

# Town of Cazenovia Planning Board

## Meeting Minutes

March 1, 2012

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

Members Absent: Mike Palmer, Chairman; Jennifer Basic

Others Present: John Langey, Esq.; John Dunkle; Roger Cook; Don Ferlow; Graham Egerton; Anne Redfern; James Emerick; JoAnne Gagliano; Vincent Taylor; John Grime; Margaret Ridings; Vincenzo Fusco; Brian Hall; Taylor Kline; Sara Chevako

Dale Bowers called the meeting to order at 7:30 pm.

The deadline to be on the next meeting agenda is March 21, 2012.

The next regularly scheduled meeting is April 5, 2012.

The next work session is March 29, 2012.

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Dale Bowers asked if there were any corrections or comments for the February meeting minutes.

Motion by Anne Ferguson, seconded by Tom Pratt to approve the February meeting minutes as presented 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 # 10-702 (Mike Palmer)*

James Emerick of Napierala Consulting was present to represent the application.

J. Emerick stated he was before the Board to represent the Final Environmental Impact Statement (E.I.S.) for the proposed action; the demolition of the buildings at 2363 Route 20 East. He said they were asked to address the substantive comments that were generated from the public hearing, and they did so in the Appendix of the Final E.I.S. He said they also addressed some of the comments that came up during the meeting, itself.

D. Bowers asked counsel to give the Board direction as to the next step.

J. Langey said procedurally, the applicant has previously filed a Draft E.I.S, public comment (written and through a public hearing) was received. He stated a comment letter was sent back to the applicant; asking them to address the substantive comments in the Final E.I.S. He said the Final E.I.S. was prepared by the applicant a few weeks ago and then a number of copies were mailed to the Town Office. He said, next, the Planning Board has to determine whether the comments have been adequately addressed in the Final E.I.S., so the Board can decide if the Final E.I.S. is complete. He said complete means the document has addressed the substantive comments in a meaningful way. He further stated if it is incomplete, the applicant gets notified there are things that are not complete and tells them what it is and has them resubmit it as soon as they can. J. Langey stated he knows the town engineer has not had a chance to review and he would like him to do so.

D. Bowers stated to the Board that they are down by two members tonight, anything that comes before the Board, that they vote on, needs 4 of the 5 to pass.

D. Bowers stated the Board has had the document since the work session to review.

T. Pratt said in response to the letters and questions submitted, the applicant's responses were "comments noted."

J. Emerick stated a lot of the comments that were given; were an opinion on what should be done with the property. He said, when they say substantive comments - it would be ones that are pertaining to the items that are addressed in the F.E.I.S. He said the ones that tended to be opinions/comments, they wrote opinion or comment noted.

T. Pratt wanted to see the applicant expand on that and provide more information other than just writing "comments noted."

A. Ferguson wanted to know what the assumptions were that they based the plan on for the potential build-out of the site.

J. Emerick said on the zoning requirements that they were limited to as far as impervious area and setbacks. He said they showed something that was feasible there but it is not the only thing they could do. He stated they can come up with different scenarios that would be applicable, but there is no future plan for there; it is all speculative at this point.

J. Emerick asked the Board what comments they considered substantive. He stated comments that stated things like "I don't think the Town should allow this;" they did not want to get into a back-and-forth dialogue.

J. Langey said what he has seen used before is; set forth the comment, and say that the applicant feels that this particular comment is subjective or seems to express the opinion of the commenter rather than an objective criteria that was in the scoping. He further stated be more definitive about it rather than just noting it as T. Pratt had expressed. He said each one that is felt to be a non-substantive comment should say why.

D. Ferlow said the C.A.C.C. looked at the submitted site plan, primarily, and felt it was a patchwork, weak document. He said it was not worthy of engineering submission in the sense of consideration and evaluation of the site. He said it looked at only one scenario, 17,400 sq. ft of impervious surface which is 20% on 2 acres. He said it did not give any reason why the existing building wouldn't/couldn't fit into that or be part of the scenario. He thought there were more possibilities if more thought had been given to what would happen if the building did stay and why it could not stay. He said the applicant's case is they want to take the building down, there needs to be a reason. He stated if the building comes down, it loses the visual of what is there and historical context of the site. He stated as a result, the C.A.C.C. sketched, from the applicant's drawing, the same scenario of a small banking facility, and said the building could stay and be part of the scenario.

J. Emerick said they are not arguing that there are scenarios that he could come forth with where the building could remain. He said the action is not to come up with a site plan or a scenario where they could or could not save the building. He said the action they are asking for is the demolition of the building. He said the speculative site plan was something they were asked to provide, not different scenarios.

D. Ferlow said the applicant was asked to submit a site plan. He said he feels as a member of the C.A.C.C. , it is a historic site on the register and it has certain visual and historical strengths to it. He said if the building comes down and the land is vacant, it is lost. He said the site plan says it could be saved without affecting the development.

J. Emerick said in response to the site plan being weak. He said they were not there to spend a great deal of time because it is speculative-there is no plan in place or a proposed tenant.

J. Langey said M. Palmer requested the build-out and he was unsure of Mike's comments on that portion of the Final E.I.S.

D. Bowers stated he spoke with M. Palmer. He stated M. Palmer's intention was he wanted to make sure the applicant could see what build-out was possible on that site including its limitations. D. Bowers said, in his opinion, that is what the applicant has done.

A. Ferguson said other than the need to address some of the comments so they are less generic and J. Dunkle's review, she feels it is otherwise complete.

D. Bowers stated the Board needs to give the applicant direction so he knows what is incomplete about the document.

J. Langey said the Board will give the applicant direction on what they want to see as a complete document.

D. Bowers thought it would be prudent to wait to give the town engineer time to review.

J. Langey said it is in the applicant's interest to be very comfortable with what is submitted because there is a lot of things that will happen with the next stage of voting; and what occurs after that, to protect themselves and for the Board to be protected. He said it should be a very complete response.

J. Langey said the matter before the Board is to vote whether the applicant should address the comments that T. Pratt mentioned. He said technically you would say it is "incomplete" and at the next meeting consider it for completeness. He said with completeness, it gets turned back over to the public for the final comment period (a

minimum of 10 days)-he said it is not a public hearing. He said after that the Board is looking at a vote.

A. Ferguson thought the Cazenovia Preservation Foundation, the Barbara Clarke letter, and the Preston Gilbert letter should be acknowledged because they are substantive letters. She said they are two pages long and typed and she thinks they deserve more than a "comments noted."

J. Langey said the F.E.I.S. really belongs to the Board. He said if the Board thinks there is something missing in it that would help them make a decision, then the applicant has the opportunity to do that. He further stated the applicant also has the option to say we are not going to do anything more with this document but the result will not be very good for the applicant in the end.

J. Dunkle said he will try to get his comments done by the end of next week and get his comments circulated to the Board members and the applicant, so the applicant will have a chance to react to his comments.

J. Langey said he will do a letter summarizing the comments tonight so the applicant has a letter of what they need to address.

D. Bowers discussed the timetable. He said J. Dunkle will have his comments to the Board members by the end of next week, 3/9/12. He wants to give the Board the following week, until 3/16/12 to comment back to J. Dunkle. He said the 16<sup>th</sup> will be closed comment by the Board to the applicant. He said after that Friday, J. Langey will give one more document concerning any and all of the comments. D. Bowers stated the applicant should have it in by the next work session, 3/29/12.

D. Bowers stated, personally, regarding Don's submission, he would consider it a submission for the file but not pertaining to the build-out that was requested.

The Board concurred.

Motion by Anne Ferguson, seconded by Tom Pratt that the Final E.I.S. is incomplete for tonight's meeting and the applicant has been afforded an opportunity to submit an additional F.E.I.S. amendment was carried unanimously.

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

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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.

J. Langey said at the Z.B.A. meeting, the Hazers notified the Board of their inclusion into the agricultural district. He said because they are now in an agricultural district their application is going to be treated as a special use permit and not a use variance.

Motion by Anne Ferguson, seconded by Tom Pratt to continue the file was carried unanimously.

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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 Hugh Roszel, seconded by Anne Ferguson to continue the file was carried unanimously.

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

No one was present to represent the application.

J. Langey said the Z.B.A. approved the two variances: front yard setback for the overhang and the front yard setback for the clay pavers.

Motion by Hugh Roszel, seconded by Anne Ferguson to continue the file was carried unanimously.

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*Neil Goldberg - Site Plan Review - 5043 & 5057 East Lake Road  
File # 11-809 (Dale Bowers)*

JoAnne Gagliano of EDR Companies was present to represent the application.

J. Gagliano stated they got the two variances from the Zoning Board of Appeals. She said one contingency is that there is an agreement between the neighbors, the Tullys and the Goldbergs on some screening for the garage. She reminded the Board the garage is only 4' off the property line. She stated there is some shrubbery currently there but they would like more. She stated Mr. Goldberg and the Tullys worked out an agreement where they could plant some vegetation on the Tully property. She said one of the variances was to have the garage structure that would be rebuilt and said the roof would have a peak. She showed the Board the new drawing and said the neighbors asked if the vegetation could be removed and have the same kind of a Spruce planting planted as on the other side of Mr. Goldberg's property. She stated Mr. Goldberg agreed to it. She said a preliminary draft of the agreement was prepared and she submitted it to the file.

J. Langey said he had seen the agreement and he worked with their lawyer over the past few days. He said Larry Tully sent him an email today saying he has accepted the language and the plan.

J. Gagliano said she has added it to the drawing and attached the agreement as well. She said they will all sign it and put it in the Town Office file. She said the Zoning Board approved it contingent upon the Goldbergs/Tullys coming up with an agreement to locate the plantings.

J. Gagliano said the agreement reads that the trees belong to the Tullys but the Goldbergs have to maintain them for two years to be sure they make it for two years.

J. Gagliano said the Tullys and Goldbergs met and made the decisions together.

J. Gagliano said the other variance was for a second accessory building which the Z.B.A. also approved. She said the only other piece; J. Dunkle had comments for them on the Stormwater Management. She said they were able to make the adjustments and get them off to J. Dunkle.

J. Gagliano stated nothing else had changed from what the Planning Board had seen before and she offered to go through the plan. She said the only change was the new planting on the Tully side.

J. Gagliano stated the property will be purchased by the end of the month. She stated they have to come back to the Planning Board to join the lots.

J. Langey said that is not in front of the Board today.

J. Gagliano confirmed because they do not own it yet and she does not have a deed or title.

J. Langey said any approval that the Planning Board grants would be contingent upon the re-subdivision.

Motion by Dale Bowers, 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 contingent upon the reconfiguration of the lot by way of re-subdivision from the Planning Board was carried unanimously.

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*Carmen, Peter & Mary Beth - Site Plan Review - 1080 Tunnel Lane  
File # 11-810 (Anastasia Urtz)*

No one was present to represent the application.

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

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*Taylor, Vincent - Site Plan Review - 5150 Ridge Road  
File # 12-811 (Hugh Roszel)*

Vincent Taylor was present to represent the application.



V. Taylor said the request at the last Planning Board meeting was for elevations. He brought elevations for the Board. He said at the Z.B.A. the agreement was for a 400' setback minimum from the center line of Ridge Road and 60' setback from the North property line.

V. Taylor supplied copies of the barn drawing to the Board. He said the colors on the drawing were as close as he could get to match the house. He stated he would be using a green steel roof. The siding would be board and batten to match the character of the barn across the street. He stated the building would be "tucked away" behind the Austrian Pines which line the driveway which are 20'-30' tall. He pointed out the location of the building and said it would be "tucked around the bend."

D. Bowers said at the last meeting the applicant indicated he was going to be putting in a woodworking shop. D. Bowers thought if a dust collection system was being installed, that it be located on the backside of the building.

V. Taylor stated he wants the property to look as nice as possible. He said if he can get the propane tank buried he will do that, too.

V. Taylor said the roof on the house is an asphalt brown shingle. He stated for the color of the barn siding they are going to match the color of the house, as best they can.

D. Bowers stated the roof is typical for a barn and he does not have a problem with a green roof.

V. Taylor confirmed the color of the house was more of a taupe versus the yellowish brown in the drawing he supplied. He stated he matched it as best he could. He also said he could do red to match the barn character of the area.

Some members of the Board stated they would rather see the barn siding match the house.

V. Taylor thought the green roof was a good option because it is about the same height as the trees it is "tucked behind." He felt it would stand out less.

D. Bowers stated the green or the brown roof was fine by him.

T. Pratt said he would rather see the roof, brown.

Motion by Hugh Roszel, 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 and for the applicant to attempt to match the barn siding to the house color as close as possible (taupe) with a dark green roof was carried as follows:

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

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*John Grime - Minor Subdivision (1) - 2443 Ballina Road  
File # 12-814 (Tom Pratt)*

John Grime was present to represent his application.

J. Grime confirmed he wants to subdivide off 3 acres. He pointed out on the map his residence and the location he wants to divide off as a 3 acre parcel from the 13-acre parcel. He said he wants to build a home for his mom and step father. He said they are older and he wants to get them closer to him, but have them still be independent.

T. Pratt stated the regulations require 250' of road frontage.

R. Cook said the lot is larger than 9 acres in size so it really needs to be reviewed as a conservation subdivision.

J. Langey said there is a one-time exception.

R. Cook said it is up to the Board to say how much information they want Mr. Grime's to provide to them. He said the Board can then allow him to have a lot and not have the frontage requirement that he would have to meet. R. Cook asked the Board the question

of how in depth would they like Mr. Grime to be in the review for the conservation subdivision.

J. Grime said the road frontage is currently 464' total. J. Grime said his land is open land and he does not farm it, but he does have a couple of beef cattle that he raises for himself.

J. Grime said he basically split the road frontage in half, therefore, 230'.

J. Langey said the other option would be for the applicant to get a variance from the Zoning Board of Appeals. He stated he does not see it as a substantial variance as long as there is no issue with sight distance.

R. Cook said the County has already commented on the sight distance.

J. Grime said essentially the one sight distance is a little short and they will not put the driveway in for him but said there would be no problem if the applicant put it in himself.

R. Cook stated that Donald Burdin's letter was the same way.

A. Ferguson read an except from the County letter which said "as a result of not meeting the recommended sight distance to the west, it is incumbent upon the property owner for installing the driveway apron onto Ballina Road and to assume full liability for the driveway location."

H. Roszel asked the applicant if the driveway could be moved over 20'?

R. Cook said there is a deep ravine and that is part of the issue with that.

J. Langey said the applicant has a choice. He can propose a 2-lot subdivision with less than 250' but the applicant would need to go to the Zoning Board of Appeals and have a variance reviewed and approved and then come back to the Planning Board. He further stated the applicant could elect to do a conservation subdivision but the Board would have to do their conservation analysis.

J. Grime stated he would probably use Dave Vredenburg for his surveyor.

J. Langey stated that D. Vredenburg is familiar with the conservation analysis. He stated to the applicant that he should explain to D. Vredenburg that the reason he is going for a conservation subdivision is so the Planning Board has the right to waive the distance if it is a conservation subdivision. He said the conservation subdivision was a mechanism that gives a Planning Board a whole lot of latitude on how to orient the house, put houses closer together and relieves the applicant of regulations. J. Langey said the only relief the applicant needs is on the road frontage distance. He said if the Planning Board undertakes a conservation subdivision review; the property is supposed to be analyzed to see if there is anything worth preserving on the property, such as wetlands, tree stand or something that is unique to the property that ought to be preserved in the Board's mind. He then stated, hypothetically, they can say they like the project, so all they need you to do for them to approve it is for you to put a conservation easement on the back part of your yard or where the wetland is. He told the applicant he would never be able to build on it because it is an easement that runs in favor of the Town or a preservation group. He said the applicant has to decide which way he would like to go.

J. Langey said the one-time subdivision is the traditional subdivision which requires a variance. He stated you do not get the benefits of the conservation subdivision for the one-time subdivision. He stated all it says is you do not have to comply with conservation subdivision. He said when you have a large enough lot; you have to go conservation subdivision.

Some members of the Board thought that it may be faster to go to the Zoning Board of Appeals.

R. Cook stated that the Board would probably find there is not a lot with the conservation analysis because there is not a lot on the site to really save.

J. Langey told the applicant that he may want to take a look at the conservation subdivision.

R. Cook did not think it was as extensive as a 100 acre parcel with woods, ponds, etc. other than the cut between the two properties.

R. Cook stated they can show the constrained areas.

D. Bowers asked the Board about their checklist for the conservation subdivision.

Anne Ferguson said he should document the rivers, streams, trees, nature hedgerows, ravines, and elevations.

R. Cook stated east to west on the property there is not huge elevations swings, except for the cut.

The Board suggested he contact a surveyor.

D. Bowers told the applicant he needs to decide if he wants to go to the Z.B.A. for the variances or do a conservation subdivision, walk the property with Don who will have suggestions and explain to Dave Vredenburg what is needed. He said the conservation subdivision would require a more detailed survey.

R. Cook said D. Vredenburg knows what to do.

D. Bowers stated the Board will hold the site plan until they know how the applicant is going to proceed.

J. Grimes confirmed to the Board he was going to go conservation subdivision.

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

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*John Grime - Site Plan Review - 2443 Ballina Road  
File # 12-815 (Tom Pratt)*

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

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*Margaret Ridings - Minor Subdivision (1) - Dugway Road  
File # 12-816 (Hugh Roszel)*

Margaret Ridings was present to represent her application.

M. Ridings described her project using the tax map from the file. She said most of the land she owns is on the North side of Delphi Road. She said the 10-acre "jaunt" is on the other side. She confirmed it is all part of the same deed. She said it is farmed now, 8 acres of farmland and 2 acres of trees. She said the farmer is buying it and will continue to farm it.

R. Cook stated the pink section is North. He stated the applicant would be creating a new lot.

M. Ridings said the soon-to-be owner does not currently own land on either side of the new lot.

D. Bowers said the applicant will need a survey of the entire parcel and what is being taken away.

R. Cook said the parcel is 100-200 acres and asked for clarification for the applicant regarding what is needed for the survey.

J. Langey said the applicant can show the 9 acres and show a substantial part of the land across the road. He said the surveyor will be able to show it. J. Langey said the 10-acre piece is the more interesting piece to the Planning Board but they want to see what is going on across the street. He further stated she does not have to show the entire field across the street but some representation of what it is.

J. Langey said the surveyor can do a location set-out which is a small version representation that surveyors do a lot of times. He said on the same map it will show the bigger version but not show the entire 110 acres but will show some of it.

D. Bowers said the applicant should bring the survey in by March 21, 2012.

Motion by Anne Ferguson, seconded by Hugh Roszel to continue the file was continued unanimously.

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*Cazenovia Restoration Corporation - Site Plan Review - Route 20 East  
File # 12-817 (Anne Ferguson)*

Brian Hall was present to represent the application.

B. Hall confirmed they want to put in 1,800 feet of subsurface drainage tile.

J. Dunkle stated he had not reviewed the information yet, it was the first time he had heard of it.

R. Cook stated, typically, under land disturbance it could be considered to be just agricultural work, but given the drainage problems the village has down waters from this; he sent the application to the Board to review.

B. Hall said they are not removing any water from the existing water shed. He said they are moving it from the field area to the edge of the field.

J. Dunkle asked the applicant if they would be rerouting some natural drainage patterns and sending them in different directions.

B. Hall said no and he said it would basically follow down where it goes currently but lowered from the surface of the field to 3' down and take it to the edge. B. Hall further stated he does not think there is an outlet in the lower area, so it would not remove anything from a recharge area.

J. Dunkle questioned the applicant and said the only thing that would be different is that they are taking runoff that may sheet flow across the landscape and concentrating it into 2 point discharges on their property.

B. Hall confirmed.

J. Dunkle further asked the applicant if they were funneling concentrated flow onto someone else's property immediately next door.

B. Hall said no.

J. Dunkle told the Board it was a common agricultural practice. He said without looking at it any further than he had as of right now; there was no major impact. He further stated they are just drying up some wet areas.

B. Hall said it was not in an agricultural district.

Motion by Anne Ferguson, 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 site plan was carried unanimously.

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*Verizon Wireless - Site Plan Review - 2787 Kiley Road  
File # 12-818 (Anastasia Urtz)*

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

RECOMMENDATIONS TO THE ZBA

*Verizon Wireless - Special Use Permit - 2787 Kiley Road  
File # 12-819 (Anastasia Urtz)*

Taylor Kline of Verizon Wireless was present to represent the application

T. Kline stated he wants approval to do an LT upgrade on an existing tower. He said the scope of work entails swapping out 6 of the 12 existing antennas on the tower. He stated 3 of the 6 are 4' smaller and the other ones are within 1/2" in length smaller. He said they also want to add 6 lines of coax 1<sup>5/8"</sup> up to the tower. He said he has provided a structural assessment of the tower which shows it is structurally secure. He stated they are not doing anything on the ground, not expanding the lease area. He said all the work is on the tower.

T. Kline said there are currently 12 at 96". He said basically 8 footers, and they are going down to 95.7" from 96.4" for 3 of the 6.

T. Kline confirmed they are almost the same size.

J. Langey said this is going to the Zoning Board of Appeals for the granting of a special use permit.

T. Kline asked J. Langey about the legislation that was just passed.



J. Langey said there is a lot of discussion about what the new regulations mean. He said they are sorting it out right now. He said if they determine that the law eliminates the need for approvals after they review everything, they will certainly let him know.

J. Langey said under the Town statute every cell tower that starts up and every amendment to an application requires a special use permit.

Motion by Anastasia Urtz, seconded by Hugh Roszel for a positive recommendation to Zoning Board of Appeals was carried unanimously.

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At 8:41 p.m., motion by Dale Bowers, seconded by Hugh Roszel to close the meeting was carried unanimously.

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Connie Sunderman - Planning Board Secretary - March 7, 2012