

Town of Cazenovia Planning Board

Meeting Minutes

June 7, 2012

Members Present: Michael Palmer, Chairman; Anne Ferguson; Tom Pratt; Hugh Roszel

Members Absent: Jennifer Basic; Dale Bowers; Anastasia Urtz

Others Present: John Langey, Esq.; John Dunkle; Roger Cook; Don Ferlow; Kristi Andersen; Graham Egerton; Anne Redfern; Donald Burdin; Eunice Burdin; James Stokes; Margaret Ridings; Vincenzo Fusco; John D'Elia; Teresa D'Elia; Frolic Taylor; Paul Brown, Kathleen Brown; Matthew O'Reilly; Laurence Harris; James Hagan; Phillip Cunningham, Tracie Cunningham; Mayer Louis Kruth; Jo Anne Gagliano; Peter Muserlian, Ben Reilly; Timothy Moore; Dennis Gregg; Judy Gianforte; Rita Greenberg

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

The deadline to be on the next meeting agenda is June 20, 2012.

The next regularly scheduled meeting is July 5, 2012.

The next work session is June 28, 2012.

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

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

HEARINGS

*Donald Burdin - Minor Subdivision (1)/Line Change (1) - East Road
File # 11-832 (Anne Ferguson)*

Donald Burdin was present to represent his application.

D. Burdin said it is a 2-lot subdivision, 1 lot on each side of the house and the house was previously subdivided. He said the line change is not going to happen with D. Vredenburg, at this time.

M. Palmer stated it is a simple 2-lot subdivision.

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 Hugh Roszel, seconded by Tom Pratt to close the public hearing was carried unanimously.

Motion by Hugh Roszel, seconded by Tom Pratt to appoint the Planning Board as Lead Agency for purposes of the State Environmental Quality Review Act (SEQRA), to affirm the matter an Unlisted Action and to make a Negative Declaration, all based upon the Board's review of the Short EAF, to approve the subdivision was carried unanimously.

The Board secretary explained the map process to D. Burdin and stated he would get a letter that would also give the instructions.

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

James Stokes, Esq. was present to represent the application.

J. Stokes confirmed it was a lot line elimination on East Road and it was a flag lot before. He said off of East Road the lot was in the back just connected by the driveway. He said the dash line on the map is the line they are eliminating and creating one single lot of over 11 acres.

M. Palmer stated it is also for a site plan review.

J. Stokes said it would be appreciated if both could be done.

M. Palmer said there is a 200' setback and the normal sideline setbacks. He did not think a building envelope was needed.

J. Stokes said he also submitted a drawing that showed the proposed location which will be way back, and the proposed well location which is up gradient from the proposed septic.

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

Motion by Hugh Roszel, seconded by Tom Pratt to approve the subdivision and site plan was carried unanimously.

J. Langey stated the SEQRA was done last month.

LAND DISTURBANCE/SITE PLAN REVIEW/SUBDIVISION

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

Margaret Ridings was present to represent her application.

M. Ridings said she thought they were down to the last issue regarding the driveway. She said they did a test on the speed limit which isn't 55 and the County agreed. She confirmed the County set up an instrument for a week. She confirmed Madison County is happy with the proposed driveway and said there is good sight distance and they lowered the speed limit to 44 and 42 and the placement is now approved by Madison County.

Motion by Hugh Roszel, seconded by Tom Pratt to approve the subdivision (1) was carried unanimously.

J. Langey stated the SEQRA was done last month.

The Board secretary explained the map process to M. Ridings and stated she would get a letter that would also give the instructions.

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

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

M. Palmer said the Zoning Board of Appeals approved the variance. He confirmed it was for the placement of the garage. He reminded the Planning Board that a letter of positive recommendation was sent to the Zoning Board of Appeals for the placement of the garage.

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.

The Board secretary gave the applicants a building permit application.

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

Frolic Taylor was present to represent her application.

Frolic Taylor read a letter that she submitted to the Board which stated the following: I, Frolic Taylor, request your approval for a second wedding, the "Stobs Wedding," on September 15, 2012 at "Deer Hill," 4117 Burlingame Road, Cazenovia, NY 13035 using the exact same location of facilities as per submitted and approved for the "Hoover Wedding" on July 28, 2012. On May 30, 2012, the Cazenovia Zoning Board of Appeals unanimously approved both above stated weddings under our new agreement of two weddings and receptions per year on my property. It is my understanding with the Town of Cazenovia

that therefore I will not be required to submit another site plan and SEQRA Review, nor pay fees for "The Stobs Wedding" special event on my property.

J. Langey and R. Cook confirmed that was the agreement. R. Cook said the ZBA also approved.

F. Taylor inquired if she was required to notify the abutting neighbors?

J. Langey said this is the last time she will have to do it for this year. He said next year when F. Taylor comes in she should get them both approved at once.

F. Taylor stated she might not have both dates.

J. Langey said each year she comes in one time and both get done.

M. Palmer said it would be good to add that the applicant has an obligation to notify the neighbors in advance.

J. Langey said it could be a condition of the one approval she gets each year that "X" number of days prior to each event a written notice will be provided to the neighbors.

M. Palmer said the Board does not have to know when the second wedding is but she should make sure she notifies the neighbors.

J. Langey said it is nice to know when the dates will be, but if she does not know he does not think it is a "deal-breaker" for the Board.

Motion by Hugh Roszel, seconded by Tom Pratt to appoint the Planning Board as Lead Agency for purposes of the State Environmental Quality Review Act (SEQRA), to affirm the matter an Unlisted Action and to make a Negative Declaration, all based upon the Board's review of the Short EAF, to approve the site plan was carried unanimously.

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

See pages 2 & 3 of the line elimination section.

*Daniel Mongeau - Site Plan Review - East Road - Lot #5
File # 12-836 (Tom Pratt)*

No one was present to represent the application because the file was deemed "low impact" at the work session.

T. Pratt stated the applicant wants to move his driveway from the original subdivision. Mr. Mongeau wants to move the driveway from one side of property to the other. He further stated at the work session, it was deemed "low impact."

Motion by Tom Pratt, 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.

*Paul Brown - Site Plan Review - 2928 West Lake Road
File # 10-727 (Jen Basic)*

Paul Brown, Kathleen Brown, and Matthew O'Reilly of Aspinall's Landscaping were present to represent the application.

P. Brown said they were asked to come back in the Spring with their landscaping plan.

M. Palmer said they approved the site plan except for the plantings. He said they looked at the plan at the work session and noticed they added a deck at the lakefront.

P. Brown said it is a proposed patio of stone.

M. Palmer inquired if a variance would be needed because it is in the C.E.A. and within the 100' setback.

M. O'Reilly said it was a permeable paver patio.

R. Cook said structures are not allowed to be built.

P. Brown said it is stone on gravel.

R. Cook said the patio is not a structure. He said allowed is up to 5% of the area in the 20' back from the lake in the C.E.A.

M. Palmer explained to the applicant if it was a structure they would need a variance. He said R. Cook made the determination the patio is not a structure.

M. O'Reilly said the patio will be made of a permeable paver system.

M. Palmer inquired what was being done at the shore line with the patio.

M. O'Reilly said along the shore line is a similar scenario to the "Fallons." He said there is a bank that they want to preserve because a patio area in close relation to that; would be hard to maintain the area between the patio and the lakefront that tapers down to the lakefront. He said they are proposing putting a few boulders into the grade and do plantings on the slope between the patio surface and the lakefront, just to make sure that everything is held.

K. Brown said boulders are already there.

M. O'Reilly said they are just trying to clean up the area. He confirmed there was not a section submitted showing this.

M. Palmer inquired what the impervious surface was in the first zone back.

M. O'Reilly said he only has the overall, not the first 100'. He said originally it was done.

T. Pratt stated his numbers do not match EDR's sheet.

M. O'Reilly said he was showing the revised site plan which included the walkway and patio area. He said the walkway is going to be made of permeable pavers and he colored it on the drawings. He said it is figured on 50%.

M. O'Reilly said he figured it on 50%.

M. Palmer said permeable pavers are called 50% impervious. He gave an example for the Board.

M. O'Reilly said this scenario was 1,000 sq. ft. so he calculated 500 sq. ft.

M. Palmer stated they need to know the percentages in the first zone. He said the total site is there but not the first zone. He said it does not look like it is going to exceed the 5% of the first 20' of shore line. He did the calculations and came up with 6700 sq. ft at 5% and got 336 sq. ft. of allowable.

M. O'Reilly said it is about 480' and then the walkway.

M. Palmer said with the 50% credit, they are at 240 sq. ft., so it is less than the allowable.

M. O'Reilly said the patio is a permeable paver with clean stone below and a French drain back to the property. He said it is a traditional permeable paver installation and there is strict criteria for what is considered a permeable paver for the percentage of void space and per sq. ft.

D. Ferlow confirmed permeable pavers work if they are installed correctly.

M. Palmer said typically the Planning Board asks for a section of the paver construction when they give approval for a plan like this. He said it should show the base, gravel, drainage, paver and where the drain tile will go. He inquired if the drain tile will go to underground storage, a dry well, and what would happen to the water and how much will there be.

M. Palmer said enough guidance has to be given on the drawing so R. Cook can make sure the work approved is being done.

M. Palmer asked the Board if they wanted to approve contingent upon getting the details. He said it is a matter of coming up with the schematics. He further stated they would not be able to proceed until the Board had the detail.

The Board agreed.

M. O'Reilly confirmed he could have the detail by tomorrow, Friday, 6/8/2012.

D. Ferlow said gravel is not the best permeable material, voided stone or crushed stone layers are more permeable. He said he went to the site and it is a very low lying area next

to the lake. He said if they bring the drainage back to a dry well it is critical. He asked if they were adding to the groundwater table and if they had storage capacity.

J. Dunkle said if they are going to consider the patio area to be 50% impervious-the underdrain system, if it simply goes to the lake will short circuit the whole process and the run off will go into the lake anyway. He said if there is any way they can do without an underdrain storage and rely on the underlying soils to work or take the underdrains to a dry well area. He said if they go to the lake it will defeat the whole purpose.

M. O'Reilly did not plan on putting a drain tile in and funneling the water and into the lake.

M. O'Reilly said around the perimeter of the property they are adding evergreens to add additional privacy from some of the other camps on the lot. He said beyond that there is nothing down at the lakefront. He stated his drawing just showed existing trees that are on the site. He said there will be a walkway down to the lakefront and a small patio area. He further stated that is the area that they were adding in some boulders and some soil-stabilizing plantings between the lakefront and the patio area.

M. O'Reilly confirmed nothing is changing down at the shore line until you get to the patio. He further confirmed the trees on the planting plan near the house will be added and a few shrubs and boulders near the lakefront.

M. Palmer said regarding the topography there is no steep grades. He showed the Board photos from the file and described the view points.

R. Cook said there is a whole drainage system that collects everything from above the house and down the driveway and goes into an underground drainage system.

M. O'Reilly said the plantings down at the lakefront are a small Japanese maple, a couple of boxwoods, hostas, hydrangeas, ornamental grasses, and daylilies. He said a lot of that is between the boulders. He said there is also a small cypress evergreen off the corner.

D. Ferlow said from a conservation standpoint there is more ornamental than native. He said it would be nice to see some native plantings along the lakefront.

M. O'Reilly said there are ferns and daylilies.

D. Ferlow said ferns are native but daylilies, technically are not native. He said boxwoods and Japanese maples are also not native. He further said the plant list has native and ornamental plants on it.

M. Palmer said at this point the Board is considering approving the plan conditioned upon a receipt of two additional drawings. The first drawing should show the sections through the patio down by the water and the other showing a redesigned planting plan down near the water introducing some native plants before they get a permit.

M. Palmer said the dimension on the patio was 480 sq. ft.

P. Brown said the patio was kidney-shaped.

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 with the condition of receipt of the two additional drawings was carried unanimously.

*Larry & Ann Harris - Site Plan Review - 2070 Sunset Lane
File # 12-822 (Anne Ferguson)*

Larry Harris was present to represent his application. He stated his architect, James Hagan, would be right along.

L. Harris stated he is here to revisit a site plan that was approved. He said he is rebuilding his camp property and originally they were going to rebuild on its existing platform structure. He said J. Hagan is redrawing the plans to take it off of pillars and place it on a concrete foundation with a crawl space. He said there would be no change in the height and everything is identical and it would be in the same spot.

M. Palmer said at the work session, storm drainage was discussed, since equipment will be done there. He said they thought a French drain would be fairly simple. He said he wonders if there is a more efficient way to take care of the water coming off the roof since there will be equipment down there. He further stated he understood the lot was not very big. He said originally he did not want the applicant to have to bring in a machine

for the drainage, but now they will need a machine anyway and now would be the time to consider what could be done to improve the drainage of the site.

L. Harris said they were going to put French drains in and there is a lot of existing tree structures on the site.

J. Hagan joined the conversation and M. Palmer advised him of the discussion on stormwater drainage.

J. Hagan pointed out the location of the septic field on the site, the parking area, and the trees in the front and side yard. He said digging would disturb the trees. He stated they had talked before about a French drain that would wrap around the front and down the side of the house.

J. Hagan said gutters could be added but the plan does not show it at this time.

J. Dunkle said on the one side there is space to collect the roof runoff into a drywell. He said it will not take up a big footprint or cause a lot of disturbance.

M. Palmer said the French drains would work for the sheet draining.

J. Hagan confirmed there will be silt fence.

M. Palmer wanted silt fence, gutters, French drain and dry well added to the drainage plan.

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 reaffirm the matter an Unlisted Action and to make a Negative Declaration, all based upon the Board's review of the Short EAF, to approve the site plan with the condition of a drainage plan that shows French drains, dry well, silt fence and the gutters was carried unanimously.

L. Harris said target date to start construction is September.

*Phillip & Tracie Cunningham - Site Plan Review - 4304 Route 92
File # 12-837 (Anastasia Urtz)*

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

See pages 19-22 for a partial approval of a site plan on work that did not require a variance that was part of the recommendation conversation.

*Mayer Louis Kruth - Site Plan Review - 5248 Oweria Point Road
File # 12-839 (Jennifer Basic)*

Louis Kruth and Jo Anne Gagliano of EDR Companies were present to represent the application.

J. Gagliano stated, when they spoke at the work session, a concern came up and everyone seemed to think it was a wet-laid wall. She said they were told they would get the pending approval, from the State on Monday or Tuesday. She said it is not wet-laid. She stated they have changed the language in the application for them and she submitted a copy to the Board. She said it states the removal of the existing concrete blocks and the placement of new precast concrete blocks. She said it is a pure replacement. She said, the D.E.C. will have on the permit which is typical for any permit during summer months, that the construction will have to occur after July 15th because of the habitat.

J. Gagliano confirmed there is about a half of dozen precast concrete blocks that have decayed and they are going to replace them.

J. Gagliano said the detail that was included also went with the permitting. She said it is simply laid in there in the place of the others, same size and shape.

J. Gagliano said there is nothing wet about it.

L. Kruth confirmed it will be a one-day operation.

M. Palmer inquired about silt fence.

J. Gagliano said there will be requirements that come with the permit.

M. Palmer said they will probably use an excavator.

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 reaffirm the matter an Unlisted Action and to make a Negative Declaration, all based upon the Board's review of the Short EAF, to approve the site plan with the condition that they follow any instructions from the D.E.C. permit was carried unanimously.

J. Gagliano asked R. Cook if he would like a copy of the permit.

R. Cook said they typically send one to the Board. He further stated if EDR sends one the Board will be certain to have a copy.

*Owera Vineyards - Site Plan Review - 5276 East Lake Road
File # 12-840 (Dale Bowers)*

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

J. Gagliano said she would address some of the things they talked about at the work session. She stated this is a completely separate application because J. Langey instructed it should not be a modification.

J. Gagliano showed the Board the overall site plan drawing and explained the layout. She said the additions to the existing site plan as approved were a non-permanent tent structure that is a seasonal-frame tent. She said it is about 4,000 sq. ft. and is 40' x 100'. She said in front of it is the restroom/catering building that is actually going to be placed at the Southern end of the parking in lieu of the other building that they showed on the original which was the pumphouse for the well. She said the other addition is the asphalt parking lot of 112 spaces and more stormwater management to comply with the regulations and accommodate the new additions that they are presenting. She recapped what was discussed at the work session and said that traffic and visibility of the additional features are of importance to discuss. She said they readdressed and she showed pictures to demonstrate the visibility. She showed pictures which showed part of a framed tent and they labeled the top of the building by putting a cone on top of a 2x4 and scaffolding. She said the framed tent sits behind it and the corners were shown. She said they could not run it all the way across due to the grade drop but she felt it gave a good sense. She says as it goes deeper into the vines it disappears more. She said from the roadway on North

Lake Road or heading south there are a few openings where you can see the cone, so you would see the building which is in the same character as the rural barn building. She stated from a few places you get a glimpse of the event building but this is taller than the tent.

P. Muserlian said he took photos from three gaps. He said he tried to get every gap there was.

J. Gagliano said the buildings were 22' (event building) and 19' (tent). She said from a visibility standpoint that was the best way to understand how it feels on the site and from a distance.

J. Gagliano addressed the traffic with the Board. She said they went back to their traffic report and reviewed what was approved and made part of the file for the original. She stated they wanted to compare the numbers of cars so they could understand how it would be different. She said there is a difference. She said the original was based on this facility in combination with the tent (375) and the tasting (125). She said if you convert it by the conversion that the traffic engineer used which was 2.5 people for the tent and 2 people for the tasting. She said there were 213 cars. She said if the whole project is looked at including these two it would be 375 people in the tent and the tasting has moved but is smaller and is 25 cars because there are about 50 people that can be in the tasting. She said the tent is about 125 people. She said when you compare the two the difference is about a 12 car difference. She said if everything was run concurrently it would be 12+. She said if the tasting was going on, the tent with a wedding in the building and another function they would not exceed the numbers that the Planning Board approved them for.

M. Palmer said the last time they were here they said that was not the intent.

J. Gagliano pointed out that when the study was done it was looked at in a large capacity.

M. Palmer said it concerned him that they are talking about having two events at the same time when the understanding the last time they were here was that there would not be two events at the same time. He said he wants to understand, are there going to be two events going on at the same time?

J. Gagliano said they would possibly have tasting.

M. Palmer said 20-30 people is tasting and that is not what he is talking about.

J. Gagliano said her point for traffic study is that it is not a true study it is a report that was done for the Board and it would still stand for a project that has all 3 of the parking areas.

J. Gagliano said it was not approved by cars, it was by people. She further said it was by in and out and times, the traffic peak rates. She said she tried in a broad brush way because the question was asked how the traffic was different.

A. Ferguson said in the original plan the parking lot was not there (the parking lot by the tent.) She said the original plan called for 500 people.

J. Gagliano said it is broken down by 2.5 people per car.

Some Board members wondered how they could only be adding 12 cars.

J. Gagliano said they based it on occupancy and not parking. She said they put in the amount of parking they thought they needed for the facility. She pointed to the shaded green area on the drawing and said it would be overflow and possibly later add more cars. She pointed to the production facility and event building and said they were being built at this time because they thought that was all they needed. She said they graded the area, in case in the future, there was a need. She said she included it in the number because the traffic engineer did.

P. Muserlian confirmed there would be one event going on and tasting.

J. Gagliano said the tasting and an event was always part of the original approval. She said the maximum that the traffic engineer based it on was 500 people which is 213 cars. She said in the new scheme it is 225 cars.

M. Palmer had concerns with the new numbers and inquired why it only added 12 cars.

J. Gagliano said the parking was not based on the number of people that the traffic engineer calculated; the parking was based on what was needed for guests, maintenance, staff and catering.

M. Palmer inquired if they were looking at 250 cars and 500 guests.

P. Muserlian said up to 500 people.

J. Gagliano said that is what the report was based on.

M. Palmer said if it is a 8-10 hour event, the first and last two hours would be the busiest.

J. Gagliano said they were asked to submit a new application.

J. Langey said it is for their benefit. He said he would get phone calls from Albany attorneys and the grant money that is being awarded-the amendments were making it confusing. He stated it would make it clean. He said a short form SEQRA will be done as long as everyone is okay with it.

J. Dunkle said you have to do a new SEQRA-the traffic study was part of the original SEQRA. He suggested they amend the traffic report and include the new numbers they have been talking about for the SEQRA. He said it would probably help the Board to understand and compare what the previous assessment was and what the change will be.

J. Langey said the IDA wants the Board to do a new SEQRA or do a revised SEQRA.

M. Palmer said the previously amended and approved site plan moved the wine making operation to the redesigned maintenance building.

P. Muserlian stated they were looking for approval on the parking lot and tent.

P. Muserlian said the property was located in an ag overlay district.

M. Palmer said they have protection from Ag & Markets to essentially do a commercial operation in a residential district because they are producing and selling their own product. He said the Planning Board review is because of health, safety, welfare, drainage, etc. He said in regards to stormwater it is a big lot and they have handled it very well.

The Board discussed a public hearing.

A. Ferguson said there was a public hearing the first time because of the big impact on the area.

P. Muserlian said they are far down the road on this and he does not know what other information will be learned from this.

M. Palmer said it is not just about that; it is an opportunity for the neighbors to be heard.

P. Muserlian said he is trying to get his production out there this year. He said he cannot close on his financing. He said the lender will not close without final approval and this is a big hold up. He further stated they will not do any lending without final approval from the Planning Board. He said they closed with the IDA. He further stated they are behind already.

M. Palmer said they were not behind because of the Planning Board.

P. Muserlian confirmed and said it was due to the fact that plans have changed.

A. Ferguson said she thought the public would view it as a significant change. She said the first hearing everyone that came saw and understood the drawing and now it will be something different.

P. Muserlian said he is trying to be a good neighbor.

M. Palmer said it comes down to the impact not the visual impact, but the impact to the neighborhood and the difference in traffic.

J. Gagliano said the pavement for the tasting has moved from the upper Northeast corner and is now graded and grassed and the pavement is now located across from the production building. She said it was approved and put in the traffic report as future paved parking and the stormwater management was addressed there. She said the parking in the upper northeast corner probably is not needed because the tasting has moved.

P. Muserlian stated ultimately he thinks the original facility will shrink to something much smaller.

J. Gagliano said the upper northeast corner is called overflow parking if they need it.

M. Palmer said the overflow parking lot is being replaced by the parking lot across from the production building.

M. Palmer stated they are losing the overflow parking and it is being added near the tent.

The Board discussed doing another public hearing and it was decided that because of the minimal change in impact a public hearing was not necessary.

D. Ferlow inquired if the stormwater plan has been amended for the stormwater excavation on the northeast side of the road now.

J. Gagliano said correct.

D. Ferlow also asked if they were drawing to show a portion of it is going to be created as a series of pools and wetland characteristics. He stated he did not see a restoration plan and asked if she was sure it was going to be a wetland.

J. Gagliano stated she thought it would be more transitional and asked J. Dunkle his opinion if it would revert or be created.

J. Dunkle said to the applicant to follow the guidelines and make the best effort they can.

J. Gagliano said she thinks it will be an attractive addition because the natural condition according to Pete's team is what people are looking for—they want to be near the vines.

M. Palmer said J. Dunkle will review the plan.

J. Dunkle said there is another player in the stormwater review because of their production facility they have to get a permit from N.Y.S. D.E.C. He said they are reviewing the same plan that he is reviewing. He said he is going to meet with D.E.C. and they are going to jointly review the stormwater together and coordinate so he is not approving one thing and they have a different thought. He said some time is needed because he did not look at this part of the site before because it was deemed agricultural. He said he was told to be part of the stormwater review because it is not an agricultural feel and that is why he is looking at it for the first time.

J. Dunkle confirmed it is not a "deal-breaker" it is just a review process.

M. Palmer asked J. Dunkle if it would work for him, if the Planning Board approved it on the condition the approval of the stormwater management plan from the D.E.C. and the town engineer?

Motion by Hugh Roszel, seconded by Tom Pratt to appoint the Planning Board as Lead Agency for purposes of the State Environmental Quality Review Act (SEQRA), to reaffirm the matter an Unlisted Action and to make a Negative Declaration, all based upon the Board's review of the Short EAF, to approve the site plan with the conditions that the town engineer and N.Y.S. D.E.C. has to approve the stormwater drainage and the elimination of the overflow parking lot in the upper Northeast corner of the property was carried unanimously.

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

Timothy Moore and Dennis Gregg were present to represent the application.

There was a discussion regarding the Homeowner's Association, drainage easements and the drainage district that involved the applicants, the Town attorney and the Town engineer.

During the discussion, M. Palmer suggested the town attorney, town engineer and the applicant meet outside the Planning Board meeting.

Motion by Hugh Roszel, seconded by Tom Pratt to extend the file for 60 more days was carried unanimously.

RECOMMENDATIONS TO THE ZONING BOARD OF APPEALS

*Phillip & Tracie Cunningham - Area Variance - 4304 Route 92
File # 12-838 (Anastasia Urtz)*

Phillip and Tracie Cunningham were present to represent their application.

P. Cunningham stated they want to build a deck and replace the deteriorating, brick steps. He said they have taken them out and then want to build a deck all the way across the front. He said $\frac{3}{4}$ of it is concrete slab which they will remove and will replace with a composite deck.

M. Palmer asked R. Cook how they classify a wood deck with spacing.

R. Cook said 1/8" gap is considered semi-impervious at 50%.

P. Cunningham said there is shed with a concrete floor and they are proposing to remove it.

M. Palmer said the proposed does not have the deck calculations.

T. Cunningham said they did not consider the deck to be impervious.

M. Palmer stated it is 50% impervious.

The Board did the calculations for the deck which was 14' x 26' and 6' x 20'. The calculations showed there was still a reduction of impervious surface, it went from 38% to 36%.

M. Palmer asked what else could be done to improve the stormwater?

P. Cunningham said he could remove blacktop that was broken up.

M. Palmer stated, under the code, the blacktop is considered impervious.

P. Cunningham said from the corner to the other side of the boathouse is a concrete wall. He said it is basically rock and there is a concrete slab in the water which is something else he would like to do. He said his neighbor has done a treated retaining wall in the water and he would like to continue it to the concrete wall. He said at the boathouse the piers are tipped and he would like to shore them up.

M. Palmer asked the Cunningham's about their time frame and said everything could not get approved tonight. He said the Board would need pictures, sections of what it is going to look like. He said he did not know if treated material could be used in the water. He said P. Cunningham will have to talk to the D.E.C. and see what they will let him do.

P. Cunningham said the main thing he would like to get done is the deck. He stated he has to get with the D.E.C. because he has to shore up the piers. He said they are on an angle and someone used concrete blocks and they are all tipping. He said he would like permission to straighten them up.

R. Cook said whatever work that P. Cunningham is going to do, he will have to work in the water. He said the D.E.C. will have to be part of it.

M. Palmer inquired if the Planning Board has to be involved in the maintenance of the boathouse.

R. Cook said, in this case, the piers are in pretty bad shape. He said it is not a matter of just supporting them. It is going to be a replacement. He said they are going to be in the water working and the D.E.C. is going to want to know. He said it is going to be a significant replacement.

P. Cunningham said behind the concrete wall, a couple muskrats have made holes and it is a trip hazard. He stated he would like to fill them with some topsoil.

T. Cunningham said their children are falling in the holes by the wall. She further stated some of the work is just maintenance.

P. Cunningham said he will sod wherever he has disturbed.

R. Cook said he needs approval to fill the pot holes because it is in the C.E.A.

R. Cook said he can confirm the pot holes are there.

P. Cunningham said he would like to fill-in the pot holes, construct the deck and remove the shed.

M. Palmer said anything else they will have to go through the D.E.C. and then they can come back to the Planning Board and further discuss.

R. Cook said they can't work in the water until July 15th.

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

M. Palmer told the Cunningham's they had to go the Z.B.A. to get the deck built. He said they will talk about the rest of the project when they come back to the Planning Board.

P. Cunningham inquired about the stormwater issue he had to address.

M. Palmer said when there is an opportunity to improve the disposal of the rain water, they like to take advantage of it. He said if something can be done, like gutters to reduce the amount of water that ends up on the lawn and may go into the lake. He suggested gutters into dry wells or infiltrators but he was unsure of the site.

M. Palmer said a site plan cannot be approved until there is a variance.

R. Cook asked if the holes could be filled in from a site plan, he said that did not require Z.B.A. approval.

The Board confirmed they were fine with that.

R. Cook stated he could give them a permit to take the shed down.

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 partially approve the site plan to allow for the filling-in of the potholes and the removal of the shed and the shed's concrete floor was carried unanimously.

M. Palmer said the holes should be filled with dirt and top soil and immediately seeded.

P. Cunningham said he will put down stone, topsoil and sod.

At 9:13 p.m., motion by Michael Palmer, seconded by Hugh Roszel to adjourn the meeting was carried unanimously.

Connie Sunderman - Planning Board Secretary - June 13, 2012