

Town of Cazenovia Planning Board

Meeting Minutes

August 1, 2013

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

Members Absent: Anastasia Urtz

Others Present: John Langey, Esq.; Roger Cook; Timothy Carpenter; Anne Redfern; Graham Egerton; William Camperlino; James Emerick; John Parker; Katherine Parker; Robert Slater; Jo Anne Gagliano; James Cinque; Ashley Cinque; Mark Harrington; Samuel Shotzberger; Julia Shotzberger; Alison Barnes; Scott Clements; Walt Joncas; Jan Saltzman

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

The deadline to be on the next meeting agenda is August 21, 2013.

The next work session is August 29, 2013.

The next regularly scheduled meeting is Thursday, September 5, 2013.

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

Motion by Hugh Roszel, seconded by Tom Pratt to approve the July meeting minutes as submitted was carried unanimously.

HEARINGS

NONE

LAND DISTURBANCE/SITE PLAN REVIEW/SUBDIVISION

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

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

J. Emerick displayed large drawings on an easel for the Board to review. He stated they responded to the comments from the reviewing engineer and the Cazenovia Advisory Conservation Commission (C.A.C.C.). He supplied the board members with a packet which contained the responses and comments. He said when he spoke to Tim Carpenter, the reviewing engineer; the outstanding items were to verify the wetland delineation with the D.E.C., the archaeological study, and the "supposed" water line on the site. He stated they have done as much as they could to investigate if there is a water line and they have not found any evidence that one exists. He stated he drove out to the site and he did not see any evidence of valves that would suggest that one would be there. He further stated they checked with the Health Department and they have no record of a water line crossing through the property.

M. Palmer suggested to Mr. Emerick that he go through the packet of responses.

J. Emerick said there was a question about the 100 year flood plain and where it is on the site plan. He said David Hannig, the surveyor, had to relate the existing contours to the datum that was used for the F.E.M.A. study. He referred to the SK-1 drawing dated July 19, 2013 and said where they had "1196" it had shifted to correlate to the datum used for the study. He pointed out the new location of the 1196 on the southern portion of the map. He said the majority of the 1196 contour is inside the wetland boundary. He further stated "the little piece that comes out here" (he pointed to the northern section of the constrained area which was shaded "red") was included in the constrained area. He said Town Code states if the calculation is over .5 that the number should be rounded up. He said they had 11.88 unconstrained acres, therefore, they rounded up to 12 acres which left them four lots.

J. Emerick moved on to question 4 and stated there was a concern with the disturbance. He said Don Ferlow was concerned that they were over 5 acres and they would have to do post-construction stormwater mitigation. He referred to the SK-2 drawing dated June 24, 2013 which showed the disturbance they assumed for the four lots. He said they are at 4.5 acres of disturbance. He said originally he had 3 acres, but once they included the basal area for the septic systems, it was a little larger.

M. Palmer said the State threshold is 5 acres and inquired what the Town threshold was?

J. Langey said there is a special regulation in the Town, under a separate local law, for stormwater control which he thought was 1 acre.

J. Emerick said if it is a residential subdivision under 5 acres; a S.W.P.P.P. (Stormwater Pollution Prevention Plan) has to be done, but not post-construction stormwater mitigation.

J. Langey stated to J. Emerick that the Board wants the applicant to acknowledge compliance with the local law, as well as, S.W.P.P.P.

J. Emerick acknowledged they will still have to do a S.W.P.P. and erosion-sediment control, but not post-construction stormwater mitigation. He stated, where they can, they are trying to provide rain gardens or some type of mitigation.

J. Emerick said another question raised by the C.A.C.C. was regarding conservation easements for the constrained areas. He said, their opinion, is it's redundant to provide another protection for those areas since they are already protected under federal and state law.

M. Palmer said the Board and D. Ferlow were more concerned about delineating in a "permanent fashion" where the buffer zone started and stopped.

D. Ferlow stated that was the critical element. He said the character of the land is young trees and scrub growth. He said, based upon their plan, the houses are 10'-15' from the line. He said to expect a homeowner to stay within the line; there is nothing for the Code Enforcement Officer to look at, from the Town standpoint for enforcement. He further stated, if it is not protected correctly in some fashion or noted in a framework, that a homeowner would be held responsible for the violation of conservation subdivision regulations. He said a simple protection of some sort, such as a steeper slope, fill, small boulders with plantings or some other type of demarcation.

J. Emerick stated he thought signs were wanted to show the demarcation.

D. Ferlow said signs every few feet have been done in other communities.

W. Camperlino asked the Board about putting a restrictive covenant in the deed? He said he probably will not build the houses; he would just sell the lots. He stated if it was a restrictive covenant it would become part of the building permit process.

R. Cook stated the Board will review under site plan application when an individual comes in for a building permit on these lots.

M. Palmer stated he did not want to see it segmented and would like to see it laid out on the final subdivision map.

The Board and the applicants briefly discussed the demarcation issue and decided it should be done at the subdivision stage. The Board decided the border of the buffer zone should be marked and designed and it should be installed by the developer now or upon approval because it should be the same and with four different homeowners it may not be consistent.

M. Palmer said the applicants should provide some options for the Board to review.

M. Palmer said the demarcation would go on the buffer.

A. Ferguson said the corner of lot 3 is very close to the buffer.

J. Emerick referred to question 7 and said the clearing limits were shown on the SK-2 drawing.

J. Emerick moved on to question 8 which referred to noting post-development construction in the wetland buffer. He said there will be silt fence during construction as protection for the 100' buffer.

J. Emerick went to question 9 regarding the impervious area for the lots. He said without final architectural plans it is difficult, but most likely it would be less than 10%. He stated it will be a standard footprint in the disturbed areas. He stated they will provide additional grading detail if that is required for the driveways to show how it will be graded.

J. Emerick said there was a question about the useable space and useable lawn and there were steep slopes. He said all of the slopes are 3:1 or less which is a mowable, maintainable slope. He did not see an issue with this in regards to maintenance. He said the septic areas are useable lawn areas, also. He said there is a steep slope behind the house on lot 3. He confirmed the septic system is gravity-fed.

J. Emerick moved onto question 13 and said there was a concern with the proximities of the houses to the wetland buffer. He stated he did not think 10' was unconstructable when excavating for a house. He stated if lot 3 is an issue, it could be shifted slightly to the north.

M. Palmer said the Board does have concerns about that lot and how close it is to the buffer. He said maybe that lot could be reconfigured to make everything fit. He thought 10' was pretty tight, especially with a full basement because you have to slope the grade back to meet O.S.H.A. standards.

W. Camperlino said they would probably be walk-out basements.

J. Emerick confirmed they could do a walkout basement on lot 3 and it could probably be pushed about 15' to the north.

J. Emerick said another question was about footing drains. He said they can show them and he thinks they have plenty of elevation to discharge them prior to the wetland buffer.

T. Pratt wanted the outlets to be shown on the map.

J. Emerick stated just the roof drains will go to the rain gardens. He said another question was how the roof discharge would get to the rain gardens? He stated it would be piped to the rain gardens.

D. Ferlow stated he had some concerns with the rain garden designs. He said the detail shown was out of a book: there was an under drain and the rain garden was located in a bowl in existing grade, right at the buffer zone. He further stated he thought the detail should be more specific to the site. He pointed out the fact if more than 1,000 sq. ft. of area go to a rain garden, it no longer is a rain garden, under State law.

J. Emerick stated maybe it should be called a bio-retention.

D. Ferlow said there are other ways to handle roof runoff discharge; if it is not gutter and downspouts, it might be better to be surface runoff.

J. Emerick said the roof gutters would be disconnected. He further stated they will run over land.

D. Ferlow said, by piping runoff from a roof that may be 2,000 sq. ft. you are making a point discharge, and all the discharge that would be disbursed over a wider area is now collected in a finite area which can overflow into the buffer or wherever, creating a channel. He concluded by stating he thought it should be given a little more thought.

J. Emerick said they showed two driveways for two lots on the North side. He asked the Planning Board if they could be shown as an alternate, in case, the homeowner would want to have the address at North Lake Road, as opposed to one of the east or west entrances?

M. Palmer asked the Board if they wanted the driveways to be noted at this point?

D. Bowers asked if the decision has been made that lots 2 and 3 exit on Owahgena and Cazenovia Terrace or do they exit onto North Lake Road? He thought it would be better if the driveways exited on the two feeder roads. He said sight distance would not be an issue on either of the side roads.

Some members of the Board agreed with D. Bowers.

W. Camperlino inquired about curved driveways with the entrance and exit on the feeder roads, since the lots are large?

The Board did not have a concern as long as the curved driveways entered and exited on the same feeder road.

W. Camperlino said another benefit of the curved driveways is if the owners have guests, it would eliminate parking on the street.

J. Emerick said question 19 made reference to the boardwalk and where the access is through the buffer area.

M. Palmer asked the applicant about a previous question and if they were in the process of confirming the wetland? He further asked if they were going to get a letter from the State?

J. Emerick said he spoke with a representative from the D.E.C. who is the one who originally accepted the delineation and he is going to relook at it to make sure he is comfortable with it. He confirmed the D.E.C. will issue a letter stating they are "OK" with the previous delineation.

D. Ferlow suggested the letter should also be provided to the Army Corps of Engineers because their 5-year window has expired.

J. Emerick said the D.E.C. window is 3 years and more restrictive.

D. Ferlow said, in the file, there is an Army Corps letter that said the wetland line expired in 2012 and the Army Corps wetland is no longer valid. He further stated if the D.E.C. reaffirms it; he would probably say "yes." He said from the applicant's point-of-view, it would be good to clarify the Army Corps "is on board."

J. Emerick said the Army Corps opinion is if you stay outside the 100' buffer because they do not observe the 100' buffer, they are comfortable with it. He stated, if you are staying outside of the buffer, you do not have to have it delineated.

T. Pratt suggested the applicant should provide a letter from the Army Corps of Engineers.

J. Emerick said it would be difficult to get.

M. Palmer said the Board will start the SEQRA process tonight and the Planning Board will declare themselves lead agency and they will notify all the interested parties which would include the Army Corps of Engineers.

W. Camperlino said that a number of years ago, he and Barbara Reuter, his environmental engineer, met with the D.E.C and Army Corps of Engineers at the site and the Army Corps did not take jurisdiction over the site, they deferred it to the D.E.C on the bigger piece.

D. Ferlow disagreed.

W. Camperlino said the Army Corps only took jurisdiction over the stand alone piece not the 16-acre piece.

M. Palmer said the Board will find out when they declare themselves lead agency.

J. Emerick said there was a question regarding the delineation with the boardwalk. He said the boardwalk is completely inside the wetland boundary. He said it would require a permit from the Army Corps and D.E.C. He further stated it would probably be a joint permit to do the work.

J. Emerick said there were some questions in regards to mitigation on the site. He did not think it was valid because it is not part of this plan.

A. Ferguson asked a question regarding the boardwalk and wondered who was responsible for the maintenance of the boardwalk?

M. Palmer said the applicants will have to figure that out. He also mentioned the Planning Board would like copies of the permit when they are issued for the file.

W. Camperlino stated he would like to form a mini homeowner's association and come up with a boardwalk budget. He stated he would collect the money up front when the lots are sold, but leave it up to the homeowner's to decide if they want to do it. He further stated he does not want to build it now or maintain it.

M. Palmer stated he did not see the homeowner's agreement as a problem. He said it would have to be documented and approved by the Attorney General.

J. Langey confirmed and said if the applicant is going to do a homeowner's association and it is going to address other maintenance issues that the Board needs to be aware of; they would like to see that information as soon as possible.

W. Camperlino said it would be designed, located on the map and made optional subject to the homeowner's association decision.

M. Palmer asked about an approval expiration date.

R. Cook said it would be a condition of the subdivision itself so it would not expire, as long as it met the conditions of the subdivision.

M. Palmer said it may take several years to sell the lots.

J. Langey said in the approval resolution there could be a separate section that would address the time period and construction.

J. Emerick said the next question referred to the suggestion that there is a water line that runs through the property. He pointed to the eastern side of Cazenovia Terrace and said he assumed it was to feed those houses. He said they have found no evidence that it exists. He said he asked Ed Roickle, the person who operates the water system, and he said the homeowner's association refused to share any information.

R. Cook said he spoke to the operator also and what they have on file only shows the mains that go around the first phase. He further stated those were on the inside of the loop and not the outside of the loop.

J. Emerick said if anything is installed there, it was installed without an easement and it does not appear to have Health Department approval and it is permitted as a public water system through the Health Department, even though it is private. He said they would have to permit any extension of it through the Health Department.

M. Palmer asked the applicants their position in regards to any easement across the property.

W. Camperlino stated they were not aware of any.

J. Langey said if, in fact, there is a line that goes through, the Planning Board has no knowledge of that at this time. He further stated if it was to happen, the applicant's are at their own risk because if the Planning Board approves anything here, it is not any sort of agreement by the Planning Board that the line does or does not exist so the applicant would be on their own if an action of some sort is brought against them to preserve that line. He said the Board does not take a position on that unless there is hard evidence in front of them that it is there and then they would have to work it out. He further stated, approval from the Planning Board is not permission to destroy anyone's line, from the Town side.

T. Carpenter stated he talked with Ed Roickle directly and Mr. Roickle said he did not have a map that he could share with him. He stated the operator said they have a map that shows some lines but some of those locations are even suspect.

J. Emerick added that Ed Roickle said he has never done any repairs on a line that exists through the lot and has had no evidence that one exists. J. Emerick said there is a sketch plan and someone has drawn a line on there, but he does not know if that was a future intent to loop it. He said, in regards to the existence of it, there are no as-built drawings or no record of information.

M. Palmer summed up J. Langey's statement by stating the Planning Board is not going to mediate.

J. Langey said the Planning Board is not going to get involved. He stated the Planning Board is going to review the application pursuant to the regulations for subdivisions that are before the Board.

J. Emerick moved onto question 25 regarding the Natural Heritage and the question whether there was rare and threatened endangered species. He said D. Ferlow agreed with the wetland report that stated there are likely, not any.

J. Emerick said question 26 referred to N.Y.S. Office of Parks, Recreation and Historic Preservation (O.P.R.H.P.) and the archaeological sensitive area. He stated it is within a sensitive area and the firm, Pratt & Pratt will be working on the archaeological study. He said they would be doing a Phase I because the recommendation was a Phase I.

J. Langey said, from his experience, a Phase IA is more paper-oriented review and IB is more detailed.

J. Emerick said a lot of the background was done for the lot on the other side of Allen Drive.

W. Camperlino said Dr. Pratt did the research on the area and they are looking at the files. He said he thought they were done three or four years ago.

J. Emerick said D. Ferlow wanted the 100-year flood plain to be shown accurately on the map.

T. Carpenter said it has been presented that the surveyor has determined what the right elevation is. He stated he thought the old 1985 map from F.E.M.A. depicts more significant part of the site being within the 100-year flood plain.

J. Emerick said that information is based on general U.S.G.S. maps which are not on-the-ground accurate surveys and they are 10-foot contours. He further stated they are not well-delineated topographical information.

T. Carpenter stated he was unable to find any reference to 1196 being the actual datum for the 100-year flood plain.

R. Cook said that was the accepted mark through the Pittsburgh office for F.E.M.A. He said they determined that was the number and it is actually at the outlet of Cazenovia Lake. He further stated it is in the village section of the F.E.M.A. information because of its location at the small dam.

T. Carpenter asked J. Langey, if he has ever run into the situation before where the F.E.M.A. map depicts an area that is clearly going to be developed now and it is thought to be at 1196 and that is outside the area to be developed?

J. Langey said he would want some written assurance that satisfies the Planning Board's concern.

R. Cook said he did not think it would be any different from an individual homeowner who was trying to be released from paying flood insurance on a mortgage. He said probably incumbent on the applicant as part of the subdivision would be to get F.E.M.A. to be able to release that from the flood plain. He further stated a surveyor would go out and would do some on-site work and it is turned into F.E.M.A. and they go through their process.

J. Emerick asked R. Cook if the actual survey data where it shows the 1196 should be sent to F.E.M.A. so they can get a letter back from F.E.M.A.?

R. Cook confirmed.

J. Emerick said the reviewing engineer had a question from one of the references in the wetland reports that it was 4.1 acres of wetland. He said it appears that was a "typo" or they did not have an accurate way of measuring it. He stated it is 4.18 and the surveyor verified it, as well.

T. Carpenter stated he also verified it.

M. Palmer said 11.88 acres is the unconstrained property.

T. Carpenter stated that ties back into the 100-year flood plain. He said if the line were to encroach further up into the flood plain, it could turn the tide on 11.8 versus 11.5 and the determination of 3 versus 4 lots. He said having the verification on a surveyed map from F.E.M.A. is where they need to be, since they are so close.

T. Carpenter said on two of the maps the elevation data was off by a foot or so and they have talked about the benchmark problem that occurred. He inquired what the benchmark problem was?

J. Emerick stated it was to do with the F.E.M.A. study which was done in a particular datum and then the original survey was done in another datum and to correlate the 1196 that was done with the FEMA datum in the original study; this original topographic information for the existing condition had to be shifted by that difference in that datum.

T. Carpenter said he would like to see the benchmark noted on the final survey map that is signed by the surveyor.

M. Palmer summarized the discussion by mentioning the water line, S.H.P.O. Phase I, 11.88 acres to round up to 12 acres, stormwater S.W.P.P.P. does not have to be post-construction, but one does need to be in place.

J. Emerick stated it would need a S.P.D.E.S. permit.

J. Langey said he looked quickly at the Town's regulations and he would like T. Carpenter to review. He further stated it should be compliant with the Town's local regulations. He further stated typically with these type of projects, they do a stormwater management agreement signed by the developer and then it runs with the land and normally a district is formed.

M. Palmer said the buffer demarcation was discussed. He said the Board would like the applicant to demonstrate water quality and quantity by doing a test well for drinking water. He said they need to verify there is sufficient quantity of water to support the lots.

J. Emerick asked if the information from the existing well at Oweria Point would be sufficient? He said they have flow data.

T. Carpenter said he has not completed his water, wastewater and stormwater review. He further stated he would have the comments done by next week. He said it would be his recommendation; they install a well and do a draw-down test.

W. Camperlino said a few years they met with Madison County Water Authority and they said they have the data and they needed to do it because it is a public water supply. He said they said there is enough water coming out of that well to supply dozens of additional houses and the only issue with the water supply is there is a pressure problem.

J. Emerick clarified that is with distribution in the system.

M. Palmer said he thought lot 3 was very close to the buffer. He mentioned to the Planning Board members they should schedule a site visit. He stated it is a sensitive area, in terms of the land, water, and soils.

J. Langey stated this project is a candidate for the long form SEQRA.

M. Palmer did not think it would be detrimental to the process, in terms of slowing the project down.

J. Langey added he thought it would be helpful to the Board. He said, at this point, the Board could establish themselves as lead agency.

J. Langey and T. Carpenter both agreed this was an unlisted action.

J. Langey said since it is not a Type I action, a coordinated review does not have to be done with the agencies; just they have to be put on notice and supplied with information and they can provide input back to the Board. He worked with the Board on the list of involved and interested agencies which included the D.E.C., Army Corps of Engineers, Madison County Health, Madison County Planning Agency, S.H.P.O., and O.P.R.H.P.

M. Palmer suggested that a G.M.L. be done.

J. Langey said it is a resource available and the G.M.L. should include the long form E.A.F.

Motion by Anne Ferguson, seconded by Dale Bowers 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 the Planning Board directs counsel to provide the applicable notice to the involved and interested agencies for the lead agency status was carried unanimously.

J. Langey said the agencies have thirty days to respond to the letter.

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

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

See pages 1-13 of these minutes. The site plan was discussed simultaneously with the subdivision application.

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

John and Katherine Parker were present to represent the application.

The Board Secretary stated the Zoning Board of Appeals approved the accessory building location.

M. Palmer said the Parkers got approval to put the accessory building closer to the road than the house.

J. Parker stated the structure will be 58' back from the center-line-of-the-road.

T. Pratt reviewed the map and said the house was 137'-144' back from the road.

J. Parker stated there are two trees there and it will be behind the trees. He said there is also a large hedgerow.

M. Palmer stated he thought it was screened fairly well.

T. Pratt thought the gabled-end should be parallel with the street. He thought the structure should be rotated slightly to be truly parallel with the road for better curb appeal.

J. Parker said based on how it will be laid out on the property; that is how it would be positioned anyways.

M. Palmer stated that the condition would be that the gabled-end be parallel with West Lake Road.

Motion by Anne Ferguson, seconded by Jennifer Basic to reaffirm the original SEQRA and approve the site plan contingent upon the gabled-end of the structure being parallel with West Lake Road was carried unanimously.

*Slater, Theresa - Site Plan Review - 1506 Owahgena Terrace
File # 13-897 (Jennifer Basic)*

Robert Slater was present to represent the application.

R. Slater said the dredging will go to Manlius Shade Tree Farm on Peck Hill Road. He stated it will be excavated with a small machine, then taken up to the road, then dump trucks will take it to the farm.

R. Slater said the dredging has already been pumped and dried. He said the top of the bag that contains the dredging will be cut open and the contents will be scooped out. He said the bag will be removed with a backhoe, once all the contents have been removed.

M. Palmer asked if silt fence was in place?

R. Cook stated silt fence has been in place since the start.

T. Slater said there is a plastic tarp that is underneath the bag and the grass was under there before.

He confirmed he will restore it as it was originally.

R. Cook stated part of the access way will be disturbed during the removal process.

Motion by Tom Pratt, 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, to approve the site plan contingent upon the following: the silt fence will stay in place until the lawn is re-established, the lawn should be seeded immediately upon completion of the project, and any disturbed areas will be reclaimed during the removal process was carried unanimously.

*Goldberg, Neil - Revisit Site Plan Review - 5057 East Lake Road
File # 11-809 (Dale Bowers)*

Jo Anne Gagliano of EDR Companies was present to represent the application.

J. Gagliano said the last approval was March of 2012 and all the work is underway and almost complete. She stated almost all the hardscape is in, except for the area around the old Greene garage and driveway area. She said the grading, septic system and all the things that were planned are in place.

The Board looked at the site plan drawing.

J. Gagliano said the building, pool, and retaining wall have all been constructed. She said now they are ready to build the guest quarters and garage. She reminded the Board the approved garage was very close to the property [within 4'] and was a non-conforming garage. She stated they got a variance to keep it and wanted to keep it because they thought the structure was in good condition. She said when they started to remove the asphalt around the front of it, they found that the concrete was not on a foundation. She stated it was basically a row of block with concrete inside of it. She said there was no foundation so they would have had to rebuild it in the same place. She stated they could have done that, and were approved to do so. She further said once everything came down the owners liked the view to the lake when they entered the driveway. She said the owners wanted to build the garage where it belongs, within the setback. She stated the trees were planted that were requested on the South side. She said a few things were changed on site; the stairs that were on the existing deck were rotted, so instead they kept the stairs that were in good condition to go up to the deck. She said it is less impact all the way around, visually less square footage because the guest quarters are combined in the same footprint with the building and will be on top of the garage. She said the gazebo and the stone wall that went across the site has been removed to increase the visibility. She confirmed the plan reflected the guest house in its new location and it is now conforming. She stated they needed a little more driveway and there is a signature wall to match the other wall but they are still lower than the percentage that was approved last time.

J. Gagliano said the structure will be removed where it was so close to the property line and the new one will be put into the corner of the parcel.

J. Langey stated this was the second amended site plan approval and the Planning Board can reaffirm the SEQRA.

Motion by Anne Ferguson, seconded by Hugh Roszel to reaffirm the SEQRA and approve the amended site plan designed by EDR Companies dated July 17, 2013 was carried unanimously.

*Cinque, James & Ashley - Site Plan Review - Owahgena Road parcel
File # 13-898 (Anne Ferguson)*

James and Ashley Cinque and Mark Harrington of Harrington Homes were present to represent the application.

J. Cinque stated they purchased lot 3.

The conversation started out with some confusion and the Board thought the applicants wanted to move the building envelope because the drawings that were submitted showed an enlarged detail of the house footprint on lot 3 which was not within the setback lines.

The Board members stated the surveyor should have shown the enlarged detail off the plan.

M. Palmer stated the applicant is just here for site plan review and there is no relocation.

M. Harrington showed some house elevations to the Board. He stated the septic will be done first and then the test will be done for the well. He said it is a single-story house with a full basement. He stated it will have vinyl siding and architectural shingles. He said it will have a walkout basement which works with the natural grade on the one side.

M. Harrington said he spoke with Tim Hunt, the highway superintendant and Tim spoke with Roger Cook.

M. Palmer asked if there was a letter from the highway superintendent.

R. Cook said Tim Hunt called him.

Mark Harrington thought it was roughly 400' to Owahgena Road.

The Board wanted a letter for the file regarding the sight distance for the driveway.

R. Cook confirmed the perc test and septic design were done.

M. Harrington said the land perced extremely well.

M. Palmer said a letter would be needed regarding the driveway from the authority on the road or the surveyor could establish sight distance in either direction.

Motion by Anne Ferguson, seconded by Jennifer Basic to appoint the Planning Board as Lead Agency for purposes of the State Environmental Quality Review Act (SEQRA), to affirm the matter an Unlisted Action and to make a Negative Declaration, all based upon the Board's review of the Short EAF, to approve the site plan subject to the receipt of written confirmation from the highway superintendant regarding the driveway sight distance was carried unanimously.

*Borsellino, Richard & Pamela - Site Plan Review - 2035 Glenwood Road
File # 13-899 (Tom Pratt)*

M. Palmer stated the application was deemed low-impact, at the work session.

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

*Sayre, Jonathan & Anne - Site Plan Review - 2849 West Lake Road
File # 13-902 (Hugh Roszel)*

M. Palmer stated the application was deemed low-impact, at the work session.

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

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

*Shotzberger, Samuel & Julia - Area Variance - 3738 Burlingame Road
File # 13-900 (Anastasia Urtz)*

Sam and Julia Shotzberger were present to represent the application.

M. Palmer said the parcel is sizeable and heavily-treed.

S. Shotzberger pointed out the location of the house on the map and said it was over 400' from the road. He showed the Board where he would like to place the barn which would be in front of the front line of the house. He confirmed it was treed all the way to the road. He stated in the summer time, they will not even be able to see the garage from the house. He said the structure will be gray and will blend in.

R. Cook said even in the winter time, you will not even see it from Burlingame Road.

M. Palmer asked about drawings of the barn?

S. Shotzberger said the barn will be 24'x24'.

M. Palmer reviewed the sketch and said the barn would be no taller than 14'-15' to the peak.

S. Shotzberger said it will not have electricity and he will use the barn for storage. He said it will have sliding doors, metal siding and a metal roof.

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

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

*Barnes, Alison - Area Variances (2) - 2062 Main Street, New Woodstock
File # 13-901 (Hugh Roszel)*

Alison Barnes and Scott Clements, contractor, were present to represent the application.

S. Clements displayed the drawing and said they are taking the existing area to the west and going straight back. He pointed out the location of the new closet and master bathroom. He said also off the existing garage, coming out 22', with the same width as the existing garage as it is now at 20' and they will tie the house to the barn. He said they are not going any further than what the line is already.

M. Palmer said they are not encroaching any further because the existing structure is already too close. He inquired what was being done with the roof line?

S. Clements said they are going to add a gable. He confirmed the ridge would change direction. M. Palmer said something should be done with the water because with only 2 $\frac{1}{2}$ ' setback on the east, it will be on the neighbor's property. He suggested adding an eaves trough or gutter and getting the water underground into a dry well.

Motion by Jennifer Basic, seconded by Hugh Roszel to make a positive recommendation to the Zoning Board of Appeals with the condition to mitigate the water running to the east side of the property with the appropriate subsurface stormwater disposal was carried unanimously.

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

At 9:16 p.m., motion by Michael Palmer, seconded by Jennifer Basic to close the meeting was carried unanimously.

Connie Sunderman - Planning Board Secretary - August 8, 2013