

# Town of Cazenovia Planning Board

## Meeting Minutes

September 6, 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; Graham Egerton; Anne Redfern; Michael Farenga; Douglas Falso; Brian Gardner; Susan Machamer; Jeff Roberts; Thomas Yager; Neal Dolan; Graham Ritchie, Sr.; Maude Ritchie; Andrew Rutz; Elizabeth Nowak; Dannielle Carr; Frolic Taylor; Kola Stucker; Mark Woods; William Ballard; Rebecca Ballard; Scott MacHose; Paula MacHose; Daniel Gaulin; Elizabeth Gaulin; Rachel Hunt; Kathy Gara; Richard Gara; Linda Coleman; Clay Coleman; Tracie Cunningham; Phillip Cunningham; Bill Ryan

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

The deadline to be on the next meeting agenda is September 19, 2012.

The next regularly scheduled meeting is October 4, 2012.

The next work session is September 27, 2012.

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

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

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## HEARINGS

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

Michael Farenga was present to represent his application. Rachel Hunt, his neighbor, accompanied him at the Planning Board table.

M. Farenga presented the proposed subdivision map and pointed out the original line and said it is being moved forward along the field.

M. Farenga confirmed the new lot will be 27 acres. He further stated it will extend Gary Brink's property.

M. Palmer asked R. Hunt if she had concerns.

R. Hunt stated she did not have concerns and she was delighted with the change because this way it will permanently stay farmland. She said she has a spring in the middle of the field that supplies her house water. She said it is in M. Farenga's deed, as well as, her deed and it will transfer to Gary Brink. She stated she talked to G. Brink and M. Farenga and has been involved in the whole process. She pointed out the spring on the subdivision map and said there is a water line so she has the access to deal with it. She said they have talked to G. Brink and if at some time he does not want to deal with the spring, he will dig her a well on her property. She stated Gary Brink bought the "Shoemaker Farm".

M. Palmer asked if R. Hunt meant it would be considered farmland for the foreseeable future?

R. Hunt confirmed, at least for her lifetime. She said it has been farmland for the last 150 years and it has never affected her spring. She said there is no well house-it is just open.

She confirmed the spring is her domestic water and she said it always tests pure.

M. Farenga confirmed it is on both deeds. He said the language of the purchase offer from G. Brink did not mention the spring so it was being amended. He showed the Board a copy of the deed with the language and said an amendment can be shown to the Board.

J. Langey stated it is between the two landowners.

R. Hunt reiterated she does not have a problem with this application.

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 Anastasia Urtz to close the public hearing was carried unanimously.

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

Motion by Anne Ferguson, seconded by Anastasia Urtz to approve the line change was carried unanimously.

M. Palmer explained the map process to M. Farenga.

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#### LAND DISTURBANCE/SITE PLAN REVIEW/SUBDIVISION

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

Douglas Falso was present to represent the application.

D. Falso confirmed nothing has changed from past years and said he received the Zoning Board of Appeals approval a couple of weeks ago.

He confirmed the traffic, attendance and the specific start and end time are the same.

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 approve the site plan was carried unanimously.

J. Langey said the conditions last year were:

- No on-street parking
- The applicant will file any appropriate insurance information with the Town prior to use
- The applicant will provide for appropriate security and sanitary facilities
- The use is granted for a single day as so designated
- It will discontinue at 11:00 p.m.

He further stated this is what the Zoning Board of Appeals did for their conditions, as well.

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*Brian Gardner - Site Plan Review - East Lake Road (vacant parcel)  
File # 12-845 (Mike Palmer)*

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

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*Elsa Tegner - Site Plan Review - 2959 West Lake Road  
File # 12-847 (Anastasia Urtz)*

No one was present to represent the application.

Before the close of the meeting, the Chairman, once again, asked if the applicant was present.

No one was present to represent the application.

Motion by Jennifer Basic, seconded by Hugh Roszel to continue the file was carried unanimously.

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*Susan Machamer - Building Envelope Change - 5354 Indian Lookout Road  
File # 12-848 (Jennifer Basic)*

Susan Machamer was present to represent her application.

S. Machamer stated she wanted to move the building envelope farther away from her residence and make it larger. She said the lot is "For Sale" and the driveway is not in yet for the property. She stated the envelope does not have to be as large as proposed, but it does need to be pushed back.

R. Cook said the original line was east of the true ridge and this is going farther down, off the ridge.

She showed the Board the layout of her residence and the subject property on the map.

Motion by Jennifer Basic, 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 movement and enlargement of the building envelope was carried unanimously.

J. Langey mentioned that there are, probably, private covenants of the subdivision. He said the applicant is on her own in regards to them because there may have been a reference to building envelopes in the original. He said the Planning Board cannot override that; they can only approve a modification to the original site plan/subdivision. He said if for any reason a neighbor has an issue, the Planning Board does not have the power to "trump."

J. Langey said there is debate if the new maps have to be filed for envelope changes with the County. He said in Onondaga County; they do it.

M. Palmer said new maps should be filed with the County.

J. Langey told the Chairman when the map comes back for signatures, it is important to make sure it meets all the setbacks.

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*James & Kathy Burns - Site Plan Review - 5262 Oweria Point Drive  
File # 12-852 (Hugh Roszel)*

Jeffrey Roberts, Esq. and Thomas Yager, contractor, were present to represent the application.

T. Yager said they want to put pavers in the terrace area that he pointed out on the map and said they would go through that area and then there would be a wall connecting to the driveway. He pointed out the wall and a garden area and said it was Proposal A.

T. Yager said the stairs are part of Proposal B (lakeside). He said there would be steps going down to the lake to access their boat and it would be permeable flagstone.

M. Palmer inquired about permeable flagstone?

T. Yager said it is the method of installation. He stated it is 7" deep, wrap fabric, gravel is used and there is spaces that allows the water to immediately go down through.

M. Palmer asked J. Dunkle if that is how it is viewed?

J. Dunkle said assuming only the threshold is 50% impervious, the ratio of open space of impervious should be 50/50.

T. Yager said 50% is what he wrote in the calculations. He said the patio below is 400 sq. ft., so he wrote it out as 200 sq. ft.

T. Yager said the stones are all different sizes. He said the client is thinking about using big rectangles and square stones.

M. Palmer said it does not meet what has been approved in the past and there is no such thing as permeable flagstone. He said Mr. Yager is describing the technique with the absorption at the joints. He said the joints will be no more than 10% of the overall square footage.

J. Dunkle said it could work but there would need to be subsurface and those conditions would need to be looked at. He said the question is, "If it is deemed 50% impervious or not?"

M. Palmer said he does not know how you can look at a flagstone patio with stones that are 1x1, 2x2, etc. and it can be compared to a system that is designed to be permeable, like a permeable paver system.

T. Yager said the owner would be willing to do whatever the Board would allow, if it is allowed down in that area. He said the owner would do permeable pavers. He said the same units used in the top area which are in the entire driveway, have swept in joints where the water does not go down through. He said it runs off at the pitch and he would be happy to use them down below in the other method of installation.

T. Yager said Proposal A has 1,348 sq. ft. of new surface that is proposed. He said 0% is impermeable on this proposal. He said the Proposal A comes out to 15.015% with existing. He said a separate proposal was done for the lakeside which is not included in the drawing.

T. Yager confirmed the pavers in Proposal A are impervious.

M. Palmer said the ratio could be even better if they put permeable pavers in Proposal A.

T. Yager said the owner would prefer to keep it the same as everything he already has up there; the whole driveway is done in brick pavers with swept-in joints. He thinks the owner wants to continue the same with the impervious surface.

T. Yager pointed out the current deck on the map and said they are proposing to remove it.

M. Palmer said the applicant is starting out at 12.4% impervious surface and with Plan A is at 15.015% and Plan B is 15.52%. M. Palmer stated there were two plans. He pointed out the location the applicant would consider using permeable pavers on Plan B.

T. Yager pointed out everything that is proposed and said the existing is toward the roadside. He said they want to put in a walkway, step, walls, pillars at the corners and a garden area with a 2' wall around it.

M. Palmer inquired about the water that sheet drains from the areas.

T. Yager said it drains toward the lake and the grade of the property goes that way.

M. Palmer said, typically, they ask for a mitigating action to promote the water getting in the ground before it sheet drains into the lake.

T. Yager said Plan B is the lakeside and he described the slope of the land. He said he submitted pictures of what it would look like. He stated the only access is the hill and it gets muddy and stays muddy and is hard to grow grass there. He said there are no stairs there and they are proposing 4' wide stairs to get down to the lake.

R. Cook said he went to the site and it is not a water course that comes down there. He thinks it is poor draining soils.

A. Urtz said a drainage strategy needs to be found with the client because it is not going to work as it is. She said addition runoff cannot be added when there is already a saturated lawn situation.

M. Palmer agreed.

T. Yager inquired if the pavers were permeable would it be a solution.

Some members of the Board thought it would.

T. Yager said the owner will say "yes."

M. Palmer said the stairs are not the problem, it is the flagstone on the lakeside.

J. Roberts inquired, if the client used permeable above and down below, the percentage would be way below the requirements-would the Board have a problem?

M. Palmer stated "no" and that is what the Board is looking for.

T. Yager said in the plan they will put myrtle as shown in the pictures on the bank and it will turn into a solid bank for ground cover.

D. Ferlow inquired if it was in the sun?

T. Yager confirmed there are several tree canopies above.

R. Cook said it is essentially an overgrown lakefront. He said everything else is a steep slope with a lot of vegetation and the yard drops off.

T. Yager said the client would do permeable pavers down at the lakeside.

M. Palmer said to the Board he thinks the owner would go with permeable pavers at the lakefront and up on the upper patio and asked the Board how they felt.

T. Yager modified the drawing to show permeable pavers instead of flagstone.

M. Palmer stated Mr. Yager and himself would initial the changes.

R. Cook asked whatever product is submitted, could it be passed by J. Dunkle?

M. Palmer told the applicant to go on the website and send pictures and product information and send it to the town engineer through R. Cook.

M. Palmer said the cross section details were already on the drawings.

M. Palmer said he crossed off permeable flagstone and wrote in permeable pavers and signed.

Motion by Hugh Roszel, seconded by Jennifer Basic 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 based upon the pavers as noted in the areas A & B are permeable pavers, details submitted to J. Dunkle, and include recalculations of the impervious surface was carried unanimously.

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*Neal & Kate Dolan - Site Plan Review - 5544 Mount Pleasant Drive  
File # 12-853 (Dale Bowers)*

Neal Dolan was present to represent the application.

N. Dolan said he wants to build a single-family residential home. He stated he wants to move the house location further up the hill to the West and over to the North and closer to the road. He said the house location is there because of an arbitrary building line and he does not know why it is there.

M. Palmer inquired about the 125' line on the map and asked where it came from?

N. Dolan said it is something that the surveyor put in there just to mark the building line.

M. Palmer said it is a cul-de-sac.

N. Dolan pointed out on the map the location where he said the road basically stops. He said it is where the pump house is.

R. Cook said there is no building envelope, but there was a building setback line established back in the 60's when the subdivision was created. He further stated they are all uniformly setback.

N. Dolan said his attorney looked at the abstract and there was nothing in the abstract referencing the building line.

M. Palmer said the Board has to know where the 125' came from before they make any encroachments into the 125' setback.

D. Bowers thought a survey was needed to show the contours on the map that would demonstrate the lay of the land and the waterworks.

N. Dolan said the pump house is on the map.

R. Cook said the Mount Pleasant Water District is run by the Town.

N. Dolan confirmed he intends to hook-up to the water system.

R. Cook said this is an original lot.

M. Palmer said then water hook-up does not have to be a concern.

N. Dolan said he wants to move the line about 30' forward.

R. Cook said the setback line is 85' from the center line of the road, but it is in a cul-de-sac which is larger than a typical highway or 50' from the highway right-of-way.

M. Palmer reviewed with the applicant what is still required. He said the setback should be known for the rest of the houses. He said the grades in terms of the slopes, the 125' line origination, and when the line is moved, that it will be outside of the town setback line. He

further stated there should be a line on the map showing the house back out of the 85' setback line. He said there should be a letter from the applicant's attorney about the 125' line that satisfies the attorney for the Town. He said the applicant's attorney would have the abstract and researched it because the Board is concerned about covenants with the 125' line.

D. Bowers said, from his recollection, all the houses line up, but he needs to recheck. He said the Board would not want this one to be up front.

A. Ferguson said she would like clearer delineation lines on the map for the lot and road/cul-de-sac location.

N. Dolan said the road goes straight at the end. He located a little turn-around on the map where cars turn around.

M. Palmer stated the applicant has to be outside the Town setback which includes the right-of-way, it has to be on slopes less than 10-15% and have a septic system.

M. Palmer said the information should be back in by September 19, 2012.

D. Bowers said it is a little community there and the Board may want to consider having a public hearing.

M. Palmer said it is an approved lot but the Board can discuss.

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

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*Graham Ritchie, Sr. - Site Plan Review - 1090 Tunnel Lane  
File # 12-854 (Anastasia Urtz)*

Graham Ritchie, Sr., Maude Ritchie and Andrew Rutz, builder, were present to represent the application.

A. Rutz said it is a site plan review of a non-variance lot to take down the existing residence and rebuild with a winterized home that would accommodate the applicant's

needs at the same size and impervious surface. He said the whole roof will be guttered, the water from the roof and the adjoining property will be stored in a cistern of 1,728 cu. ft. underneath the porch with a slow release that the Town Engineer will need to approve.

A. Rutz said during the work session, M. Palmer requested an elevation of the lakeside and a legal description of the piece of property that Margo Northrup sold to Graham and Maude Ritchie that increased the lot contiguous with this lot by 8,073 sq. ft. and that is where they are proposing for the septic to go.

M. Palmer asked if the "penciled" line was the land the Northrups sold to the Ritchies?

A. Rutz confirmed and gave a copy of the legal description. He said it has been combined with the lot.

M. Palmer said there should be another map to show it is combined.

A. Rutz confirmed they will put in a conventional septic system and pump it up to a tile field and he said that is what the other neighbors have done.

A. Rutz said the total height of the project from the existing grade is 32'.

A. Rutz said there will be a basement for utilities and it will be winterized.

M. Palmer said the following things were needed:

- the drainage system needs to get approved by the Town Engineer
- a current map that shows the additional property, so they know it is one piece of property and for the septic disposal

A. Rutz said if they are given the "go-ahead" they will get the septic and deep-hole and have R. Cook witness.

M. Palmer asked the Board how they felt about approving with conditions.

Some members of the Board were fine with it.

A. Rutz said they are close to the lake but no closer then they ever have been.

M. Palmer said the stormwater management system is getting reviewed by the Town Engineer.

T. Pratt mentioned silt fence.

M. Palmer said the silt fence should be on the new map.

M. Palmer signed the map in the file.

Motion by Anne Ferguson, seconded by Anastasia Urtz 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 conditions being approval of a stormwater system by the Town Engineer, submission of a current map that shows the land area including the proposed septic area and silt fence was carried unanimously.

R. Cook inquired about a demolition and asbestos? He further requested an asbestos survey prior to a demolition permit.

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*Elizabeth Nowak - Site Plan Review - 4561 East Lake Road  
File # 12-855 (Hugh Roszel)*

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

D. Carr said they submitted plans very similar to the last time they were before the Board, informally. She said there is an existing conditions plan based on a property survey, topography, property lines and existing trees over 6" in caliber. She said they have added soil types to the existing conditions maps and submitted a plan showing impervious surface coverage in the existing and proposed condition. She stated the Phase I site plan are based on improvements for the next 1 to 1 1/2 years. She said the overall site master plan shows improvements planned for over a number of years with no set completion date. She said based on the last visit, the applicant is planning for Phase I improvements for an access path, existing patio space that will be enlarged, the path will continue to the existing waterfront and seasonal dock. She said there are plantings planned along the water that is currently open lawn. She said the rest of the waterfront is heavily

vegetated and wooded. She said her entire property except for the house, driveway and some lawn area is pretty heavily vegetated. She said in the overall master plan, the applicant plans to take out lawn slowly and supplement naturalized plantings and replace trees that are becoming mature and won't live forever. She said she knows the pergola will be treated as a secondary accessory structure and requires a variance for both the second accessory use and setback relief from the water. She said the applicant has put the pergola structure off and will do in the future. She reiterated that Phase I is the path, the additional plantings, enlarged patio and a fireplace.

R. Cook said by definition a fireplace falls under a structure. He said it is any static construction of building materials set upon and fixed to the ground.

M. Palmer thought both the pergola and fireplace were structures and thought that is how R. Cook would interpret.

D. Carr said it would be similar to an indoor fireplace but would be outside and free-standing.

M. Palmer stated R. Cook has made the determination it is a structure. He said they need to decide if they want to take it the fireplace off the table and continue getting the path done this year.

L. Nowak said she will do the fireplace and pergola in the future. She said she would like to be able to plant the trees, clean up the scrubby lawn and put in groundcover.

M. Palmer said there are three things before the Board:

- 1) the increased size to the patio
- 2) the plantings
- 3) the walkway

D. Carr said there is a fence replacement.

R. Cook said that is maintenance and she would just need a permit.

D. Ferlow had no comments for Phase I.

D. Carr said the existing surface is concrete and the new area would match the existing pavement. She said in terms of lot coverage in Zones A & B they are increasing impervious

coverage in Zones A & B and have not exceeded the allowable limit. She said overall the total site is already over. She said the existing condition is 16.9% and it will be bumped up to 17.6%.

D. Carr said the walkway will be a porous pavement.

The Board felt the addition of trees were acceptable mitigating steps for storm water management.

Motion by Anne Ferguson, seconded by Anastasia Urtz 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 known as Phase I excluding the pergola and fireplace was carried unanimously.

M. Palmer wrote on the EDR map L102 dated August 20, 2012 - "Phase I excludes the pergola and fireplace," as well as, dated and signed the map.

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*Cynthia McCall & Frolic Taylor - Line Change (1) - 4130 Burlingame Road  
File # 12-856 (Tom Pratt)*

Frolic Taylor was present to represent the application.

F. Taylor said she is selling 1.3 acres of land to Cindy and Timothy McCall which is a hayfield and it would straighten up the parcel line.

F. Taylor inquired about it being called a subdivision and wanted clarification.

J. Langey said it is terminology and it requires that the applicant has to appear before the Planning Board, have a public hearing, and file a new map.

F. Taylor said she has a covenant to the deed that states that nothing can be built on the 1.3 acres and inquired why there had to be a public hearing?

J. Langey said Town law states there has to be a public hearing and State law says a public hearing. He further stated that if those regulations are not followed; no one will be able to close on the piece of land and it will be a "mark on title" forever.

F. Taylor inquired if a SEQRA was needed?

J. Langey said it has to have a SEQRA.

F. Taylor said she will be losing 1.3 acres from 54 acres and confirmed they are just straightening the line.

Motion by Hugh Roszel, seconded by Anastasia Urtz to move to a public hearing was carried unanimously.

Motion by Hugh Roszel, seconded by Jennifer Basic 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 was carried unanimously.

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

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*Dale Bowers - Subdivision (1) - 2475 Fenner Road  
File # 12-858 (Jennifer Basic)*

Dale Bowers was present to represent the application.

J. Basic said D. Bowers wants to subdivide 3 acres from his existing parcel from 19.67.

D. Bowers said he is hoping to sell the house and just want to take 3 acres off as a one-time subdivision. He said there is 630 feet of road frontage and roughly 300'+ to be an approved lot. He said he does not have a map and is just helping the buyer along. He said he knows he needs a survey, deep-hole test and the County to verify the driveway. He further stated he is not in a hurry.

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 was carried as follows:

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

Motion by Jennifer Basic, seconded by Hugh Roszel to move to a public hearing was carried as follows:

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

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

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#### RECOMMENDATIONS TO THE ZONING BOARD OF APPEALS

*Brian Gardner - Area Variance - East Lake Road (vacant parcel)  
File # 12-846 (Mike Palmer)*

Brian Gardner was present to represent his application.

M. Palmer said Mr. Gardner wants to put a barn up off of Mount Pleasant.

B. Gardner said the storage building he is proposing would be about 700' back off of East Lake Road where the driveway is existing. He said the house, which already has an existing driveway would be built, up at the top of the hill.

B. Gardner stated from the barn to the house is approximately 1,500 feet.

B. Gardner said the barn will be tucked behind some trees and will be barely visible, if at all. He said electricity to the barn would come from East Lake Road.

M. Palmer inquired about the time line for the construction of his residence?

B. Gardner said his son is two and the plan is before he starts kindergarten his family will be living there, so within the next few years. He stated currently he just maintains the property and he pointed out 3-4 acres in the back that are farmed. He said they brush hog and have planted some trees in certain places. He said they have to move equipment 20 miles back and forth. He stated he would like to stage material for building the house and store a few tractors and brushhog they have to maintain the property.

M. Palmer said they are reviewing the application for a recommendation to the Zoning Board of Appeals. He said if it gets approved, the applicant will return and they will review from a site plan perspective. He asked, from a planning standpoint, how the Board felt about a variance to allow an accessory building without a primary residence?

B. Gardner said the proposed building is 60'x100'. He said the lot is approximately 44 acres. He said the majority of the barn will be storage, the front half may have a workshop. He said he would be storing some tractors, four-wheelers and implements.

Some of the Board members expressed concern with the size of the building.

B. Gardner said it is 700' back and he would be surprised if you could see the top of the barn from East Lake Road. He said from Mount Pleasant you could probably see the roof. He said the barn is 60' wide and has a 5 12 pitch. He said it will be about 30' in the air.

D. Bowers inquired about the proximity of the building and the driveway to the water line for the Mount Pleasant subdivision.

He said it is about 400'.

B. Gardner said he goes over the water line with his driveway. He said he got permission three years ago for the two driveways. He said he was told the size of the building is relative to the size of the property. He said he does not want to have to add on to the building in a few years.

M. Palmer said his biggest concern is how to put parameters so he will build and not be in violation for the next 20 years and referred to counsel.

J. Langey said he is doing one in another town and the zoning ordinance says the same thing, no accessory structure without a primary structure. He said the Town worked out an agreement which had the Code Enforcement Officer issue a building permit for the barn and they are going to have the Code Enforcement Officer issue a building permit for the house. It would have a "fuse" on it saying they had to start, he thought it was a year to get started, commence and he was unsure of the finish date. He said they had the person sign a letter acknowledging, if they did not have the work done, it would come down.

B. Gardner stated, realistically, three years is his goal.

J. Langey said in the other town, the fact the building permit was issued, it was theoretically under construction. He said the accessory structure was right away and then the applicant was going to slowly start working on the house to get it done.

J. Langey said it becomes an enforcement issue.

B. Gardner said if there was a legal document, he would be willing to sign it. He said their intentions from four years ago has not changed. He said it is just coming to fruition now. He said it makes sense to have a place to stage things and not have storage containers and pods.

M. Palmer stated he does not have a problem with the size of the barn or the application.

B. Gardner said from a practical and financial standpoint, the alternative to pull the permit for the house and the barn at the same time and start with the barn and push everything in the 1-2 year span; he was not comfortable with.

M. Palmer asked the Board their thoughts.

H. Roszel did not have a problem with it.

J. Basic said it is a bad precedent unless they can put some caveats into it. She stated she wants to say yes but she does not know how they can say no, in the future. She said the code is the code for a reason and they have to follow the code.

T. Pratt stated he is not comfortable with it and would make a negative recommendation.

D. Bowers agreed with T. Pratt.

A. Ferguson agreed with T. Pratt and D. Bowers. She said if there were some caveats she would change her response.

A. Urtz asked B. Gardner about his long term objective and about the land.

B. Gardner stated that is all he is building. He said he is doing nothing with the rest of the land. He said some of the land is farmed, some of the land is wooded and not being disturbed. He said it is a house, porch, yard and a storage building in the back.

A. Urtz said if they can figure out a way to get him started she does not have a problem with it.

B. Gardner stated his architect has started preliminary drawings of the house. He said the pole barn will be built by Finger Lakes Construction and he is just waiting on approvals. He said if all goes as planned, when the weather breaks in the Spring he would like to get started on the barn. He said maybe by Spring 2014 they could start the house.

M. Palmer inquired about the timeline?

R. Cook said if the applicant gets the variance at the end of the month, approval on site plan from the Planning Board in October, he has one year to execute the variance. He could wait until Spring time to take out a permit to build the barn. He said from what J. Langey is saying in the other municipality; he would take out a permit for the house at the same time which would run for a year. He said it would run from Spring 2013 to Spring 2014. He said he can then come in and renew the building permit for a second year which would run from 2014 to 2015. He further stated at that time the building is supposed to be complete.

B. Gardner inquired if he did that he would not even need a zoning variance. The Board confirmed.

R. Cook reconfirmed the building permit can only last for two years.

The Board had a discussion on the time line of the applicant.

R. Cook told the applicant he could hold off and not go the Zoning Board of Appeals until January or February. He said the clocks starts ticking once the approval is given.

Motion by Anne Ferguson, seconded by Tom Pratt to make a negative recommendation to the Zoning Board of Appeals was carried unanimously.

M. Palmer reiterated to the applicant he really needs to decide on how he wants to move forward.

J. Langey said he can come to the Zoning Board of Appeals meeting and have a discussion and then he can decide if he wants his application held and then that way he will not use up some months.

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*Kola Stucker - Area Variance - 4474 Lincklaen Road  
File # 12-849 (Tom Pratt)*

Kola Stucker and Mark Woods were present to represent their application.

K. Stucker said she wants to restore the porch to how it was when her mother purchased the house during WWII and showed the Board a picture from that time when the porch was there. She confirmed the porch would look like it does in the picture.

M. Palmer inquired if the third window upstairs would be added back in?

K. Stucker confirmed.

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

She stated she has a contractor who does restoration carpentry and approaches projects with a lot of detail.

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

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*William & Rebecca Ballard - Special Use Permit - Stone Quarry Road (vacant parcel)  
File # 12-850 (Anne Ferguson)*

William and Rebecca Ballard were present to represent their application.

M. Palmer said a variance is needed because the barn is between the house and the road and the other is a special use permit for the stable.

R. Ballard said they are looking at a property and they are a private homeowner and want to bring their horses home. She said they want to put a stable up in the front and a house in back on the hill.

A. Ferguson inquired if they were their own personal horses or would it be commercial boarding.

R. Ballard said they were their own personal horses.

M. Palmer inquired about the special use permit.

R. Cook stated in the RA zone private stables are allowed by a special use permit.

R. Ballard said they want to have the barn in front of the house because, based on the land, there is a wet area which she pointed out and said the driest and flattest area of the property is to the front for a pasture, barn and indoor/outdoor riding ring.

She said they met with D. Ferlow and R. Cook and walked the property and they recommended where they put the driveway and where the barns and pasture could be and a buffer for the neighbors for privacy.

R. Ballard said they did 150' setback all the way around and 100' on the hill.

R. Cook said the horse barn has to meet the 150'.

R. Ballard said it is a 10-horse stable, but she does not know if she will have that many.

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

Motion by Anne Ferguson, seconded by Hugh Roszel to make a positive recommendation to the Zoning Board of Appeals for the area variance and the special use permit was carried unanimously.

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*William & Rebecca Ballard - Area Variance - Stone Quarry Road (vacant parcel)  
File # 12-851 (Anne Ferguson)*

\*\*\*See Pages 22 & 23 (the area variance was reviewed at the same time)\*\*\*

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*Scott & Paula MacHose - Area Variance - 4 South Ten Eyck Avenue  
File # 12-857 (Mike Palmer)*

Scott and Paula MacHose were present to represent their application.

P. MacHose stated they are in the market for a new house. She said they found one they liked, but it is too small and before they decide to put in a purchase offer they want to see if they can enlarge it.

P. MacHose showed the Board a layout of the original home. She said it is approx. a 1,200 sq. ft. ranch and it is situated on a lot and a half. She stated there is plenty of room on the side. She said they want to extend it out and put on another garage and a master bedroom.

S. MacHose pointed out on the map the two variances that are needed. He further stated he thinks there is enough room in the back.

R. Cook said the sideline setback is 25'.

S. MacHose confirmed it will remain a one-level residence.

M. Palmer reviewed the drawing and determined a sideline setback and front yard setback variance were required.

Motion by Jennifer Basic, seconded by Hugh Roszel 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.

P. MacHose said they will know within the next two weeks if they are going to put a purchase offer in on the property.

INFORMAL

*Owahgena, LLC - Subdivision - 1330 Owahgena Road/Owahgena Road (parcel)*

Elizabeth and Daniel Gaulin of Hunt Real Estate were present to informally discuss the subdivision of land for the owner of Owahgena, LLC.

D. Gaulin confirmed a piece had been subdivided off within the last year and he pointed out the piece on the map.

D. Gaulin pointed out the home and said they have had some interest and they want to sell the home but it is deteriorating and in need of some repair to bring it to market and there is 8 acres around the property. He said they had other inquiries in people interested in a 16 acre piece with 400 feet of road frontage which would be a subdivision. He said the entire piece is 62 acres: the house with 8 acres, 16 acres (400') and another 12 acres (300'). He pointed out two additional pieces on each side of the house and said they would stay with the 110 acres across the road. He said currently the farmers are leasing about 70 acres.

M. Palmer said it would be a 4-lot subdivision.

A. Ferguson said the one-time exemption was already used for the last subdivision and thought it should go conservation subdivision.

M. Palmer told the applicant they have to look at it from a conservation subdivision standpoint.

E. Gaulin asked the Board their thoughts and ideas?

M. Palmer stated they should familiarize themselves with the Town regulations for conservation subdivision and what the regulations were put in place to protect and then they can develop an idea of what parts of the property might benefit from a conservation subdivision. He said not necessarily every property is a candidate, but there are regulations meant to protect view sheds and quality agricultural soils. He said it is important to consider where to build a home and where it would least effect what they are trying to protect.

A. Ferguson said boundaries are determined by land forms such as watercourses, major hedgerows, etc.

M. Palmer said the whole property has to be considered as the map is developed.

M. Palmer said it was very unlikely the Board would just subdivide off the house until they go through the whole conservation subdivision process because they already took the one piece off a year ago which is the one-time exemption from the conservation subdivision requirements.

M. Palmer said when it is done the lines may not be as they appear on the map because the landforms help dictate the lot lines. He stated it is a fairly involved process and not just 30 or 60 days. He said a survey will have to be done for topography, watercourses, wetlands, woods, structures, etc. and some engineering done. He said if they decide to fill-out the application and pursue, the Board can look at what they have done at the time. He said as they get information it generates more thoughts and questions for the Board.

R. Cook said they should do the conservation analysis first because it would determine if they could go with a traditional subdivision in certain parts, based on the analysis.

At 9:25 p.m., motion by Dale Bowers, seconded by Hugh Roszel to adjourn the meeting was carried unanimously.

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Connie Sunderman - Planning Board Secretary - September 12, 2012