

Town of Cazenovia Planning Board

Meeting Minutes

May 3, 2012

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; Kristi Andersen; William Zupan; Sara Chevako Camilla Knapp; John Grime; Margaret Ridings; David Harper; Daniel Gaulin; Elizabeth Gaulin; Neil Rube; Robert Hays; Matthew Napierala; Michael Longstreet; Matthew O'Reilly; Michael Fallon; Paula Fallon; John D'Elia; Mrs. D'Elia; Frolic Taylor; Donald Burdin; Eunice Burdin; James Stokes; Kevin Dewan; Judy Gianforte; Ted Bartlett; Sarah Webster; Gene Gissin; Brian Coughlin; Philip Cunningham; Tracie Cunningham; Barbara Clarke; Carlos Gavilando; Sharye Skinner; Dennis Gregg; Alaina Potrikus

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

The deadline to be on the next meeting agenda is May 23, 2012.

The next regularly scheduled meeting is June 7, 2012.

The next work session is May 31, 2012.

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

Motion by Hugh Roszel, seconded by Tom Pratt to approve the April meeting minutes as presented was carried unanimously.

HEARINGS

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

Camilla Knapp was present to represent the application.

C. Knapp stated she decided to sell all of Old Trees. She said her cousin, Hugh Emory decided to make the "long field" which is 15.36 acres part of his property.

C. Knapp confirmed it was a line change.

J. Langey confirmed the SEQRA had been done.

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

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 approve the line change was carried unanimously.

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

John Grime was present to represent his application.

J. Grime pointed out on the map the 3 acres he wants to subdivide. He said he did the perc test and deep hole test and they are on the map. He further stated D. Vredenburg added the minimum setback line to the map. He said they will actually be approximately 150' from the center of the road.

J. Langey asked the Board if they were approving the "building envelope" by way of the front setback?

M. Palmer said the setback is just the legal setback.

J. Langey said the SEQRA was done on the subdivision and the site plan.

M. Palmer asked counsel if they had to come back for another site plan when they start the house?

J. Langey said they could approve now, where the house will be within the setback.

M. Palmer said they need a setback line across the property, and they cannot build any closer to the lot line than the legal limits.

J. Grime thought the house would be about 145' from the road.

M. Palmer told the applicant he would need another map. He said the surveyor should take the minimum line off and add the new line and call it the setback line. He stated to put a dimension on the 145'.

M. Palmer stated he did not need to come back. He further stated R. Cook can give him a building permit when he is ready to start.

M. Palmer explained the map process to J. Grime to finalize the subdivision.

The Board agreed the setback should be 145' from the property line.

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

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

Motion by Tom Pratt, seconded by Anne Ferguson to close the public hearing was carried unanimously.

Motion by Jennifer Basic, seconded by Hugh Roszel to approve the subdivision subject to the 145' setback line was carried unanimously.

J. Langey stated he captured the site plan with the subdivision all in one motion.

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

Margaret Ridings was present to represent her application.

M. Ridings said she got the perc test and a County driveway letter for the subdivision.

M. Ridings said the driveway was placed anywhere because it does not matter the way the road is. She said it would be the responsibility of whoever puts the driveway in. She said the speed limit is 55 m.p.h. but she could not image going 55 m.p.h. on that road.

M. Palmer asked counsel because they do not have sufficient sight distance in either direction.

J. Langey said the County said in their letter it is incumbent upon the property owner for installing a driveway apron on Delphi Rd. to assume full liability for the driveway location. He commented that the applicant should offer a mitigation to the driveway location and how the applicant is going to address the safety issue that the D.O.T. is suggesting exists there. He said their measurements were based on the posted speed limit and not based on the design speed.

R. Cook described the road layout to the Board.

J. Langey said he cannot provide any guarantees as to what may happen with liability since there is a letter.

M. Palmer said the person who is buying it is going to use it for agriculture, at least in the near future. He further stated it is something the Board has to feel comfortable with before they can approve the subdivision.

J. Langey said he or R. Cook could call Ag & Markets and see if they take a position on the Board's role in regards to the comment from D.O.T. He said they can check to see if they can give a letter to the Board.

M. Palmer asked counsel about approving based on being used as agriculture in the near future and they come back for site plan review if they decide to build and put a driveway in.

J. Langey said if there is an accident, it can be a tractor or a car.

M. Palmer said maybe a sign in either direction saying there is a hidden driveway.

M. Palmer said they have not approved a subdivision in the last several years that did not have sufficient sight distance, somewhere on the property to put a safe driveway in.

M. Ridings said tractors access the property now by just pulling in the field.

R. Cook said there is no road side ditch.

J. Langey said he is uncomfortable without something else in the file that they can use to mitigate their liability.

J. Langey said the applicant should contact Jacob Wall, and tell him that the Planning Board would like to know if there is any type of signage that the Madison County Highway Department would suggest be posted there to help make it a little safer area.

R. Cook confirmed it is in an approved Ag district.

M. Palmer explained to M. Ridings at some point in the future, someone could build a house there and that is what they have to look out for.

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

Dave Harper was present. He stated he is a neighbor of the property owner. He said maybe it is a moot point-assuming residential development. He said they are the property immediately West and downhill from the lot. He said their water supply is a spring and the watershed is partly at the end of this property. He had a concern from well drilling there might be an affect on the water table which would affect their spring or possibly septic contamination could contaminate the spring. He said he was seeking expert advice.

J. Dunkle said the surface area should be looked at that is feeding the spring and see if there is any development being proposed within that tributary area. He said if it is going to be a ground water well, the chances are that it is going to draw from the lower. He said the spring is probably being fed from surface water over the top of the land. He said if there is good separation between the ground water well and the spring and it could be

something stipulated when the site plan is looked at for the groundwater well. He said the placing of the septic system would be the more critical element for the spring.

M. Palmer said that can be dealt with when they come back for a site plan for a house. He stated in the near future, it will continue to be used as it has been.

Motion by Anne Ferguson, seconded by Tom Pratt to close the public hearing was carried unanimously.

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

*Owahgena, LLC - Minor Subdivision (1) - 1330 Owahgena Road
File # 12-823 (Jen Basic)*

Daniel and Elizabeth Gaulin were present to represent the application. E. Gaulin stated they were there to represent Owahgena, LLC as their real estate agents.

D. Gaulin said they did the survey of the subdivision and they outlined the 11.6 acres that is being "sold off." He said the driveway has been entered on the map and the site distance from the driveway. He confirmed the perc test and deep hole tests were on the map and the stream on the property.

M. Palmer stated this was not a conservation subdivision - it is their first subdivision.

D. Ferlow said there is a stream and drainage comes in and there is a woods patch on the property. He said there may be some wetlands associated with the stream corridor, but could be picked up at another time.

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

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

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

J. Langey confirmed the SEQRA was completed at the last meeting.

Motion by Jennifer Basic, seconded by Anne Ferguson to approve the subdivision (1) was carried unanimously.

M. Palmer explained the map process to The Gaulins to finalize the subdivision.

J. Basic inquired about the setback line for the site plan.

The Gaulins confirmed there was no building envelope.

D. Gaulin submitted an updated map to the Board for the file.

M. Palmer said the site plan can be done when they come back to build a house.

J. Langey stated the SEQRA was done on the site plan.

*Neil Goldberg - Line Elimination (1) - 5057 East Lake Road
File # 12-825 (Dale Bowers)*

Neil Rube was present to represent the application.

N. Rube said he was there for a lot line elimination as discussed last month. He said it is under common ownership for the two parcels. He said the lot line elimination was a requirement of the Planning Board for the project and the negative declaration was read into the record last month.

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

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.

The SEQRA was done at the last meeting.

Motion by Dale Bowers, seconded by Anastasia Urtz to approve the lot line elimination (1) 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)*

Matt Napierala of Napierala Consulting and Michael Longstreet, Esq. were present to represent the application.

M. Palmer stated the Board has accepted the F.E.I.S. as complete and it is time to discuss the SEQRA determination.

J. Langey said they have come to the end of the environmental review process which culminated into the preparation of a Draft Environmental Impact Statement. He said there was a scoping session and the scoping session said there were two main focuses that they wanted the Environmental Impact Statement to address: 1) aesthetic resources and 2) historic resources. He said the applicant submitted the D.E.I.S. and submitted a revised D.E.I.S. which was subject to a public hearing with public input. He said then it was converted into a Final Environmental Impact Statement that incorporated all the public comment, both written and from the public hearing. He said the Board has had it for the minimum of 10 days, and actually has had it for about 30 days. He said in anticipation of this process, they are down to the last two pieces of it. He stated 1) is to finalize the environmental determination. He said the question before the Board is, "With the mitigations that have been offered by the applicant, in the Final Environmental Impact Statement and through the application process-are you satisfied that they have done everything they can to mitigate your concerns about aesthetic resources and historic resources?" He said in order to clear the way, so the Board can vote on the site plan. He stated he put together one resolution that discusses a proposed final set of findings for the environmental piece: it is called the *Resolution of the Planning Board of the Town of Cazenovia Adopting Findings* for David Muraco and New Venture Assets, LLC site plan approval to raze and demolish all buildings, including a house, barn and shed located at 2363 Route 20, Town of Cazenovia. He said it is a fairly simple resolution and attached to it is a lengthy document which would be the proposed findings which is all factual

information, not opinions. He said it is approximately 14 pages long. He offered to walk the Board through the Findings document. He said if the Board approves this and says "yes" to the first motion, he said it clears the way to take a vote to approve or deny the site plan. He said if the Board does not approve this and they think the environmental impact of this is significant, it is enough to end it right there and they would not proceed to the site plan vote. He said the first vote is very important and is predicated on the adoption of the findings statement that he put together.

J. Langey started to review the Findings Statement with the Board. He said the Findings Statement on page 1 has a lot of background information: it states the name of the action, it describes the demolition and acknowledges the property is a Type I action because it is on the National Register of Historic Places and the New York State Register of Historical Places and it provides the project location. It states the Planning Board is the agency with jurisdiction and it has the date the F.E.I.S was submitted and accepted and it has the facts and conclusions relied on to support the decision. He said there is an introduction which is basically background information and is all based upon the Code. He said it talks about the involved and interested agencies on Page 3. He said the document states there is a GML 239 referral to the County. The County sent it back for local determination. He said the document talks about the adoption of the positive declaration which is part of the SEQRA process and the SEQRA process is outlined in the document. The SEQRA process started December 2, 2010. He said page 4 has more of the procedural portion of what was done. He said it talks about the D.E.I.S. being handed back to the applicant and they were allowed to revise it. He then discussed the factual findings with the Board in detail.

PART III: FACTUAL FINDINGS

1. The premises are located at 2363 Route 20 East in the Town of Cazenovia, New York.
2. At the time of the submission of the action, the parcel was approximately three hundred feet (300') east of the Village of Cazenovia boundary. Subsequently, the adjacent property to the immediate east was annexed into the Village of Cazenovia.
3. The property is zoned under the Town of Cazenovia's Zoning Ordinance as within the Commercial (CD) Overlay Zone of the Town, with base zoning in the Rural A (RA) Zoning District.
4. As zoned, the following uses of the property are allowed under the following Zoning Classifications:
 - Rural A (as of right): single-family dwelling; two-family dwelling; farm; farming; home occupation.

- Rural A with Special Use Permit: animal daycare, kennel or shelter; bed and breakfast; cemetery/crypt; educational facility; emergency service facility; family daycare/home; government facility; private stable; golf course or country club; religious use; temporary use as identified in Section 165-94; veterinary practice; low impact service business. **J. Langey pointed out that all this would be predicated on having sufficient acreage to do all the uses. He stated it was a two acre lot. He said there is a good chance that a lot of these things could not happen on this lot, unless they got a variance.**
- Commercial (CD) Overlay Zone (as of right): assembly, fabrication and packaging of previously prepared materials; bed and breakfast; business office; cemetery/crypt; construction services; daycare center; educational facility; emergency service facility; family daycare/home; funeral home/mortuary; golf course/country club; government facility; horticulture, landscape service, garden center, florist operation; hospital, clinic, healthcare medical office; packaging of pharmaceutical and/or food products; private club; public utility; publishing; recreational entertainment facility; religious use; sawmills; scientific and technical service; self-storage; silvaculture and associated processing; private stable; public stable; transportation; veterinary practice; warehousing.
- Commercial (CD) Overlay Zone with Special Use Permit: animal daycare, kennel or shelter; hotel & motel; outdoor seating/assembly area; restaurant; retail sales. **J. Langey stated that was conditioned on having sufficient area for these types of uses.**

5. The parcel as it exists consists of two (2.0±) acres with approximately three hundred linear feet (300 l.f.) of frontage on Route 20.

6. This area of Route 20 has been designated in the New York State “Route 20 Scenic Byway.”

7. Existing zoning in the Rural A District requires:

- Minimum lot area of three (3.0) acres. **J. Langey said they are grandfathered on this, the two acres is fine.**
- Minimum front yard setback is designated at eighty-five feet (85’) from the centerline of the abutting street **J. Langey said this is not grandfathered.** or fifty feet (50’) from the front property line, whichever is further;
- Minimum side yard setback is twenty-five feet (25’);
- Minimum required open space for building lot is sixty percent (60%); and
- Maximum impervious surface is twenty percent (20%).

J. Langey said all of these things would apply on that lot today, even at two acres.

8. Historically, the premises have been used as a single-family home for more than a century.

9. The premises were commonly known as the “Zephania Comstock Farm House.” The original residential building was constructed in 1830.

10. The main residential structure is a two-story frame structure with traditional gabled roofing.

11. The following modifications have been made to the home as documented by the owners of the premises:

- removal of front porch;
- replacement of original windows with vinyl windows;
- installation of laminate board/cedar fascia over original clapboarding;
- removal of certain decorative molding around windows;
- placement of siding within window frame areas, altering windowsill projection from 1.5” to 0.5”;
- installation of vinyl shutters;
- reduction in eaves;
- replacement and repair of asphalt shingles;
- installation of fiberglass front door;
- interior remodeling of kitchen and bathrooms; and
- alteration of interior plank floors.

J. Langey said all of this information was provided to the Board by the applicant.

12. The premises also contain a barn structure on-site. The applicant has submitted evidence suggesting that this barn structure is in a dilapidated state and has deteriorated over a long period of time. The structure is estimated to be leaning 15° to 20° from center. **J. Langey said this is from the applicant's report.**

13. Within the area of the premises, a second historic property is listed on the National Register of Historic Places and the New York State Register of Historic Places. This area is located across Route 20 to the east and is known as “The Maples.”

14. Other uses and structures in the main vicinity include residential homes, vacant parcels, farm land and to the west, Village shopping and service areas.

15. The Final EIS contains numerous photographs of the surrounding premises at Appendix A.

16. The premises immediately adjacent to the subject premises (to the west) (the “Stowell Premises”) was recently annexed into the Village of Cazenovia and there is currently pending for those premises an application to construct and operate a Nice N Easy Grocery Store with gasoline pumps.

17. The Stowell Premises are currently utilized as a multiple-structure storage facility housing construction equipment.

18. Other uses in the immediate area include a McDonald's restaurant, multi-tenant shopping center, motel, residential homes and diner. **J. Langey said all of the uses have been covered in the area.**

PART IV: ANALYSIS OF IMPACTS

19. Impact on Aesthetic Resources.

- The premises have been identified as a Town resource due to its listing on the National Register of Historic Places and the New York State Register of Historic Places.
- The Town of Cazenovia Comprehensive Plan lists such property in the Resource Inventory Map. (See Appendix E, Figure 111.3.1 of Town of Cazenovia - Village of Cazenovia Comprehensive Plan).
- The property is located along the Route 20 Scenic Byway Corridor (U.S. Route 20 Byway).
- The Final EIS provides a viewshed analysis for six (6) identified scenic areas listed in the Resource Inventory Map. (See Figure 111.3.1 of Town of Cazenovia - Village of Cazenovia Comprehensive Plan).
- Of the six (6) viewpoints (taken from the Town of Cazenovia Land Use Guide) analyzed in the Final EIS, the proposed action is not visible. **J. Langey said this is a conclusion that was in the F.E.I.S.**
- The site is visible from the Scenic Byway identified as New York State Route 20.
- There are no sidewalks; however viewing of this site would occur from local and long-distance traffic over Route 20, as well as biking and other intermittent users of Route 20.
- Vegetation and some screening limit and obstruct the view of the site from various neighboring vantage points. (See Final EIS p. 17).
- According to the Final EIS, travelers in the eastbound lane of Route 20 (traveling an average speed of 45 mph) enjoy a viewing angle of approximately two (2) seconds of time for this site. (See Final EIS p. 18). **J. Langey stated this was taken from the F.E.I.S.**
- The Final EIS notes that the removal of the structure and placement of topsoil and seeding for a grass covered lot will not create an objectionable view to travelers on Route 20.

- The proposal is to convert the parcel's usage from a single-family home with accessory structure to privately owned open space.
- The Final EIS contains photographic aerial views of the existing condition and proposed condition. (*See* Final EIS p. 19).
- The Final EIS contains elevation photographs of the existing condition (with the structures) and alternate elevation photographs of the proposed condition (*i.e.*, a vacant field). (Final EIS p. 20).

20. Impact on Historic Resources.

- The Final EIS contains an analysis of the potential impacts to historic resources created by the proposed action. (Final EIS pp. 21-23).
- The applicant offered the expert opinion of John Goodman, FAIA, Associates (AIA) in support of the applicant's position that the structures on the premises have lost significance in their historic architectural importance and should no longer be classified as a historically significant architectural building.
- Mr. Goodman appeared before the Planning Board on or about January 5, 2012 and made the following comments relative to the historic significance of the structures:
 - The house has been altered over the years through the utilization of modern building materials.
 - The house has been modified and covered, through periodic maintenance of the physical structure.
 - Modifications to the historic aspects of the structure are as follows: **J. Langey mentioned interior aspects as below:**
 - roof has been repairs with asphalt shingles;
 - kitchen and bathrooms have been remodeled;
 - back porch is not original;
 - back office is not original;
 - original plank floors have been painted;
 - original banisters need to be replaced pursuant to current Building Code (*see* Final EIS pp. 21-22);

J. Langey said this information came from comments made by Mr. Goodman.

- Mr. Goodman references New York State LPRHP's Technical Preservation Guide relative to maintenance and restoration of the exterior of historic buildings. He offered his opinion that pursuant to the Preservation Guide, preservation of the character of the siding of the

structures has not been followed and therefore the significance of that architecture feature has been compromised and lost.

- Mr. Goodman offered his opinion that due to the replacement of the windows, utilizing more modern window types, this important aspect of the historic character of the structure has been lost and was one of the most important features of the exterior of the home at one time.
- Mr. Goodman offered his opinion that the replacement of the original roofing materials with asphalt shingles has “taken away from the historic architectural significance of the structure.” (See Final EIS p. 22). *J. Langey stated these were Mr. Goodman's words.*
- Mr. Goodman has stated that all of the modifications to the building occurred by private owners within the requirements of applicable law and that the modifications have combined to compromise the historic importance of the structure. *J. Langey said he felt Mr. Goodman was saying that there was not any illegal changing of the building itself, the people operated within their rights when they did change it and the combination of all the things eroded the historic nature of the structure.*
- Town of Cazenovia Historian Sara Chevako placed into the record a history of the Comstock Property, as well as its owners. (See Final EIS at Appendix G).
- Included in the record was the original building structure inventory form submitted August of 1987 from the New York State Office of Parks, Recreation and Historic Preservation, Division for Historic Preservation. (See Final EIS at Appendix E).
- Oral and written comments from historic preservation consultant Ted Bartlett were received by the lead agency. (See Final EIS at Appendix E).
- Mr. Bartlett commented that the referenced list of modifications relative to the claimed loss of historic significance of the structure did not state whether they were reviewed within N.P.S. guidelines and the criteria for determining whether historic integrity was last deemed to be erroneous.
- Mr. Bartlett further notes that the property remains listed on the National Register of Historic Places and New York State Register of Historic Places.
- The applicant has addressed the comments received from Mr. Bartlett in the Final EIS.
- Correspondence was received from the Cazenovia Preservation Foundation citing the Village and Town Comprehensive Plan of 2008 relative to identifying, protecting and enhancing gateways to the Village. (See Final EIS at Appendix G).

- Comments were received from the CACC dated January 17, 2012 requesting additional review of the Long Form EAF and suggesting that preservation of the premises could be achievable by the applicant. (See Final EIS at Appendix G).
- The CACC has also provided a proposed redevelopment plan utilizing the existing building within the requirements of the existing Town of Cazenovia Zoning Ordinance. (See Final EIS at Appendix G).
- The applicant has responded to redevelopment of the premises by stating that there are no future development plans for the site at this time. **J. Langey stated this is something they have asked the applicant, he thought, 4 or 5 times.**
- The applicant has stated the property owner's right to modify, alter or raze a structure.
- The Town of Cazenovia has no local historic preservation law applicable to the proposal.
- The existence of the premises on the National Register of Historic Places and New York State Register of Historic Places provides no affirmative ban of demolition or alteration of the premises since no federal or state funding is involved in the project. (See 36 CFR Part 60, Federal Historic Preservation Act of 1966, NYS Historic Preservation Act of 1980). **J. Langey stated this comes from S.H.P.O. and the Federal regulations.**
- The Comprehensive Plan notes that "protection of local history has always been of primary concern and interest . . ." (p. 47).
- The Comprehensive Plan pays specific additional attention to Route 20 East (p. 160).
- On page 159 of the Comprehensive Plan, it states that *the goal of growth and development along Route 20 should "promote the preservation of cultural, historical, natural, and scenic resources and open space."*
- The Comprehensive Plan further makes the following statements:
 - p. 121 in Land Use & Zoning Goals: "Preserve the rural agrarian character that has historically influenced Cazenovia."
 - p. 121, Goal 3: "Identify, protect, and enhance all gateways to maintain the distinction of the Village character and the rural Town character." The Town and Village boards, including their Planning Boards were charged to do so.
 - p. 122, Goal 6: "Consider requiring site plan review for demolition of any buildings and future new development."

- p. 165: US Rte 20 East, Goal 3: “Protect, preserve, and enhance all natural, scenic, cultural and historic resources along Rte 20 East.”

54. The applicant was requested to provide alternative development plans (build-out plans) for the premises and has supplied same. (See Final EIS at Appendix H).

55. Reasonable alternatives considered in the Final EIS included no action, sale of the property in its existing condition, adaptive reuse and rehabilitation of the existing structures for commercial uses, allowing the relocation of structure by others and selective razing.

56. The Final EIS considered adverse impacts that could not be avoided if the proposed action occurs, including the actual removal of structures on the site. The Final EIS states that the creation of open space and green lawn would not be considered a negative aesthetic impact.

57. The Final EIS states that the aesthetic resource of the single-family home is of a limited nature since it is not public property and is only viewable from the adjacent roadway.

58. The Final EIS states that the loss of the aesthetic resource would likely impact only those who had previous knowledge of the significance of the structure.

59. Other identified unavoidable impacts would include certain temporary impacts such as construction noise and dust which would be mitigated through the use of standard construction practices and would be for a limited duration.

60. There are no additional reviews or approvals necessary should the action be approved.

61. All other areas of environmental concern have been reviewed and evaluated by the lead agency, including transportation, energy, open space, land, water, plants and animals, growth and character, agriculture, and the public health.

62. Proposed mitigative impacts to Historic Resources as proposed by the applicant shall include the offer to allow a third-party to remove the structure at third-party's expense for relocation to another site and the applicant will prepare a Level III (HABS/HAER Standard) Document of the resource utilizing the guidelines set forth for Architectural and Engineering Documentation (Federal Register pp. 43159-43161). J. Langey said this is basically a book about the property with photographic evidence and a report which is certified.

M. Napierala stated that was from very early on, when Steve Primo was involved.

J. Langey said he had to “capture” it in the document.

Additional Permits and Approvals Needed

There are no additional approvals necessary to undertake the proposed action.

J. Langey said the SEQRA review statement says that the Board has done their job for SEQRA by doing everything that was needed to be done with all the dates.

J. Langey read the certification of findings to approve/fund/undertake.

Certification of Findings to Approve/Fund/Undertake:

Having considered the Draft and Final Environmental Impact Statements and having considered the preceding written facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617.11, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met; and
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse impacts will be avoided or minimized to the maximum extent practicable by incorporating the proposed mitigative measures identified in this document (*i.e.* completing the Level III Documentation and allowing, at third-party expense, the disassembling of the main structure for reassembly off-site (upon reasonable terms of the applicant)).

J. Langey said the Board can choose which they will be. He said it can be choosing this Level III documentation or not or doing the Level III documentation and allowing the applicant to provide some reasonable time for the disassembly of the structure and moving it somewhere else or not. He said it does not have to be included but it is in there as a choice for the Board.

3. (And if applicable) Consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19 NYCRR Part 600.5, this action will achieve a balance between the protection of the environment and the need to accommodate social and economic considerations.

J. Langey told the Board this is a draft document and they can add to it, take away from it, or have a discussion. He said there can be a motion to adopt it and have a second and they have a discussion by all the Board members about how they feel about it. He then said, any Board member who wants to state how they think they are going to vote and the basis for their reasoning for their vote and get it on the record. J. Langey said if the Board votes "no" to this, the Board is saying there is too much of an environmental impact and they are not going to be able to go forward with their project. J. Langey asked the Board to articulate specific, factual reasons

for the "no" vote. He said if they vote "yes," they support what is in the document and there is enough in there for the members to feel the applicants did as much as they could under the circumstances in order to allow them to get to the site plan.

M. Palmer said the Board has to weigh the facts, as Planning Board members, and decide which ones weight the heaviest to support the approval or denial of the SEQRA. He said there are facts to support both positions. He said the Board has to decide if the facts support approving the demolition or the facts support that the property is important enough that it needs to stay.

J. Langey said if a motion is made it may bring the question to a head. He suggested a motion and get a second and have a discussion if the Board would like to adopt it or you would not and give reasons why.

M. Palmer said they need a motion one way or the other. He stated the Board has a positive resolution to adopt the SEQRA. He said the motion will open the table to discuss and move forward, one direction or the other.

Motion by Jennifer Basic, seconded by Tom Pratt.

M. Palmer said now the document can be discussed, before they take the vote.

M. Palmer said the Town adopted a Comprehensive Plan a couple of years ago that lists some of the goals of the community and it talks about commercial development and preservation of historical and cultural assets. He stated the property is on the State and Federal historical register which supports the fact the building is important. He stated the Town did not enact a preservation law and identify certain properties that would afford particular protection for the removal and/or renovation or modifications of those properties. He said it makes one wonder, without that law, what they have to stand on to deny the demolition. He said he "straddles" the fence.

A. Ferguson submitted her remarks to the file and read the following to the Board and the public: The applicant and FEIS do not adequately mitigate the impact on Aesthetic Resources and do not mitigate the impact on Historic Resources. This is based on three reasons which I will state briefly and then elaborate on more fully:

1. The demolition of a historic structure is contrary to the stated goals of the Comprehensive Plan, and specifically to its stated goal of preserving the gateways to the community;
2. The irreversible impact of the demolition on the entrance to the community and surrounding property, and negative impact on its aesthetic and cultural resources;

3. The FEIS fails to provide a compelling case that would support objective consideration of such demolition, nor a compelling case that it is in the community's best interests.

1. The demolition of a historic structure is contrary to the stated goals of the Comprehensive Plan, and specifically to its stated goal of preserving the gateways to the community.

a. While the applicant claims that the property is not architecturally "significant," there is no refuting that this structure is historic. At 180 years old and owned by just three families, it is historic. The Comprehensive Plan notes that "protection of local history has always been of primary concern and interest..." (p. 49). It notes this interest as evident in the 1984 Land Use Guide, the 1991 Resource Survey, and the Cazenovia Area Planning Project of 2001. This protection extends to historical structures that may not be deemed as "significant" – even though in the case of the Enders property, there is considerable testimony from experts that support it as a significant architectural structure.

b. The Plan pays specific additional attention to Route 20 East (p. 160), which had required over six months of additional study. The goal and subsequent outcome was to ensure a "distinctive character edge." The need for this separate attention had stemmed from prior efforts in 2006 that had threatened this area with sprawl, when two development projects had been resoundingly rejected by the public. The resulting Route 20 compromise (p. 98-102) called for, among other recommendations, protecting those elements that contribute to the community's character, specifically: *structures, landforms, vegetation, and circulation.* (p. 98-102).

On page 159, it unambiguously states that *the goal of growth and development along Route 20 should "promote the preservation of cultural, historical, natural, and scenic resources and open space."*

c. The many references to protection of historic and cultural resources throughout the Plan attest to the significance that the Town places on this, and recognizes that the community's physical assets contribute significantly to its intangible asset, its character. *She further stated there were various quotes that are included in the summary of the Findings.*

2. The irreversible impact of the demolition on the aesthetics of the entrance to the community and surrounding property.

a. As noted earlier, the Plan calls for the Town to maintain and protect the Town/Village edge and gateway. Bordering the hard line between the Village and Town, this home marks the gateway and is the hard edge between the Village and Town. This gateway was recently enhanced by the planting of a column of trees approaching the Enders farm. The approach, the existing structures, and site are consistent with the intent of the Scenic Byways Commission. Demolition of this structure for ultimate replacement by a non-significant, non-historic structure would degrade the Village/Town gateway.

b. The demolition of this structure in close proximity to the Maples and to the Romagnoli property – other community landmarks -- could place additional pressure on these structures and could threaten their long term viability. This could cause further degradation to the Village Town gateway area.

c. The FEIS notes that this structure is visible to passers-by traveling in automobiles at 55 mph for only four seconds – and therefore suggests that it would not be missed. This is a spurious defense.

d. Appendix D of the Comprehensive Plan is the Viewshed Composite. This specifically cites the Enders property as a Scenic Viewpoint. Demolition would be contrary to protection of this viewshed. The Plan calls for scenic resource protection and the "mitigation of visual impacts from land use actions" (p. 125).

3. The FEIS fails to provide a compelling case that would support objective consideration of such demolition, nor a compelling case that it serves the community's interest.

a. The FEIS rejects the feasibility of providing an adaptive reuse of the structure (p.24). It notes the stated intent of the demolition would be to allow for the construction of a yet unknown commercial

building. Without knowing what that future development is, one must assume that the potential consequences could be negative as much as one could assume positive.

b. Page 5 of the FEIS notes that “the expected value would likely increase with the removal of the property.” Hence, the intent of the demolition serves but one purpose: to maximize the profit derived from the sale of the property to another developer who may not wish to deal with the demolition or who does not wish to incur the enmity of the community as it attempts to establish a presence in that community. The precedent established of allowing demolition of historic structures for no known reason, other than profit, would seem contrary to the values of this community, and conveys a threatening prospect. I do not begrudge any individual the opportunity to make a profit or maximize an investment, but not at the expense of the community and future generations. Freedoms exist to protect individuals; governments exist to protect communities. The Planning Board, as an agent of the Town government, should stand to protect the community -- one which has stated its strong opposition to this proposed action.

H. Roszel stated A. Ferguson set forth some very good points.

M. Palmer stated the Board has not talked about landowner's rights and felt it needed to be discussed. He said by not allowing the owner to do what he wants to do with the building, they are in a fashion taking away some of his rights to use the building as he sees fit. He stated there is no town ordinance that says he cannot do it and it is on the historical register which even indicates he can do what he wants with the building including taking it down. M. Palmer asked the Board how that weighs into the argument and how heavy does it tip the scale in that direction.

T. Pratt said he sees this in a different way than A. Ferguson. He said he has looked at the area and understands the Comprehensive Plan talks about that Gateway and the house being the Gateway from the farmland to the village, itself. He thinks the Gateway is predominately the trees. He said you pass the trees and they are the gate to the village. He clarified the trees right in front of the "Stowell" property. He said as you pass through the trees it appears the village is developing more and more commercial there and the entire character of that area is changing. He said the building, itself has been dramatically changed over time and it was historic but has been changed. He looks at it like it is not the same building as it once was. He said if they are going to take the building down and restore it as a historic history in the form of a book or similar format; does make an acknowledgement of the history.

M. Palmer asked the question, if the Board allows the building to come down, when do they stop allowing these types of buildings to come down? He said on the other hand, if they start "tying" landowner's hands, and taking away their rights where do they stop doing that?

T. Pratt said not every building needs to be saved and said it is the Board's job to look at it and determine through the SEQRA process whether it has value or not.

J. Basic stated she does not feel our zoning-the Comprehensive Plan has given them the "teeth" as the Planning Board to object to the building being taken down. She said the community objectives need to be fortified by the law. She said the Planning Board does not make the law, but they have to follow it. She said as a community, from her perspective, if they are going to save homes like the "Comstock" home they need to have the power to do it and she does not think they do. She said there is no local historical law applicable to a proposal such as the one before the Board.

A. Urtz felt there is plenty of law to provide authority to the Planning Board to make the judgment. She said the problem is the law does not give the Planning Board a "bright line test" to make it easy. She thinks the Planning Board is where the law sits and there is authority, you have an environmental impact process and a record in front of you. She stated it needs to be decided what the record indicates. She said, for her, this analysis has never been that difficult. She said there are two provisions that the Board has identified as a concern from the start and they have found on the record the property once had and continues to have historic value. She stated it has been altered and it can be argued how historic is it? She said it is historic and she said you have to make your own judgment whether it is aesthetic. She asked the Board if it aesthetically contributes? She said there is a Federal agency and a State agency that said so in 1987 and reaffirmed the position in connection with the matter in the face of the contrary evidence. She said she is satisfied by several objective standards that it is historic and aesthetic. She said she asks has it been mitigated. She said the answer is "no" and there hasn't been adequate mitigation to address. She said you cannot address the elimination of something that once you accept. She thinks the authority is here. She said this is the traditional authority of the community to determine how they will plan, build, and develop.

A. Urtz stated she thinks the building is historic because of its age.

M. Palmer asked the question if every building over 150 years old is historic?

A. Ferguson said it does not necessarily need to be significant, but anything over 50 years by the State and Federal government is considered historical.

A. Urtz said it is a property that was used for farming purposes, for a long period in history. She said whether it is important depends on the current residents and the people that will follow us and it is not a hard question. She said Cazenovia is comprised of people that care about the soil-they care about the people that came before. She said Cazenovia is brought together by people who have a common interest in the history. She said there is a limited number of viewshed properties in a Town full of beautiful old properties and this is one of them. She said somebody in the position of authority and responsibility thought it was an important thing.

D. Bowers said he agrees with a lot of what A. Urtz said but he is on the other side of the fence.

H. Roszel said if there were limitations on the property before it was bought by the current owner it could make a difference. He stated when you throw up road blocks after the purchase, it is going to take away the landowner's rights.

A. Urtz said this developer bought it from a developer.

D. Bowers said who bought it from a homeowner. He said they could not sell it to another homeowner.

A. Urtz said they bought it knowing the history.

H. Roszel said there were no stipulations saying they could not do with it what they wanted to do with that piece of property.

D. Bowers said it is in a commercial overlay. He said the only thing he was surprised about was the lack of public outrage. He said there is over 8,500 people in the village and the town, and he came to the Town Office and went through the file and listed all the names and the letters in the file and when he did the math, it was about 2%.

J. Langey said the law says it is not a popularity contest. It is voted on based upon the record in the file when the motion is made. He asked M. Palmer when it is time for the vote, to do a roll call vote.

M. Palmer said it is interesting that the Town Board decided to put it in a commercial overlay district. He stated he wasn't sure if that meant that it should be torn down and replaced by another modern commercial building. He said possibly they thought it could be

modified to another use of a commercial nature. He said he has a hard time with the landowner's rights. He said it bothers him that somebody can decide this building is worth saving but another is not.

M. Palmer said the Board was ready to take a vote.

J. Langey said it is a vote to adopt the Findings Statement that he prepared. He said a "yes" vote would adopt the Findings Statement which would say that environmentally you can proceed on to the site plan. He further stated if the Board votes "no" the request is being killed to demolish the buildings because they did not get past the SEQRA part and the Board feels there is way too much environmental harm by it.

M. Palmer clarified by saying essentially if you vote "yes" you are saying the building can come down.

M. Palmer asked for a roll call vote.

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

J. Langey said this means that resolution is adopted and the Findings Statement is in place. He stated he also prepared a *Site Plan Approval Resolution* which he often does for large projects. He said the site plan approval has some minor findings that are based upon the criteria that are in Chapter 133. He said the review includes the following considerations that are all regarding the action.

1. the location, arrangement, size, design and general site compatibility of buildings, lighting and signs; J. Langey said there aren't going to be any.
2. the adequacy and arrangement of vehicular traffic access and circulation, J. Langey said there is not going to be any.
3. the location, arrangement, appearance and sufficiency of off-street parking, J. Langey said there will not be any off-street parking.

4. the adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience; J. Langey said there will not be any with this action.
5. the adequacy of stormwater drainage facilities; J. Langey said there will not be stormwater facilities.
6. the adequacy of water supply and sewage disposal facilities; J. Langey said there will not be any for that.

J. Langey then reviewed the RESOLVED clause of the resolution. He said there are minor findings in there and some are just restatements of what was talked about. He pointed out the discussion about the mitigations. He said the mitigations that he has in the approval resolution would require the applicant to do the HABS Level III Documentation. He stated D. Muraco offered to do that earlier in the process. J. Langey said he added the applicant may offer, at third-party expense, the opportunity to disassemble the single-family structure for relocation upon terms set by the applicant with said third-party. He said that was another offer made by D. Muraco early on that if someone wanted to move at their expense he would accommodate them. J. Langey said he wants the Board to be careful of that condition because it should have a time frame. He said the Board could eliminate that condition all together if they did not like it. He said it was offered, so he included it in the resolution. J. Langey said also appropriate erosion and dust control shall be in place. He said the site should be clear of all materials and the building shall be removed, reused or relocated. He further said the lawn should be replanted and reseeded per the submitted plans, etc. J. Langey said the question for the Board is the two conditions: the HABS and the building relocation. The conditions would pertain to the single-family structure only.

The Board discussed the time frame and terms for the building relocation. They decided on the end of 6 months as an appropriate time frame for the third party to have the building gone.

J. Langey said it has to be on his terms because he is not going to want it at his expense. He said if no one wants to remove it in 6 months, the condition goes away and it can be demolished at that point.

J. Langey confirmed D. Muraco said it would only be the house, not the barn or the shed for relocation. He also said D. Muraco is going to want someone to have insurance on moving the building.

The Board agreed they were okay with both of the conditions.

Motion by Hugh Roszel, seconded by Tom Pratt to approve the site plan with the two conditions as discussed, was carried as follows:

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

J. Langey said the resolution will be completed by him, he will provide to the Chairman who will sign the resolution and it will be filed in the Town's records. He said if anybody needs to take an action; the rule of law in New York State is 30 days to bring a court action against an action of the Planning Board.

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

Matt O'Reilly of Aspinall's Landscaping and Michael and Paula Fallon were present to represent the application.

M. Palmer said they started out with 16.9% impervious surface and post-development it will be 11.2% based on their figures.

J. Dunkle stated he did not disagree with the calculations but he wondered if the number represented existing condition before the whole project started or before they came back for this round of revisions.

M. Fallon thought the 16.9% was when they purchased the property.

J. Dunkle said they are showing a net reduction in impervious surfaces and it is for two reasons: the tennis court and the impervious driveway where they are turning about 60% into permeable pavement which allows for a 50% credit for permeability. He said, overall, they are demonstrating that they will reduce the amount of hard surfaces from what existed when they purchased.

J. Dunkle confirmed they do meet the zones including in front of the lake. He stated they are not changing what is there. He stated the "purple" is impervious.

M. Palmer stated it is preexisting and not up for their discussion, even though it is partially in the C.E.A. He said it exceeds the impervious surface for Zone A, but it is existing, therefore, it is not on the table.

M. Palmer said the plan is in good shape in regards to impervious surface calculations.

M. Fallon said they wanted to mitigate the water damage to the house. He said the reclaimed has always ran to the lake and will now be used for better purposes. He said the roof lines and sills of the house; drains to the house because of the slope of the driveway. He said they have tried to redirect it into reclamation tanks.

J. Dunkle said he reviewed the plan and he thinks they have some good ideas to collect the roof top runoff, and through rain collection devices they are proposing to reuse some of the water. He stated his concern, at the last meeting, was if they do not use the water what would happen to it. He said they have provided dry well overflows on both and if they do not use the water it will be infiltrated into the ground.

J. Dunkle said on the permeable pavement section provided if the infiltration can't handle all the runoff there are overflows that will flow to a drywell. He said there are two drywells and connections that overflow out to the ditch. J. Dunkle had a couple of comments on the technical design of the permeable pavement. He said they probably do not want to use a woven textile because it is too tight and it will not promote infiltration. He stated they should use a non-woven fabric.

J. Dunkle said for infiltration to really work well, the permeable pavement should be level or the soil underneath should be level. He said if it isn't it forces all the infiltration to occur at the low point.

M. O'Reilly confirmed the infiltration face will be level.

J. Dunkle said they reduced the hard surfaces and did a good job to promote infiltration.

M. Palmer stated the tennis court will now be a garden area.

M. O'Reilly said they are removing all the juniper and they are not replacing them. He said that whole area will be put to lawn.

M. O'Reilly said he met with D. Ferlow at the site and he proposed some additional native plantings in that area. He said in the areas where the grade is steep and there is significant erosion; D. Ferlow suggested to stick boulders into the side of the bank to stabilize and have plantings to prevent further erosion.

M. O'Reilly said it is notated on the drawing and that there will be native plantings installed in some areas and he showed the areas they were proposing to put boulders in where the boulders show and there will be plantings in amongst the boulders.

M. O'Reilly said it is on the bank it is not in the water. He said the grade drops down and then there is rip rap which drops another foot and then the water edge. He said they did not plan on working in the water so they did not need a D.E.C. permit.

M. O'Reilly said the brick walls were about 3' tall and then there will be perennial plantings in front. He confirmed the plantings will be on the side near the lake. He said the upper wall can't be seen because of the grade.

D. Ferlow said the second wall is very hard to see because the land is flat and then it drops steeply.

D. Ferlow said his comment is in regards to the placement of the boulders and the plantings and the area of the plantings related to the existing trees. He said there is a great deal of detail in the plan near the house and perhaps the Board should consider with the sensitivity to the lake more detail of what is going to happen at the lakefront. He stated there are some very subtle things and there is some repair work, replacing the shed and a wall that is failing that needs repair. He said they are all items that must be done and how the plantings fit into it is important, too. He thought it might behoove the Board to have a little more detail. He also said the types of plantings is important, too. He provided a sample list of potential plants that would be under 5' that would be small and low growing and appropriate for along the lakefront. He mentioned a few of the plants

that would work for the area that would not block the view of the lake. He suggested a little more detail for along the lakefront regarding where the plants will be placed.

M. O'Reilly said when he was at the meeting last month he was asked specifically not to go into detail in the areas and just notate.

M. Palmer said the area adjacent to the water is a Critical Environmental Area and they are particularly concerned with the construction down there, what and how it is going to happen.

M. Fallon said it is his 4th trip to the Planning Board and the property is now in disrepair and they just want to restore and protect it. He said they need some work done because it is going to be a deprivation of usage for them. He said nothing at the lakefront is changing, and if anything they are just going to try to improve it. He said they can work through plantings or anything else that needs to be done with the Board but he does not want the project held up any longer because they will run into trouble with erosion and a dysfunctional lot.

J. Basic said the planting list provided by Don is the types of plants that the Board would like used. She said she would not have a problem approving a plan subject to more detail down near the lake so they could proceed with their project except down near the lake.

Some members of the Board agreed with J. Basic.

M. Fallon said the access to the lake is going to go right through an area that would already be completed and would be destroyed. He did not want to load heavy equipment on the driveway to get to the lake and drive over the storage tanks on each side.

M. Fallon said down near the lakefront there is an existing masonry patio with a wooden deck and both the wall and the deck are collapsing. He said it is all existing but deteriorating and is eroding into the lake. He said they just want to replace. He said the wood would be replaced with stone to match.

J. Dunkle said, in regards to near the lake, he looked at it from an impervious replacement drainage management standpoint. He said from what is currently there to what they are doing, it is probably not a lot of change. He said they are doing some internal drainage to help the structure function better. He said it is basically impervious surfaces right next to the lake that runs right into the lake and it will do it with the new design.

M. Palmer pointed out there was a drain tile.

J. Dunkle said the drain tile will help pull it back a little and provide a small interface with the soil that is not there now.

M. Palmer asked J. Dunkle if semi-permeable pavers would work good down near the lake.

J. Dunkle said yes, but that is not what was being proposed.

M. O'Reilly said that will not match the pavers of the upper patio.

M. O'Reilly said, down near the lake, they are just changing the top and there is a concrete base and they are adding a center drain on the top surface to collect the water on top. He said they will saw cut the existing concrete and trench it out and pitch it back.

D. Ferlow said, in regards to the slope, there was the beginning of erosion and bare soil. He said there are short plants there. He said, in the areas of erosion, they talked in the field about adding plantings to the areas and that is what they are proposing.

M. O'Reilly said on the left side they can add about 8-12 potential shrubs and it was not on the proposed plan but something that D. Ferlow recommended.

M. Palmer asked R. Cook if there was enough detail to observe and inspect.

R. Cook said with the material list that D. Ferlow provided and what the applicant can provide and as long as the areas are specified; he feels confident.

J. Basic asked if Roger Cook should be present when the boulders are placed.

R. Cook said certainly and D. Ferlow could be present, too.

D. Ferlow said there are old rotted stumps and the earth is falling out around them. He said at the site he suggested the stone effects and plantings that would give a nice aesthetic feel to repair a major feature along the lake that had deteriorated. He said it is primarily in the area near the shed.

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 plans subject to D. Ferlow and R. Cook being present for the placement of the boulders was carried unanimously.

J. Langey requested the applicant provide a list of all the drawings, the titles, dates and who prepared them in a list and that is what will be approved. He stated the drawings should have the calculations on them.

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

J. Langey stated he captured the site plan with the subdivision all in one motion.

See pages 2 and 3 for the land subdivision section.

*Owahgena, LLC - Site Plan Review - 1330 Owahgena Road
File # 12-824 (Jen Basic)*

M. Palmer said the site plan can be done when they come back to build a house.

J. Langey stated the SEQRA was done already.

*David Reed - Site Plan Review - 1642 Hedge Lane
File # 12-826 (Anastasia Urtz)*

Tom Pratt and Dale Bowers recused themselves because they were representing Mr. Reed.

T. Pratt represented the file for Mr. Reed.

D. Bowers said they were just looking for the letter from the County.

The SEQRA was done at the last meeting.

Motion by Jennifer Basic, seconded by Hugh Roszel to approve the site plan was carried as follows:

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

*Hugh & Allisyn Roszel - Site Plan Review - 2075 Wright Road
File # 12-827 (Anastasia Urtz)*

Hugh Roszel recused himself since it was his application.

H. Roszel said the G.M.L. wanted verification that it is within 25' and it is at 29'.

The SEQRA was done at the last meeting.

Motion by Tom Pratt, seconded by Jennifer Basic to approve the site plan was carried as follows:

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

*John D'Elia - Site Plan Review - 3293 West Lake Road
File # 12-828 (Anastasia Urtz)*

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

*Frolic Taylor - Site Plan Review - 4117 Burlingame Road
File # 12-830 (Hugh Roszel)*

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

*Donald Burdin - Minor Subdivision (1) - East Road
File # 12-832 (Anne Ferguson)*

Donald Burdin was present to represent his application.

D. Burdin showed a map to the Board from the last subdivision and said he wanted to do another subdivision.

D. Burdin said he wants to subdivide the property with a line through the property to make two lots out of the 39.76 acres and he wants to do a line change for 50' for Dave Vredenburgh.

D. Burdin said he wants to keep enough frontage for the lot near the line change for D. Vredenburgh.

M. Palmer said he had 310'.

J. Basic said 250' is needed for residential and 300' for commercial.

M. Palmer helped D. Burdin with the line change calculations on the map so he still met the requirements. He stated he did not like the jogged line and he would rather see a clean one since he has the room to do it.

M. Palmer said the conservation subdivision does not need to be done because at the work session the Board did not think it was necessary. He stated the land in the back was unbuildable and the building areas are up front.

D. Burdin said both lots were perc tested and he does not have a current map.

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 move to a public hearing was carried unanimously.

M. Palmer said sight distance needs to be demonstrated, if it has not been already.

D. Burdin said he can have Madison County come out again.

M. Palmer said both driveways should be verified and D. Vredenburg needs to do new maps. He stated the perc test and deep hole test and results need to be on the map. The 50' to D. Vredenburg should be on the map and the sight distance.

*Janet Enders - Site Plan Review - 2002 Overlook Terrace
File # 12-833 (Tom Pratt)*

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

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 was carried unanimously.

M. Palmer initialed and dated the plans in the file.

*Gordon & Stephanie Fesenger - Line Elimination (1) - 3086 East Road
File # 12-834 (Anne Ferguson)*

James Stokes was present to represent the application.

J. Stokes said they are just eliminating a lot line between two existing lots to create an 11 acre lot for the construction of a single family residence. He said they are eliminating the flag. He said it was part of an approved subdivision.

He said it ends up being a better lot from a planning standpoint. He stated there is 300+ feet of frontage and they will no longer have a flag lot.

M. Palmer said it was Lot 6 & Lot 7.

J. Stokes said the house will be at the base of the ridge.

Motion by Hugh Roszel, seconded by Dale Bowers 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 move to a public hearing was carried unanimously.

*Gordon & Stephanie Fesenger - Site Plan Review - 3086 East Road
File # 12-835 (Anne Ferguson)*

See pages 33 & 34 for the line elimination section.

RECOMMENDATIONS TO THE ZONING BOARD OF APPEALS

*John D'Elia - Area Variance - 3293 West Lake Road
File # 12-829 (Anastasia Urtz)*

Mr. and Mrs. D'Elia were present to represent their application.

J. D'Elia confirmed they needed a variance because they are too close to the road and it is their second building not attached to the house on the property.

The D'Elias showed pictures to the Board of their property.

J. D'Elia showed pictures of some garage samples to the Board.

The D'Elia explained the layout of the property to the Board.

J. D'Elia said the garage will go off to the side of the house.

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

M. Palmer explained the meeting process to the applicants.

*Frolic Taylor - Special Use Permit - 4117 Burlingame Road
File # 12-831 (Hugh Roszel)*

Frolic Taylor was not present to represent her application.

J. Langey stated F. Taylor pointed out a valid point. He said, under this law, she is allowed up to two events per year. He said instead of her coming in for each event, they will be taken care of in one trip to the Planning Board and Zoning Board of Appeals. He said he met with R. Monforte, R. Cook and some other Board members about a policy. He stated from an interpretation standpoint, there is nothing in the regulations that does not allow the Planning or Zoning Board to consider both dates at the same time when she knows when they will be. He said they can put it in the hands of R. Cook to issue the permit at the time of the events.

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

At 9:50 Frolic Taylor appeared in front of the Planning Board to represent her application.

F. Taylor confirmed everything is the same as it has been in the past: same # of people, porta-potties, cars and the same parking area.

F. Taylor stated she did not have the second wedding yet, she is just doing the first one.

F. Taylor said the first date is 7/28/2012 and there may be a second and she will be back.

At 9:52 p.m., motion by Dale Bowers, seconded by Hugh Roszel to adjourn the meeting was carried unanimously.

Connie Sunderman - Planning Board Secretary - May 11, 2012