

Town of Cazenovia Planning Board

Meeting Minutes

December 6, 2012

Members Present: Dale Bowers; Acting Chairman; Anne Ferguson; Tom Pratt; Hugh Roszel;
Jennifer Basic (delayed in arriving); Anastasia Urtz (delayed in arriving)

Members Absent: Michael Palmer, Chairman

Others Present: John Langey, Esq.; John Dunkle; Roger Cook; Donald Ferlow; Graham Egerton;
Anne Redfern; Richard Stanford; David Hannig; Kendall Edkins; William
Camperlino; Timothy Mahoney; John Cayanne; Michael Laux; Renee Laux;
Jocelyn Gavitt; Sandy Holmes; Walter Joncas; William Ryan; Gary Johnson;
Christopher Fisher; Peter Hubbard; Jerry Mayright

Dale Bowers called the meeting to order at 7:30 pm.

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

The next regularly scheduled meeting is January 3, 2013.

The next work session is December 27, 2012.

Dale Bowers asked if there were any corrections or comments for the November meeting minutes.

Motion by Anne Ferguson, seconded by Tom Pratt to approve the November meeting minutes was carried as follows:

Mike Palmer - Absent

Dale Bowers - Yes

Tom Pratt - Yes

Anastasia Urtz - Absent

Jennifer Basic - Absent

Anne Ferguson - Yes

Hugh Roszel - Yes

HEARINGS

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

Dale Bowers recused himself since it was his application and stated he asked Anne Ferguson to act as the Chairman while this file was discussed.

Dale Bowers stated there was nothing new in the file.

Jennifer Basic, Board member, joined the meeting.

Motion by Jennifer Basic, seconded by Tom Pratt to continue the file was carried as follows:

Mike Palmer - Absent
Anne Ferguson - Yes
Hugh Roszel - Yes

Jennifer Basic - Yes
Tom Pratt - Yes
Anastasia Urtz - Absent

*Estate of Marion Stanford - Minor Subdivision (1) - 1848 Kiley Road
File # 12-867 (Dale Bowers)*

Richard Stanford was present to represent the application.

R. Stanford confirmed that he notified the people within 500' of the property.

D. Bowers stated there was a map and asked the applicant to summarize the application.

R. Stanford said it was a subdivision of 9 acres off of the farm with 196 acres total.

J. Langey confirmed the SEQRA was completed.

D. Bowers 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 as follows:

Mike Palmer - Absent

Jennifer Basic - Yes

Dale Bowers - Yes

Anne Ferguson - Yes

Tom Pratt - Yes

Hugh Roszel - Yes

Anastasia Urtz - Absent

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

Mike Palmer - Absent

Jennifer Basic - Yes

Dale Bowers - Yes

Anne Ferguson - Yes

Tom Pratt - Yes

Hugh Roszel - Yes

Anastasia Urtz - Absent

D. Bowers told the applicant that he would receive a letter that would explain the map process.

The Board Secretary stated the map requirements.

*Owahgena, LLC - Major Subdivision (7) - 1330 Owahgena Road/Owahgena Road Lot
File # 12-869 (Hugh Roszel)*

David Hannig (land surveyor) was present to represent the application.

D. Hannig displayed the newest subdivision map. He stated on the map is the proposed main conservation easement in "yellow." He said they have also added a site plan. He said all the perc tests, the deep hole and shallow hole are on the lots that are being proposed. He stated substantially what was seen before has not changed, in regards to, the conservation analysis or the number of lots. He said the "orange" lines represent the soil information.

H. Roszel said he did not see on the map the words "no further subdivision" and pointed out the location where it was needed.

D. Hannig said they will stipulate it in the deeds and then he inquired if the Board wanted it on the map?

H. Roszel said he thought it had to be on the map.

J. Langey said usually it is on both, the deed and the map.

D. Hannig stated that would apply on lots 1-6.

H. Roszel said it would also apply in the conservation easement.

A. Ferguson said it was a "no build zone."

H. Roszel stated to the applicant "no build zone" and "no further subdivision" of each lot.

D. Hannig said they tried to do envelopes of the land and pointed out the rear setback lines. He said they have tried to keep the view open and pointed in the Southern direction on the map.

H. Roszel asked the applicant, with the line, if they could still come up 25' of the lot.

D. Hannig confirmed. He said the people that are buying lot 1 only want the view straight back. He said they took that property line and extended it back to the location he pointed out on the map. He stated they will have a substantial view and will look over the house on lot 4.

D. Hannig said each of the lots will have an individual site plan review when a house is proposed. He said they are just drawing a house in at this time.

D. Bowers explained that the applicant is just putting the house between "X" and "Y" and there is a front and rear setback. He said the lines have been established.

R. Cook said with a site plan the Board would still review drainage and all the other things that are normally reviewed.

D. Bowers explained that the applicant would come back for site plan review within the guidelines of the subdivision.

D. Hannig clarified a lot purchaser can go up to the rear setback line and they do not have to stay 25' of off the line.

H. Roszel felt the rear setback line was too far back.

D. Hannig said the envelope would be approx. 300' long and the full width of the lot.

H. Roszel said the house on lot 1 will see the whole second story and a good portion of the first story of the house on lot 4.

T. Pratt asked the applicant if he could move the rear setback line toward the road?

D. Hannig stated it could be done.

H. Roszel said the view shed is "priceless" and he would not want to see the second and first story of a house.

D. Hannig said lot 4 is about $3\frac{1}{2}$ -4 acres up to the line.

T. Pratt suggested the rear setback line move forward to the first contour line on the map for lot 4.

Some members of the Board agreed.

D. Hannig said he thought that was acceptable.

J. Dunkle said since the project is on the threshold of stormwater regulations, he suggested the individual lot disturbances of septic system, driveway, house building be limited to less than 1 acre. He said if the "subdivider" can agree to that; it should be put on the plans so as each site plan is looked at for the individual lots the Board will remember the site disturbance needs to be kept under 1 acre. He stated regulatory-wise, it minimizes the amount of stormwater. He said, in his opinion, since the density of this project, stormwater is not a major concern as long as the green spaces and open spaces are kept. He further stated that an erosion control plan should be provided for each lot when they're developed and the lot plans should include septic system areas and septic system reserve areas. He said to make sure the wells are placed more than 100' apart from the septic system.

D. Hannig stated there is a total of 5 new lots on the south side of the road. He inquired if those 5 lots, could not go over 5 acres?

J. Dunkle said the disturbance could not be over 5 acres.

D. Hannig inquired if cumulatively, they could not disturb more than 5 acres? He said one lot may disturb $1 \frac{1}{2}$ acres and another lot maybe just $\frac{1}{2}$ acre.

J. Dunkle confirmed.

J. Basic inquired how they could keep track of that information.

J. Dunkle suggested a notation be placed on the preliminary subdivision plan, it should say "the cumulative disturbance should be less than 5 acres."

R. Cook said it does not preclude, if on a lot the disturbance goes beyond the one acre threshold; they would still have to go through the S.W.P.P.P. (Storm Water Pollution Prevention Plan) and the local law.

J. Dunkle stated a notation should go on the preliminary plan.

J. Dunkle said if the 4 lots are tallied up and are at 4.5 acres of disturbance and the 5th lot comes in and pushes over the threshold, the burden falls on the 5th lot to meet the compliance requirement.

R. Cook said if the second purchaser came in and disturbed two acres, they would get noticed. He stated under our stormwater management law, you have to look at the S.W.P.P.P. and all the things the D.E.C. would have them look at, so a "red flag goes up" for the Board to review it a little harder than if it was just $\frac{3}{4}$ of an acre.

J. Dunkle said basically it would "trigger" the need for the Board to look at some additional mitigation.

J. Langey said there is a local stormwater law (Chapter 140 - Stormwater Regulations of the Town of Cazenovia Code Book) that the Town adopted and the applicant should obtain a copy and note it on the map so a new purchaser/developer would see the local provision.

H. Roszel said they show the existing septic, but no well on the map.

D. Hannig said he thought the well was in the building.

R. Cook said the existing deep hole and perc test show that you can achieve some on site-disposal.

D. Hannig confirmed on each of the lots was “percable” land.

R. Cook said with each individual site plan, the house may move so they might have to review the perc tests.

D. Ferlow said a significant piece of land is being put into open space and some sort of conservation easement. He said the north parcel is being considered for a totally different development, when and if, it ever does. He said the ravine is in a protected zone. He stated the new house sites are in young growth. He said the C.A.C.C. feels they have achieved the goals that have been put forth.

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 - Absent

Jennifer Basic - Yes

Dale Bowers - Yes

Anne Ferguson - Yes

Tom Pratt - Yes

Hugh Roszel - Yes

Anastasia Urtz - Absent

H. Roszel summarized what was still needed. He pointed out the “no build zone” area and said on lots 1-6 they cannot be further subdivided. He said in regards to land disturbance, cumulatively, nothing greater than 5 acres.

D. Bowers also said the building lot line change on lot 4 and J. Dunkle's notes that would need to be on the map.

J. Langey said he would be more comfortable with the Board approving knowing what they are approving in front of them, but they can still do the public hearing tonight.

J. Langey said the applicant is showing the conservation easement fairly well on the map.

H. Roszel said it does not say that it is a “no build area.”

J. Langey said he is going to ask the applicant to provide a conservation easement that will say it, but it should say it in a specific note on the map indicating exactly what the prohibitions are on that part.

J. Langey said D. Hannig can propose some language that the Board can look at, at the next meeting, or he can look at it and it will have to agree with the conservation easement form.

J. Langey told D. Hannig to contact him so he could get the form.

J. Langey inquired if the "no further subdivision" was on lots 1-6.

The Board members confirmed.

J. Langey said the note regarding site plan review prior to the issuance of any building permit for any individual lot should also be a condition.

H. Roszel said also change the rear setback line for lot 4.

J. Langey inquired if the Town of Cazenovia Highway Superintendant looked at the driveway cuts?

D. Hannig said they were marked in the field but he did not know. He stated they were all marked on the map.

J. Langey asked if there was good distance?

D. Hannig said they do.

J. Langey said he is looking for Tim Hunt, Highway Superintendant, to be shown and sign-off on.

D. Hannig said they were measured and it is adequate.

J. Langey asked the applicant to obtain a letter from Tim Hunt and make sure the date of the map is referenced in the letter.

J. Langey said J. Dunkle mentioned to make sure the driveways would not drain onto existing road.

J. Dunkle and R. Cook confirmed that would be under site plan review.

The Board Secretary confirmed fees were paid and the neighbors were notified.

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

Gary Johnson came forward to the table and said he owned the property just over the County line and is a little disturbed because when they bought the house six years ago they were told Vadeboncoeur was planning on keeping it wild in perpetuity, all of her property but passed away before she was able to do this. He said he is concerned about what is going to happen here.

D. Hannig said the lot in the Town of Pompey will be much like the ones in the Town of Cazenovia and they will try to enhance the conservation easement.

G. Johnson said people drive fast on Owahgena Road and inquired if the speed limit would be reduced? He said it is a 55 m.p.h. speed limit and too fast the way it is.

D. Hannig said it would be wonderful to be reduced to 45 m.p.h.

G. Johnson looked at the map and the driveways.

H. Roszel said there would be two additional driveways on Owahgena Road in the Town of Cazenovia.

D. Hannig said in the Town of Pompey, he was unsure of the number, but he guessed 4-5 lots would be created similarly sized to these lots.

H. Roszel stated that would happen in the Town of Pompey and would have nothing to do with this Board.

G. Johnson summarized by stating he wanted to "go on the record as being not very pleased with any of this." He said "it was not supposed to be like this." He stated his neighbor is also at the meeting and is not pleased because he was told the same thing.

Chris Fisher came forward to the table and said he lived at 8952 Owahgena Road, right on the Town line. He stated when he bought his house a few years ago he was told the same thing; Ms. Vadeboncoeur was never going to subdivide. He said he was at the meeting for informational purposes because he is on the other side of the Town line.

The Board members used the map to explain to C. Fisher what was being proposed in relation to his property location.

D. Hannig pointed out an area on the map with the stream and said they wanted to tie it into a conservation easement in the Town of Pompey.

H. Roszel said on the north side of Owahgena Road is 1-lot known as lot 7 and it is 100 acres and nothing is being done at this time. He told C. Fisher the only thing under review at this time is the 6 lots on the south side of Owahgena Road in the Town of Cazenovia with two driveways being on Owahgena Road.

C. Fisher said he agreed with Gary Johnson and signs should be put up because people "fly" down the hill.

J. Langey said the Town has to request a speed change.

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

Motion by Hugh Roszel, seconded by Anne Ferguson to close the public hearing was carried as follows:

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

D. Bowers said the file should be continued until next month when all the information requested has been submitted.

Motion by Hugh Roszel, seconded by Tom Pratt to continue the file was carried as follows:

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

J. Langey said, with the whole idea of conservation easement, he would like to see a conservation easement that they can agree upon, basically at the time of the approval so it does not have to be negotiated after the subdivision has been approved. He said he would like D. Hannig to get the legal description for the easement so it is ready to go so when the map is signed and they do not have to track it down after.

D. Hannig said they are working on it.

J. Langey said the same thing with the deed restrictions regarding "no further subdivision." He stated if they can see the form of deed with the language so it can be signed off on, ahead of time.

LAND DISTURBANCE/SITE PLAN REVIEW/SUBDIVISION

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

No one was present to represent the application.

R. Cook stated that it should be adjourned at this time. He said the applicant will most likely come in the Spring to do a site plan for both the house and the barn.

Motion by Hugh Roszel, seconded by Jennifer Basic to continue the file was carried as follows:

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

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

No one was present to represent the application.

J. Basic stated there was nothing new in the file.

Motion by Jennifer Basic, seconded by Hugh Roszel to continue the file was carried as follows:

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

*Kendall & Gwen Edkins - Site Plan Review - 3956 Burlingame Road
File # 12-870 (Anastasia Urtz)*

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

*William J. Camperlino - Major Subdivision (4) - Oweria Point Drive
File # 12-872 (Dale Bowers)*

David Hannig (land surveyor) and William Camperlino were present to represent the application.

D. Hannig displayed a map for the Board. He said the wetlands come up all the way through and are shown on the map in "light blue." He said since it is a D.E.C. wetland, you have to have your homes and any part has to be 100' away from the wetland. He said there is very little area that can be built that is not restricted by D.E.C. wetlands or buffers to the wetlands.

D. Bowers inquired if the largest base line was the buffer?

D. Hannig confirmed. He said it is also a "no build zone" and they even looked at it as a conservation easement to be presented to the Town or whoever wants the wetlands. He said they looked at it from a total area and took out the wetlands and pointed out the calculations and said there is a total of 4 lots. He said that is what they would like to build. He stated some of the proposals in the past had up to 12-14 lots and most recently 8 or 9. He said each lot will have an individual well and probably the most modern sewage disposal system available. He said Eric Murdock, was the primary engineer for 35 of these systems for septic systems that were failing on Skaneateles Lake. He said it is significant system with a minimum cost of \$ 30,000.00 dollars where the effluent comes out of the other end and is almost drinking water and would go right into the wetlands. He said the State has approved this both on Skaneateles Lake and on the watershed of Skaneateles Lake.

H. Roszel inquired if they would all be raised?

D. Hannig said they are actually chambered. He said the solid stays in the tank and the effluent goes out into two different chambers that are purified through a peat moss filtration system.

W. Camperlino said they are basically mini sewer treatment plants.

J. Langey referred to the map and asked if it was the road?

D. Hannig confirmed that the road would come in on the final lot. He said there was an easement there, at one time.

D. Hannig said, right now, the existing Homeowner's Association has three docks and he wants to propose a dock large enough for four boats, through the wetlands. He said it would be a raised dock system to get to the actual dock.

R. Cook said it would be D.E.C.'s call.

J. Langey inquired if the 4 docks would be for the 4 lots? He looked at the map and asked the question "these two lots don't have any water?" (he was referring to lots 2 & 3 that do not front on the lake). He said there might be a regulation on it.

J. Langey said "there is a rule on the books, that says, going forward you are not supposed to, like if, if you had 17 lots up here, you are not allowed to let people come in and set-up 17 docks."

D. Hannig said it would be a conservation subdivision versus a conventional.

D. Hannig said all of the shaded area on the map is D.E.C. wetland. He said the dark-shaded is an actual D.E.C. wetland and there is a 100' buffer zone to where they can build a house. He said it would be a path.

D. Hannig said it would be a 3-4' wide foot path and would be raised and out of the water.

R. Cook said there is a similar boardwalk further down North Lake Road that the D.E.C. approved.

D. Ferlow said it is wet in there.

A. Ferguson said the proposed wells were shown on the map.

H. Roszel inquired if the person on North Lake would have no access to the water?

D. Hannig said he would hope they all have access

D. Bowers said lot 2 & lot 3 do not have access to the water.

J. Basic said she is concerned about the disturbance to the wetlands when the houses are being built.

J. Langey said the applicant would have to address how they are going to handle it.

D. Hannig said, at this point, they do not know size of the houses or exact locations of driveways, etc.

R. Cook confirmed that would be handled under site plan review. He said, during the site plan review, the Board will look at percentage of lot coverage and the other normal items and it will be limited to the buildable areas.

J. Langey said the applicant should have a general statement about it as they go through the subdivision process. He said not a specific plan but a mention of how they would handle it?

D. Hannig inquired about stormwater?

J. Dunkle said, in accordance with the Town stormwater regulations, the development will need to mitigate the impact of the additional hard surfaces in the lake watershed.

D. Hannig inquired if mitigation could be done with water gardens?

J. Dunkle said in addition to mitigating the impervious surfaces, it needs to be treated. He stated there is a lot of green infrastructure practices that can be used on these lots.

J. Dunkle said given the "sparsity" of the development he would suggest the stormwater practices not be centralized but be incorporated on the lots. He said whatever notation, it needs to go on the plan to designate the stormwater management plans be developed for each lot at the time of site plan review. He said the plans should be in accordance with the State and Town requirements.

J. Langey stated they should be captured in some covenants.

D. Hannig said absolutely.

J. Langey inquired about the formation of a drainage district to protect everything for the lots, just in case, there is an issue. He said "like a belt and suspenders for drainage."

J. Dunkle said if there are individual practices, this is a philosophical question for the Town. He asked the question, if there are individual rain gardens or some other type of treatment practice on these lots, does the Town want to have the ability to monitor those practices, forever, basically?

J. Langey said, at the minimum, there would be a stormwater management agreement with Mr. Camperlino that would run with the land. He said at Cannon Crest, they did a stormwater management agreement and a drainage district.

J. Dunkle said Cannon Crest had a centralized treatment practice. He said he imagined these will be individual practices on these lots. He said another technique is deed covenants that are put on each lot that requires maintenance in perpetuity of stormwater practices.

J. Langey said as long as the Board has an ability to enforce it, preferably, without getting an injunction in Court.

J. Langey explained about the drainage district and said, the lot owners would not incur any annual fees unless and until something failed and the individual property owners refused to repair it. He said the Town would fix it and put something on their bill for the next year and they would have to pay on their tax bill for the next year.

D. Hannig confirmed it would be 4 new wells.

J. Langey asked if they were proposing to do a test well and pump it down to see what happens?

D. Hannig said no. He said they do not know where to put it.

J. Dunkle said there should be some engineering assessments since the public water supply for the subdivision is nearby and some assessment should be made that 4 additional wells will not affect the source for public water.

W. Camperlino said they had a meeting with the Madison County Health Department and Town about a year and a half ago. He said they have monitored and know the volumes and pressures. He said the study is ongoing and he thought the information was readily available.

J. Langey asked for a copy of the information. He said with the knowledge that the applicant wants to drop 4 wells with regular daily usage for 4 brand new homes, what impact that may have on the water corporation's water.

W. Camperlino said he recalled that the water coming out of the public water system is more than adequate to take care of twenty more houses. He stated there might be a pressure issue in the neighborhood. He said rather than his lots dealing with a pressure issue; he would rather put new wells in and put his own pressure system in and not in any way affect the current water system.

R. Cook said the Madison County Health Department have the reports that the Oweria Water District turns into them as far as quality and volumes, etc. He said until the actual draw down is done, nobody is going to guess how it would affect it. He said that is why the engineer is requesting a draw down.

J. Dunkle said in lieu of a draw down, perhaps an engineer assessment that analyzes the existing well and gives the Town assurance that the additional extraction of 4 additional wells will not detrimentally impact. He said it is up to the Board whether or not they want to acquire it. He said certainly installing one well on one lot is the most appropriately and conservative way to assess the impact. He said if there is adequate supply in the aquifer and that is demonstrated and another engineer can support that to the Town it to ensure it.

J. Langey stated the Long Form E.A.F. (Environmental Assessment Form) should be used because the Critical Environmental Area down by the shore and technically with a 4 lot subdivision that should "trigger" the Long Form.

D. Ferlow said he walked it with some members of the C.A.C.C. for several hours. He stated it is a wet site and the area down near the lake currently-you are walking in water. He said the soils are fairly firm but you are in water. He said the vegetation is that of wetlands. He stated as you go up, it dries out a little bit but there is standing water pockets as you go up through the site which is on a general gradient. He said, to his mind, it cannot have a central drainage district because it would destroy the effect of the site. He said you need the individual lots and they would feed and continue to feed the wetland as they are doing now. He said there is nice vegetation with mostly young trees that is comprised of Ashes, Maples and Hawthorns. He said there is a section in the center of the site that can't be easily viewed from the road that is, literally, trash. He stated the C.A.C.C. would render a report. He said one concern they do have is the average homeowner purchasing a lot on the site would not understand where the 100' setback is from the wetland and it is a D.E.C. regulatory line. He said there should be some

means of identifying it on a permanent basis so that the Code Enforcement Officer or the homeowner would know where the 100' setback starts. He said it is hard to tell where the regulatory line is located. He said, he thought, the regulations call for setting aside, in some sort of form of open space, the constrained lands that would be 4+ acres of land. He said, he thought, there were a couple of areas below the 5,000 sq. ft. with steep slopes, particularly along the area with the cul-de-sac.

D. Hannig said the land they have to do that with is the wetland itself and the buffer to the wetlands. He said the buffer to the wetlands, or the wetlands, they would set aside as conservation.

J. Langey said the procedure is for the applicant to identify the features and he suggested they look at the Code. He said bring the information to the Board and then the Board makes a decision as to what features are valuable enough to conserve in a conservation easement, if that is the route the Board is going. He further stated not everything has to be conserved but it does have to be analyzed and a decision has to be made.

D. Ferlow said he met a neighbor and he mentioned that, he thought, a water line from the water company crossed the site and it might be in one of the buildings. He inquired if that line had been documented?

D. Hannig said he was not aware of that information.

D. Ferlow suggested they check it out.

J. Dunkle said it could be from one of the houses up on the hill.

J. Langey said it would be good for the applicant to know what it is, to avoid any potential litigation

D. Hannig said it is the first they have heard of it.

J. Dunkle said they should check if there is any water company customers on the other side of the property and that might give an indication. He said the line is probably 5' down, just below frost.

D. Hannig said this submission is their sketch plan.

J. Langey said the applicants are looking for input from the Board, from a planning side.

A. Ferguson said the houses should be configured so there is less disturbance around the wetlands, given the fact wetlands are threatened.

J. Langey said they will have to demonstrate they won't impact the wetlands with the plans. He said as it develops, they will have to prove it to the Board.

D. Hannig said the issue is always the 100' setback from wetlands. He said that is all the State requires is they stay 100' away.

W. Camperlino said years ago he hired Barbara Reuter who is an environmental engineer and they walked the property. He said she flagged the wetlands and they met with the D.E.C. and Army Corps of Engineers and walked it again. He said they "mapped it" where the flags were. He said this has all been done with environmental engineering in mind.

J. Langey asked if they were all D.E.C. wetlands.

J. Dunkle said they are automatically Army Corps.

D. Hannig said every little spot on the map is an actual flag set in and they located those so they could mathematically do an exact easement.

D. Ferlow referred to the Barbara Reuter's report and said it was filed with the application. He said, he thought, the wetland regulations say the delineation holds for five years and his recollection was it was done in 2008.

W. Camperlino said Barbara Reuter has since retired.

J. Langey said J. Dunkle had to do a full review.

J. Langey said the biggest question right now is; how they want to handle the water issue.

Motion by Hugh Roszel, seconded by Jennifer Basic to continue the file was carried as follows:

Mike Palmer - Absent

Jennifer Basic - Yes

Dale Bowers - Yes

Anne Ferguson - Yes

Tom Pratt - Yes

Hugh Roszel - Yes

Anastasia Urtz - Absent

D. Hannig submitted the actual survey for the Planning Board file.

*William J. Camperlino - Site Plan Review - Oweria Point Drive
File # 12-873 (Dale Bowers)*

See pages 12-19 of these minutes. The site plan was discussed simultaneously with the subdivision application.

*Mahoney Design & Build, Inc. - Site Plan Review - Glenwood Road Parcel
File # 12-874 (Mike Palmer)*

Timothy Mahoney (builder) was present to represent the application.

T. Mahoney said they own a 2-acre vacant lot on Glenwood Drive which is part of a subdivision that dates back to 1972 or 1973. He said they want to build a house there and he wants to get his site plan approval for the house, driveway and the proposed features of the home.

A. Ferguson viewed the map making sure the proposed septic, proposed well location, and setbacks were noted.

T. Mahoney said the contour of the site is relatively flat. He stated it is not significant in any direction. He said he did not have any contour drawings.

T. Pratt inquired where it would drain?

T. Mahoney said he thought it would drain to the curb/street line where the ditch is located. He stated there is not a culvert, it's an open ditch. He said there would be a culvert at the driveway and he spoke with Tim Hunt, Town Highway Supervisor, to get his "blessing" on the driveway location and the size of the culvert. He said Tim Hunt has sized the culvert pipe and said the drawn location was fine, but it could go anywhere along there because there are no sight restrictions.

R. Cook said Tim Hunt sent him a letter which was put in the file.

T. Mahoney said he thought the lot could be described as "high and dry."

R. Cook inquired if the back portion of the lot was a little wet?

T. Mahoney said not that he has seen and he has walked it at various times of the year. He stated the driveway will be stone, at this point. He said it has been calculated in the impervious surface calculations so that if the future owner decides to pave it, it has already been calculated.

T. Pratt inquired about a perc test?

T. Mahoney said the perc tests were all done in the original subdivision.

T. Mahoney said the lot is relatively flat. He said there may be 3' of an elevation change, but it is not significant.

R. Cook said when you are driving down Glenwood Road, it does rise up, but once you get in there it plateaus and runs to the "sister" lot where the house was done 3 or 4 years ago and then it goes Northeast and rises.

J. Dunkle inquired if there would be separation between the septic system and the adjacent property well?

T. Mahoney stated "absolutely." He said it does not show the adjacent neighbor's well on the plan. He stated prior to them locating their septic system, they will locate the neighbor's well.

J. Dunkle said the septic system has to be 100' away from any well. He said he wants to make sure the septic system location on the lot is 100' away from the well on the adjacent lot.

Anastasia Urtz, Board member, joined the meeting.

T. Mahoney stated the parcel is large enough, and that separation will not be a concern.

J. Dunkle said this is the first time he has seen the plan, so he really can't comment on drainage.

D. Bowers said this is the site plan review.

J. Langey said it is a pre-existing subdivided lot, all they need is site plan review.

J. Dunkle said the driveway needs to be approved drainage at the interface of the driveway and the existing street and be approved by the Town Highway Supervisor. He further stated to make sure the driveway does not dump all the drainage on the street.

T. Mahoney said the current vegetation is scrub and some mature trees.

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, and to approve the site plan with the conditions of 1) assurance proposed septic area is not within 100' of any adjoining wells; and 2) the driveway will be established in a way that it does not impede the Town road surface or drainage was carried as follows:

Mike Palmer - Absent

Jennifer Basic - Yes

Dale Bowers - Yes

Anne Ferguson - Yes

Tom Pratt - Yes

Hugh Roszel - Yes

Anastasia Urtz - Abstain

*Owahgena, LLC - Site Plan Review - 1330 Owahgena Road/Owahgena Road Lot
File # 12-875 (Hugh Roszel)*

See pages 3-11 of these minutes. The site plan was discussed simultaneously with the subdivision application.

*John Cayanne - Line Change (1) - 2477 & 2339 Smith Road, New Woodstock
File # 12-876 (Mike Palmer)*

John Cayanne was present to represent his application.

J. Cayanne pointed out the location of his house and an additional parcel that he said he bought which was on both sides of Smith Road. He said the adjoining neighbor, Jim Duffy bought all the land above him and he intends to sell him the lot he pointed out on the map (noted on the map as tax map # 147.00-1-21.1) as well as part of the land where his house is, leaving him 14 acres. He said Mr. Duffy has assured him that it would all get rolled into one big parcel. He said Mr. Duffy is going to build a hunting cabin further up on his current parcel and wants the land to hunt and take his kids to. He said it does not change the number of houses on the road.

He confirmed the resulting acres that he would own would be 14. He said the lot is just under 22 acres and they are selling him approximately 8 acres off the one parcel and the other 98-acre parcel.

R. Cook said there are two existing lots today and the lot line is changing. He confirmed he owned two separate parcels with two separate tax map numbers.

R. Cook confirmed the line is just shifting up (to the west).

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

Motion by Tom Pratt, seconded by Hugh Roszel to move to a public hearing was carried unanimously.

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

RECOMMENDATIONS TO THE ZONING BOARD OF APPEALS

*Michael & Renee Laux - Area Variance - 5742 Cheese Factory Road
File # 12-863 (Tom Pratt)*

Michael and Renee Laux were present to represent their application.

M. Laux said the Town is changing all their laws on chickens and goats, so they do not know what they need to ask for until the Town actually solidifies their laws. He said, at this point, they just need a continuance.

Motion by Jennifer Basic, seconded by Tom Pratt to continue the file was carried unanimously.

*Kendall & Gwen Edkins - Special Use Permit - 3956 Burlingame Road
File # 12-871 (Anastasia Urtz)*

Kendall Edkins was present to represent his application.

R. Cook confirmed they are before the Board because of a stable.

K. Edkins said he would like a residential private stable for his wife. He stated his lot is approximately 21 acres. He said it is about 80'-100' from the house and is 400'+ back from the road. He stated it will be 36'x60' with the stable portion being 36'x36' with porches on both ends. He said it is basically a pole barn and showed a picture to the Board. He stated the second story will be used for hay storage. He said the exterior is steel and will be gray, white, and black to match the other structure on the property. He said the interior would be wooden.

J. Basic said it is in character with the area.

K. Edkins said the hunt goes through the property.

Motion by Anne Ferguson, seconded by Hugh Roszel to make a positive recommendation to the Zoning Board of Appeals was carried as follows:

Mike Palmer - Absent

Jennifer Basic - Yes

Dale Bowers - Yes

Anne Ferguson - Yes

Tom Pratt - Yes

Hugh Roszel - Yes

Anastasia Urtz - Absent

D. Bowers told the applicant he would need to go to the Zoning Board of Appeals and then come back to the Planning Board.

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

INFORMAL

David Falso/Davis Senehi - Subdivision - Summerfield

No one was present to represent the file.

Dale Bowers said Summerfield is going to be continued.

Motion by Jennifer Basic, seconded by Tom Pratt to continue the file was carried unanimously.

Howard & Ann Port - Site Plan Review - 1060 Tunnel Lane

Jocelyn Gavitt (architect) was present to represent the informal.

J. Gavitt said The Ports are before the Board because they have a neighbor willing to sell them a "chunk" of land which she pointed out on the map which they could combine into their property to give them a building envelope large enough to build their garage so they would not violate or need to ask for variances for setbacks. She stated their lot is narrow and the original lot with the setbacks would be a narrow envelope. She said they would not be able to get a structure in there without asking for variances. She stated the Ports were hoping to purchase the small "chunk" and combine it with their property. She said they have already added a large amount of land to the lot to help with the impervious surface restrictions. She stated they hope to add the new land to help with the odd and narrow shape of the lot to allow for a building envelope that is more manageable. She said the garage would be located in the "shaded pink" area that she pointed out on the map. She said what they had presented before was much closer to the property line and they would have had to ask for a variance.

A. Ferguson inquired, if the intent was to conceptually present it; to see, if it would be allowed, so The Ports new if they should go ahead and purchase?

J. Gavitt stated there is some ambiguity when she looks at the setbacks on Tunnel Lane. She inquired about the setbacks and what was side/front, etc. She said the Ports did not want to go ahead and purchase and then find out there was a special situation with a setback.

J. Langey stated it was the first that he has seen this information.

R. Cook said his interpretation is Tunnel Lane is a right-of-way and they are deeded that easement to travel across that road. He confirmed it was a private lane. He further stated, obviously, they cannot build into that right-of-way, they have to be setback from the right-of-way line.

J. Langey said a fire truck needs to be able to get down there. He inquired about the people that were going to sell the land to the Ports; what land would they be left with?

J. Gavitt was unsure.

J. Langey said he wanted to make sure they do not, accidentally, create a non-conforming lot.

Sandy Holmes was in the audience and knew the answer. She stated they would purchase the land from Jim Williams.

R. Cook said there is a long stretch of land that Mr. Williams owns that comes all the way down Tunnel Lane.

S. Holmes said they are looking to purchase just enough from Jim Williams so they can have the area they want for their garage.

J. Langey said the goal is to make sure that Jim William's lot does not become non-conforming in lot area, lot coverage and the other things they look for.

J. Gavitt said she did a 25' side setback and then she pointed out the setback line that sits on Tunnel Lane's right-of-way line and said it is still about 10' off the pavement of Tunnel Lane.

J. Langey said she needs to make sure the structure is no closer than 25' from the side yard and 50' from rear line. He said she needs to show it will not be in the travel part of the lane or any of the right-of-way. He said the rest of it is up to the Planning Board from a planning standpoint.

J. Gavitt said she checked impervious surfaces and they are good. She stated they are good in all scenarios. She said previously, Roger and her discussed if you count the impervious surface of the private right-of-way or not because it is all pavement. She said she calculated it both ways and they are fine if they count it or not.

J. Langey said it should be counted because it is a hard packed surface.

J. Gavitt said they will end up at 9.86% which includes all gravel for the driveway.

R. Cook said to develop the site, there is a high bank there. He said to cut into the bank, would need some excavation, so he mentioned contours.

J. Gavitt said she would submit that information.

D. Bowers said J. Dunkle should look at it since there would be a significant cut into the bank.

Some Board members thought that was looked at with the last proposal.

J. Gavitt said the original application was withdrawn because they were going to have to ask for a variance and it seemed as though people were not going to be agreeable to that, so they wanted to look for another solution.

At 9:07 p.m., motion by Hugh Roszel, seconded by Dale Bowers to adjourn the meeting was carried unanimously.

Connie Sunderman - Planning Board Secretary - December 11, 2012