

Town of Cazenovia Planning Board

Meeting Minutes

November 3, 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.; John Dunkle; Roger Cook; Don Ferlow; Anne Redfern; Graham Egerton; Phillip Cunningham; Tracie Cunningham; George Belton; Elwin Goff; Edgar Butler; David Muraco; Matt Napierala; Michael Fallon; Philip Scripa; Brigid Scripa; Donald Burdin; David Vredenburg; Michael Roberts; Karen Brettschneider; Tom Douglas; Joanne Gagliano; Kevin Pole; Camilla Knapp; Judy Gianforte; Peter Muserlian; Ben Reilley

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

The deadline to be on the next meeting agenda is November 16, 2011.

The next regularly scheduled meeting is December 1, 2011.

The work session for November is cancelled due to the Thanksgiving holiday. Board members will need to come into the Town Office independently and check their files before the December meeting.

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

Motion by Hugh Roszel, seconded by Anastasia Urtz to approve the October meeting minutes as presented was carried unanimously.

HEARINGS:

*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. Tracie and Phillip Cunningham were also present.

J. Basic stated there are a few items that will be added to the map. There is additional road frontage in the Town of Nelson that will be taken into consideration from the Nelson portion of the property and that portion will be designated as non-buildable.

M. Palmer stated that the application has been published for a public hearing and asked if anyone was present to speak for or against the application.

George Belton stated his property line is the closest to the property in question. He stated he has no negative concerns and the building can't be seen by the neighbors. He said it has always been well-kept and there hasn't been any noise issues. He further stated he is in favor of the application.

Edgar Butler stated he enjoys the property in the back, of his property, and he is in favor of the application.

Elwin Goff, a neighbor next to G. Belton, stated he is also in favor of the application.

Motion by Anne Ferguson, seconded by Hugh Roszel to close the public hearing 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

Motion by Anne Ferguson, seconded by Anastasia Urtz to approve the subdivision 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

LAND DISTURBANCE/SITE PLAN REVIEW/SUBDIVISION

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

Matt Napierala of Napierala Consulting and Dave Muraco were present to represent the file.

M. Palmer stated that the Board received the draft Environmental Impact Statement (EIS) and has had it for a couple of weeks. He said the Board has not reviewed it, as a group.

J. Langey stated the applicant has submitted the EIS, and now the Board has 30 days to determine if it is complete.

M. Napierala stated he would summarize what was presented in the draft EIS. He stated essentially they are responding to the scoping document in which the SEQRA was a positive declaration. In regards to the positive declaration, there were 2 main aspects. The positive declaration was for aesthetic & historical resources. He reminded the Board that the project is for the demolition of the Enders Farm/Comstock residence and the barn.

M. Napierala stated for aesthetic resources they have tried to inventory what is there today going East and West on Route 20. The document takes a look at the individual properties as they exist on each side of the subject site. The document

further discusses the viewshed and the aesthetic resources with the property; and then with the removal of the property. The conclusion is the site is visible to the public along Route 20 in that section of 45 m.p.h. road. On both the East and West sides of the subject property, there are some obstructions with fairly dense vegetation which essentially the East and West sides are blocked by vegetation.

M. Napierala referred to Page 48 of the Draft EIS with a graphic that depicts what the viewshed is for the Westbound traffic and how it is visible to the public. He further stated their conclusion is that for the traveling public in one direction it is visible for approx. 4 seconds and for the Eastbound traffic it is approximately 2 seconds.

M. Napierala stated, as the author of the report, their opinion is the demolition of the structure would not have an adverse impact to the community.

He further stated the scoping document also addressed the historical aspect of the property, itself. He stated, for their research, they contacted the town/village historian, as well as, Madison County. They were trying to determine if there were records with regards to the architecture or structural elements of the house. He stated there was some information from the State Historical Preservation Office, a S.H.I.P.O. document that the architectural style being a "Federal-style" from the 19th century. He further stated that the local registry does not have any information; architecturally or structurally in regards to the residence, itself. He said when they reviewed the structure it has been amended over the years for different aspects of modernization. For example, asphalt shingles and window trimmings. He feels the historical element of the structure has been modified. He further concluded, in his opinion, in an environmental sense, the demolition would not be significant.

M. Napierala stated the document is for the Board's review and to give editorial comments and then they will make the edits and review. Lastly, he said, in their opinion, in regards to the two scoping elements, there is no environmental significance.

A. Ferguson stated the document took the surrounding properties and designated "historical" or "not historical." She inquired as to the basis for the information?

M. Napierala stated the basis was research into S.H.I.P.O. designations of the particular properties. He said the only property that came up as a historical property was "The Maples."

A. Ferguson stated that according to the State and Federal offices, they consider any structure that is 50 years or greater as a potential candidate for historical designation. She stated there are several buildings that are well over 50 years and it should state if it is on a Federal register.

M. Napierala stated they can edit the document and be specific that it is not listed on the Federal register.

A. Ferguson inquired regarding the visual impact. The study did 4 seconds vs. 2 seconds, and she asked if that was a typical measurement of visual impact.

M. Napierala stated it is a straight section of road. Therefore, they look at sight distance and aspects of the straight section of road and use the recorded speed limit. If the traveling public went slower or faster through that area, it would affect the time of visual impact. He stated they used the equation of distance over speed to determine the time.

M. Napierala stated, under aesthetic resource, they are saying in the report, currently, you visually have a structure. In post condition, there would be an open field which is similar to what you see East of the site. He further stated traveling West bound on Route 20, there is a lot of open fields. Therefore, he feels it is not going to adversely affect the traveling public for that span of time.

A. Urtz questioned his citation of authority for that proposition?

He stated his basis is 27 years as a site engineer for New York State. He further stated he does do proposed developments, but he is also involved in restoration projects as well as historical and municipal projects.

A. Ferguson stated on Page 47 regarding needs and benefits, she felt the section was weak. She wanted the applicant to give a sense of what the price will be with the house down vs. the price of what the house would sell for standing.

M. Napierala stated he will look at that information.

A. Ferguson stated that Route 20 has been designated as a scenic byway by New York State. She feels the notation should be made relative to the proximities or some of the other areas that it impacts.

A. Ferguson noted that the modifications that S.H.I.P.O. did designating the architectural significance of the structure - the integrity of the house being sound. She does not want anyone to think that this is a house that is falling down. The house is being lived in. She stated the interior was in good shape when Enders lived there.

M. Palmer stated regarding historical resources; he would like another opinion from an architect who has a historical background to determine whether the structure, as it sits today, is significant from an architecturally historic standpoint. He wants an additional opinion, besides the State's. He further stated another opinion would help make the file complete.

A. Ferguson stated the State only needs to visually see the structure; they do not need to physically be on site.

T. Pratt stated there is an impact because it serves as a transition point into the village. He feels the report was addressed quantitatively but not qualitatively.

M. Palmer stated it was brought to his attention that the report, in addressing the neighborhood, went more in the eastward direction into the Town of Nelson than the westward direction into the village where there are houses.

M. Napierala stated that was not done purposely. They looked at it in the Town of Cazenovia and did not go into the Village of Cazenovia. He stated they can expand the report to the village. He stated they stopped at the heavy commercial area.

R. Cook stated it is zoned commercial overlay.

J. Langey stated the Board needs to tell the applicant what they need to do to augment the document. Once it is augmented and comes back to the Board, then it can go out for public comment and review.

J. Langey will forward his notes on the Board's comments to M. Napierala so he can revise the document which will come in writing from the Planning Board.

J. Langey stated when it is, technically, resubmitted to the applicant, they can then resubmit in a certain amount of time and it can be addressed at the next meeting and it could be deemed complete, then public review goes out.

J. Langey stated, technically speaking, the Board will deem it incomplete tonight for public review.

J. Langey will get the comments in writing to M. Napierala by Monday, 11/7/11.

J. Langey stated he wants added in the document, a few sentences that address what the existing zoning classification are today, what the allowed uses are, and that the current zoning is 3 acres if this was a brand new lot. However, it is a preexisting lot, so the lot area is fine. He further stated if a new structure comes on the property, it has to meet the setback requirements of the current zoning. J. Langey reiterated, once the buildings come off, any proposed new use in the next 3-4 years will have to meet the existing setback requirements, not the setbacks from before. J. Langey stated there is impervious surface and open space requirements. He wanted to make the applicant aware that there is no guarantee that you are entitled to any particular use in the use ordinance - it is not grandfathered.

J. Dunkle stated there was one technical topic from the scoping list that should be mentioned which is potential for any growth producing aspects from this action. By the action that is proposed; will there be any growth promoted or possible that could not be if the action was not undertaken.

Motion by Hugh Roszel, seconded by Tom Pratt that the scoping document is incomplete for public review and allow the applicant until the December meeting or before to resubmit was carried unanimously.

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

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

No one was present to represent the applicant.

M. Palmer stated he spoke with the applicant and they are working on the homeowner's agreement. They are also working with J. Dunkle on the site drainage.

J. Dunkle stated they proposed a stormwater management facility. He further stated as they work through the maintenance agreement; the Town will be named as a party to the agreement in which the highway department has access to the facility with their equipment to maintain it if they need to. He further stated they are working on having them provide an easement and access to Tim Hunt.

J. Langey stated the drawings should show the proposed easement dedicated to the Town for that purpose.

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

T. Pratt said the Board has sent them a letter and has not received a response at this time.

Motion by Tom Pratt, seconded by Anastasia Urtz to take the application off of the agenda and close the file was carried unanimously.

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

No one present to represent the application.

R. Cook stated they are still waiting for Madison County to try to include them into an agricultural district.

The application is still before the Zoning Board of Appeals.

Motion by Jennifer Basic, seconded by Anastasia Urtz to continue the file was carried unanimously.

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

No one present to represent the application.

The application is still before the Zoning Board of Appeals.

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

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

No one present to represent the application.

T. Pratt stated there is nothing new in the file and he thought they would be at the last meeting. They are waiting to put together additional information.

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

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

Michael Fallon was present to represent his application.

J. Basic stated there were some additional removals, replacements and new impervious surface areas. She further stated they are using a permeable paver.

M. Fallon stated the pavers are concrete pavers with polymeric sand in between.

M. Palmer stated the polymeric sand would be impervious. He further stated the polymeric sand would seal. He said the Board would like manufacturer's literature on the brick that will be used and a cross section of the drainage underneath the pavers. He stated without the proper drainage underneath, the pavers do not work. He stated an area is needed for the water to go into and then dissipate into the ground.

J. Dunkle stated 50% credit is given for permeable pavers.

M. Palmer stated the Board would like to see the whole system to have confidence that it will work.

M. Fallon stated the reason for the project is drainage. They want to get the water away from the sill of the house.

M. Fallon confirmed the "yellow" highlights on the map were approved because they were reconstructing with existing materials that had been removed. The "green" highlights are what they would like approved for the springtime. The "blue" is removing some old bricks and asphalt. He further showed they want to get water away from the house so French drains would drain to a reclamation tank from the roofline.

M. Fallon stated the drains used to drain down to the lake and have been closed off. They have added a dry well. They will add a reclamation tank on the other side to try to serve as a holding tank to irrigate the lawn in that area.

M. Fallon stated he can get a cross section of the driveway. The driveway will have a drain that goes all along it. He stated the slope of the property is currently toward the house.

M. Palmer stated the current impervious surface calculations are 11.85 and after the work; they will go down to 10.14, based on 50%.

M. Fallon stated currently all they are asking for from the Board is for the gazebo that is collapsing and the driveway.

M. Palmer stated the Board would prefer not to segment the project. He stated it is appreciated the effort the applicant has made to take care of the stormwater. He said when segmented it gets confusing for the Board on what has been approved and what is still to be approved.

M. Fallon stated the contractor is still working on the approved work and then will wait until Spring.

M. Palmer stated the applicant should consider putting together the whole plan that they hope to accomplish and present it to the Board.

R. Cook stated the code reads that a permit is good for one year. He said, in this particular case, if the Board approves the function, and they do the approved use 2 years down the road, he would not require a second permit.

M. Fallon stated, in regards to the area down near the lake, they just want to rebuild the deck that is currently there. He confirmed the area is down near the water line. He said there is also a small shed and brick patio that's condition is deteriorating. He said it would be to rebuild the existing items.

M. Palmer stated the applicant should come together with a plan that is 100% complete. He needs to bring a cross section of the paver with the drainage underneath, a brochure on the pavers, and an updated plan.

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

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

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

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

D. Burdin stated the subdivision is for a 1-lot subdivision.

J. Basic said this fits into the one-time exemption subdivision. It meets the 3-acre lot requirement, there is 250' of road frontage, and everything meets the setbacks.

M. Palmer stated the farm is listed on the historical register which was not known previously.

J. Langey stated because it is on the historical register it is a Type 1 action which under State law means the long form EAF needs to be completed. He further stated that the Planning Board should be made lead agency and the other involved agencies would be S.H.I.P.O. and the County D.O.T.

R. Cook stated there is no road cut at this time.

D. Burdin stated they proposed a driveway and the County is coming to look at the site of the driveway.

D. Burdin stated R. Cook has the perc and deep hole test information.

R. Cook stated it should be on the map.

J. Langey stated it is a Type 1 action because the action is adjacent to or is the subject property on the register.

D. Burdin needs to complete the long form EAF.

M. Palmer stated the Board could move this to a public hearing in December.

J. Langey stated because it is a Type 1 the Board is supposed to do notices, it cannot be approved until the January meeting. He further stated the Board will probably do a negative declaration and when you do a negative declaration you do a

notice stating it was a negative declaration. The involved agencies have to give consent to lead agency.

R. Cook and D. Burdin will work together on completing the long form EAF.

J. Langey stated he needed 2 more copies of the map to send out to the involved agencies and the long form EAF once completed.

Motion by Jennifer Basic, seconded by Hugh Roszel to declare the Planning Board lead agency was carried unanimously (pursuant to the points made by the Town attorney on page 12 of the minutes).

Motion by Jennifer Basic, seconded by Anne Ferguson to move to a public hearing was carried unanimously.

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

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

J. Basic recused herself from the file since she represents the Cunningham's. Tracie and Phillip Cunningham were also present.

R. Cook stated it is an RB zone and the development needs the Board's review.

J. Langey stated the Zoning Board of Appeals approved the special use permit for everything that is on the map including the addition.

J. Basic stated with the subdivision the building came into compliance. She stated the addition is what is being reviewed.

J. Langey stated if it is approved - everything that is on the site will be legally authorized.

P. Cunningham stated they do keep fuel on site and they are double-walled tanks.

P. Cunningham confirmed everything is inside and no additional lighting.

Motion by Anne Ferguson, 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 as follows.

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

*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. He further stated the public hearing and SEQRA were done. Everything is the same and now they will get filed within 62 days.

M. Roberts stated he thought he needed HSBC's approval to file the map with the County and found out he did not. He recently refinanced with Empower.

M. Roberts stated before the driveway is cut in; they are going to remove whatever pine trees should come out.

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 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 subdivision was carried unanimously.

*Albert & Michele Crawford - Site Plan Review - 4989 East Lake Road (Barn)
File # 11-801 (Tom Pratt)*

T. Douglas, the contractor, was present to represent the application for the Crawford's.

The applicant would like to have the ability to park cars on the same side of the barn so when people come to utilize the barn they have a place to park and do not have to cross the road.

He stated there is a foundation that exists on that side so that would be a logical place to put the parking area. The Crawford's would like a 20'x25' paved area.

R. Cook confirmed it was a separate parcel on the barn side of the road.

T. Douglas stated the parcel is approx. 1.9 acres. He further stated the change to the impervious area is less than 1%.

T. Douglas stated cars can be parked in that area now on the grass and they just want to clean it up so it is not messy when cars are parked there.

M. Palmer inquired where the water would drain to once the surface became impervious.

T. Douglas stated the proposed blacktop would pitch toward the front, so the water would roll off and run back off the hill. He further stated the blacktop will be put flush with the foundation.

T. Douglas stated the parking area is approximately 25' off of the road and it is behind the setback of the County right-of-way.

The Board expressed concerns with the faux doors.

T. Douglas stated they considered a sliding door but the concern is the plow would push snow up to the door and then they would not be able to open the door. He further stated the upper doors are faux because there is not a loft in the barn.

After a lengthy discussion, the Board had concerns with the aesthetics of blacktop with the barn. Concrete, gravel and brick pavers were suggested as options.

T. Douglas stated they want an apron to access the parking area from the road. He stated the distance is about 12'.

The Board thought stone would look nice going to the parking area.

T. Douglas stated they would leave the stone foundation. The stone would still be seen from the road.

The Board asked for photos of the area where the parking would go.

M. Palmer stated an enlarged image of the area would be helpful. He further stated the drawing does not show the entrance from the road to the parking area.

R. Cook stated, by definition, parking areas are structures. The structure would have to meet the setback requirements which would mean a variance would be required.

M. Palmer suggested to T. Douglas to discuss with the Crawford's how they would like to proceed.

Motion by Dale Bowers, seconded by Jennifer Basic to continue the file was carried unanimously.

*William & Jean Daggett - Line Change (1) - 2034 Syossett Drive
File # 11-803 (Hugh Roszel)*

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

*Camilla Knapp - Minor Subdivision (1)/Line Change (1) - 3957 Route 13 South
File # 11-8035 (Dale Bowers)*

Camilla Knapp and Kevin Pole of Bond, Schoeneck & King were present to represent the file.

K. Pole stated the entire map that he displayed is owned by C. Knapp with the exception of two parcels. He further stated portions of the property are subject to conservation easements. The "long field" portion is subject to a CPF easement and "Rod's" pond is subject to a CPF easement. Almost all of the balance of the land is subject to a nature conservancy easement.

K. Pole stated Mrs. Knapp has a contract to sell the long field parcel to Mr. Emory. He further stated C. Knapp has listed the bulk of the remaining acreage. She wants to create a 6-acre lot around a caretaker's duplex which is where Mrs. Knapp will reside. The main residence and cottage will be the remainder of the 140 +/- acres.

The applicant is proposing a line change.

K. Pole stated there is a private road and everyone contributes up to the part where their driveway ends. He further stated that will continue and nothing will change as far as how the property is being used.

K. Pole stated under the nature conservancy easement there is the possibility of one additional lot but it is not being proposed at this time.

K. Pole stated what they will end up with is one new lot because the other lot will be combined with Mr. Emory's lot.

K. Pole stated the nature conservancy has to approve this subdivision and they sent them a copy of the application for their review.

M. Palmer stated regarding the number of residences and a private road; he is not concerned because the number of residences is not changing and it is an existing circumstance.

K. Pole stated that all utilities for each structure are contained within the resulting parcel. However, there is a leach field for one of the cottages that will cross over the road and they will do an easement for it which will give the lot owner the right to access/maintain the leach field.

J. Basic stated it was a concern of the Board at the work session regarding the maintaining of the road for snow, maintenance, and fire department/emergency access, in the long term.

C. Knapp stated whoever buys the big house and the balance of the property will get the driveway and is responsible for maintaining the driveway including snowplowing, repairing, culverts, etc. She thinks the agreement is written down.

The Board stated they would like to see the agreement for the file.

K. Pole stated if there is not an agreement; whatever is currently happening with the driveway can be memorialized. He further stated they can file the map, easement and a driveway agreement which will run with the land and be a restriction against the property.

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

RECOMMENDATIONS TO THE ZBA

*Philip Scripa - Special Use Permit - 4963 Syracuse Road
File # 11-796 (Hugh Roszel)*

P. Scripa stated there is a shed with 12 dog runs on it. It is for their personal use to place their dogs in. They want to insulate the shed to keep the dogs warm. He stated they will not have 12 dogs at their house at a time. They have their own personal house dogs and the rest will be outside. They will be on crushed stone which will be slightly elevated. He stated they will be on a flat surface to avoid

urine and feces from running off. He will pick up the fecal matter several times a day. He stated he has the time to keep it clean. The interior will be kept swept out. The trash company will take away the feces and they do not have an issue. They lay on straw for warmth. He gives them fresh water daily. The building has no heat just insulation. He is deciding if he will do electric or propane heat. He stated there will be lights. There will be a motion light in the back. The property will not be for boarding any dogs except their own. He stated the document they received back from the County said the application was incomplete and referred to traffic flow. He reiterated it is for their personal use.

R. Cook stated once you have more than 6 dogs - a special use permit is required.

P. Scripa stated he does not have a fence. He stated the one side is treed. He stated in the future he would like to fence his whole property.

P. Scripa stated the dogs respond to his voice command. He stated the dogs do not attempt to run toward the front of the house.

M. Palmer stated a fence would be reassuring even if they do respond to voice commands.

P. Scripa stated right now there are not 12 dogs but it is built for up to 12 dogs. He further stated he has a passion for dogs and has always wanted a kennel and now he has the space. He said they will be registered dogs and maybe in the future breeding may be a possibility.

P. Scripa stated the dogs are American Pitbulls.

R. Cook stated if the ZBA granted a special use permit it could be a public or private kennel.

P. Scripa stated the dogs are not noisy. They yelp in the morning when they are hungry. He does not think noise will be an issue for the neighbors.

M. Palmer stated to the Board this is an allowed use with a special use permit.

P. Scripa stated they have 3 indoor dogs and 2 outdoor dogs. He further stated it will take a long time to have 12 dogs.

M. Palmer stated the special use permit is only reviewable upon a complaint.

J. Langey stated the Board could make it a condition of the site plan approval that it is not for a commercial operation if the Board had the findings to support it.

M. Palmer stated if the Board proceeds in this manner; parking would not have to be discussed at this time.

J. Langey stated they would need to come back in if they became a business to discuss parking layout, traffic, and signage, if allowed.

Motion by Dale Bowers, seconded by Hugh Roszel to make a positive recommendation to the Zoning Board of Appeals for a private kennel for their own personal dogs was carried unanimously.

J. Langey stated, technically speaking, if the Zoning Board of Appeals has good reasons than they can limit the number of dogs. They would need findings to support their decision.

*Albert & Michele Crawford - Area Variance - 4989 East Lake Road (Barn)
File # 11-802 (Tom Pratt)*

T. Douglas, the contractor, was present to represent the application for the Crawford's. Roger Cook brought to his attention they needed an area variance. The applicant decided to restore the barn across the road. He stated the Crawford's have gone to great lengths to historically restore the barn. Faux doors have been added for the loft. The Crawford's want to use the barn as an exercise room and game room. He stated the concrete walkway was deteriorating going to the entrance of the barn and they replaced with cobblestone pavers. The barn only sits back about 10' from the road. They added a small overhang (eyebrow) of about 2' over the entrance and are in the County right-of-way now requiring an area variance.

T. Douglas confirmed the walkway and overhang are already done.

T. Douglas did not bring any photos to show the Board of what the work looks like that has already been done.

T. Douglas stated there is a foundation which may be from the old milk barn to the left of the barn. He stated there is currently no parking on that side near the barn and they would like to use for parking.

T. Douglas confirmed to the Board the two issues are the replacement of the walkway with cobblestone pavers and the overhang.

M. Palmer reconfirmed photos of the overhang and the pavers would be helpful for the Board. Also, if the applicant looked at other barns in that same age to show photos of other barns with that same architectural feature.

T. Douglas wanted the Board to recognize the applicant's attempt at restoring the structure.

M. Palmer stated since there are wetlands in the back of the property; it would have been difficult for the applicant to start over and put the barn back further because the wetlands are no build zones as well as areas outside of the wetlands.

The Board stated to T. Douglas that he should bring photos to the next meeting.

M. Palmer stated to T. Douglas that the applicant does not have to wait to go to the Zoning Board of Appeals but typically they wait for the recommendation from the Planning Board.

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

*William & Jean Daggett - Area Variance - 2034 Syossett Drive
File # 11-804 (Hugh Roszel)*

Anastasia Urtz recused herself because she represented the file for Mr. and Mrs. Daggett.

Anastasia Urtz stated in the original subdivision when Syossett was established the lot in question was designated as a separate lot for building. The Daggett's bought the main lot (with their house) and a separate lot. At the time, the line got removed and it all became one lot. The subject lot is adjacent to Anastasia and Louis' house and holds the leach field for their septic system. She stated if this approval goes through they will buy the lot and join it to their property. She further stated this requires a variance because both lots are smaller than 3 acres and will remain smaller than 3 acres.

Motion by Dale Bowers, seconded by Hugh Roszel to make a positive recommendation to the Zoning Board of Appeals was carried as follows:

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

INFORMAL

Leonard Riedl - Subdivision - Rippleton Cross Road

No one was present to represent the applicant.

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

J. Gagliano of EDR stated they are currently working on the submittal and will have something to the Planning Board soon.

Owera Vineyards - Site Plan Review - 5276 East Lake Road

Joanne Gagliano of EDR, Peter Muserlian and Ben Reilley were present to represent the application.

J. Gagliano stated they are before the Board for a modification to the site plan.

P. Muserlian stated they bottled their first wine in April and entered 4 wines and won 4 medals. He said they currently do about 5,000 gallons which does about 25,000 bottles of wine. They have outgrown the production area. He stated they want to change the equipment out so they can do 50,000 gallons instead of 5,000 gallons.

P. Muserlian stated the maintenance building will now become the wine production building. He stated they have an 11,000 sq. ft. building and they have now minimized it to 5,700 sq. ft. He stated they moved the building over which means they do not have the steep grade to access the lower level so they took out the retaining walls. They set the building over by the two ponds. He said the size is reduced by 50% because the basement was removed. He said the footprint is the same just the square footage has been reduced.

J. Gagliano stated the height is lower - it will now be 26' high. The side you enter will look similar but the other side looks different because without a basement they could move the structure. They did a land bridge and widened the bridge and there are just culverts underneath now.

J. Gagliano confirmed parking is the same number but a slightly different location. She stated all the buildings, roads, paths are the same but a relocation of the building made it so the basement level could be removed. The grading for the finished floor elevation is lower; it went from 31' to roughly 26 $\frac{1}{2}$ '. She stated the stormwater management concept did not change the facility still includes infiltration, bioswale and wetland. She said they will still have to go over the watersheds with John Dunkle.

The barn that was there has now moved closer and it has the ability to do some storage but it is all production.

J. Gagliano stated there is a difference; they have added a storage/small restroom building.

J. Gagliano stated in regards to water for increased production that she and the applicant would need to relook at those numbers and go through the process with John Dunkle. She further stated at this time they are not including any additional wells. She said all the numbers would need to be looked at again for the formal submittal to the Board.

J. Gagliano reiterated to the Board the two stories and the turret are now gone. She stated the turret is gone because they do not have to deal with the floor elevation change.

The Board compared the newly submitted drawings to the approved site plan drawings and some felt the new building was a more modest design.

P. Muserlian stated it went from cedar shake to board and batten (the batten is behind). He said there would be fieldstone along the base of the building and the fireplace. The colors are being worked on.

P. Muserlian said the covered tent will still be in the same proximity. There will also be a buffer area to hide the parking.

D. Ferlow stated the bridge is involved with an approved wetland crossing. He thought the wetland approval should be updated.

M. Palmer stated to communicate with J. Dunkle regarding the information.

The Board will look at the file as an amended site plan review.

P. Muserlian stated they want to start on the production building and the reception area right after the first of the year. They hope to be done by late June. They want to occupy by next year.

M. Palmer confirmed to the applicant that the elevations of the building should be included.

At 9:56 p.m., a motion by Jennifer Basic, seconded Anastasia Urtz to close the meeting was carried unanimously.

Connie Sunderman - Planning Board Secretary - November 9, 2011