

Town of Cazenovia Planning Board

Meeting Minutes

October 4, 2012

Members Present: Michael Palmer, Chairman; Jennifer Basic; Dale Bowers; Tom Pratt; Hugh Roszel; Anastasia Urtz

Members Absent: Anne Ferguson

Others Present: John Langey, Esq.; John Dunkle; Roger Cook; Donald Ferlow; Graham Egerton; Anne Redfern; Frolic Taylor; Timothy McCall; Hannah Strack; Jay Wason; David Horowitch; Todd Schanbacher; Robert Romagnoli; Donald Meyers; Lauren Pipas; Elliot Rodriquez

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

The deadline to be on the next meeting agenda is October 17, 2012.

The next regularly scheduled meeting is November 1, 2012.

The next work session is October 25, 2012.

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

Motion by Hugh Roszel, seconded by Anastasia Urtz to approve the September meeting minutes as submitted was carried as follows:

Mike Palmer - Yes

Jennifer Basic - Absent

Dale Bowers - Yes

Anne Ferguson - Absent

Tom Pratt - Yes

Hugh Roszel - Yes

Anastasia Urtz - Yes

HEARINGS

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

Frolic Taylor was present to represent the application.

T. Pratt said the application was a line change to straighten the line.

The Board Secretary confirmed a letter was added to the file that notified the neighbors of the line change.

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

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

Motion by Tom Pratt, seconded by Anastasia Urtz to close the public hearing was carried unanimously.

Motion by Tom Pratt, seconded by Anastasia Urtz to approve the line change was carried unanimously.

M. Palmer explained the map process to F. Taylor.

F. Taylor had Tim McCall, purchaser, come to the table so he could hear the map requirements and the process.

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

Dale Bowers was present to represent the application and asked that his file be continued.

Motion by Hugh Roszel, seconded by Anastasia Urtz to continue the file was carried as follows:

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

LAND DISTURBANCE/SITE PLAN REVIEW/SUBDIVISION

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

The Board Secretary stated the applicant is still with the Zoning Board of Appeals.

Motion by Hugh Roszel, seconded by Anastasia Urtz to continue the file was carried as follows:

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

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

Hannah Strack of Stowell's Excavating was present to represent the application.

H. Strack confirmed it was a drainage project. She said the land is sloped toward the house and there are several springs close to the house and they think if they add pipe and stone they will be able to pick up the springs. She said there is an existing ditch that runs along the driveway and drains to the road. She stated the pipe is 4" perforated, black coil.

M. Palmer stated there was a discharge detail in the file.

J. Dunkle suggested that there be stabilization with heavy stone. He said there is no increase in runoff.

H. Strack said stone will be left to the surface and it will be a 12" wide trench.

The Board Secretary confirmed comment was received back from the County Planning Department and it was in the file.

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 as follows:

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

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

Jay Wason was present to represent the application for his cousin, Neal Dolan, who was out of town.

D. Bowers said he met N. Dolan at the site on Tuesday and they walked the site. He said the applicant showed him where the deep hole test and two perc tests were performed. He said it is a buildable lot approved by the Town.

R. Cook confirmed he witnessed the deep hole test.

D. Bowers said both tests perced and the deep hole test was satisfactory. He thought the lot was about 1 mile from the lake and said it is on the very fringe of the lake watershed district. He stated the property is severe, but it is a buildable lot and it is the applicant's

choice. He said the lot dropped off severely on his property, but it not going toward the lake. He said they talked about the letter in the file and the Board had a concern about the right-of-way line. He said he thought it was answered to the Board's satisfaction.

M. Palmer reminded the Board it was the 125' setback line. He said the setback line was established when the subdivision was put in. He stated the applicant moved the house back out of the 125' setback line.

D. Bowers said there were elevations and a site section was in the file. He said the applicant is about 5% land disturbance and there is no question of impervious surface.

J. Langey raised the question of a height variance for the back side exposure of the structure.

R. Cook referred to his code book for the language and said it is from the front side of the building for building height.

Jennifer Basic, Board member, joined the meeting.

R. Cook said there was a septic plan in the file and the Board referred to it.

The Board also looked at the topography map.

R. Cook said it is less than a 5% grade where the leach field will be located.

J. Dunkle said the topography map does not go "far enough" to show the detailing. He said it needs to project out where the septic system will be located. He said as soon as they hit level ground for the topography map they stopped taking shots.

R. Cook said the ground is not perfectly level where the septic system will be, but it is less than 5%.

J. Dunkle suggested for the building permit that they prepare a site grade plan to evaluate the proposed slopes and any retaining walls that will be installed. He said he can look at them to make sure the slope stability is maintained. He further stated he would like an erosion control plan during construction when the steep slopes are exposed. He said they should extend the "topo" down and put the septic system on the same plan so it all ties together and is part of the site grading criteria. He also said he wanted to make sure the fill that will be

necessary to bring the house to grade does not extend on the property line and it should be shown. He thought this could be done as part of the building permit.

M. Palmer reiterated what was needed. He said site grading plan, retaining walls, septic system on the topography map, and erosion control plan.

J. Wason confirmed what was needed.

J. Dunkle said the drainage will take care of itself once they see the grading plan and make sure there is no drainage being pushed off on the adjacent property.

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 based on the Board's review of the Short EAF, to approve the site plan with the following conditions: (1) submission of a map with additional topographic lines in and around the proposed septic system area; (2) submission of a grading plan including appropriate erosion control and (3) provide design details of the retaining wall for the project prior to the issuance of a building permit. The motion was carried unanimously.

M. Palmer said there are three retaining walls: one below the house and two above the house.

The Board confirmed the conditions were what the applicant needed to do to get the building permit.

M. Palmer said he will get site plan approval tonight but prior to getting a building permit; he will have to get the rest of the things done.

*David Horowitch - Site Plan Review - 4945 East Lake Road
File # 12-859 (Anne Ferguson)*

Todd Schanbacher of Green Scapes, Inc. and David Horowitch were present to represent the application.

T. Schanbacher said he just received the DEC permit and he gave the Board a copy for the file. He said the DEC had no major concerns, but they requested any bank disturbance

(which he said there should be none because they are working on the edge of the water) be protected for runoff and a silt curtain be installed by the work area in the water. He showed the Board pictures from early spring and said for most of the summer with the lake level the way it was, the foundations were exposed. He said there are approximately five old foundations. He stated they "poked" around a little and they appear to be approx. 1 ½' deep in the water. He said there is one large concrete block out on the point with a stake in it, possibly from a flagpole, that they want removed. He stated all the areas will be filled-in with existing stone or replaced with bank-run fill to fill the cavities. He said similar stone appears on the shore, #2 round flagstone, would be covering any disturbed areas once they are complete. He said, most likely, they will use a handheld jack hammer or if the thickness is beyond what they can handle, they will rent an attachment for their track hoe with a hydraulic breaker. He said the track hoe can stay on the shore and reach 14' to be able to break out all the pieces that need to be broken out. He said they will not be driving equipment in the water. He said the silt curtain will go just outside the work area, surrounding the work area and isolate itself. He said the sediment will stay within the disturbed area. He thought it would be about 10' out from where they are working. He said the DEC did not give much guidance on the location of the silt curtain.

M. Palmer asked if the DEC visited the site.

T. Schanbacher was unsure if they visited. He said he sent the same exact package to the DEC that he gave to the Planning Board. He said it was a joint application with the Army Corps of Engineers. He stated he talked to the Army Corps of Engineers in Buffalo and since the quantity was, at or under 10 yards of material coming out and filling the space; they were notified, but it was nothing they had to come out and inspect. He said the DEC does normally come out before they approve. He stated they could have stopped out and he has to notify them when he is done to do an after-completion inspection.

M. Palmer asked J. Dunkle if he had any concerns.

J. Dunkle said the Army Corps of Engineers and the DEC have established the proper precautions and have taken the lead on the application.

Motion by Hugh Roszel, 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 was carried unanimously.

*Robert & Sue Romagnoli - Site Plan Review - 4580 Fox Lane
File # 12-860 (Jennifer Basic)*

Bob Romagnoli was present to represent his application.

B. Romagnoli confirmed he wants to build a house. He said the plan was developed by the Clarks and they are in the process of purchasing the lot from them and they shared their plan with him. He said, from what he understood, they went through the process before with the Planning Board and some sort of informal approval. He stated, the bottom line is, they would not deviate too much from the schematic displayed. He said the driveway would come off of Fox Lane which is near Route 20 and the house would sit on top of the slope.

M. Palmer inquired about the retention pond on the proposed drawing.

B. Romagnoli said he did not know if that was necessary or who determined it. He inquired if that was a requirement.

B. Romagnoli confirmed the driveway will be blacktop. He showed the location of the septic.

J. Basic said the impervious surface is at 2.22%.

B. Romagnoli said there probably would not be two garages as shown on the plans. He said they would do an attached garage or one that is immediately adjacent to the house.

B. Romagnoli explained the location of the lot and said the Meadow Hill development is just below this lot.

B. Romagnoli said the lot is all overgrown and it is hard to tell what the topography looks like. He pointed out a large area that the Clarks cleared and said that was overgrown, as well. He said it is "forever wild" on the side toward Route 20.

B. Romagnoli confirmed the plan before the Board was not the plan they were going to do, but conceptually it was. He said he is buying the property with the contingency that the Board will give him some positive feedback that a site plan like the one displayed will work.

B. Romagnoli said he talked with R. Cook and one of the concerns was the fact that it will be sitting up on top of the ridge and whether it could be seen from down below. He said he does not know the answer to that question.

R. Cook said he thought when the lots were created that was taken into consideration so there was no building on that ridge line.

R. Cook said the applicant is before the Board because it is in the lake watershed district, not because it is a newly developed lot that requires site plan approval.

M. Palmer did not see why something similar to the plan would not be approved. He further stated it is hard to say and give approval on a plan that has not been seen. He said they looked at the impervious surface which should not be an issue with the size of the lot.

R. Cook said from his perspective of a building permit, the Board should look at it for drainage and any unique characteristics the Board would like developed. He said the applicant does not want to buy the lot and then find out he can't do anything.

M. Palmer said in the zoning regulations, things that need to be looked at are setbacks, heights, percentage of impervious surface, and drainage. He said the engineer would have to determine if the detention pond is necessary. He said it depends what is done with the storm water on the upper side and is it in the ground quick enough.

J. Basic pointed out to the applicant that two accessory buildings are not allowed without a variance.

M. Palmer asked the applicant how he wanted to proceed.

B. Romagnoli said he is out a few months.

The Board agreed to carry the file until they had a drawing from the applicant.

M. Palmer said they could not approve this plan because it is not the plan the applicant wants to do.

Motion by Dale Bowers, Jennifer Basic to continue the file was carried unanimously.

*William & Kathleen Ryan - Site Plan Review - 4699 Ridge Road
File # 12-861 (Mike Palmer)*

M. Palmer said the Planning Board reviewed the application at their work session and determined it to be "low impact," which meant the applicant was not present tonight.

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 the site plan was carried unanimously.

*Lauren Pipas & Elliot Rodriquez - Site Plan Review - 5258 Oweria Point Drive
File # 12-862 (Hugh Roszel)*

Donald Meyers of River Rock Dock, Lauren Pipas and Elliot Rodriquez, homeowners, were present to represent the application.

D. Meyers confirmed they got a permit from the DEC and Army Corps of Engineers to replace a 30' long timber seawall. He pointed out the dock on the plan and said the framework is there which is new.

D. Bowers stated the applicant did not understand they needed to get Planning Board approval.

D. Meyers said the permit is for the seawall. He stated he thought they were before the Board because there was vegetation that was cut.

R. Cook said the plan calls for replanting on the CEA which they did not talk to the Board about.

D. Meyers showed the Board pictures of the foliage conditions before the start of the project. He said everything was cut with pruners and there was no chain saw work except for some existing stumps. He said the biggest thing cut was Sumac.

E. Rodriquez said there were stairs and an aluminum removable dock present when they purchased the property.

D. Meyers said it would be a permanent pile dock and not a floating dock.

M. Palmer said the seawall would require site plan review from the Planning Board.

D. Meyers said it is a new seawall but it is outside of the high water mark and replacing an existing one, so it is a repair. He said according to the DEC that is where he needed to go.

M. Palmer said it is unfortunate that the DEC does not always tell the applicant to check with the local municipality regarding regulations on this type of operation.

D. Meyers inquired about on a private lake?

J. Langey said he talked with two lawyers regarding this, Scott Chatfield and Josh Heintz. He told Mr. Chatfield he had an open-mind on the jurisdictional limitations of the Planning Board and the zoning ordinance regarding work done on the water relative to the high water mark. He referred to a case that said DEC does not exercise preemptive jurisdiction where it is a private lake if there is a zoning ordinance.

J. Langey said portions of Cazenovia Lake are private.

D. Meyers said he has been building docks for a long time and he wants to follow any rules but there is no reason the Board would say no to the dock. He said he talked with J. Heintz and S. Chatfield and Mel Shroeder of the Army Corps this morning and he said NYS starts at the high water mark and the Village of Cazenovia stops at the high water mark. He said J. Heintz is willing to get that in writing.

J. Langey said that would be helpful to get in writing.

D. Meyers said the seawalls are high water and are sometimes the divider. He said if it was a new seawall they would have been before the Board undoubtedly.

M. Palmer asked J. Langey if they should wait until they hear from the other attorney.

J. Langey said they could approve it, if they have enough to approve. He said, for sake of argument, if they have all the jurisdiction that they want to have for the regulations, is the Board ready to act with the information in front of them.

M. Palmer said he might want the CACC to take a look at, like almost every other waterfront property on Cazenovia Lake. He said there is 30' of construction of a seawall and a permanent dock.

D. Ferlow said he would leave that up to the Board if they want the CACC to look at. He said they also might want a planting plan submitted relative to the restoration.

M. Palmer asked what supported the dock.

D. Meyers said it is on piles. He said there are 14 total piles which are all in the water except for the backrow which is out of the water now, but well below the low water mark. He said there are 2 vertical piles every 10' and a welded steel member across them and the piles are connected together with a steel frame. He said they are pounded 18' in the lake and they are 6" steel piles and the DEC wants piles no larger than 12". He stated the dock will have pressure treated decking and the silt curtain was in place when they were putting the piles in and when the wall was built. He said the plantings will be mulch with some sea grasses. He said there is 300 sq. ft. of bank at 35 degrees which cannot be walked on. He said they have removed the weeds and they will cover with mulch and jute fabric.

D. Meyers explained the pictures to the Board so they could get a better understanding of the bank and seawall.

R. Cook said there was an old timber seawall and that is exactly where the new timber seawall was placed.

Some Board members expressed a concern with the mulch washing into the lake over time.

D. Meyers said the wall is solid timber and there is fabric behind the wall. He showed the Board a cross-section. He said the seawall is done but the wood is not on the dock. He confirmed there will be steel piles through the retaining wall which will be installed after.

D. Ferlow inquired about the mulch on the bank.

D. Meyers said it would not stay there and would have to be changed each year and will go down to the wall.

D. Ferlow said the idea of mulch is fine but it should be supported with plant materials and vegetation on the slope.

D. Meyers said the Rodriguez's are going to plant on the bank but that is not part of his contract.

E. Rodriguez stated they are happy to comply with planting on the bank and having it done professionally with what the Board recommends for plantings.

M. Palmer said the only issue is what they can do stabilize the bank.

D. Ferlow said he provided in the past a plant list which covers a wide array of plants.

The Board Secretary confirmed it was on the Town website.

M. Palmer asked the Board their thoughts on having the project move forward conditioned on the applicant coming back with a planting plan in the next 30 or 60 days that would be implemented next spring. He said this would allow the contractor to move forward.

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 the site plan with the condition the applicant will come back with a planting plan for stabilization of the bank upgrade of the seawall within 60 days for sign-off was carried unanimously.

The Board asked the applicant to come back to the Planning Board so any questions can be answered.

Motion by Hugh Roszel, seconded by Anastasia Urtz to continue the file was carried unanimously.

At 8:18 p.m., motion by Dale Bowers, seconded by Hugh Roszel to adjourn the meeting was carried unanimously.

Connie Sunderman – Planning Board Secretary – October 8, 2012