - (2) Lot Subdivision - 1268 Peth Road  
File # 11-722 (Anastasia Urtz)*

M. Palmer stated this was for a reapproval of a 2-lot subdivision because the applicant did not get his maps filed in the 62-day time frame.

No one was present to represent the application.

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

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*Neil & Robin Goldberg - Site Plan Review - 5057 East Lake Road Road  
File # 11-740 (Dale Bowers)*

J. Gagliano of EDR was present to represent the application. She stated it was a site plan that was approved previously. J. Langey contacted her about 1 ½ weeks ago and told her that trees had been removed. The contractor took down a series

of scotch pines, black walnuts and arborvitaes as well as all the evergreens along the property line.

She stated to recreate the buffer that was removed they need to put in a larger quantity of taller trees.

The trees were taken down because the neighbor and the applicant felt the trees looked bad and they were going to replace.

J. Gagliano stated R. Cook did a stop work order on the site work.

She showed the Board the original plan and updated the plan by placing an "X" on all the trees that had been removed.

She stated 2 trees were left standing one of which has a rotted base. She thinks it should come down so it does not take out the large-standing oaks.

She said they are proposing, to get the density back to the hedge, a series of Norway spruce trees under the oaks and in the shady areas would be hemlocks. The Norway spruce and Hemlock trees would be 18' tall.

She further stated they took out 17 trees and they will replace with 39 Norway spruce trees. The first row is 6' off the property line and the second row is 10' off. The trees will be placed 15' apart. She further stated she is doing two rows to give it the density as it had before.

The Board felt the sooner the trees were planted the better.

J. Gagliano asked permission to also remove the cherry that had a rotted spot and the Board granted permission.

Motion by Hugh Roszel, seconded by Jennifer Basic to appoint the Planning Board as Lead Agency for purposes of the State Environmental Quality Review Act (SEQRA), to reaffirm 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.

## **RECOMMENDATIONS TO THE ZBA**

*Martin and Steven Wells - Site Plan Review - 5007 West Lake Road  
File # 11-784 (Hugh Roszel)*

Robert Germain and Martin Wells were present to represent their application.

R. Germain stated they have no intention of building anything on the neighbor's property.

The applicant returned with a new map that shows the proposed fence location and the iron pins that are in place. They are proposing to place the fence 1" inside the property line and are therefore requesting a variance. They need a variance because the line of cedar trees is in the way of the 12" fence requirement. If they get a variance, this would make it so they do not have to remove the trees.

M. Palmer stated the Board received a letter from the neighbor's attorney at 5008 E. Lake Road. He read the letter to the Board stating the Sutherland's objection to the granting of a variance for the fence. The letter suggested putting the fence on the Wells side of the hedge. M. Palmer also stated there was a letter from the Sutherlands.

R. Germain stated if the fence went on the other side of the trees it would create a title issue. Also, if the fence was put at 12" off the line, when maintaining the other side you would be trespassing since a standard mower is 23" wide.

D. Bowers stated from a planning standpoint, it makes no sense to place the fence 1" off the property line and some of the other members concurred.

Motion by Dale Bowers, seconded by Tom Pratt to make a negative recommendation to the Zoning Board of Appeals was carried unanimously.

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*Cazenovia Equipment - Area Variance - Route 20 East  
File # 11-793 (Tom Pratt)*

R. Ives stated the applicant is proposing a conforming sign of 24 sq. ft.

No variance review was required since the sign meets the zoning requirements.

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*Philip Scripa - Site Plan Review - 4963 Syracuse Road  
File # 11-795 (Hugh Roszel)*

No one present to represent the application.

H. Roszel stated the County Planning Department deemed the plan incomplete.

Motion by Jennifer Basic, seconded by Tom Pratt to continue the file was carried unanimously.

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*Phillip & Tracie Cunningham - Special Use - 3500 Cobblestone Drive  
File # 11-799 (Anne Ferguson)*

J. Basic recused herself from the file since she represents the Cunningham's.

J. Basic stated there is an existing operation on the soon-to-be subdivided lot B. The existing operation consists of a white metal pole barn. There are two proposed additions to the existing barn: 1) 60'x80' addition 2) 20'x50' addition. The driveway will be expanded to accommodate vehicles.

R. Cook stated the applicant has to go through site plan review to put an addition on their building.

J. Basic stated the applicant has an excavating business operating in the RB zone in the soon-to-be subdivided lot. The business conforms to code with a special use permit. There will be no outside storage of vehicles and equipment. The building cannot be seen from the road and it is approximately  $\frac{1}{2}$  mile.

Motion by Anne Ferguson, seconded by Anastasia Urtz to make a positive recommendation to the Zoning Board of Appeals was carried as follows:

Mike Palmer: Yes

Jennifer Basic: Abstain

Dale Bowers: Yes

Anne Ferguson: Yes

Tom Pratt: Yes

Hugh Roszel: Yes

Anastasia Urtz: Yes

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INFORMAL

*Leonard Riedl - Subdivision - Rippleton Cross Road*

Motion by Jennifer Basic, seconded by Anne Ferguson to continue the file was carried unanimously.

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*Goldberg/Green - Site Plan Review - 5043 East Lake Road*

J. Gagliano of EDR was present to represent the application. The Green's at 5043 East Lake Road adjacent to the Goldberg property are selling their property to the Goldberg's.

J. Gagliano stated she presented a concept plan at the informal meeting. The survey is currently being worked on to include the Green property. They will be coming back to the Board with a grading plan. She further stated nothing should change from the informal discussion.

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*David & Caryn Durkin - Subdivision - 4570 Ridge Road*

D. Durkin stated he needs a variance because he has 180' and he thought 200' was required for road frontage.

M. Palmer clarified that the road frontage requirement is 250' unless a conservation subdivision.

D. Durkin stated the total width is 614'.

M. Palmer told the applicant he had enough road frontage for 2 parcels.

The Board told the applicant he could possibly do a shared driveway.

The applicant, once he knew the road frontage requirement, decided to rethink his options.

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*Camilla Knapp - Subdivision - 3957 Route 13 South*

Kevin Pole of Bond, Schoeneck & King represented the applicant.

K. Pole stated that Mrs. Knapp wants to sell the majority of the property on Rippleton Road. The property will be listed very soon, if not already on the market.

The driveway is just passed the old milk plant and is a private driveway.

The private drive serves 3 lots; one of which is Hugh Emory's lot.

K. Pole stated that most of the lot is encumbered by a nature conservancy conservation easement. The long field portion is covered by a CPF (Cazenovia Preservation Foundation) easement.

The CPF owns a lot of the surrounding property.

K. Pole said the long field portion Mrs. Knapp wants to convey to Mr. Emory and would be a lot line adjustment subject to the CPF easement. He further stated the sale of the whole thing would be subject to the CPF easement.

K. Pole said the subdivision would be a carved out 6-acre parcel for Mrs. Knapp's residence and a caretaker property which is an existing duplex.

The private road would stay as it is. There is an agreement to share expenses for repair.

J. Langey stated it would have to be conservation subdivision because it is a private road and there are lots with no road frontage.

J. Langey said that the code stated that every lot in the Town of Cazenovia under standard subdivision requires 250' of road frontage unless they can get a variance.

J. Langey stated the conservation subdivision would allow the Board to relax all of the road frontage requirements and there is already a lot of existing conservation easements, so he believes nothing additional would be needed.

K. Pole showed the location of Hugh Emory's existing lot which is already a separate tax parcel.

M. Palmer stated the Board needs copies of all the existing easements and restrictions with the CPF and nature conservancy. He further stated J. Langey will review them.

M. Palmer stated the Board needs to know where all the existing wells/cisterns and septic are located. The house and buildings should be located, also.

K. Pole stated a portion of either the well or septic that supports the duplex is on the other side of the drive that he pointed out on the map.

M. Palmer stated an easement would have to be put on the property to maintain the well/septic.

K. Pole stated they would rather have that included in the lot which the Board preferred as well.

J. Langey stated the Board should know the arrangements of the maintenance agreement for the private road but the Board does not want to be a party to it.

J. Langey stated you are allowed up to 5 residences on a private road.

K. Pole stated under the nature conservancy easement they can do 1 more lot in the future which would make it 6 residences.



J. Langey stated the Board has the power to grant more if they find it will not be a detriment to the conservation value of the property.

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M. Palmer went over a couple of reminders for the Board:

1. No cell phones or tablets at the meeting.
2. The files should be reviewed, but not 15 minutes prior to the meeting. The files get out of order.
3. Only one conversation at a time.

The meeting ended at 10:43 p.m.

Connie Sunderman - Planning Board Secretary - October 14, 2011