

Town of Cazenovia Planning Board

Meeting Minutes

May 2, 2013

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

Members Absent:

Others Present: John Langey, Esq.; John Dunkle; Roger Cook; Donald Ferlow; Anne Redfern; Graham Egerton; Mark Zagger; Thomas Stevens; James King; Jerry Dennis, Jr.; Michael Rothfeld; Melissa Rothfeld; Thomas D'Aquanni; Maria Monacelli

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

The deadline to be on the next meeting agenda is May 22, 2013.

The next regularly scheduled meeting is June 6, 2013.

The next work session is May 30, 2013.

M. Palmer asked if there were any corrections or comments for the April meeting minutes.

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

Mike Palmer - Yes

Dale Bowers - Yes

Tom Pratt - Yes

Anastasia Urtz - Yes

Jennifer Basic - Yes

Anne Ferguson - Yes

Hugh Roszel - Absent

HEARINGS

Dale Bowers - Subdivision (1) - 2475 Fenner Road

File # 12-858 (Jennifer Basic)

Hugh Roszel, Board member, joined the meeting.

Dale Bowers was present to represent his application.

D. Bowers stated he had the deep-hole test and perc test done and witnessed by Roger Cook. He said he contacted his surveyor, David Vredenburg, and he is supposed to survey the property, possibly, on May 3, 2013.

D. Bowers asked the Board to continue his application for an additional month so the surveyor can get the maps done.

M. Palmer confirmed the deep-hole test and perc tests should be placed on the map.

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

Kraker, James - Line Change (1) - East Lake Road Parcel (vacant parcel)

Zagger, Mark - 5746 East Lake Road

File # 13-881 (Tom Pratt)

Mark Zagger was present to represent the application.

M. Zagger stated when they purchased the home on East Lake Road; there was a gravel driveway all the way back to the barn. He stated when they replaced the main gravel driveway leading to the garage; the contractor suggested they spread the gravel on the barn path, which they did, and not haul the gravel off site. He said when they built the pond a few years ago they had the property surveyed, and the survey revealed the gravel road was on his neighbor's land, Mr. Kraker, and not on his property. He further stated he wanted to "button this thing up and get it on my piece." He stated there is a "sliver" of land between their driveways which is basically grown-up dogwood and brush which he is going to take to be able to "grab that road."

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

M. Monacelli stated she lives adjacent to the Zagger property. She stated last year Mr. Zagger had a bulldozer and took down trees "up on the hill" which were their trees. She further stated Mr. Zagger put the bridge "so close to our property." She said she did not know what his long-

term plans were all about back there. She said the property they own on the hill is damaged and the Town allowed it.

M. Palmer said he is not sure the Town allowed what she is referring to and further stated the Board granted approval for a pond to be put on Mr. Zagger's property. He said tonight the Board is discussing a line change so he can acquire a "sliver" of land between Mr. Kraker and Mr. Zagger's property.

M. Monacelli said her concern is there will be more damage "back there." She further stated the stream is never going to be the same. She said she has been in contact with the D.E.C. and there is a spotted salamander, as well as, another type of salamander. She stated, to her knowledge, they can't exist with acidic water and the pond is draining the water from the stream. She wanted to know what the Town was going to do about the trees.

M. Palmer wanted clarification if the applicant took down trees that were not on his property.

M. Monacelli said he did not own the property where the trees fell down. She said they just had their property resurveyed.

M. Palmer referred to counsel about the Planning Board's role in this situation.

J. Langey said, tonight, the public hearing is to consider movement of a lot line of an existing gravel area. He further stated regarding Ms. Monacelli's issue, she should speak to her personal attorney. He said if someone went on her property and cut her trees there is a potential trespassing issue and there are statutes under New York State Law that deal with trees that are taken down on someone else's property. He said if she thinks she has a private cause of action she should contact her attorney. He further stated the Planning Board does not have a role in that. He said several years ago the applicant did get approval for the pond and he had to go through the Army Corps of Engineers which was a lengthy process.

M. Monacelli stated this damage occurred between last year and the year before.

J. Langey said the applicant has not made any new applications to any of the Boards, that he is aware of, to the extent that it needed to be authorized.

M. Palmer said what was approved would be confined to Mr. Zagger's property.

J. Langey said any disturbance that happened off of his property was never authorized by the Planning Board. He further stated the files can be pulled so she can review them. He further reassured the neighbor the Planning Board does not authorize a permit of other owners to cross over personal property.

Motion by Hugh Roszel, seconded by Tom Pratt to close the public hearing was carried unanimously.

J. Langey stated the SEQRA was done last month.

J. Langey inquired about the signatures for the maps. He said Mr. Kraker's tax bill goes to a trust, therefore, when the maps get signed, the trustee has to sign the maps, too. He further stated he would add this to the resolution.

Motion by Tom Pratt, seconded by Anne Ferguson to approve the line change with the condition that the appropriate signatures get placed on the map including the trustee for Mr. Kraker's property was carried unanimously.

J. Langey said documentation of the trust authorizing the signature would be good to have in the file.

M. Palmer explained the map process to the applicant.

The Board Secretary stated to the applicant that he would receive a letter explaining the map process.

M. Zagger inquired about the change of the deed.

J. Langey said the applicant would have to hire a lawyer to prepare the deed for him.

LAND DISTURBANCE/SITE PLAN REVIEW/SUBDIVISION

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

No one was present to represent the application.

J. Basic suggested, next month, the Board should send a letter to the applicants.

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

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

No one was present to represent the application.

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

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

No one was present to represent the application.

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

*Stevens, Thomas & Nancy - Site Plan Review - 4310 Syracuse Road
File # 13-879 (Jennifer Basic)*

Thomas Stevens was present to represent his application.

T. Stevens confirmed that he got his approval from the Zoning Board of Appeals.

M. Palmer inquired if the two trees had been put in along the west side of the shed?

T. Stevens said he started digging and the existing concrete pad that the shed is placed on has a concrete apron. He said he thinks the concrete slab is 15' or 20' and the shed is 10' x 12'. He said it is not a good place to put the trees, but he is going to make the shed look nice and paint it.

D. Bowers said the intent is to screen the shed and suggested a fence.

M. Palmer stated he thought the trees would be the best solution and the applicant could bust the slab up in front of the shed. He further stated the recommendation was based on the trees being put in there.

T. Stevens said he can get the trees in there but he will have to take part of the concrete apron out.

The Board Secretary confirmed the recommendation was based on two-5' evergreen trees being planted before May 31, 2013.

T. Stevens said he would like some additional time to get the trees planted.

Motion by Jennifer Basic, seconded by Hugh Roszel to approve the site plan with the conditions of two-5' evergreen trees to be planted on the west side of the shed by June 30, 2013 and remove the apron was carried unanimously.

*Cazenovia Ski Club - Site Plan Review - 5251 Rathbun Road
File # 13-882 (Dale Bowers)*

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

*Dennis, Jr., Jerry & Yeates-Dennis, Nancy - Line Eliminations (3) - Reservoir Road
File # 13-884 (Hugh Roszel)*

Jerry Dennis was present to represent his application.

J. Dennis confirmed he wanted to put the parcels all back together and put the barn on an existing slab which is closer to the road than the house. He pointed out on a map the original, larger piece of the property. He said there are two building lots and another parcel which they purchased after they made the initial purchase. He stated they want to make it one lot.

J. Dennis pointed out the parcel they want to build the barn on. He said there is a camp that is about 200 yards off the road. He pointed out the concrete slab and said it is closer to the road. He said there are 20' high mature pine trees along the road, so you cannot see the slab or the

structure from the road. He said the slab had a doublewide on it and it was involved in a bank foreclosure. He said he wants to put a storage barn on the slab.

M. Palmer said it is a floating slab with no real frost wall there.

M. Palmer said if the applicant chose to, he could subdivide in the future, but he would need to meet the zoning regulations, at that time.

Motion by Hugh Roszel, seconded by Jennifer Basic to move the application to a public hearing was carried unanimously.

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 unanimously.

The Board Secretary gave the applicant the list of people within 500' and the notification instructions for the line elimination application and the area variance application.

The Board Secretary stated she would notify the Town of DeRuyter of the public hearing because the Town line is within 500'.

*Rothfeld, Michael & Melissa - Line Eliminations (1) - 1904 Chard Road/East Lake Road parcel
File # 13-886 (Anne Ferguson)*

Michael and Melissa Rothfeld were present to represent their application.

Melissa Rothfeld stated they own two properties next to each other on East Lake Road and they want to remove their line and make it one parcel. She said the parcel would be over five acres, but under six.

M. Palmer wanted the applicants to understand with the zoning regulations being 3-acre lot minimums; they probably would not get approved to subdivide, in the future.

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

Motion by Hugh Roszel, 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, was carried unanimously.

M. Palmer stated the applicants will need to have a surveyor draw a new map showing the old line and the new proposed configuration.

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

M. Palmer said the applicants can bring the maps to the next meeting on June 6, 2013.

RECOMMENDATIONS TO THE ZONING BOARD OF APPEALS

*Cazenovia Ski Club - Special Use Permit - 5251 Rathbun Road
File # 13-883 (Dale Bowers)*

James King was present to represent the application.

J. King confirmed everything will be the same as past years including the set-up. He further stated the only exception is the date. He said there will be a bandstand placed in front of the A-frame which will be facing up the hill. He stated the upper parking lot will be blocked off because it is used as a staging area for the bands. He said the lower lot will be used for parking and the adjacent field owner, Mr. Southwick will allow them to park on his land, in that area. He said there will be a light in Mr. Southwick's lot, as well as, the Ski Club lot. He said the main gate is between the T-Bar and the line of porta-johns.

J. King confirmed there will be traffic control and they will have guys stationed all the way to the end of Rathbun Road to the parking lot.

M. Palmer inquired about the time and date?

J. King said the event is on Sunday, July 28, 2013 and it will finish at 10:00 p.m. He said set-up will probably begin the day before the event. He was unsure of the exact time of the concert,

but thought it would begin at 3:00 p.m. or 4:00 p.m. He said the event has been in September the past five years and they thought they would try it in the summer this year.

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

M. Palmer told the applicant that he would need to come back to the Planning Board after he gets through the Zoning Board of Appeals.

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

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

*Dennis, Jr., Jerry & Yeates-Dennis, Nancy - Area Variance - 2102 Reservoir Road
File # 13-885 (Hugh Roszel)*

See pages 6-7 of these minutes. The area variance application was reviewed simultaneously with the line elimination application.

INFORMAL

D'Aquanni, Thomas (Skanda Farms) Development of parcel Mosley Road

Thomas D'Aquanni was present to informally discuss the development of his parcels on Mosley Road in the Town of Cazenovia.

T. D'Aquanni said they took over the old Sanctuary Stables at the end of August 2012. He said he thinks the property could be a real attraction and he learned that agri-tourism is a trend in New York State. He further stated he feels there is a niche for him in agri-tourism. He said it is appealing to create an environment where groups can come and stay for a period of time. He said he thinks the site could be a special place where guests could enjoy the property and experience an equine environment. He said they would like to create some dwellings on the property. He said he has talked to the Town of Nelson, as well, because he thinks some of the dwellings may go in that township. He said the structures that they are thinking about using are

called yurts. He said he thinks they are suitable to the unique environment which they are creating. He showed a manufacturer's brochure of the yurts to the Board. He said the yurts would house five or six people at a time. He confirmed they would have plumbing. Roger Cook confirmed they would be considered permanent structures.

T. D'Aquanni said the yurts would not be moved around the property; they would be stationary. He pointed out the layout of the property to the Board of the various parcels and their uses, hay, paddock, etc. He said three yurts would go to the left of Laura Miller's property and one in the back, which would be in the Town of Nelson. He stated he would probably live in one of the yurts and about a total of 12 guests would stay in the structures. He further stated they are thinking about one week a month there would be guests.

T. D'Aquanni said the total acreage is about 66 acres. He said five parcels are in the Town of Cazenovia and two parcels are in the Town of Nelson. He confirmed he is about a 1,000' from Route 20. He said all the current buildings are in the Town of Nelson. He said the yurts would be fed with electricity from the road and there would be one central meter. He further stated they probably would be heated with propane.

J. Langey said he was discussing the situation with Roger Cook and a possibility would be to turn the parcel into RB zoning.

R. Cook stated that RB surrounds the parcel. He further stated it might fall under Agriculture & Markets.

T. D'Aquanni confirmed the guests would pay to stay there.

R. Cook stated for the activity to fall under Ag. & Markets; one of the first criteria that would have to be met is the parcel must be in a state-certified agricultural district. He said once that designation is under Ag. & Markets; if the yurts are a component of bringing people to the farm and understanding horses, then there is a possibility that they be exempt from the zoning regulations. He further stated the Board would look at site plan items, as far as, environmental issues.

M. Palmer said being in an agricultural district would give the applicant some relief from some of the zoning regulations.

R. Cook referred to the agriculture district map and confirmed the parcel was in an agricultural district.

He confirmed that is the prerequisite to being under Ag & Markets and he has more than seven acres. He said when the horse-boarding criteria is involved; you need more than seven acres, ten horses and produce \$ 10,000.00 or more gross.

J. Langey said the applicant is given time to meet that criteria and he does not have to do that in the first year.

R. Cook said the next question to Ag. & Markets attorneys is to get a decision to see if they would consider this activity as an agricultural activity.

M. Palmer said the applicant really has two choices; apply for a zoning change to RB or the applicant would need to get a reading from the counsel of Ag. & Markets to see if Ag. & Markets would consider this to be an activity that falls under their umbrella or if it is outside the scope.

J. Langey said if the activity qualifies under Ag. & Markets; that would be the applicant's best bet. He said if it qualifies, Ag. & Markets said the zoning laws can only be applied where it does not unreasonably restrict the horse farm operation. He suggested the applicant contact, Robert Somers, who is with Ag. & Markets.

R. Cook said he would give the applicant the email address for Mr. Somers.

M. Palmer said if Ag. & Markets said "yes" the applicant would still come back for review. He said the Board would still want to know some functions and fundamentals, such as septic disposal, parking, lighting, etc. He further stated they are interested in protecting the neighbors around the project, as well.

At 8:25 p.m., motion by Jennifer Basic, seconded by Hugh Roszel to close the meeting was carried unanimously.

Connie Sunderman - Planning Board Secretary - May 8, 2013