

Town of Cazenovia Planning Board

Meeting Minutes

August 2, 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; Donald Ferlow; Anne Redfern; Russell Durkovic; Michael Farenga; Matthew O'Reilly; Douglas Falso; Elizabeth Nowak; Dannielle Carr; Douglas Brackett; David Falso; David Senehi

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

The deadline to be on the next meeting agenda is August 22, 2012.

The next regularly scheduled meeting is September 6, 2012.

The next work session is August 30, 2012.

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

Motion by Hugh Roszel, seconded by Tom Pratt to approve the July meeting minutes was carried.

HEARINGS

LAND DISTURBANCE/SITE PLAN REVIEW/SUBDIVISION

*Russell Durkovic - Site Plan Review - 1100 Tunnel Lane
File # 12-841 (Tom Pratt)*

Russell Durkovic was present to represent his application.

R. Durkovic confirmed he wants to add a dormer to his house. He further confirmed it is no closer or further to the lake and there will be no increased runoff.

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.

*Michael Farenga - Line Change (1) - 2442 Route 13, New Woodstock
File # 12-842 (Anne Ferguson)*

Michael Farenga was present to represent his application.

M. Farenga showed the Board the map that he submitted with his application. He showed the Board the existing line which was red and he said he currently rents the field to the farmer. He further stated they are going to "pull" the green line over as shown on the map. He confirmed "Gary," the new owner of the Shoemaker farm is going to purchase the land and it will still be agricultural.

M. Palmer said the Board will need a map that shows the change more clearly.

M. Farenga stated he checked with his surveyor and the map is not done yet. He stated the new owner may change the fence near the "bumper row/roadway." He said he has a lot of big equipment so he may change it so he can farm across the land and not have to turn around so much. He said it is approximately 26.91 acres. He further stated once the surveyor is done it may vary a little from that number.

M. Farenga said his property is approximately 98-99 acres.

Motion by Dale Bowers, 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.

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

M. Palmer said the map should be submitted to the Town Office by August 22, 2012.

The Board secretary gave the applicant the list of people within 500' and the notification instructions.

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

Matt O'Reilly of Aspinall's Landscaping was present to represent the application.

M. O'Reilly stated there was a previous site plan submitted by EDR Companies and approved. He said they had to remove junipers, and their plan was to pull down the existing timber wall to one timber and leave it as a way to retain the planting. He said after they removed the juniper they found the soil behind the wall had eroded. He pointed to the location of the timber wall and railroad tie wall on the drawing. He stated they were installed on top of a concrete footer that went all the way below the structure of the deck. He said it was all solid concrete beneath the timber wall and railroad tie wall. He said they took the front board off the deck and realized from freeze-thaw and other variables the walls had actually separated below between the footer and the base of the timber wall and the soil had eroded. He said the area needed to be sealed so they removed the timber and railroad tie wall and replaced with a masonry wall which was mortared onto the concrete structure and they installed rebar and tied it into the existing concrete substructure and made sure there was a seal so the soil behind would not erode under the new deck. He said they also drilled Sonotubes to serve as the support for the stairs. He said when R. Cook did the inspections for the Sonotubes that they drilled he made them aware of the material change from timber to retaining wall block required they go before the Board and go through the process of re-submittal due to the material change. He said the homeowner wants to extend the plantings to the property line and they put together a new planting plan.

M. O'Reilly showed the Board the new drawings that he submitted. He said there were a number of things on the original that were not shown. He said there were plantings around a "boardwalk" and there were kayak stands and various other things. He showed the Board pictures of the boardwalk and ramps/racks for kayaks. He said the homeowner wanted to replace the deck boards with the same as on the existing deck which he pointed out to the Board. He said they will add a few plantings to keep with the concept of the plantings on the side of the "boardwalk." He said they will install a silt fence in that location. He said it is not shown on the plan but they want to drill four Sonotubes to serve as the structure because what is existing they are not confident they can just replace the deck boards and they want to reinstall the structure of it, as well. He said currently there is no concrete under there and they are space deck boards and they intend to leave space on the deck boards. He said it will not be a poured foundation, but would be 4 posts that serve as the structure under the boardwalk with no impervious structure below. He said they are proposing to replace the timber retaining wall that runs along the timber line. He said there are two stairs that connect it to the deck.

M. O'Reilly said the dry well is not in yet.

R. Cook confirmed the other Sonotubes were in and approved for the stairwell.

M. Palmer asked M. O'Reilly if the changes were the change in material in the one area and four posts.

R. Cook added there will also be more vegetation on the southern side of the staircase.

M. O'Reilly said they took the same plan and extended it over a little further.

M. O'Reilly showed the Board the wall section of the retaining wall.

M. Palmer labeled the new drawings, L-1 & L-2.

J. Langey gave the Board direction by stating they could approve the amended plans and reaffirm the original SEQRA.

Motion by Anne Ferguson, seconded by Anastasia Urtz to reaffirm the original SEQRA and approve the new plans labeled L-1 & L-2 was carried unanimously.

*Cazenovia Ski Club - Site Plan Review - 5251 Rathbun Road
File # 12-843 (Dale Bowers)*

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

RECOMMENDATIONS TO THE ZONING BOARD OF APPEALS

*Cazenovia Ski Club - Special Use Permit - 5251 Rathbun Road
File # 12-844 (Dale Bowers)*

Doug Falso was present to represent the application.

D. Falso stated this is the 6th year for this event. He said they are using a concert promoter to do the logistics and he thinks it will be one or two bands. He said nothing is changing - same venue and set-up. He said it will be September 29, 2012.

J. Langey stated last year the event was 2:00 p.m. to 11:00 p.m.

D. Falso agreed they could use the same time as last year.

J. Langey reminded the Board what they approved last year after finding the following:

1. The applicant has demonstrated that there will be no detriment to health, safety and welfare of the community since allowance of the one-day event does not present any threat to the neighboring community;
2. The applicant will obtain appropriate alcohol permits and other permits, and will provide for sanitary waste disposal;
3. The proposed will not allow on-street parking;
4. The use is appropriate for the lot and location;
5. The use is not unreasonably detrimental to neighboring properties, areas and districts;
6. The use will not cause harm or deterioration of the premises and will be consistent with proper use.

J. Langey stated this will have to go to the Zoning Board of Appeals and tonight they will get their recommendation from the Planning Board.

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

The Board secretary gave the applicant the list of people within 500' and the notification instructions along with a copy of the letter that was mailed last year.

INFORMAL

Elizabeth Nowak - Site Plan Review - 4561 East Lake Road

Elizabeth Nowak, homeowner, Dannielle Carr and Douglas Brackett of EDR Companies were present to represent the application.

D. Carr showed the Board drawings of site improvements that L. Nowak has planned for her property. She stated they submitted various drawings which included an existing condition site plan. She said Liz had a surveyor prepare a topographic survey which provides elevations, topography and property lines and located all the trees on the property that were 8" caliper and larger. She said there is a lot of woody vegetation that was not identified and the site is very heavily vegetated.

D. Carr showed the Board the second plan which consisted of two plans that describe the impervious surface coverage, existing and proposed. She said the information is broken down by zones because the property is in the lake watershed district.

D. Carr said there are two proposed site plans, Phase I site plan that describes improvements that the applicant is planning to do within the next year to year and a half. The improvements include replacing a screened fence along the South property line, an access path from her residence to an existing concrete patio which would continue to the seasonal dock. She said the path will consist of a material called Flexipave and she passed a sample around to the Board. She said Flexipave is permeable, flexible pavement. She stated the applicant would also like to enlarge her existing patio by double the size it is now and add an exterior fireplace, as well as a pergola. She said she understood according to the Code, the pergola is a structure and needs to be 100' from the water. She stated the proposed plan shows it closer to the water than the setback.

D. Carr said the applicant also wants to install some plantings around the new improvements, in particular, an area along the waterfront that is currently fairly open. She stated the rest of the waterfront is very heavily vegetated and showed pictures taken from the water. She showed various other locations of her property and said they were heavily wooded, as well. She said the vegetation around the exterior of the property and between the house and the lakefront is very naturalized and there is not a lot of lawn space.

A. Ferguson inquired if the pergola could be moved back?

D. Carr said the pergola is proposed for a location where there is an existing patio. She said the 100' setback line is where the house is located. She showed a picture of the existing patio that was taken recently. She said between the patio and the lake is quite a bit of vegetation and that vegetation will stay.

D. Carr said from the overall master plan, the applicant has plans to establish more vegetation on the property and create an even more natural state and reduce the amount of lawn and add understory plants and trees. She said some mature trees will have to come down and there are two trees that are recommended come down now because of decay and they are in bad shape and close to the house. She further stated they are on the plan. She said the plan also states that some trees should be planted along the south property line to screen the outdoor patio from the neighboring property.

D. Carr confirmed the existing shed will be remodeled.

D. Carr said the pathway will be 4' wide. She said they want to use the Flexipave because it is natural looking, and can go up and down over elevation changes and contours.

D. Carr said they do not want to remove the concrete patio but enlarge it because it will allow for more room for family gatherings.

D. Carr said the existing condition impervious surface for the total site is over what is permitted. She said it goes from 16.85% to 17.56%.

D. Bowers inquired about a variance for the additional structure.

D. Carr said the pergola does need a variance because it is under the setback requirement and it is an additional secondary structure.

D. Carr stated the impervious surface of existing and proposed in the various zones:

Zone A: Existing is 1.6% and proposed is 2.4%

Zone B: Existing is 3.5% and proposed is 6.3%

Zone C: Existing is 23.1% and proposed is 23.19%

She further stated Zone C is over.

D. Carr stated the pergola and outdoor patio is in Zone B.

D. Carr said Flexipave is placed down similar to asphalt. She further stated she counted it as 50% with the impervious surface coverage.

D. Carr said since they are adding impervious surface she feels the added plantings provide better coverage at the waterfront but thinks it mitigates a good portion of the path in terms of an area with bad vegetation and installing woody and other vegetation that will keep water from running off.

D. Carr said the pergola will be no higher than 10'.

L. Nowak said there is electricity down at the patio and it would only be lit when in use.

M. Palmer said when the thresholds are being exceeded in any one of the zones, they ask for mitigation to offset what is being taken away.

D. Carr said the applicant has already taken a number of steps around the property to do that and each year the applicant increases the planting bed space in her yard and reduces the lawn area and there are rain barrels in a variety of places.

D. Carr said some pavement around the house will eventually need to be replaced but it can't be replaced with permeable pavement because there is a basement level in her home and water can't migrate into the lower level. She said they are increasing the net overall impervious surface but the applicant has been doing the right thing by doing what the Town is trying to achieve in its zoning.

D. Carr said the path will provide her access to use the waterfront better and it replaces a lawn area that is very thin.

J. Basic asked if a plan can be approved that increases impervious surface because the current impervious surface on the property exceeds what is currently allowed in the code?

M. Palmer stated yes, it has been done in the past, but not very often.

M. Palmer said the next step would be to put the application together. He further stated D. Ferlow and a few others could visit the site. He explained the process to the applicant for the pergola since it would need to go to the Zoning Board of Appeals. He said the time frame would be at least a couple of months.

L. Nowak said where the walk out basement is it has dropped down about 2 $\frac{1}{2}$ " and she will need to put something in there to access her backyard.

M. Palmer said if the pergola comes out it will save her approximately a months time.

J. Dunkle said an acceptable technique for mitigating impervious surface is tree planting.

David Falso & David Senehi - Subdivision - Summerfields Road

D. Senehi showed the Board a tax map of the Summerfield section and the property they purchased known as tax map #: 86.-1-12.1 & 86.-1-12.9 which backs up to Summerfield Road and runs between Lincklaen Road and Ridge Road.

M. Palmer stated it was the balance of the Summerfield property. He said it was all part of the same subdivision that belonged to Mr. Bertoli.

D. Senehi said the two parcels were bought together at a tax auction. He stated they were unsure what they were going to do with it and they wanted to talk to the Board. He said an option they were looking at was subdividing. He said when bouncing ideas around they thought of three cul-de-sacs and it would not be a through road and it may work out better for everyone. He thought they would be able to use the most land and still adhere to the conservation subdivision laws. He said the cul-de-sacs could be moved around based on the conservation areas. He showed the cul-de-sacs on the tax map and said they were hoping to get about 35 parcels out of the property if they could. He said the total property is 76.6 acres.

D. Senehi said they came to the Board because they wanted to know the Board's thoughts and he knew they dealt with this land before.

D. Seheni said the one area near Lincklaen Road is steep. He said it is steep near the road but then gradual.

D. Senehi stated he knows that the people in Summerfield are concerned with a through road.

D. Falso inquired if Summerfield could be extended any further than it is now?

M. Palmer gave the applicants a little history of the lots from the past application that was before the Board. He pointed out two lots on the tax map and said the applicant was told not to come back because there were too many houses on that road to be safe, so secondary access was needed to do more lots. He pointed to another location on the tax map and said the area opposite Glenwood was the wrong place for the driveway to come in because of the hill right there. He stated at one point the previous owner was talking with Mr. Lucas about purchasing some property to take it to the top of the hill which would be about another 1,000 ft. so it would not be a blind intersection for people traveling South on Ridge Road. He stated he does not know how that got resolved.

M. Palmer said the neighborhood did not want a through road. He said there is a map in the original file where they were working on designing a road that shows a barricade which would only let emergency and maintenance vehicles through and would not allow through traffic. He said these things never got resolved and they were just ideas that were discussed. He said he is unsure what happened but all the sudden the applicant stopped coming to meetings and there was never any resolution. He stated the zoning has changed and there is now conservation subdivision, but some of the things still would apply.

D. Senehi thought they had a plan that was approved and it just was not filed.

J. Langey said it was approved subject to obtaining the access from Mr. Lucas.

M. Palmer said the past deal is gone. He also said three acres is the minimum lot size in the Town of Cazenovia currently.

J. Basic said unless they do conservation subdivision.

J. Langey said the lot yield is still the same density. He said it would allow them to cluster houses, build smaller roads to get more houses in and share drainage. He said it makes it a little less expensive in some circumstances.

A. Ferguson said cul-de-sacs are not as favorable because of the emergency access problems.

D. Senehi said he thought the Board would prefer cul-de-sacs. He inquired about a secondary access road?

M. Palmer said there is a threshold for how many homes you want on a road that has only one access. He said with a conservation subdivision you let the land dictate where and how many houses should go.

D. Senehi said the land is plowed and open and nothing has "jumped out." He said it is relatively flat and then slants down.

D. Bowers said the issue is access.

A. Urtz said drainage is the second issue.

M. Palmer said drainage to the cemetery and some properties on Lincklaen Road.

M. Palmer inquired what zoning would allow for on a private road?

R. Cook stated five.

M. Palmer said about 5 is the threshold the Board is comfortable with for single access from Ridge Road.

D. Bowers said he thinks there will be problems with sight distance.

D. Falso inquired about a shared driveway at the end of Summerfield?

M. Palmer stated the only way that could happen if it went all the way over to Ridge. He further stated he does not think they can accept a cul-de-sac on the end of Summerfield.

D. Falso inquired if somebody bought the whole property as a horse farm and built a house, where could the driveway go?

M. Palmer stated anywhere they want. He stated that would be one driveway. He further said the 76 acres could be accessed from Summerfield Road, Lincklaen Road or possibly, Ridge Road.

D. Senehi inquired about the sight distance and wondered why it was safer to have it further up and not across from the intersection.

R. Cook said in the original subdivision they had all kinds of people from the transportation industry and the A.A.S.H.T.O. standards which are the standard that highway people use for sight distance and the speed on the highway. He said the State would not allow the lowering of the speed limit to go along with the A.A.S.H.T.O. standards. Therefore, the Board said they cannot meet it.

D. Senehi said if Dave Lucas will not sell them the land, would the Town allow the road to be shaved at the applicant's expense?

M. Palmer said that is all in the file. The neighbors were opposed because the cut that would have to be taken back from the side of the road would take down big trees.

D. Bowers said there is a building on the National Historic Registry called Tall Trees in the area.

M. Palmer said the slope has to be a mowable slope.

J. Basic suggested the applicants look through the minutes from the previous file.

R. Cook said with the past application, they tried every method to try to come to a compromise to make it work.

M. Palmer said including lowering the speed limit.

D. Senehi asked if there would be an issue coming in from Lincklaen?

M. Palmer said the previous owner felt it was too steep to put a road there. He said they would have to make sure it would have the proper sight distance in both directions. He said they have limits in regards to the road grade.

M. Palmer said from the start, the road was planned to go through.

R. Cook said it was a very small portion of land that had to be purchased from Mr. Lucas.

M. Palmer said the driveway is fine when it hits the top of the hill on Ridge Road.

D. Senehi inquired if they could put a "T" in from Summerfield Road?

M. Palmer said probably because before they were going to allow the previous applicant to do a "T."

Some members of the Board felt they would need to see secondary access from Summerfield.

D. Senehi said the Summerfield neighborhood does not seem to want it.

M. Palmer said a barricade may have to be installed so it is not used as a thoroughfare. He said the concern back then was people cutting from Lincklaen Road to Ridge Road. He said the people have had a nice quiet neighborhood since they have lived there because the only ones using the road are the people who live on it.

M. Palmer said if it went from Lincklaen Road back down to Lincklaen Road there would be no sense for anyone to use it.

D. Falso said it would be like Syossett Drive.

M. Palmer said amongst the issues, it needs to be determined what is the right number of homes for the lot and where they should be placed. He said it is currently a big open meadow.

At 8:43 p.m., motion by Hugh Roszel, seconded by Dale Bowers to adjourn the meeting was carried unanimously.

Connie Sunderman - Planning Board Secretary - August 7, 2012