

Town of Cazenovia Planning Board

Meeting Minutes

July 3, 2013

Members Present: Michael Palmer, Chairman; Dale Bowers; Anne Ferguson; Tom Pratt; Anastasia Urtz

Members Absent: Jennifer Basic; Hugh Roszel

Others Present: Wendy Reese Esq.; John Dunkle; Roger Cook; Anne Redfern; Graham Egerton; William Camperlino; James Emerick; Matthew Napierala; Douglas Falso; Jerry Dennis, Jr.; Peter Muserlian; Nancy Muserlian; John Parker; Katherine Parker; Todd Harrington; Christine Fietta;

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

The deadline to be on the next meeting agenda is July 17, 2013.

The next regularly scheduled meeting is Thursday, August 1, 2013.

The next work session is July 25, 2013.

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

Motion by Anne Ferguson, seconded by Tom Pratt to approve the June meeting minutes was carried unanimously.

HEARINGS

NONE

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.

The Board Secretary stated the applicants did not send a response to the Board's letter which asked for The Romagnoli's to submit their intentions by June 19, 2013.

Motion by Anastasia Urtz, seconded by Tom Pratt to remove the file from the agenda was carried unanimously.

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

Matthew Napierala and James Emerick of Napierala Consulting and William Camperlino were present to represent the application.

M. Napierala stated his firm was asked to provide engineering and technical support to the questions that were raised by the Planning Board. He stated David Hannig and Eric Murdock brought them on Board for this project to answer the engineering and technical questions. He said his firm provided the Board with engineering plans and an engineering report. He said they are before the Board, tonight, to start the conversation on the four "hot topic" items. He stated the first topic is the residential subdivision and the stormwater which includes the stormwater aspects in regards to the development pieces. He further stated involved in that topic is the stormwater as DEC handles it for residential subdivisions and how it impacts the jurisdictional wetland areas and the environmental concerns. He stated the development is a 16-acre parcel and a 4-lot residential subdivision is proposed. He said as part of the proposal is an intent to provide some water quality rain garden-type systems. He said it is relatively "tricky" because there are New York State D.E.C. jurisdictional wetland areas in addition to the 100' buffer surrounding the area. He said the 100' buffer is defined on the engineering drawings that were submitted.

M. Napierala and J. Emerick confirmed they were approaching the project as a conservation subdivision.

M. Napierala said they have done the conservation analysis. He said it is his understanding, it's the parcel areas subtracted from the jurisdictional wetland body and flood plain. He further stated they did not subtract out the 100' buffer. He said once the constrained areas are subtracted out; the difference is still over 10 acres of unconstrained areas and they are therefore within the definition of greater than nine acres for the subdivision.

M. Palmer said that would be three lots.

J. Emerick stated it is actually 12 acres, once it is subtracted out, based on the current zoning, so four lots are being proposed.

J. Emerick and M. Napierala confirmed there would be 12 acres of unconstrained land.

J. Emerick stated the flood plain was within the wetland area. He pointed out a slight encroachment in the southwest corner of the map.

M. Palmer said when they recalculate they should put the flood plain on the map and it will become part of the constrained land. He said it should be recalculated to see how much land is left.

M. Napierala confirmed the buffer is out of the constrained area calculations.

J. Emerick said the buffer is not considered a constrained area.

M. Palmer explained a buffer cannot be built on and the septic and well cannot be put on it.

M. Palmer asked for a brief overview, since they have only recently gotten the plans and an engineer for the Town came on board, just today. He asked the applicant to go through the maps and point out various things including the anticipated septic system locations.

The Board Secretary provided the applicants with the newest C.A.C.C. report.

M. Palmer invited people from the audience to gather around the table since the map was positioned toward the Board for their benefit. He further stated it was not a public hearing but he wanted people to be able to see and understand.

J. Emerick worked from the map and stated it is a piece of property off of North Lake Road surrounded by Allen Drive on the west and Cazenovia Terrace on the east. He said there are varying slopes over the site and it is fairly flat to the west and a little steeper to the east and the maximum grades are roughly 15% in some areas along the east side and the majority of the grades are less than 10%. He said they determined the layout of the septic systems and wells and the attempt was to stay completely out of the wetland areas and buffer. He said they have shown the septic systems and 100' separation from the well. He stated the septic systems are

conventional absorption systems but the treatment systems consists of an enhanced treatment unit, a CLARUS FUSION system.

M. Napierala stated they have had some conversations with D. Ferlow , as well as, Aaron Lazzara and Peter Church of Madison County to get up to speed with the system and what would be deemed acceptable. He said, eventually, Madison County will have to sign-off.

J. Emerick confirmed there will be individual wells which are shown on the map with the 100' radius around them showing the separation between the absorption field and well. He said the enhanced treatment unit would be provided were you would typically see a septic tank in the system. He said the water would flow to the Clarus Fusion unit and provide an anaerobic and aerobic treatment which is as good as a secondary treatment system. He said it is roughly 90% more effective.

M. Palmer stated the County would be reviewing the septic systems in much more detail than the Planning Board.

J. Emerick stated the plans were provided to the County and the Town. He said the plans were revised based on the County comments and the Board is seeing what has already been reviewed.

R. Cook said the last time he talked to Peter Church, it was mentioned that a fair amount of fill would be brought in for this system which he thought the Board should know.

J. Emerick said they have referenced this on the grading plan so it is shown they are not impacting the wetlands.

M. Napierala said they have done preliminary perc tests for their own design benefit and the soils are "real tight and real tough" but the fill system they are proposing satisfies the N.Y.S. requirements of Article 75-A.

J. Emerick stated this site modification design was actually a recommendation of Peter Church.

M. Napierala said it becomes a puzzle to stay a 100% out of the buffer without having to do a jurisdictional wetland permit requirement through the D.E.C., placing private well systems with a 100' no touch radius around them, and the absorption systems with the overall size to satisfy the soil conditions. He said the geometry is constraining but they represent they can fit the four lots with the appropriate systems.

J. Emerick showed the grading plan and said they have proposed the standard septic design for each site which will not change from site to site because of the fill system. He said the orientation and grading may vary.

M. Napierala said a suitable soil material will be brought in and an appropriate length of tapers to allow the effluent to be appropriately integrated into the soil system.

J. Emerick said they have provided well detail for a typical residential well. He said they are also proposing access to the lake via a boardwalk.

M. Palmer asked what the total disturbed area for the entire parcel?

J. Emerick said a little over three acres. He further stated for 1-5 acres for residential subdivision; you are required to do a S.P.D.E.S. permit and erosion control but not post-construction stormwater mitigation.

M. Palmer said it would be good to see the disturbed area for the total project on the map.

M. Napierala said the boardwalk is not disturbing the wetland area. He stated it will be a pier and post scenario. He said they had a conversation with D. Ferlow and he appears to be "in tune" with what they are proposing.

M. Palmer said GHD will be the engineer reviewing the work for the Town of Cazenovia on this project. He said the engineer should get a copy of the drawing so they can begin to do their New York State analysis and the analysis to see if it meets the Codes of the Town of Cazenovia.

Motion by Dale Bowers, seconded by Tom Pratt to continue was carried unanimously.

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

See pages 2-5 of these minutes. The site plan was discussed simultaneously with the subdivision application.

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

Doug Falso was present to represent the application.

D. Falso confirmed the Ski Club received the Zoning Board of Appeals approval. He further confirmed the plan has not changed substantially from what was initially presented.

Motion by Dale Bowers, 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 unanimously.

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

Jerry Dennis was present to represent the application.

M. Palmer said the Board has the map that they did not have last month. He stated it shows the parcels prior to combining all the lots.

J. Dennis said there were four lots and now there will be one lot.

M. Palmer said the hearing is done.

W. Reese stated the SEQRA is done.

Motion by Anne Ferguson, seconded by Tom Pratt to approve the line eliminations was carried unanimously.

The Board Secretary explained the map process to the applicant and stated that he would receive a letter summarizing the steps.

*Muserlian, Peter & Nancy - Revisit Site Plan Review - 5201 East Lake Road
File # 07-485 (Jennifer Basic)*

Peter Muserlian was present to represent the application.

M. Palmer said the Board approved the file in 2008. He stated nothing has changed and the codes have not changed.

P. Muserlian said the time expired on his approval.

M. Palmer said the consensus of the attorney, himself and some others was to reaffirm the site plan approval and reaffirm the previous SEQRA determination.

Motion by Dale Bowers, seconded by Tom Pratt to reaffirm the original SEQRA and reapprove the site plan was carried unanimously.

*Parker, John & Katherine - Site Plan Review - 3411 West Lake Road
File # 13-888 (Mike Palmer)*

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

Motion by Dale Bowers, seconded by Tom Pratt to continue the file was carried unanimously.

*Riedl, Leonard & Laurena - Site Plan Review - Rippleton Cross Road parcel
File # 13-895 (Tom Pratt)*

Todd Harrington was present to represent the application.

T. Harrington said the house will move approximately 30' east from the drawing that was submitted. He said the perc test and deep hole tests have been done and it can withstand a conventional septic system. He said they will stay within the building envelope. He said when the house was sighted part of the reason to move it was to get a better line of sight for the driveway, but it is still in the envelope.

M. Palmer asked the applicant to cross off the previous location so there is no confusion. He inquired about the original subdivision map for this lot and wanted to make sure the driveway was going in, in the approved location that was filed with the original subdivision map.

R. Cook retrieved the Mylar subdivision map on record with the Town.

M. Palmer examined the map and determined there was no driveway located on the map.

R. Cook said Rippleton Cross Road is a town road.

M. Palmer said the applicant would need to get a letter from Tim Hunt, the highway superintendent. He further said the superintendent will need to look at the map and the site and provide a letter to the applicant stating there is sufficient sight distance in both directions.

Some members of the Board wanted an updated drawing to show the new proposed location of the home, driveway location, proposed well and septic.

M. Palmer said there is a deep hole test on the map, but no well. He said there is a proposed septic system.

T. Harrington said it is a single-story ranch with no walkout basement. He confirmed it would be clapboard siding with asphalt shingles.

Some members of the Board felt the approval could move forward with the conditions that the requested information be supplied.

R. Cook stated he would not issue a building permit until the requested information was submitted.

Motion by Dale Bowers, seconded by Anne Ferguson to appoint the Planning Board as Lead Agency for purposes of the State Environmental Quality Review Act (SEQRA), to affirm the matter an Unlisted Action and to make a Negative Declaration, all based upon the Board's review of the Short EAF, to approve the site plan contingent upon the submission of the driveway location, building location, well and septic.

*Fietta, Peter & Christine - Site Plan Review - Ower Point Drive parcel
File # 13-896 (Anne Ferguson)*

Christine Fietta was present to represent the application.

C. Fietta said she wants to have a radiant pool installed which is a pool with insulated panels.

C. Fietta confirmed they own both of the lots indicated on Oweria Point Drive. She further confirmed they were separate lots with different tax map numbers. She said the pool would go on the lot without the house.

M. Palmer stated both lots combined are 3.5 acres.

D. Bowers questioned how a pool could go on a lot without a structure?

A. Ferguson said the impervious surface calculations were done as if both lots were combined and suggested a line elimination to make the two properties one property.

A. Urtz explained to the applicant that this would make her project feasible because currently the applicant is asking to put a pool where there is no primary residence, just a tennis court.

R. Cook said he spoke to Mr. Fietta a while ago and there may be some oddity in the deed with the second lot that it has to be sold back to the original owner. Therefore, he did not know if it could be combined.

M. Palmer said a disadvantage to making it one lot would be; the applicants would probably never be able to subdivide it again.

C. Fietta inquired if the pool could be placed somewhere else on the lot and be smaller to accommodate the Board?

M. Palmer said, if it worked for the applicant, the pool could be moved to the parcel with the house. He said it could be no closer than 25' to the dashed line (side yard lot line) and it has to be 100' away from the lake.

C. Fietta pointed out a location on the lot with the house for the pool.

Some members of the Board confirmed the location was acceptable.

M. Palmer told the applicant she would need to redo the impervious surface calculations to reflect just the one lot and she would need to come back next month.

R. Cook said if a pool has 4" of freeboard it is considered pervious. He stated the concrete area around the pool would be the only part of the pool that would be impervious.

M. Palmer said the concrete surround was considered in the impervious surface but the calculations were based on both lots.

C. Fietta inquired if they made the pool smaller could she get an approval tonight. She inquired if it was hard to do the calculations?

M. Palmer took a few moments to redo the calculations to reflect only the one parcel that has the house so the applicant could proceed with her project.

M. Palmer determined 10% was the proposed impervious surface calculation. He further stated all the calculations stay the same, except the 7,620 sq. ft. for the tennis court was removed.

M. Palmer drew in the pool on the site plan to reflect the new area which was 25' from the side yard setback and 100' setback from the lake. He signed and dated the changes that were made to the site plan.

R. Cook said the applicant would still need to get a swimming pool permit.

Motion by Tom Pratt, seconded by Anne Ferguson to appoint the Planning Board as Lead Agency for purposes of the State Environmental Quality Review Act (SEQRA), to affirm the matter an Unlisted Action and to make a Negative Declaration, all based upon the Board's review of the Short EAF, to approve the site plan with the changes as drawn on the site map, initialed and signed by the Chairman was carried unanimously.

*Goldberg, Neil - Revisit Site Plan Review - 5057 East Lake Road
File # 13-809 (Dale Bowers)*

No one was present to represent the application.

M. Palmer said the applicant asked to be continued.

Motion by Dale Bowers, seconded by Anastasia Urtz to continue the file was carried unanimously.

RECOMMENDATIONS TO THE ZONING BOARD OF APPEALS

*Lane, William - Area Variance - 2250 Ferndell Road
File # 13-890 (Mike Palmer)*

No one was present to represent the application.

M. Palmer said the applicant asked to be continued.

Motion by Dale Bowers, seconded by Tom Pratt to continue the file was carried unanimously.

*Parker, John & Katherine - Area Variances - 3411 West Lake Road
File # 13-894 (Mike Palmer)*

John and Katherine Parker were present to represent the application.

M. Palmer said the applicants were at the meeting last month and the Board approved the site plan for the shed to be placed behind the front line of the house. He stated the applicants have reconsidered and want to have the shed in front of the house near the road.

J. Parker pointed out on a scaled map the proposed barn in red. He said the shed will be a Amish-built 10'x30' structure.

M. Palmer said the proximities of the structure to various locations should be discussed for this recommendation to the Zoning Board of Appeals.

J. Parker said from the center line of the road to the edge of the barn is 48'. He said the driveway bends and there is a fence and some trees. He stated the shed would be behind the trees.

J. Parker confirmed the barn is 100' closer to the road than the house. He said their lot is a little over 2 acres. He stated he would like it in the proposed location so it is accessible and off the driveway. He further stated there is not a good place to put it behind the house because there is not a lot of room behind the house.

R. Cook stated behind the house is a stream and a hill.

J. Parker said, on the side, there is only 30' between the edge of the house and the property line. He said it would be fairly hidden in the desired location because of trees and the fence.

R. Cook said the applicants would need two variances because it is in front of the principle structure and a front yard setback.

J. Parker said it is oriented with the short side facing the road.

Some members of the Planning Board felt that the character in this particular neighborhood there are structures in front of the primary residences.

R. Cook stated there is a barn near there with an indoor riding arena and dog grooming business.

Motion by Dale Bowers, seconded by Anastasia Urtz to make a positive recommendation to the Zoning Board of Appeals with the condition that the short end of the structure face the road was carried as follows:

Mike Palmer - Yes

Dale Bowers - Yes

Tom Pratt - No

Anastasia Urtz - Yes

Jennifer Basic - Absent

Anne Ferguson - Yes

Hugh Roszel - Absent

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

At 8:38 p.m., motion by Dale Bowers, seconded by Tom Pratt to close the meeting was carried unanimously.

Connie Sunderman - Planning Board Secretary - July 10, 2013