

Town of Cazenovia Planning Board

Meeting Minutes

January 2, 2014

Members Present: Michael Palmer, Chairman; Anne Ferguson; Hugh Roszel; Anastasia Urtz

Members Absent: Dale Bowers; Tom Pratt; Jennifer Basic

Others Present: John Langey, Esq.; Roger Cook; John Dunkle; Don Ferlow; Jim Emerick; Anne Redfern; Graham Egerton; Brian Keeler

M. Palmer called the meeting to order at 7:33 p.m.

Motion by H. Roszel, seconded by A. Ferguson, to approve the December 5, 2013 meeting minutes was carried unanimously.

Motion by H. Roszel, seconded by A. Urtz, to approve the December 19, 2013 special meeting minutes was carried unanimously.

The deadline to be on the next meeting agenda is January 22, 2014.

The next work session is January 30, 2014.

The next regularly scheduled meeting is Thursday, February 6, 2014.

HEARINGS

*Owera Vineyards - Site Plan Review - 5276 East Lake Road
File # 13-905 (Dale Bowers)*

M. Palmer explained that, at the applicant's request, the file will be continued until the February meeting, stating that we are awaiting reports from the sound engineers to establish the baseline for ambient noise. He expects the proposal from Barton & Loguidice to be submitted soon detailing their procedures and the associated costs. He advised the Board to be considering the conditions to be levied so those can be discussed at the next meeting.

Motion by H. Roszel, seconded by A. Urtz, to continue the application was carried unanimously.

LAND DISTURBANCE/SITE PLAN REVIEW/SUBDIVISION

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

Jim Emerick was present to represent the application.

J. Emerick said the most recent development is that they have received confirmation from Tim Carpenter regarding their proposed septic system. He asked if there were any other questions or concerns that they needed to address.

M. Palmer referred to the report that D. Ferlow submitted on behalf of CACC which J. Emerick had not had a chance to review but was willing to discuss. Various methods of the delineation of the wetlands was the first item discussed. M. Palmer expressed his opinion that the developer should be the one to post those markings, in whatever manner is agreed upon, as a notification to the potential buyers.

More discussion followed about the maintenance of the signage and whose responsibility it would be in the future. It was agreed that it would become the landowner's responsibility, and the importance of its being on the map was agreed upon by all parties.

D. Ferlow clarified that the postings would not be on the wetlands but on the buffer area of the wetlands. He went on to discuss the storm water management requirements for this particular property under local regulations to protect the water quality. He explained how the buffer area is especially significant in the storm water management of this specific site.

J. Emerick pointed out that the Town requirements are the same as the State requirements, clarifying that the buffer area is not part of the storm management plan, beneficial though it is.

M. Palmer further clarified that the CACC report advises the demarcation of the buffer be done after the lots are developed.

J. Langey explained that normally a storm water management agreement is used which would bind the landowners, and which would incorporate the applicant's plan, and would also outline an established schedule for maintenance for the landowners. He further stated that a drainage district would be formed.

J. Emerick confirmed that they are not proposing a designated storm water facility.

R. Cook pointed out that the development of each lot would require site plan review which would address the issues of this management on an individual basis.

A. Urtz asked for clarification regarding the relationship of these lots, asking if it would be a homeowner's association.

J. Emerick said he believed Mr. Camperlino would be selling the lots without further relationship, but there would be a homeowner's association regarding the proposed boardwalk.

A. Urtz clarified that each deed would have the covenants and then the homeowner's association would reflect the ongoing obligations of the properties to one another, even if Mr. Camperlino is not going to be the developer.

M. Palmer stated that if a homeowner's association is going to be established, the Board would like to review that paperwork.

J. Langey further explained that the Town would want to review it because it would incorporate the common area of the boardwalk and who enforces the violations. He said Mr. Camperlino has had experience with this.

The advantages of the homeowners association agreement designating the marking of the buffer area was agreed upon.

The process of getting the permit for the boardwalk was also discussed.

D. Ferlow went on to comment on the 100-year floodplain, saying the Board should request the applicant to provide correspondence from FEMA regarding this issue.

J. Emerick responded that the time and expense of having FEMA revise the map is unnecessary since a flood insurance rate is not an issue. He said since a structure will not be in the floodplain nor will fill be replaced in the floodplain, the local administrator has the authority to make an interpretation based on the actual field conditions according to Town Code.

D. Ferlow and J. Emerick discussed the line on the FEMA map and the 1196 foot elevation line relative to the conservation subdivision.

M. Palmer clarified that the importance of this point is to define the constrained lands.

D. Ferlow went on to discuss open space conservation easement(s), history and archaeology.

J. Emerick submitted the report from Pratt & Pratt Archaeological Consultants, Inc.

D. Ferlow then discussed storm water management, followed by minor site plan and document review items, which included the suggestion to establish a 25 foot setback from the buffer line, a note regarding the need for separate permits from other agencies for the construction of the proposed boardwalk, a zigzag boardwalk pattern with wider platform sections in several areas, the placing of the silt fence, and acceptance of the DEC wetland update without requiring the same from ACOE unless further development is proposed within the wetland.

M. Palmer asked if J. Emerick was in agreement with these minor site plan and document review items, and he asked R. Cook about his interpretation of the floodplain issue.

R. Cook explained his job as the Flood Plain Administrator is to look at the issue from FEMA's perspective. CACC's objective to have a definitive space for the constrained land is out of his purview. He explained the process applicants would undertake to build a dwelling in the flood zone. Historically, here 1196 elevation is the base flood elevation that FEMA has accepted. He said the Board must decide how specific they want the constrained land to be on the map they intend to approve.

J. Langey explained that the constrained land is a function of the net buildable area as it pertains to calculation, which is one of the critical features of the conservation subdivision under the Town's regulations.

M. Palmer pointed out that homeowners would not build in those areas because they are wet, nor is it a densely developed area.

D. Ferlow said the smallest lot is 2.3+ acres.

A. Ferguson asked for a summary of the archaeological report.

J. Emerick said basically it was a recommendation of "no effect" on cultural resources, with no additional surveying.

M. Palmer referred to a letter from T. Carpenter that he had circulated that stated the most recent design submitted by the applicant was acceptable to Madison County and himself. Furthermore, the design would not require a responsible management entity, but would require a nitrogen reducing feature.

J. Emerick further explained the workings of that feature.

M. Palmer mentioned that the recommendation was from Pete Church of Madison County Department of Health. He also stated that the Planning Board does not have jurisdiction over the design of those septic systems and that the resolution will state that the applicant agrees to abide by local regulations, including county regulations concerning septic systems.

R. Cook elaborated on the details of the waste management conditions and characteristics of the soil on that property and the need for nitrogen reduction there.

J. Langey explained how to proceed in scheduling a public hearing for this application, suggesting the next meeting focus on finishing the SEQRA process which he believes will result in a negative declaration, but will have to be based on many findings to support that, not guaranteeing it will not be a positive declaration. This SEQRA process needs to be done before the public hearing and may be lengthy, so it would seem more reasonable to schedule the public hearing for the March meeting. He encouraged the applicant, that if he has proposed findings that he would like the Board to consider, that he email them. He further clarified that if they have a negative declaration, after they complete the long form, and they ultimately pass a resolution that says it receives a negative declaration because of various findings, that those findings be submitted in

advance so he can begin to craft the resolution incorporating those in advance so it can be articulated at the next meeting.

J. Emerick asked if J. Langey foresees the public hearing to be lengthy, expressing his desire to move things along.

J. Langey affirmed that it may generate a good deal of interest, and pointed out it will be affecting many of the neighbors of Owera Vineyards who may be attending that segment of the discussion already.

M. Palmer agreed with the suggestion made by J. Langey to address the SEQRA at the February meeting and to aim to have the public hearing in March.

J. Langey asked about the SEQRA application that was used.

J. Emerick said it was the long form, before the SEQRA regulation changed in 2013.

M. Palmer said he could not guarantee that the Board would be in a position to vote in either March or April, but that would be a realistic expectation.

J. Langey further explained that with a large, complex application such as this, the resolution would have certain conditions already put in place. The Board would need to know details of the application such as the language used in the homeowners association, and potential covenants, before the Board is in a position to vote. Providing this information in advance is necessary to this process. He said the applicant can contact him for the exact information that would be useful in these preparations.

J. Emerick asserted that he knows his instructions, asking for copies of D. Ferlow's comments to address those concerns.

A. Ferguson asked if one of the conditions is that the developer is required to use that specified septic system.

M. Palmer affirmed that it is. He again emphasized the need for certain information to be provided in time for the attorney for the Town to review before the next meeting.

Motion by H. Roszel, seconded by A. Ferguson, to continue the application was carried unanimously.

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

See pages 2-6 of these minutes. The site plan was discussed simultaneously with the subdivision application.

*Charles & Julie Gordon - Minor Subdivision (3) - 4520 Route 92
File # 13-906 (Anne Ferguson)*

A. Ferguson stated that the applicants were not able to complete the deep hole test nor the other requirements, so they have asked to be continued.

Motion by H. Roszel, seconded by A. Urtz, to continue the file was carried unanimously.

*James Bruno - Site Plan Review - 4477 Ridge Road
File # 13-907 (Tom Pratt)*

It was noted that there is nothing new in the file.

Motion by H. Roszel, seconded by A. Ferguson, to continue the file was carried unanimously.

*Jennifer Basic/ New Ventures Assets - Site Plan Review - 2363 Route 20 East
File # 13-908 (Hugh Roszel)*

M. Palmer stated that J. Basic has not yet moved from the Zoning Board of Appeals.

Motion by H. Roszel, seconded by A. Ferguson, to continue was carried unanimously.

RECOMMENDATIONS TO THE ZONING BOARD OF APPEALS

NONE

INFORMAL

CPW, LLC - Possible Subdivision - 2890 West Lake Road

R. Cook stated that D. Vredenburg is still trying to determine what his client wants to do regarding this project.

M. Palmer said the Board will leave this on the agenda while the applicants are making their decisions.

A brief description of the subdivision was reviewed and past ownership was discussed.

Brian Keeler was in the audience and mentioned a letter he submitted regarding Oweria Vineyards he wanted noted, and commented on the importance of the informational boundary lines being posted before the Camperlino property is listed, from a consumer's point of view.

M. Palmer explained the Board's struggle with this issue, weighing the responsibility of the developer versus the responsibility of the prospective buyer. He went on to say the maps are the bottom line.

Motion by A. Ferguson, seconded by H. Roszel to close the meeting was carried unanimously at 8:35 p.m.

Sue Wightman - Planning Board Secretary
January 2, 2014