

Town of Cazenovia Planning Board

Meeting Minutes

February 6, 2014

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

Members Absent: Jennifer Basic

Others Present: John Langey, Esq.; Roger Cook; John Dunkle; Don Ferlow; David Vredenburg; William Camperlino; Jim Emerick; Matt Napierala; Mark Zagger; Dannielle Carr; Michael Silberberg; Jean Doering; Anne Redfern; Graham Egerton;

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

Motion by H. Roszel, seconded by A. Ferguson, to approve the January 2, 2014 meeting minutes was carried unanimously.

The deadline to be on the next meeting agenda is February 19, 2014.

The next work session is February 27, 2014.

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

HEARINGS

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

David Vredenburg was present to represent the file. He reviewed the updated items on the maps that were most recently submitted. He stated the lot configuration remains the same. Some of the concerns and issues that have been addressed were a protective area around a drainage way, as well as protection for evergreens on Lot #1. Deep hole and perc tests were required and performed only on Lot #2, since the other two lots were already developed. The wells that he could locate on the adjacent properties have been added to the map. He also explained about an existing easement that is represented on the map.

J. Langey noted that Part 2 - Impact Assessment of the SEQRA had not been completed so he went through the Short Environmental Assessment Form (EAF) from page 3 and 4 in which all questions were answered "No, or small impact may occur."

Motion by T. Pratt, seconded by A. Urtz to appoint the Planning Board as Lead Agency for the 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. The motion was carried unanimously.

No one was present to speak in favor of or opposed to this subdivision.

Motion by D. Bowers, seconded by T. Pratt to close the public hearing was carried unanimously.

M. Palmer confirmed the date on the last map submitted was January 16, 2014.

Motion by D. Bowers, seconded by T. Pratt to approve the subdivision based upon a map titled "Final Subdivision Map - Lands of Charles & Julie Gordon, #4520 New York State Route 92 - Part of Lot 43 4th Allotment New Petersburg Tract, Town of Cazenovia, Madison County, New York," prepared by David A. Vredenburg, Licensed Land Surveyor, DATED August 20, 2013, last revised January 16, 2014 was carried unanimously.

LAND DISTURBANCE/SITE PLAN REVIEW/SUBDIVISION

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

William Camperlino, Jim Emerick, and Matt Napierala were present to represent the application.

J. Emerick said they worked on the findings on the SEQRA resolution with J. Langey, and SHPO also notified them that their project was reviewed as "no impact."

J. Langey explained that the SEQRA process must be completed before this application can go to a public hearing. Each board member had a copy of the proposed resolution as well as a copy of the State Environmental Quality Review Negative Declaration Notice of Determination of Non-Significance which was prepared for their review.

J. Langey verbally outlined the information included in those documents beginning with **The Project Description, History and Background**. He also reviewed the various agencies that the application was referred to and their findings. He cited Stormwater, Wetlands, and Well Water as the Planning Board's three areas of potential environmental concerns, and went over the **General Findings**.

The Specific Consideration of Potential Impacts on Land stated the land will be physically changed, converted to residential homes, and there are no unique or unusual landforms on the site.

The Specific Consideration of Potential Impacts on Wetlands stated there are 4.18± acres of wetlands identified and the applicant was asked to verify the jurisdictional limits of the DEC wetlands. He then referred to a letter from Joseph Eifert dated September 19, 2013 that confirmed that the applicant will have mitigations proposed for the wetlands, including a Conservation Easement, and the observation of 100 foot wetland buffer.

The Specific Consideration of Potential Impacts on Stormwater and Erosion Control stated the appropriate paperwork would have to be prepared to meet the Town's Stormwater law, similar to a Municipal Separate Storm Sewer System (MS4).

The Specific Consideration of Potential Impacts on Water Supply:

The proposal envisions the drilling and location of individual residential wells for each proposed lot.

The applicant has undertaken a study of surrounding wells and has indicated that the existing water supply wells within the area have significant capacity (less than 35 gallons per minute) and quality of water to support residential use.

The expected use for each individual residential well is less than 5 gallons per minute with a daily use of less than 500 gallons per day.

The applicant's engineer has opined that the above-proposed rate of use will not impact the local aquifer in any way.

The Town's Consulting Engineer, GHD, has opined that the recharge areas of the site are sufficient to address any concerns regarding impacts to surrounding well water sources. J. Langey went on to say he had spoken with Tim Carpenter this week and he has looked at these findings and provided some changes that were incorporated into this draft provided.

There have been issues and concerns relating to the impacts to the Oweria Point Public Water Supply located to the southwest between Oweria Point Drive and Cazenovia Lake. This water system includes two water supply wells and serves approximately twenty-nine homes in the surrounding area.

A flow test for the second well has indicated a yield of 38 gallons per minute with a draw-down of 63 feet.

The new residential wells will be over 600 feet from the well supply for the public system. The peak demand for a residential home does not typically exceed 5 gallons per minute. Considering the separation of the wells, the expected use and the surrounding geological conditions, the new residential wells will not influence the existing public water supply system (all as found in accordance with a report prepared by Napierala Consulting Professional Engineer, P.C. The Town's Consulting Engineer is in agreement with these findings.)

Specific Consideration of Potential Impacts on Waste Water Treatment Systems:

It is acknowledged that the proposed residential homes will generate normal residential waste water flows.

There are no existing public sewer facilities available to the project.

The applicant has offered mitigation as follows:

Construction of individual wastewater treatment systems to be designed for each residential lot. Each proposed system would include:

an Enhanced Treatment Unit ("ETU") with aeration and nitrogen reduction capability;

absorption area with engineered fill and Eljen geotextile sand filter units.

The applicant has submitted information for its position that the proposed wastewater treatment system will provide an enhanced treatment above that offered by a standard septic system providing added protection of groundwater in the surrounding wetland areas.

A careful review of the proposed ETU system has been conducted by the Town's Consulting Engineer and they are in agreement with the proposal.

As an added measure of protection, the applicant will be required to prepare and record (upon approval of the Town's attorney) covenants recordable in the Madison County Clerk's Office, specifically directing the usage of the proposed wastewater treatment systems as proposed by the developer. In addition, this covenant will run in favor of and be enforceable by the Town of Cazenovia.

If properly designed and constructed, the Planning Board finds that the proposed wastewater treatment systems will adequately protect the environment. Therefore, this aspect of the project will not result in a significant adverse impact.

Specific Consideration of Potential Impacts on Aesthetic Resources:

The proposed project is located within a residential area and consists of the potential construction of up to four residential homes.

The immediate and surrounding areas consist of similar residential uses.

The proposal for four new residential homes in the area would not have a significant negative environmental impact to this resource.

Specific Consideration of Potential Impacts on Traffic:

The proposed development will likely generate some limited new traffic in amounts that are larger than those currently experienced in the area.

The inclusion of four additional homes, however, is not likely to result in any significant adverse impacts to traffic.

Specific Consideration of Potential Impacts on Community Character:

As noted above, the proposed use is consistent with the allowed uses under the Zoning Classification for the premises. Therefore, the addition of four new residential homes will not result in any significant adverse impact to the existing character of the community.

Specific Consideration of Potential Impacts on Air:

The proposed project is not anticipated to have a significant impact on air quality.

The inclusion of four residential homes would have no known negative impacts on air quality.

Specific Consideration of Potential Impacts on Plants and Animals:

The proposed project is not expected to affect any threatened or endangered plant or animal species.

While Cazenovia Lake hosts at least one species of protected plant, none of the construction will occur in the area where any rare plants or animals are known to habitate.

Specific Consideration of Potential Impacts on 100 Year Flood Plain:

The applicant has been requested to review potential impacts relating to flood plain delineation and issues.

The applicant has provided information to the Planning Board indicating that the 100 Year Flood Plain has been identified on the plan based upon the accepted base flood elevations for the Town of Cazenovia.

It is acknowledge that there will be no fill placed within the 100 Year Flood Plain nor any construction occurring on same.

Therefore, the proposed project will not cause any adverse impacts of these areas.

Specific Consideration of Potential Impacts on Critical Environmental Areas:

While the shore area of Cazenovia Lake is designated a Critical Environmental Area ("CEA"), there is no proposed construction or disturbance in the CEA.

Therefore, the proposed project will not cause any adverse impacts to the CEAs.

Specific Consideration of Potential Impacts on Open Agricultural Lands:

The proposed project will not result in the conversion of any in-use agricultural lands in any Agricultural District. Given the large quantity of agricultural lands contained in the Town of Cazenovia, this particular use will not deprive the Town of any prime agricultural soils.

Specific Consideration of Potential Impacts on Historic and Archeological Resources:

The applicant has submitted a report of a certified archeological consultant, Pratt & Pratt Archaeological Consultants, Inc.

That report dated November 25, 2013 titled "Owera Point Estate Subdivision Parcel 2 - Phase 1B Cultural Resource Survey - Town of Cazenovia, Madison County, NY" has been reviewed by the Town's Consulting Engineer, who is in agreement with its conclusions that there is no effect on cultural resources for the proposed O-We-Ra Point Subdivision in the Town of Cazenovia.

Further, the Report has been reviewed by the New York State Office of Parks, Recreation and Historic Preservation.

Specific Consideration of Potential Impacts on Open Space and Recreation:

The proposed project area has not been identified in the Town's Comprehensive Plan or other guidance documents as an area of concern for recreation open space.

Specific Consideration of Potential Impacts on Energy:

The proposed project will require the use of electrical and gas energy sources.

However, the power requirements will not exceed those which are currently available in the Town and will not deprive other users of such sources of energy.

Specific Consideration of Potential Impacts on Noise and Odors:

While the proposed project will result in the generation of typical construction noises and odors during the construction period on a temporary basis, the construction of four residential homes is not anticipated to create a negative impact to such resources.

Specific Consideration of Potential Impacts on Public Health:

The proposed project is not expected to adversely impact public health and safety.

In conclusion it was stated the Planning board has completed a careful and thorough review of the identified areas of environmental concern. Based upon its extensive review, the submitted reports, consideration of input from the CACC and the Town's Consulting Engineer, and as governed by the rule of reasonableness, the Planning Board issues a negative declaration, concluding that the particular facts and circumstances of the proposed project do not call for the preparation of an Environmental Impact Statement.

During the time for comments from the Board, M. Palmer asked that wastewater disposal be added to the list of potential environmental concerns identified by the Planning Board. He also asked that it be noted that the elevated boardwalk will actually be in the CEA. It will not cause any adverse impacts to the CEA, but it will be constructed in it.

J. Langey also added that D. Ferlow had a correction to the potential impacts on stormwater and erosion control noting the proposed construction would disturb approximately four, not three, acres. He also asked the engineer to get him the size of the proposed conservation easements.

J. Emerick asserted he would provide that.

It was clarified that the boardwalk will not be built by the developer, but would be built by the homeowners association if they choose to build it, but the boardwalk does appear on the plans.

J. Langey also said that Tim Carpenter had expressed concern about a buried water line. This is actually a private matter between the applicant and the neighboring property owner because the Town of Cazenovia does not have any easements over water lines on that property.

Concerning freshwater wetland delineation, J. Langey advised the Board to be specific about that mitigation when they potentially approve this application.

Motion by D. Bowers, seconded by A. Ferguson to appoint the Planning Board as Lead Agency for the purposes of the State Environmental Quality Review Act (SEQRA), to affirm the matter an Unlisted Action and to adopt this Negative Declaration, all based on the Board's review of the Full EAF, was carried unanimously.

Motion by A. Urtz, seconded by T. Pratt to move this application to a public hearing was carried unanimously.

M. Palmer briefly outlined the procedure required to notify the neighbors and any concerned parties about the public hearing. He then introduced discussion regarding the delineation of the buffer zone.

R. Cook stated that his preference would be that when a site plan is approved for each lot, the delineations be marked at that time, before excavation commences.

M. Napierala asked for a definition for the term "boulders."

M. Palmer agreed about the importance of defining what and where they specifically want the markers to be.

Much discussion followed about the placement, timing, uniformity and aesthetics of the demarcation. It was decided that the map should show the placement.

M. Napierala asked that he be able to talk to Kinsella's Quarries to see what is available, and was told to return to the next meeting with those options.

It was confirmed that they will be having the public hearing March 6, 2014 if they meet the notification requirements.

When asked about the preservation of trees, M. Napierala explained the leach fields are significant in size and those areas do require disturbance, however there are significant amounts of green space on these lots that will protect the established vegetation.

M. Palmer stated that as each lot comes before the board individually for site plan review, at the time of building, the board can address the issues of tree preservation then as well.

Motion by D. Bowers, seconded by T. Pratt, to continue the application was carried unanimously

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

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

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

There was no one present to represent Mr. Bruno.

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

Motion by T. Pratt, seconded by A. Urtz, to continue the file was carried unanimously.

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

It was noted that this application is still before the Zoning Board of Appeals.

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

*Andrew Dwyer - Site Plan Review - 2960 West Lake Road
File # 14-911(Jennifer Basic)*

Because this was determined to be a "low impact" application, Mr. Dwyer was not required to be present.

Motion by A. Ferguson, seconded by T. Pratt, to appoint the Planning Board as Lead Agency for the 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.

RECOMMENDATIONS TO THE ZONING BOARD OF APPEALS

*Mark Zagger - Area Variance - 5746 East Lake Road
File # 13-912(Tom Pratt)*

Mark Zagger was present to represent the application. He explained that he has an existing barn built on his property in 1986 and he got a building permit seven or eight years ago to construct a three bay overhang from the back of it. He is now hoping to replace the existing 30'X20' structure with a 40'X 54' structure. The neighboring property line is not the specified 25 foot setback. When he applied he thought it was 15 feet, but the survey actually shows that it is 18feet.

His neighbor, John Steiner, submitted a letter affirming his support of the new building with the shortened setback from their adjoining property line.

He explained the features of his existing property as seen by the aerial view from Pictometry.

He had a hand drawing of the structure he hopes to build and explained various details. The roof line will run east-west as does the existing roof line of the current barn, so the roof lines will be centered, but the new roof will be higher and will have a steeper pitch. He stated the new siding will be board and batten which he will also use to reside the old barn, which currently has Texture 111 siding. The old roof will be redone to match the new roof as well.

Because this is an addition to an existing structure constructed before 2009, out of the lake watershed, the Planning Board's recommendation to the Zoning Board of appeals is relative to zoning law, not the appearance of the proposed construction. The question was whether the 18 foot setback poses a problem from a planning perspective, which it does not.

Motion by T. Pratt, seconded by A. Ferguson, for a positive recommendation to the Zoning Board of Appeals (ZBA) was carried unanimously.

Because his original application states there is a 15 foot setback, he will need to amend that application to the ZBA. Their meeting date will be February 24, 2014.

INFORMAL

CPW, LLC - Possible Subdivision - 2890 West Lake Road

No one was present to represent this project

M. Palmer reviewed the overall thrust of the venture and said the Board will leave this on the agenda while the applicants are making their decisions.

Michael Silberberg - Possible Site Plan Review - 4665 East Lake Road

Dannielle Carr of Environmental Design & Research was present to discuss this undertaking. She explained what is existing now as well as what they propose. She provided many photos and a preliminary drawing of the site plan the Silberberg's hope to implement to improve the driveway and to construct a patio with a retaining wall and plantings in the northern portion of their waterfront area. Because the existing property already exceeds the maximum allowable

percentage of impervious surfaces for the LWRC zone, they sought suggestions from the board to help them achieve this end.

After hearing the initial proposal, M. Palmer suggested they move the new patio back five feet out of the CEA and that they use permeable pavers. He asked about drainage as well.

D. Carr said they are having a topographic map prepared which will show the current grades that have been in place with the existing excess impervious surfaces.

Michael Silberberg arrived and joined D. Carr partway through the discussion.

A. Ferguson asked that they provide a mock-up from the lake to see if it will look natural from that perspective.

Discussion of the retaining wall followed and how it will be viewed from the water.

D. Carr pointed out that both neighbors have boathouses on either side of this property, so the view from the water is not as natural or aesthetic as it would be without these already existing structures, so the placement of this proposal would not seem inconsistent.

A. Urtz explained that the board hopes to improve the property along an already crowded area.

D. Carr said they are open to any modifications the board suggests to mitigate what they hope to do at the waterfront.

M. Palmer reiterated the suggestion of using permeable buffers, if they would be structurally viable for this area, in an attempt to reduce the aggregate impervious surface area which would help them justify the changes that might be proposed.

D. Carr said they plan to make a formal site plan review application.

When asked his comments on behalf of CACC, D. Ferlow said he heard the other comments made tonight, but had none to offer at this time.

Jean Doering approached the board having completed a review request in December for an informal review, but not having been added to the agenda. She resides at 4666 Lincklaen Road,

tax map 86.3-1-33. She was looking for advice as to how to protect her 6 acres from future building.

M. Palmer advised her to explain to her legal counsel what she would like to accomplish, and then have her attorney place restrictive covenants on the deed of her property to prevent its being subdivided and developed.

J. Langey explained the process in more detail.

R. Cook also explained about establishing a "forever wild zone" to further protect her land from development.

J. Langey explained that concept in greater detail as well, and offered to discuss it with her attorney if it would be helpful.

Motion to by D. Bowers, seconded by H. Roszel, to adjourn the meeting at 8:51pm was carried unanimously.

Sue Wightman - Planning Board Secretary
February 7, 2014