

Town of Cazenovia Planning Board

Meeting Minutes

December 1, 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; Donald Burdin; Gary Hess; Judy Gianforte; Mary Symonds; David Vredenburg; Kevin Pole; Camilla Knapp; David Muraco; Matthew Napierala; James Emerick; John Goodman; Dennis Gregg; Tom Douglas; Jo Anne Gagliano; Ben Reilley; JoAnne Bronson; Daniel Mongeau

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

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

The next regularly scheduled meeting is January 5, 2012.

The next work session is December 29, 2011.

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

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

HEARINGS:

*Donald Burdin - Minor Subdivision (1) - 3981 East Road
File # 11-797 (Jen Basic)*

D. Burdin was present to represent his application. He confirmed he notified the neighbors and 3 letters were returned as "undeliverable."

M. Palmer stated the applicant did his duty because all he has to do is send them to the address on the tax bills.

M. Palmer stated the Board sent two letters to interested parties: the County D.O.T. and S.H.P.O. He said the D.O.T. got back to the Board but S.H.P.O. has not responded yet. They have to be given 30 days from November 11, 2011.

M. Palmer opened the public hearing and asked for comment.

Gary Hess, a resident at 4008 East Road, stated he is not opposed to the subdivision in front of the Board. However, he expressed concern about further divisions of this land. He stated, if it opens up the door for further subdivision of the land, then he is opposed. He likes the view and would like the rest of the land to stay agricultural. He said there is some wetlands and therefore some wildlife.

M. Palmer stated this subdivision application is exclusively for the house, barns and three acres. He said any further subdivision would require the applicant to come back to the Planning Board and the process would start over again including a public hearing. He also stated the applicant is not jeopardizing his right to subdivide further.

Motion by Dale Bowers, seconded by Jennifer Basic to close the public hearing was carried unanimously.

J. Langey confirmed in order to finish the SEQRA, the Planning Board has to wait for S.H.P.O. to respond or for the time period to expire.

M. Palmer stated the file will probably be able to be completed next month once the Planning Board has heard from S.H.P.O. or does not get a response from that agency.

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

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

Anastasia Urtz stated she is recusing herself and represented the file for the applicant, the Daggett's.

Anastasia Urtz confirmed the Zoning Board of Appeals approved the area variance. She said the Daggett's are seeking a line change that would allow the conveyance of a portion of the parcel to the neighbors who are Louis Orbach and herself. She stated the parcel contains part of their on-site disposal system and the line change will bring the system into their property line.

M. Palmer opened the public hearing and asked for comment.

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

Motion by Jennifer Basic, seconded by Tom Pratt to close the public hearing 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

Motion by Jennifer Basic, 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, to approve the line change 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

*Camilla Knapp - Minor Subdivision (1)/Line Change (1) - 3957 Route 13 South
File # 11-805 (Dale Bowers)*

Kevin Pole, Mrs. Knapp's attorney, of Bond, Schoeneck & King and Camilla Knapp, the owner, were present to represent the application.

K. Pole and C. Knapp confirmed the neighbors were notified.

D. Bowers stated the Board still needs verification of who is responsible for taking care of the driveway.

K. Pole stated they have prepared a driveway agreement and "it is working its way through the neighbors" and will be done before they file the map. He said there is also a sewer agreement for a sewer easement for the duplex; to cross the road for the leach field on the other side. He said they sent the Nature Conservancy a package because they still need to sign-off.

J. Langey stated he would like copies of the three outstanding items.

M. Palmer opened the public hearing and asked for comment.

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 Jennifer Basic to continue the file was carried unanimously

LAND DISTURBANCE/SITE PLAN REVIEW/SUBDIVISION

*New Venture Assets/Enders/Muraco - Site Plan Review - 2363 Route 20 E
File # 10-702 (Mike Palmer)*

M. Palmer summarized that the Board last month looked over the Draft EIS (Environmental Impact Statement) and found it to be incomplete. J. Langey sent a letter to the applicant regarding the clarifications that the Planning Board was looking for in the Draft EIS.

Matt Napierala stated they did receive a letter from Mr. Langey's office and they provided a response to the particular items in question and they incorporated the applicable items into the document. He introduced John Goodman, a local, registered architect who joined their team. He further stated Mr. Goodman has personally reviewed the structure to provide the historical and architectural part.

J. Goodman stated the property has 2 structures; an old barn and a house. The house was built approximately in 1830. The style is a gable-ended Adam-detailed colonial. He stated a porch was added, later, after the original construction. The detail of the porch was folk-Victorian style. The porch was subsequently removed and then the house reverted to its colonial style. He said, sometime in the last century, all of the major architectural details were removed or covered up, on the exterior. The windows were replaced with vinyl windows; the siding, in his opinion, was clapboard and has been covered up with a laminated product which is 18"x2'-4' which has been nailed over the existing siding; and plastic louvers were put on. He said the heavy detail that occurs around all the openings is what makes an Adam-detailed colonial style; and it has been completely removed. The new siding is flush with the base frame of the windows. He further stated very little of the historic detailing remains on the exterior of the building. He said in the criteria established by New York State Office of Parks, Recreation and Historic Preservation everything that has been done to the exterior of the building is against what they say should be done. The windows should have been replaced with windows of the same style; the same for the siding, and the trim around the windows. He said the barn is not a heavy timber barn. It is a light-frame structure which is to a point of collapse and it leans about 15 degrees and is a safety hazard. He further stated it should be torn down as soon as possible. He did not feel there was a way to fix the deficits of the barn.

M. Palmer inquired to J. Goodman why S.H.P.O. placed it on the historical register if it was such a change from the original construction.

J. Goodman stated there are 2 basic criteria to go on the historical register. The criteria is: 1) historic-the original owner or some owner during the period of existence was a historic person or a major event could have occurred there; 2) architectural detailing.

J. Goodman stated the door still remains but there is extra trim that should be around the door that has been removed.

M. Napierala stated the elements that Mr. Goodman discussed are on pages 20-22 of the Draft EIS. M. Napierala stated he had conversations with Daniel Bagrow of S.H.P.O. regarding the scenic highway and what impact the demolition of the structures would have. M. Napierala said, in his research, he was told being listed on the national registry does not prohibit or prevent a private landowner on private property from doing any modifications of the structure including removal of the structure. He stated S.H.I.P.O, the national registry and the scenic byway have no jurisdiction to stop a private landowner from modifying their property.

M. Napierala reviewed, in detail, the response letter that he submitted to the Planning Board on November 28, 2011.

- 1) *It was noted that structures fifty years or older have the potential for consideration for listing on the State and National Registry. The survey conducted under Section 1(D) should be amended to state whether each parcel is or is not listed upon a State or Federal Historic Register.*

M. Napierala answered by stating they have looked at the State and Federal Registry and addressed all the structures in the radius of the properties along Route 20 going East and West of the subject site. They have identified the structures that are on the State and Federal registry. He stated, in addition to being at least 50 years old, there are additional prerequisites that are required to make them a part of being on the registry.

- 2) *With respect to the visual impact section, the Lead Agency directs the applicant to address the basis for the statements made under Section 2 at page 48, in particular the calculation of exposure to the public of the visual*

impacts. Additionally, the Lead Agency wishes the applicant to address the visual impacts beyond the speed and travel analysis contained therein.

M. Napierala stated he reviewed the scoping document again and the aesthetic requirement. He said they are looking at how it affects the public and how the public visualizes the property. He stated the public with this property the visual impacts are as they are traveling along a State highway at a recorded speed. They also looked further at the Town and Village Comprehensive Plan and the scenic vistas and views and his colleague, Jim Emerick, a town resident, went to the individual vista points and determined whether or not he could see the structure/property from the 6 listed vista points. He concluded that from the 6 vistas, the subject site, in particular, the house, was not visible. He stated if there were sidewalks or a slower means in that area he thinks it would be more applicable. He stands behind the quantitative engineering analysis of when the property can be seen.

M. Palmer stated the duration of time is not a "great" criteria for how important it is visually. He does not think it is a good measurement for determining the importance to the Town.

- 3) *The Lead Agency would like the authority and backup upon which the authors have based their opinions of the aesthetic impacts.*

M. Napierala described his background. He said he is a site engineer in New York State as well as all over the Northeast. He has dealt with historical properties in areas like Route 1 in Maine, Concord, MA near the Paul Revere sanctions, and Nantucket Island. He further stated he has dealt with properties in Odgensburg, Skaneateles and Watertown. He said he has been a consultant for 26 years. He further stated that Mr. Goodman has 59 years of experience.

- 4) *The Lead Agency has stated that the opinion of a historical architect to either the loss or retention of historical significance of the premises would be a value to the document.*

M. Napierala stated the experience of J. Goodman helps to augment that portion of the document.

- 5) *The authors of the document should provide their professional credentials with relation to the subject matter addressed in the report.*

M. Napierala stated it was discussed earlier and is in the Appendix of the revised Draft EIS.

- 6) *The Lead Agency would like a statement as to the potential sale value of the premises "as is" vs. the sale value of the premises with the structures removed as proposed in the application.*

M. Napierala stated D. Muraco purchased the property approx. 4 years ago and the value has maintained itself since his purchase. He said, since the property is located in the commercial overlay zone by the Comprehensive Plan and current zoning, D. Muraco indicated that the expected value is potentially greater with the structures removed. M. Napierala stated it is hard to give actual numbers, it is relative to the economy. He summarized by saying the potential value would be greater with the structure removed.

- 7) *The Lead Agency would like a discussion of the status of the premises being located upon the Scenic Byway of New York State Route 20 and how this impacts the proposed action.*

M. Napierala stated J. Emerick spoke with the administrator of the Scenic Byway, John Sagendorf, and through their discussions it was determined that being on the scenic byway does not limit the restrictions of a private landowner. He stated that the administrator looks at the Scenic Byway, entirely as it runs through New York State, from Albany to Buffalo. M. Napierala stated the administrator concluded that the removal of the structure would not deter or impact the scenic byway.

M. Palmer stated that every time a structure is removed from the Route it leads to the degradation of the scenic byway. He said, at some point, it detracts what the scenic byway is all about.

- 8) *The Lead Agency would like a short discussion in Section F regarding the soundness and integrity of the structures on the premises.*

M. Napierala stated this was discussed earlier by J. Goodman.

- 9) *The Lead Agency would like a discussion of the impacts of the action on the premises with respect to the premises' perception as a part of the hard edge of the Village as set forth in the Town's Comprehensive Plan and other planning documents. It was requested that this analysis occur from a qualitative rather than a quantitative viewpoint.*

M. Napierala stated, in reviewing the zoning, they did not realize there was a recent annexation. The current zoning they reviewed; the property is in the RA zone with a commercial overlay. The property to the immediate West was in the zoned overlay district village edge. He further stated their property was not the village edge; there was a property before they got to the village. However, since the recent annexation, they are now the village edge. He stated in the current zoning the property is zoned as a commercial overlay. He said the current state is a single family residence that does not conform with the vision of the comprehensive plan. He further stated the authors of both the earlier version and the 2006 version of the Town's comprehensive plan says that the highest and best use of the piece of property is a commercial use.

M. Palmer stated he feels the area up there is thought of as a mixed use area. He stated if they wanted commercial it would not have been RA with a commercial overlay it would be commercial.

- 10) *It was requested that the applicants address the issue of any potential growth inducing aspects of the proposed action.*

M. Napierala stated it is a 2-acre parcel. He may have not understood what the Planning Board was looking for in terms of potential growth. He said the action of razing the house and barn is not a growth-inducing aspect, it is a reduction. He stated, if they look to the future, it is still only a two-acre parcel. He does not see any impact in the growth with regards to the two-acre parcel. He stated, to him, growth means increasing a population density. He said, when asked what is the potential of growth for a two-acre parcel? His answer is it will be very minimal. He said it will have an impact, but what is the percentage of impact compared to all of the commercial property within the Town or the Town and Village, combined. He said it is a small percentage of the overall whole. He said, if the question is asked what is the growth on the two-acre parcel, then only the parcel is being looked at. He said a change from a 4-bedroom house to a commercial entity is a definite

change. He looked at it as a part of the Town and the growth in the Town. He said maybe he misunderstood what the question was the Board was asking.

A. Urtz said to the applicant it should be looked at, within the geographic area that was distinguished as, the neighborhood.

M. Napierala stated the action is the removal. He reiterated he may have misunderstood and looked at it from the Town, as a whole.

J. Emerick stated they did add to the Draft EIS the zoning criteria for the lot that says what can be done there.

D. Muraco stated the growth is development of commercial property.

M. Palmer stated the document was not received by the deadline.

- 11) *The supplement provided most recently titled "historical information" should be incorporated into the document pursuant to the Draft Scoping Document attached to the DEIS and should be numbered appropriately.*

M. Napierala stated they included that information in the historical piece and J. Goodman's piece.

- 12) *There should be a brief discussion regarding the context of the property within the Zoning Ordinance, i.e., a statement regarding the existing zoning classification of the parcel, all uses allowed of right and all specially permitted uses for the premises. This should also include impervious coverage allowances, open space requirements and other zoning requirements.*

M. Napierala stated they talked about the zoning ordinance, classifications and potentials as discussed earlier. The information is located on Pages 6-8 of the Draft EIS.

M. Palmer stated he would like to see what the property would look like "built out." He said he could be shown what the site would look like if it was "built out" to the maximum. He said the impervious surface areas, any areas in the well head protection, and any restrictions, etc. should be considered. He said he is interested in what size building and the amount of parking needed.

M. Napierala said they could give an idea of the highest and best use of the property and give an idea of a commercial piece of property that would fit on the lot.

J. Emerick stated they did include the dimensional requirements of the zoning and the maximum impervious.

M. Palmer stated he would like to see a map, rather than a narrative. He said the setbacks should be considered, where the building would be, the maximum size of the building and parking that would be allowed with the impervious surface calculations. He said it would be a generic plot plan that would show the property built out to the maximum. The plan would not need specific building details.

13) *It was requested that the information received from New York State Office of Parks, Recreation and Historic Preservation (OPRHP) regarding the premises be included in the Appendix.*

M. Napierala said the information has been added in the Appendix. He said the 13 items have been blended into the updated November draft EIS.

J. Langey stated the next step for the Board is to vote if this draft is acceptable for public review and comment. If the Board decides they are ready for that process, they would pass a resolution stating that. He said a notice would be done in the paper and the ENB. He said the Board has to decide if they want to do a public hearing on the draft EIS. He further stated, under regulations, if you have a public hearing on the draft EIS you can combine with the site plan public hearing. He recommended, if they decide to do a public hearing on the draft EIS and site plan that it be the same night. He said the publication requirements are different for SEQRA because it is a 14-day publication vs. a 5-day publication.

J. Langey stated if they decide tonight it is complete and chose January for the public hearing date. He has to do a notice to ENB, the notice would be posted on the Town website. He said that would tell the public that the hearing is on January 5, 2012 and that they have until the 16th of January because the public can send in additional written comments up to 10 days after the public hearing is closed. He said he did compose a resolution and a Notice of Completion of the Draft EIS for public hearing.

J. Langey stated at the public hearing the Board will take the comments and will receive the rest of the written comments. At the next meeting, the Board will give M. Napierala all the comments that he needs to address in a Final EIS and he will incorporate all the comments/documents into a proposed Final EIS. Once that is received, the Board will have to decide if that document is complete.

J. Langey stated, at some point, the Board will have to decide if the Final EIS has given the Board enough information to make an ultimate environmental decision on the case. Once the ultimate environmental decision has been made, then the Board makes its decision on the site plan.

J. Langey stated if the draft is considered complete, the applicant should take the comments from tonight and incorporate them in the Final EIS.

A. Ferguson expressed concern about the hearing taking place during or closely after the holidays.

M. Palmer stated based on the public comments at the hearing, the Board can decide to close the public hearing or continue the hearing.

J. Langey confirmed and said if they continue the hearing then another notice would need to be sent to the public that the public hearing was continued for comments. He said because 10 days have to be added on to the close of the public hearing for written comments.

J. Langey stated the Board has to determine if the Draft EIS is sufficient for public review and comment.

M. Palmer stated the outstanding issues are the 13 that the applicant addressed tonight.

M. Napierala stated they understand there will be public comment and the additional comments from the Planning Board will be put into the document and will be addressed in some form or manner. He said he would like to get it to the public so they can start to address any items out there.

Motion by Jennifer Basic, seconded by Hugh Roszel that the document is a complete draft EIS as submitted tonight contingent upon the applicant including the comments discussed at tonight's meeting in the final EIS was carried unanimously.

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

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

Dennis Gregg was present to represent the application.

J. Dunkle stated he just reviewed the last revision of the engineering documents and is satisfied that all the concerns from an engineering standpoint have been addressed and he will sign-off.

J. Langey said that Dennis Gregg sent him a copy of a homeowner's association that they did for South Village. He said the applicant marked up the document; and if they do as they said in the marked-up version, it would be a standard homeowner's association package. He stated if they get approved, he will be happy with it. He further stated that he wants the part about the road maintenance added.

D. Gregg said there will be a budget that shares the road replacement.

J. Dunkle stated the amortization on the road depends on how it is built.

J. Langey inquired, if the idea, is that there is a maintenance component for the homeowners to share in each year with a budget? He further inquired if there is a reserve that is created in case there is a major project?

D. Gregg stated it could be a combination of both. He said there would probably be a reserve set aside for the ultimate repair/replacement. He further stated it depends on what surface ends up going on top.

D. Gregg stated there are other restrictions in the homeowner's association.

The Board agreed that the Planning Board requirement should be that the applicant has a homeowner's association and it should be reviewed by counsel.

J. Langey stated the next step is for the Planning Board to complete the long form SEQRA. He further stated Part I is already complete and now the Board needs to go through Part II.

J. Langey said the purpose of these questions is to determine whether any of them will "trigger" the applicant to do an Environmental Impact Statement. If there is an impact, the Board has to discuss if it is a small or moderate impact or a potentially large impact. If it is potentially large, does the applicant propose mitigation which would limit the particular environmental impact.

1. **Will the proposed action result in a physical change to the project?** The Board stated "Yes" and it could be a potentially large impact. J. Langey read through the examples. J. Dunkle stated the Board had to acknowledge construction that will continue for more than 1 year. The Board viewed that as a small impact. J. Langey said a physical change will occur but there will be restoration of disturbed areas.
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. Dunkle stated the Board has to answer "Yes." He further stated you have to acknowledge during construction, that the vegetation is removed and there is erosion potential. J. Langey stated the proposed action will require a discharge permit but he said it is a moderate impact. J. Langey read through the other examples and the example, "proposed action will allow residential uses in areas without water and/or sewer services." J. Dunkle stated it had to be acknowledged. J. Langey said it was a moderate impact because there will be approved health department wells.
6. **Will proposed action alter drainage flow or patterns, or surface water runoff?** J. Langey and J. Dunkle answered "Yes." J. Langey read through the other examples and the example, "proposed action may cause substantial

erosion." J. Dunkle stated potentially. J. Langey stated it would be mitigated and he noted that erosion will be mitigated by erosion control measures approved by the Town.

7. **Will the proposed action affect area quality?** The Board answered "No."
8. **Will proposed action affect any plants and animals, threatened or endangered species?** J. Langey stated "No."
9. **Will proposed action substantially affect non-threatened or non-endangered species?** The Board answered "No."
10. **Will proposed action affect agricultural land resources?** The Board answered "Yes." M. Palmer stated some agricultural property is being lost. J. Langey read through the examples and the example, "construction activity would excavate or compact the soil profile of agricultural land." He further stated that would be a small to moderate impact. The next example, the proposed action will irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land." J. Langey did not think it was in a state-approved agricultural district. D. Gregg stated it has been used for farming in the past year for hay. He also said there is a possibility more than 10 acres will be converted. M. Palmer said it will be about 18 acres and felt it was a small to moderate impact. Some members of the Board agreed with M. Palmer.
11. **Will the proposed action affect aesthetic resources?** J. Langey answered "No."
12. **Will the proposed action impact any historic or archaeological resources?** The Board stated "No."
13. **Impact on open spaces and recreation?** The Board discussed and felt it was not a detrimental impact.
14. **Impact on critical environmental areas?** J. Langey stated it is not located in one.
15. **Impact on transportation?** The Board stated "No."
16. **Will proposed action affect the community's sources of fuel or energy supply?** The Board stated "No."
17. **Will there be objectionable odors, noise, or vibration as a result of the proposed action?** The Board agreed during construction. J. Langey stated noise, odors and vibration impacts will be temporary and are deemed small to moderate.
18. **Will proposed action affect public health and safety?** The Board 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 discussed and felt "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.

J. Langey stated the Board was ready to consider a resolution that was an Unlisted Action. J. Langey stated he checked the negative declaration even though the Long Form was done. He told the Board the next step is to do a resolution for a negative declaration SEQRA process and to give preliminary plat approval to a 7-lot subdivision pursuant to the drawings. He further stated the conditions will be: 1) completion of filing and review of the homeowner's association with the New York State Attorney General's Office, 2) enter into a construction maintenance agreement with the Town for the drainage facility (not for the road because it is private) 3) payment of any outstanding fees that John Dunkle or John Langey have incurred 4) J. Dunkle has to inspect drainage facilities while they are being constructed or after, J. Dunkle will inspect the private road to what was agreed on. J. Langey further stated to D. Gregg it is important that the purchaser's understand that the road is not being built to a Town-standard but it is sufficient for carrying emergency vehicles. J. Langey stated another condition is the 5) granting of the easements as shown on the maps. D. Gregg's attorney should prepare the easements for the Board.

D. Gregg stated that the homeowner's association will probably hold the easements.

J. Langey reiterated the conditions as:

- Homeowner's association form
- Highway agreement
- Construction agreement
- Conservation easement to be dedicated to the homeowner's association
- Payment of outstanding fees
- Inspection by John Dunkle, town engineer
- Listing of all the drawings and engineering drawings

- Formation of a small drainage district (J. Langey stated the applicant would have to have an engineer create the district)

J. Dunkle stated they have permit coverage.

J. Langey stated D. Gregg is allowed to file the subdivision map upon the proof the homeowner's association has been formed and the Planning Board has the documentation. He further stated that could take several months.

J. Langey advised D. Gregg that he may want to come back and ask for additional time for the conditions to be met. He said once the map is signed by the Chairman there is only a certain time frame for it to be filed. He said if it runs out the applicant has to come back to the Board for reapproval.

J. Langey said the Board could do preliminary plat approval and final plat approval tonight. He said final plat would waive any additional public hearing. He further stated the applicant would have 60 days to file the final plat approval map. He said if the applicant needs more time he can send a letter and it can be a Board agreement. The applicant would need to get it to the Board before the 60 days runs out.

D. Gregg decided he only wanted preliminary plat approval at the meeting tonight, not final plat approval. He wants to wait for final plat approval because he may need to do a minor line change to one of the lots.

D. Gregg inquired about zoning regarding horses on the lots. He inquired about waiving it internally and if his next step would be the Zoning Board of Appeals.

J. Langey stated he would have to review the regulations but the applicant would need to go to the Zoning Board of Appeals for horses.

Motion by Hugh Roszel, seconded by Tom Pratt to approve the preliminary plat approval was carried unanimously.

Motion by Dale Bowers, seconded by Anne Ferguson to continue 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.

The application is still before the Zoning Board of Appeals.

Motion by Dale Bowers, seconded by Hugh Roszel 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.

J. Langey stated the Zoning Board of Appeals is going to do a site visit.

Motion by Hugh Roszel, seconded by Dale Bowers 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.

The applicant has not been to the Planning Board for 90 days. The last time the applicant was before the Planning Board was in August.

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

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

*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 Hugh Roszel to continue the file was carried unanimously.

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

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.

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

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

*Owera Vineyards - Site Plan Review - 5276 East Lake Road
File # 11-736 (Dale Bowers)*

Jo Anne Gagliano of EDR and Ben Reilley were present to represent the application for Owera Vineyards.

J. Dunkle stated he received a large binder from EDR during Thanksgiving week and he met with them on Monday. He further stated at this point; he can't sign-off until he reviews fully.

M. Palmer reminded J. Gagliano of the deadline for having material in for review by the Board, Town attorney and Town engineer.

J. Gagliano stated that at the meeting last month they explained what the modifications proposed were and that nothing was final. She stated now they have made the modifications to the building and the layout and now they are final. She said everything was submitted to the Planning Board.

J. Gagliano proceeded to go through the major changes. She said the road has no change. She pointed out the crossing and said at the last meeting she said it would be more of a land crossing without a bridge. She said that has been done and is shown in detail on the plan. She said the barn was moved. The wine making operation occurs now at the structure closest to ponds 1 & 2. The dam is no longer necessary because there is no longer a first and second floor grade change. She said now there is simply a land crossing with a pipe-connection underneath. She said EDR's engineer and landscape architect project manager reviewed the watersheds and hard vs. soft surface. She said everything is similar in the way it functions just minor adjustments to the layout. She presented drawings with elevations and color renderings. The drawings showed the roof color, doors and entrances. She showed the Planning Board colored drawings of the buildings and said the feel is more rustic and rural.

J. Gagliano said she double-checked the point made at the last meeting by D. Ferlow. She stated this is a section 404 clean water exemption for agricultural use. She said they have an exemption to cross the wetland and they checked the language and put it in a memo. She further stated it is allowed as long as they use best management practices.

J. Gagliano said the Board asked her at the last meeting how they would deal with the water and the well which would relate to the aquifers. She said originally they had two wells. She feels two wells are adequate. She said the one well will be moved closer to the building where it will be needed. She stated most likely they will build the second one. She does not see an increase in water usage because it is the same amount being used. She said the water is used for cleaning. She said she feels the original data for the wells are still acceptable and now they have just shown the relocation on the plans.

J. Gagliano referred to the SWIP and said J. Dunkle got the information in the last 2 weeks.

J. Dunkle stated in reviewing the plan so far that the drainage concept has not changed significantly.

Some of the Board members agreed that split shakes would look nice on all of the roofs, especially over time, as they weather.

J. Langey said the stormwater maintenance agreement needs to be updated. The information done before will need to be updated and J. Langey will work with the applicant's attorney.

The Board agreed that another public hearing with the changes was not necessary.

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

*JoAnne Bronson - Site Plan Review - 1930 Chard Road
File # 11-806 (Anastasia Urtz)*

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

RECOMMENDATIONS TO THE ZBA

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

Tom Douglas was present to represent the application for the Crawford's.

T. Douglas stated the walk and overhang was being discussed on the Crawford's barn that was in the County-Right-of-Way. He stated they got a letter back from the County that it has no impact on the County-Right-of-Way. He said they referred it back to the Board. (J. Langey clarified on Page 23 of the minutes that County Planning Department is not County D.O.T.) He said Mr. Crawford asked that

the additional parking request be dropped at this time. He wants the application to focus on the overhang and the walkway. He said the walkway is replacing the existing that was concrete and deteriorating and was replaced with pavers. He said the pavers were the same as the ones approved for their house across the street. He showed the Board photos of the Crawford's barn and others in the neighborhood. He also showed the Board an overhang similar to the Crawford's where the idea came from.

He showed the photo of a barn at 5200 East Lake Road and pointed out the amount of paving at the front of the barn. He stated that does not matter because they are not requesting that at this point.

T. Douglas stated the applicant has 1.9 acres. He said the walkway is less than 80 sq. ft.

T. Douglas stated they were replacing an existing, deteriorating walkway.

R. Cook stated he did not think the walkway was there.

D. Bowers stated he liked the barn the way it was.

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

Mike Palmer:	Yes
Jennifer Basic:	No
Dale Bowers:	Yes
Anne Ferguson:	Yes
Tom Pratt:	Yes
Hugh Roszel:	No
Anastasia Urtz:	Yes

A. Urtz stated the overhang was built and now the applicant is trying to get permission.

M. Palmer stated the barn already had the eaves but they have added an overhang above the door.

T. Douglas stated the reason for the overhang is so ice does not fall on you and it gets you out of the elements. He further stated it protrudes out 2' but not 2' pass the soffit on the barn.

M. Palmer stated there are barns in the area that have shed roofs over the doors and it is not uncommon.

J. Langey asked if the County D.O.T. got back to the applicant.

J. Langey clarified to T. Douglas that the County Planning Department is not the County D.O.T. He further stated the Zoning Board of Appeals is going to want to see if the overhang encroaches in the County-Right-of-Way for the County's highway use. He reiterated to the applicant to make sure he gets County D.O.T. approval.

M. Palmer stated his next step is to go the Zoning Board of Appeals and make sure he has the County DOT approval.

T. Douglas inquired why the Board was opposed to the overhang for the barn.

Anne Ferguson stated she felt it destroyed the barn structure. She stated French doors with stone walls around it has destroyed the integrity of the barn.

Motion by Jennifer Basic, seconded by Tom Pratt was carried unanimously.

The Board stated the applicant needs to come back for site plan approval for the walkway.

*JoAnne Bronson - Special Use Permit - 1930 Chard Road
File # 11-807 (Anastasia Urtz)*

JoAnne Bronson was present to represent her application for a bed and breakfast.

J. Bronson stated she is about 1200 ft. off the road with 5.3 acres. She further said she built her house about 10 years ago. She pointed out on the site plan, the main house, an additional structure, and a poured pad for parking. She said there is a long driveway with a turn-around. She said there are 4 bedrooms but she would only be renting out 1 room.

R. Cook stated the applicant was going to designate 2 rooms as bed and breakfast. He further stated she has adequate parking by the Town's standards for that amount.

J. Bronson stated there will be no signage. She thinks it will be a word-of-mouth type bed and breakfast and people that know her. She stated they already have lighting.

Motion by Anne Ferguson, seconded by Dale Bowers to make a positive recommendation to the Zoning Board of Appeals was carried unanimously.

INFORMAL

Leonard Riedl - Subdivision - Rippleton Cross Road

Motion by Dale Bowers, seconded by Hugh Roszel to remove the file from the agenda was carried unanimously.

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

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

Mongeau/Gantley - Driveway Relocation - East Road-Lot #5

Daniel Mongeau was present to discuss informally relocating his driveway.

D. Mongeau stated on Monday, 12/5/2011 he will own the property. He showed the original plan and stated that they had tried to group the lots initially when the subdivision was created. He said the driveway was proposed on the Western side of the lot and they want it on the East side. He showed the Board the type of house he wants to build on the lot. He stated they want to build a house that looks like it will fit into the area. They are trying to avoid a front-loading garage and have the garage to the side. He said they want to catch the most natural light in

the back; therefore they would position the garage on the left-hand side of the house. He stated there is plenty of site distance, and he contacted the highway department and they took a sighting from the proposed location. He said, even with people speeding in the area in the 85th percentile, it sighted.

R. Cook stated he thought the new location is better. He said the driveways were a part of the original subdivision, so it is being asked to modify.

R. Cook stated he does not need to do site plan review for the house because it is a previously subdivided lot prior to the 2009 law.

M. Palmer stated he needs to do the application for site plan review for the driveway. He further stated the applicant should bring a good map for approval.

At 9:42 p.m., motion by Hugh Roszel, seconded by Dale Bowers to adjourn the meeting.

Connie Sunderman - Planning Board Secretary - December 8, 2011