

# Town of Cazenovia Planning Board

## Meeting Minutes

January 3, 2013

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; David Hannig; Kendall Edkins; John Cayanne; Michael Laux; Walter Joncas; William Ryan

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

The deadline to be on the next meeting agenda is January 23, 2013.

The next regularly scheduled meeting is February 7, 2013.

The next work session is January 31, 2013.

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

Motion by Anne Ferguson, seconded by Hugh Roszel to approve the December meeting minutes was carried as follows:

Mike Palmer - Abstain

Jennifer Basic - Yes

Dale Bowers - Yes

Anne Ferguson - Yes

Tom Pratt - Yes

Hugh Roszel - Yes

Anastasia Urtz - Abstain

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### HEARINGS

*Dale Bowers - Subdivision (1) - 2475 Fenner Road*

*File # 12-858 (Jennifer Basic)*

Dale Bowers wanted his application to be continued.

Motion by Anastasia Urtz, seconded by Jennifer Basic to continue the file was carried unanimously.

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

M. Palmer asked the applicant to come forward to represent his application, but the applicant was not present.

M. Palmer stated the file would be set aside until later.

Before the close of the meeting, M. Palmer, once again, asked if John Cayanne was in the audience.

John Cayanne was present to represent his application.

J. Cayanne displayed the map and "recapped" the application for the Board. He said it is one contiguous piece of property and he is going to sell the 98-acre parcel and part of what was 21.928 acre parcel to the neighbor. He said he is dividing off 7.928 acres adding it to the roughly 98-acres. He said he is selling it to the property owner, who owns the rest of the hill above him. He said there will be no new driveways going in. He stated the new owner, Jim Duffy, intends to build a small weekend cabin get-away, further up on a parcel he already owns.

M. Palmer asked the applicant if the neighbors were notified.

J. Cayanne confirmed the neighbors were notified, but he did not bring a copy of the letter.

J. Langey said the approval should be made conditional upon the submission of the mailings.

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.

J. Langey confirmed the SEQRA was done last month.

J. Cayanne said the letters were mailed December 20, 2012.

Motion by Jennifer Basic, seconded by Anastasia Urtz to approve the line change with the condition the applicant will submit proof of the mailing was carried unanimously.

M. Palmer and the Board Secretary explained the map process to the applicant.

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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.

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

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

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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*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 map on the table for the Board to review. He stated since the last meeting, the owner had a few concerns. He said one of his concerns was the proposed conservation easement, so he narrowed it down on the new map that he presented, date-stamped by the Town Office, December 19, 2012. He said it was also narrowed down from into

the field, to the edge of the woods. He thought it was reduced by 10% or 12%, but it was still 13 acres.

D. Hannig said the second part of the owner's concern, which they are asking for, is to move the rear setback line due to the intended sale of lot 4 and possibly lot 3 and the possibility of the sale of the main house (lot 1). He said they had to move the rear setback line back to the area he pointed out on the map (further west than before on lots 3 & 4). He said there is a front yard setback and a 40' rear yard setback.

D. Bowers clarified and said it is a building line setback.

D. Hannig said, a concern by everyone, is to make the subdivision the same as it is seen today, when it is travelled in 10, 15 or 20 years.

D. Hannig said the owner of lot 4 would have a single-family home and probably, a single story. He said they would like it setback as far as possible in the corner with the view to the south.

D. Hannig said bringing the line back as discussed at the last meeting would "scratch" the sale of lot 4 & probably, lot 3. He said they need to have the rear setback line as shown on the newest map. He showed the Board members pictures of views from various potential house locations.

D. Hannig confirmed the setback line had to be moved for lot 3 & lot 4. He stated you could not see over the hill for lot 3 to have any view at all.

D. Hannig confirmed they are trying to put everyone on the ridge so they all have the same view. He stated he does not feel the view shed intended in the conservation regulations would apply to favoring one lot over another. He said they are respectful of the view from lot 1 (mansion) and it will remain but they will see a house or a portion of a house on lot 3 & 4. He stated this is a conventional subdivision but they are very respectful of the town conservation ordinance.

The Board reviewed the reason they moved the line for lots 3 & 4 and came to the conclusion it was to protect the view shed from the mansion.

M. Palmer said it is not their position as a Planning Board to protect everyone's potential view shed. He stated it is a "buyer beware" type of thing, unless it is a listed view shed. He stated the Board's concern is how it looks, works and impacts the community.

A. Ferguson said one of her concerns was the owners that were present for the public hearing last month and the impact the development would have on them.

D. Hannig said their concern was the traffic. He said he called the Town of Cazenovia highway superintendant two times, but did not make contact with him. He was going to suggest that he and the Town of Pompey superintendant get together and reduce the speed to 45 m.p.h.

A. Ferguson inquired about the changes to the conservation easement.

D. Hannig pointed out the original line that was on the map date-stamped by the Town Office, November 16, 2012. He said they changed it to reduce the area and give lot 6 more space. He said the line was arbitrary. He pointed to the shorter line near the woods and said that was not arbitrary and the owner wanted that line. He said the easement would only be restricted to the three lots he pointed out on the map (lots 4, 5 & 6.) He stated it is not a Town easement.

T. Pratt asked what difference it would make to go back to the other conservation easement line?

D. Hannig stated he did not think it would make a bit of difference, except for the "shorter" line the owner wanted.

D. Hannig said the conservation easement can be used for walking trails, but no public access. He further stated the trees can't be sold off in a conservation easement.

J. Langey said the conservation easement form that the Planning Board uses is a DEC-approved conservation easement that basically creates a "forever wild" area that has been identified as important for conservation purposes. He said there is no taking down of trees in perpetuity. He said the setback line should be thought of more as a building line area. He said the owner could come back in and petition the Planning Board to change the setback line but the conservation easement can never be changed. He said the other things are subject to the review of the Planning Board.

J. Langey said, initially, the subdivision was presented that it would be treated as a conservation subdivision and the areas were negotiated over the last several months.

J. Langey said in all of the conservation easements; they have never required public access.

M. Palmer said he did not see a whole lot of benefit to the Town, other than restricting timber rights.

A. Ferguson said she thinks it is important to the community to maintain as much open space as they can which is what the Town is getting out of it.

D. Hannig said it also has been shown on the lots that there will not be any future division and it will be filed on the map.

M. Palmer inquired about the five acres of disturbance and S.W.P.P.P.

J. Dunkle said each lot disturbance will be less than one acre.

D. Hannig confirmed there was a note on the map.

T. Pratt said, in the future, they will only see a site plan and the note will be gone.

J. Langey said a deed restriction could be put on it also. He told D. Hannig that he has not seen the proposed deed language yet, only the conservation easement language. He said he needs to see the deed language stating "no further subdivision."

J. Dunkle said it would fall on R. Cook, Codes Enforcement Officer, to make sure each grade plan meets building permit application to ensure disturbance is less than an acre.

M. Palmer suggested dividing it by the five lots. He inquired who will keep track of it.

J. Dunkle said from his perspective, if you limit the disturbance of each lot to less than an acre, the cumulative will be less than five acres.

M. Palmer said the map and the deed could note that each lot "you cannot exceed one acre of disturbed property."

J. Dunkle said if a lot does propose a greater disturbance, they would have to go to the Planning Board.

M. Palmer confirmed each survey will have the notation regarding the disturbance of land.

M. Palmer asked the Board how they felt about the setback line moving further to the west?

H. Roszel said he thought it effected the view from lot 1.

T. Pratt said he thought it would be nice if they could move the line, but he does not think they have any way to enforce it.

M. Palmer said he does not know why they would say one view is more important than another lot.

A. Urtz said lot 1 has a historic view.

A. Ferguson said regarding the view, the house on lot 1 was there first and she would prefer to see the line moved back.

M. Palmer said the view is still expansive, but it is going to be impacted.

D. Bowers and T. Pratt stated they were ok with what is proposed.

M. Palmer stated he did not care either way and he did not know if the Planning Board would want to get in that kind of situation in an unlisted view shed.

J. Dunkle said he made his recommendations regarding stormwater and site disturbances. He stated he also made comments on driveway locations and that the septic system reserve areas be shown. He reiterated that each lot will be looked at again with individual site plan approval.

J. Langey confirmed the SEQRA was done last month.

J. Langey read from a proposed resolution that he drafted for the Owahgena Farms Subdivision based on a map prepared by D. W. Hannig dated October 11, 2012 with a last revised date of December 14, 2012 with the conditions being:

- Lots 1-6 shall require a deed restriction noting that no further subdivision is to occur and a notation of such restriction shall be placed upon the Final Plat map;
- The submitted plan must have a note indicating that each individual lot will require a separate site plan approval from the Planning Board prior to the time a building permit will be issued;
- All driveways constructed shall not drain onto existing roadways;
- Preparation and recording of a conservation easement as depicted upon the approved plan subject to approval of the counsel for the Town

- Individual lot disturbances shall not have a cumulative impact exceeding one acre per parcel (If such disturbances are exceeded, the lot owner may be required to submit an appropriate Stormwater Pollution Prevention Plan for review and approval; J. Langey told D. Hannig this note should also be included as a statement on the map in the middle of each lot. He further stated this should be a deed restriction so any lawyer that looks at it before a closing will know about it.

D. Ferlow said the C.A.C.C. wrote a report to support the conservation approach. He stated the focus has been on the view shed of the proposed houses, but not on the general view shed of the hillside, as today. He said if the houses go to the top of the ridge, he asked the question, are they becoming something against the skyline? He stated the normal planning process would bring them down to fit into the hill slope.

J. Langey said the site plan review regulations advise against that so they don't become a bump on the top of a hill.

D. Ferlow said they saw a plan with an "X" amount of open space. He stated he does not see any problem with pulling the line back, across the field to the woods line. He asked the question, "if you do that, why do you need to loose 10% of the open space?" He stated this is preservation for habitat, character and other features.

D. Hannig said for lot 4 the owner just wanted to have the open space as part of the "pasture." He said the rest; they could go back to what they had before with no issue at all.

J. Langey said they would have to redraw the original plan.

D. Hannig said the intention of changing the conservation easement was to give lot 6 a little broader lot.

T. Pratt inquired about D. Ferlow's comment of the houses on the ridge line.

D. Ferlow explained if the houses sit on the ridge line; they will be highly visible. However, if the houses are down in the hill a little, they will not be as visible.

R. Cook referred to the Town of Cazenovia Code Book which states "to the extent possible."

D. Hannig explained the topography of the land with some of the potential house locations.



T. Pratt said he thought the concern was with lot 4.

D. Hannig said if the plan is approved as proposed it would most likely be a one-story house, but that is not a definite.

D. Hannig said lot 4 will not buy the lot if they have to put it where the soil test is. He said they paced back 200' to get a view. He showed the Board photos of several of the views.

D. Hannig pointed to lots 3 & 4 and said they are considerably less valuable if they can't get the view.

D. Hannig said they want to keep it as clean and nice looking for people that pass by the subdivision.

M. Palmer said the applicant has preserved the look from the road and Temperance Hill Road to a degree, but not preserved the view from the southeast and southwest. He further stated the applicant is trying to sell the lots.

H. Roszel said it has the possibility for 12 lots but they are proposing 6.

The Board members had a lengthy discussion with D. Hannig regarding the building line location for lots 3 & 4 and its effect on the view in relation to lot 1.

M. Palmer stated he did not think the existing house was significant enough to base the subdivision on the value of the house. He stated the house is a 50's house.

M. Palmer said post-development there will be 2 houses that will be visible from some of the neighboring hills. He said the applicant has kept the houses with 150' setback and the Town standard is 50'. He stated he thought the applicant has made a pretty good effort to make it work, based on the Town's subdivision regulations.

Motion by Dale Bowers, seconded by Hugh Roszel to approve the 7-lot subdivision with the following conditions:

1. Payment of fees associated with review of said application;
2. Lots 1 through 6 shall require a deed restriction noting that no further subdivision is to occur and a notation of such restriction shall be placed upon the Final Plat map (all to the satisfaction of the Planning Board's legal counsel);

3. The submitted plan must have a note indicating that each individual lot will require a separate site plan approval from the Planning Board prior to the time a building permit is to be issued;
4. All driveways constructed on the property shall not drain onto existing roadways;
5. Preparation and recording of a conservation easement as depicted upon the approved plan subject to approval of the Town's legal counsel;
6. Individual lot disturbances shall not have an impact of disturbance exceeding one (1) acre per parcel. If such disturbances are exceeded, the lot owner may be required to submit an appropriate Stormwater Pollution Prevention Plan for review and approval. Notes shall be placed on the final subdivision map for each parcel (Lots 1-6) and any future site plan map for each parcel which clearly indicates the above-referenced restriction;
7. Preparation of map amendments depicting the larger area of the Conservation Easement as outlined and agreed upon by the Town of Cazenovia Planning Board at its January 3, 2013 meeting.

M. Palmer asked for a roll call vote:

Mike Palmer - Yes  
Dale Bowers - Yes  
Tom Pratt - Yes  
Anastasia Urtz - No

Jennifer Basic - Yes  
Anne Ferguson - Yes  
Hugh Roszel - Yes

J. Langey stated M. Palmer should not sign the map until he gets the go-ahead from counsel that it is ok to sign after he has made sure the conservation easement has been changed. He said there will be a new final revised date on the map. He further said the Chairman should not sign the map until all the conditions have been met.

J. Langey said the 62-day time frame would start when the conditions are met.

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

See pages 3-10 of these minutes. The site plan was discussed simultaneously with the subdivision application.

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

Kendall Edkins was present to represent the application.

K. Edkins confirmed he received approval from the Zoning Board of Appeals.

K. Edkins said he wants to construct a private stable on his property of 21 or 23 acres, depending on the map that is used. He said his property is about 1 ½ miles up Burlingame Road on the left-hand side. He said if you drive by on the road; you will see the stable. He showed the Board a site plan map and pointed out the various locations of surrounding features. He said the stable is 36'x60' with a 10' porch off the front and another porch that is 14'x36', off the back. He said the main section is 36'x36' with a main aisle of 12'x36' with several stalls and a wash stall. He stated it will have a second-floor hay loft, as well as electrical and water. He said it is a typical pole barn. He said the colors of the barn will be gray, white, with a charcoal roof to match the house and he showed the Board the color sheet. He showed the Board a picture of what the stable will look like. He said the barn will be about 100' southwest of the house.

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, and to approve the site plan was carried unanimously.

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

No one was present to represent the application.

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

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

No one was present to represent the application.

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

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RECOMMENDATIONS TO THE ZONING BOARD OF APPEALS

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

Michael Laux was present to represent the application.

M. Laux said the Town now allows small animals; so his use variance application is now an area variance application. He said he needs a variance on the lot size because his lot is 1.2 acres and the zoning requirement is 3 acres. He stated he has six chickens and three Pygmy goats which are contained in a 1200' run with galvanized steel fencing. He said the chickens share the same area and have an 8'x4' plywood house. He stated with the new Town ordinance, it allows for smaller animals on the three-acre requirement. He stated he does not come close to the small animal maximum, but he does not have three acres.

M. Palmer inquired how the waste would be handled?

M. Laux stated the waste would be used on his two gardens.

Motion by Hugh Roszel, seconded by Tom Pratt to make a positive recommendation to the Zoning Board of Appeals for 6 chickens and 3 Pygmy goats was carried unanimously.

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

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INFORMAL

*David Falso/Davis Senehi - Subdivision - Summerfield*

No one was present to represent the file.

Motion by Dale Bowers, seconded by Hugh Roszel to continue the file was carried unanimously.

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At 8:51 p.m., motion by Dale Bowers, seconded by Jennifer Basic to close the meeting was carried unanimously.

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Connie Sunderman - Planning Board Secretary - January 7, 2013