

Town of Cazenovia Planning Board

Meeting Minutes

March 6, 2014

Members Present: Dale Bowers, Acting Chairman; Anne Ferguson; Hugh Roszel; Anastasia Urtz;
Tom Pratt; Jennifer Basic

Members Absent: Michael Palmer

Others Present: John Langey, Esq.; Roger Cook; Tim Carpenter; Don Ferlow; William
Camperlino; Jim Emerick; Kathy Hanley-Burns; Kenneth Moynihan; Mark Costa;
Parnell T. Hughes; Parnell J. Hughes; Matt Vredenburg; Michael Silberberg;
Dannielle Carr; Patrick Ruddy; Anne Redfern; Graham Egerton; Leonard Dwyer

D. Bowers called the meeting to order at 7:30 p.m.

Motion by A. Ferguson, seconded by T. Pratt, to approve the February 6, 2014 meeting minutes
was carried unanimously.

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

The next work session is March 27, 2014.

The next regularly scheduled meeting is Thursday, April 3, 2014.

HEARINGS

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

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

J. Emerick gave a brief overview of the project stating it is a four lot subdivision for a sixteen acre parcel of land located on the south side of North Lake Road with Allen Drive to the west, Cazenovia Terrace to the east, and with Cazenovia Lake being the southern boundary. He showed a wetland area on the map and explained the 100 foot buffer area pointing out the wetland buffer markers which were added to the map by request of the Planning Board. He explained the markers will be 300 - 500 pound commercial rocks. He talked about the concerns dealing with wastewater and stormwater and how the applicant will supply water for each of the residents. He mentioned the slow perc rate found in the soils and high ground water in various areas of the site. They consulted with the Department of Health in the design of the septic system. He then showed a diagram of the system they propose and a map that showed the location of the systems and the layout of the houses. The houses will be accessed by the existing town roads that border the site. The only proposed disturbance to the wetland would be a raised boardwalk .

He went on to describe the wastewater systems. Each include an enhanced treatment unit in place of a septic tank. He described the absorption field, which would be a significant fill area, and he talked about the Elgin Sand Filter units which would be placed within the trenches for additional treatment.

The size of the lots would range from 2.4 acres to over 6 acres, which he stated were significantly larger than the existing lots in the area that average less than an acre.

He went on to say this is a conservation subdivision, explaining they propose to provide a conservation easement for the wetlands .

D. Bowers asked the board if they had any questions, mentioning the boundary stones were an item that was in question during the last discussion.

The stones would not be evenly spaced, but the applicant has endeavored to make the boundary line well defined. Further discussion followed about when the markers should be placed and at whose expense. The issue of land disturbance and consistency was also addressed.

J. Langey advised the board to consider having these issues put into covenants, or in a homeowners association agreement, or both so that the buyers of these parcels understand their obligation to mark this buffer in the prescribed way agreed upon. Also the Planning Board would remind them of this responsibility during the site plan process for each individual lot.

The approximate cost of each stone is estimated to be \$200. On the plans, the stones are described as 300 - 500 pound pieces of limestone that are roughly cubic in size, which would be about two feet high. More discussion followed as to the number and placement needed to clearly delineate the boundary.

W. Camperlino questioned the need to have more markers than those currently represented on the existing drawings, stating he has developed several parcels, and this is the first town that has required him to mark a buffer zone for a wetland.

J. Emerick agreed that having them every 25 feet would be excessive. He stated they have positioned 17 on the map displayed.

It was agreed by the board members that the wording of the resolution indicate that the 17 markers currently on the map would be a minimum, so that more could be required upon subsequent site plan reviews.

D. Ferlow expressed his opinion that the size of the stones is not quite large enough to deter people from being able to remove or relocate them, and the size of the lots may also dictate the need for larger markers, adding the larger stones are still considered a standard size available at quarries.

W. Camperlino questioned if the placement and size of the stones was getting a bit too technical.

D. Bowers agreed that he would like to see larger stones used as well. He clarified that the board was in agreement with the wording of the minimum number and the size, and asked if Mr. Ferlow had any other issues.

D. Ferlow said he did not.

Tim Carpenter stated the septic system has been approved and he had no other comments.

J. Langey said T. Carpenter had assisted him with some of the language in his most recent draft of the resolution regarding the lot owner's responsibility to inspect the Enhanced Treatment Unit once every two years, and the property owner's compliance in the event the Town adopts regulations related to a Responsible Management Unit as referenced in the New York State Department of Health Design Handbook for Onsite Wastewater Treatment System. These conditions are to be included in the applicant's required covenants for the proposed wastewater treatment system. He asked if this seems reasonable and also stated that after the biennial inspection, each homeowner would have to submit the results to the Codes Officer within a certain number of weeks to insure the system is functioning properly.

W. Camperlino asked if other owners of similar systems will be required to monitor their systems in a similar fashion.

J. Langey affirmed that if the systems were comparable they would, stating this is starting to create a precedent.

D. Bowers then invited the public to comment.

Kathy Hanley-Burns of 5262 Oweria Point Drive said she was not opposed to the four lot subdivision, but expressed concerns about their water system, wondering if their drilling wells would affect the well the current residents use and wondering why the applicant does not propose to tap into their existing water source.

D. Bowers explained that this is a time for public comment and concerns, not a time to explain or answer questions about the file, which has been ongoing for some time, and is available for the public to inspect freely.

K. Hanley-Burns then stated that her concern is that the applicant's well digging may affect the well which supplies the existing 30 homes. She suggested that the prospective homeowners tap into that system, or that the water now used by the current homeowners be tested before and after each subsequent well is dug.

W. Camperlino stated for the record that he is willing to cooperate with "the Homeowners Association of Oweria Point" relative to water in either direction.

Ken Moynihan of 5289 Oweria Point Drive expressed concern about the raised bed system that is proposed, wondering how high this will be. He also talked about a pipe that he believes currently feeds some houses in the area that he believes goes through this property and wondered what provisions were made for digging foundations relative to this pipe, stating that it would not affect him, but would his neighbors. He agreed with Ms. Hanley-Burns that they should be concerned about the water supply. His final concern was that the sites would be cleared and then no building would be constructed. He was not sure what provisions could be made, but he did not want a neighboring property to be left partially undeveloped.

Mark Costa of 1710 North Lake Road stated that he was neither for nor against this application but had questions about deed and covenant restrictions. He said the current homeowners in the area have very detailed restrictions, not only regarding the lay-out of the property, but regarding the look and feel of the homes, and he was wondering if similar restrictions would apply to these new homes as well. He expressed concerns about water lines and asked if there were provisions in place if the builders were to damage one of them during construction. He also talked about the amount of fill that will be required and the fertilizing of the new lawns that would be planted and the impact of that.

J. Langey assured him there is a law prohibiting the use of phosphorous based fertilizers in the lake watershed already in place and enforced to protect the lake.

After verifying that no one else wanted to speak, motion by J. Basic, seconded by H. Roszel, to close the public hearing was carried unanimously.

D. Bowers said the Board had to decide if they want to move forward or if they want to take some time and make sure that all the questions and comments are addressed to the Board's satisfaction.

The Board has addressed the water sourcing, however, they have not discussed the aesthetic interplay between the homeowners association and these lots.

W. Camperlino said he would be putting restrictive covenants on his lots, and he would be very happy to meet with the existing homeowners association and coordinate their efforts, which he has been willing to do from the onset. He said he was happy to hear that there is now some interest in that coordination from the homeowners association.

J. Langey explained that Mr. Camperlino will create those covenants now which will bind the future owners, and then the Planning Board will review them, through himself, to make sure they capture all the concerns the Planning Board has expressed through this process.

W. Camperlino added that the covenants will be ready before he is able to file the tract maps so he is unable to sell any lots until those are established and binding.

J. Langey went on to explain that certain limitations will be enforceable by the Town, setting the markers for example. Other limitations will not be, the color of the exterior for example. Those covenants that pertain to the Town are the ones that he asked Mr. Camperlino to address in his draft for the Town; the others he can work out with the neighbors.

J. Langey informed the Board that they have 62 days from the close of the public hearing to make a decision.

J. Langey told Mr. Camperlino that he would provide him with a proposed draft resolution that has the finding and conditions that have been discussed during this whole process.

W. Camperlino asked that a copy be sent to Terence Langan as well. He said that he would be using similar covenants to those used at Waterford Woods on Route 92, modified however the Board wants them relative to this subdivision.

Motion by A. Ferguson, seconded by Tom Pratt, to continue the file was carried unanimously.

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

See pages 1-6 of these minutes. The site plan was discussed simultaneously with the subdivision application.

LAND DISTURBANCE/SITE PLAN REVIEW/SUBDIVISION

*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 H. Roszel, 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 there is nothing new in the file, and J. Basic affirmed that she is still holding.

Motion by H. Roszel, seconded by T. Pratt, to continue the file was carried unanimously.

*Parnell (Timothy) Hughes - Site Plan Review - 4636 East Lake Road
File # 14-913(Anastasia Urtz)*

T. Hughes and Parnell J. Hughes were present to represent the file.

P. Hughes explained that the project involves a second story addition over the kitchen area to construct a master bedroom using the same footprint as the existing structure. He said the dimensions would be about 25 feet by 22 feet and displayed architectural drawings of the addition.

T. Hughes showed on the drawings a section of porch he removed a few years earlier which was being reconstructed as a wall functioning as the foundation for this construction which completes the line from the original footprint.

The impervious surface increased from 13% to 13.4%, which is well within allowable limits.

D. Bowers said the GML from Madison County had come back and was fine.

J. Langey completed Part 2 of the Short Environmental Assessment Form which was the Impact Assessment to which all answers were "No, or small impact may occur."

Motion by A. Ferguson, 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, and to approve the site plan was carried unanimously.

*CPW, LLC - Minor Subdivision (1) - 2890 West Lake Road
File # 14-914 (Anne Ferguson)*

Matt Vredenburg sat in for David Vredenburg who represents CPW, LLC.

He explained that there are two lots on this property, one called "the North lot," and one called "the South lot." They are proposing to divide the South lot which is currently 7.4 acres into one 3 acre lot and one 4 acre lot. They are hoping that the private road satisfies the requirement to have 250 feet of road frontage.

The advantages of combining the total acreage of the two lots and doing a conservation subdivision was discussed. The North lot has 4.4 acres, making the combined total 11.8 acres.

J. Langey explained that if they do a conservation subdivision, then the problem of the road frontage is solved, but a conservation analysis would need to be performed, so the Board would be evaluating what they would need to protect on these parcels.

M. Vredenburg believed the owner would be in favor of preserving some of the lakefront woodland area as a trade-off for being able to make a third lot. He said as part of the subdivision approval, the Board could establish building envelopes. He stated he would determine what his client prefers, knowing that a conservation subdivision is something the Board would allow.

The alternative to the conservation subdivision was discussed as well.

He believes the private road in question is maintained in the winter because it is a point of access and a fire lane for another property further down the road. If this private road does meet the qualification for road frontage, it is possible that it would have to be upgraded to meet a Town standard which may prove to be costly.

The question of constrained land was also discussed.

M. Vredenburg said rather than considering alternatives, he would go back to the client and discuss the conservation subdivision which seems to benefit everybody.

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

*Michael Silberberg - Site Plan Review - 4665 East Lake Road
File # 14-915 (Tom Pratt)*

M. Silberberg and Dannielle Carr were present to represent the file.

D. Carr said the site plan packet they submitted included a topo map in addition to the initial boundary survey they referred to when they first appeared for the informal review. She also had impervious surface coverage drawings as they currently exist, and drawings for comparison detailing what they propose to change to reduce those surfaces from 19.3% to 18.8%. She also displayed a site plan, and a grading plan.

She explained some adjustments that have been incorporated into the original plan. At the waterfront they still have a patio with a retaining wall, but they have added a set of stairs to access the patio. The patio was moved out of the 20 foot buffer zone. Based on the grading, the wall is expected to be about 4 1/2 feet high at the highest point. She discussed entry improvements which include two decorative pavement aprons, drive edging, and two decorative driveway piers. They are proposing permeable pavement for the patio space, but not the driveway. An existing patio space has been removed, so that decreased some of the impervious surface area. A vegetated dry swale and a rain garden have been added to the design as well to aid the drainage from the driveway and the guest cottage roof. On the grading plan, grading around the existing trees down by the patio and the retaining wall was shown as a measure to keep the trees in place, stating the Silberbergs do not wish to remove any of the trees on the

property. The proposed wall is a modular segmented unit which does not require a four foot depth foundation with the purpose of keeping the system above ground water. There would be a stone reservoir beneath the permeable patio surface with underdrains. There would be planting beds for water to daylight on either side of the retaining wall as well.

In an email, John Dunkle commented about these various features and his desire to see more details and calculations.

She then discussed the changes that would result in a minor net decrease of impervious surface.

D. Ferlow was asked to review his CACC findings. A copy of his report was given to Ms. Carr while he spoke. He said the patio surface is established on the plans at an elevation that is below the identified 100 year flood plain.

D. Carr interjected that at the last meeting there was no mention of the 100 year flood plain elevation.

D. Ferlow went on to say that there is a section of wall that goes up 10 feet which impacts the viewshed. He suggested that they consider elevating the patio 3 1/2 feet which would require less excavation and would reduce the height of the wall without diminishing the view of the lake.

As far as the wall details, he mentioned the need for drainage features.

He said that the proposed grading around the three existing trees adjacent to the waterfront will damage them to the extent that they will need replacing with trees of a significant size.

He felt the design of the wall as simple vertical units could be improved upon to be more compatible with the character of the lake, and mentioned some alternatives such as stepping it with planted shelves between each step, or constructing it in a curvilinear or horizontally and vertically stepped configuration.

He asked that the planting plan be more defined and that erosion controls be added. He also suggested that a small drain under the ground at the top of the soil of the rain garden might eliminate water coming to the surface and saturating the ground since the soils often have low percolation rates and low infiltration potential in this area.

D. Carr addressed some of these comments stating the patio is rectilinear in shape for the purpose of being like an outdoor room cut back into the slope. Since the stairs are not exposed,

the modular wall system that is being proposed would not descend to the same level that the patio below would be, so the walls for the stairs will not be ten feet in height. She does not find this to be excessively high, nor different from other nearby development as seen from the waterfront. She said the wall would actually start at a two foot height and step up to the 4 1/2 foot height on both sides. She clarified that the stairs move up the slope so it is not intended that the stairs protrude from the slope visibly.

She also stated that these were not the complete finished plans, but they came to show the progress and address the issues and concerns mentioned by the Board initially before they provide full details. They will be providing more descriptive character sketches in the future.

The dimensions of the patio relative to the dimensions of the lot were discussed as they referred to photographs provided.

She was asked to show the elevations from the viewpoint of the lake to help them visualize how this will appear from that perspective.

D. Bowers summarized the concerns expressed including the placement of the patio and how it will appear, the back wall being visible, and the need for more detailed plantings eventually.

The work done on the east side of the property meets with approval, but they would like more information regarding the lakeside area.

J. Basic had to leave at this time (8:56pm).

D. Carr asked about the 100 year flood zone mentioning that they went on the Federal Emergency Management Agency (FEMA) maps available online which did not give a flood elevation there.

R. Cook said the base elevation for Cazenovia of 1196 is actually shown on the Village map rather than the Town map.

D. Carr asked if the patio is considered a structure within the flood plain, wondering if a patio falls under the definition of a "structure."

R. Cook answered that the definition for this would be according to FEMA rather than the zoning regulations of Cazenovia. For zoning purposes a patio is considered a structure.

Addressing other concerns mentioned in the County's GML report, D. Carr said they used the New York State Department of Environmental Conservation (DEC)'s Environmental Resource Mapper which did not identify flood plains, historically designated properties, or archeologically significant areas. She said they used New York State's Historic Preservation Office (SHPO)'s web based Geographic Information System (GIS) to identify historic property in the area, and noted that they need to amend their answer on the Part 1 of Short Environmental Assessment Form (SEQRA) section 12b to reflect that they are located in an "archeological sensitive area."

Her last comment was that because they have designed this patio space as an outdoor room with easy access to the lake, raising it three feet would necessitate stairs or a slope in front of it which would detract from the feeling of being at the lakefront.

M. Silberberg commented that since visibility from the lake is an important consideration, he felt raising it would make it all the more conspicuous from that vantage point.

The topography of the lake frontage portion of the property was described and discussed, and it was reiterated that seeing the elevations would greatly help the Board to visualize the proposal.

It was asked what would be placed on the patio other than deck furniture since this is a large space. It was stated that there would not be a fire pit or a barbecue. M. Silberberg said they are not living in the house yet, but wanted to make this space for their enjoyment during the summertime.

D. Carr said they intend to have the details completed for the next meeting, including calculations for the engineer for the Town to review with respect to the stormwater treatment that they are proposing, and planting designations.

D. Bowers repeated the Board's request to supply elevations of the view from the lake.

M. Silberberg said he was open to any ideas the Board might have to move this project forward so they can bid it out and be able to enjoy their summer by the lake, but he expressed his desire not to be looking down at the water, deferring to Ms Carr's opinion if those changes would have that undesirable effect. He also asked what the key issues are so that those can be addressed to expedite their resolution and to minimize the number of times they will need to appear before the Board.

It was recommended that if they bring a few alternative plans to the next work session regarding the placement of the patio and how it will be viewed from the water, perhaps reducing

its size, and utilizing some of the CACC comments to utilize that space, then they could finalize its approach at the next meeting.

D. Carr asserted that she respected, understood, and agreed with many of Mr. Ferlow's comments, but she still believes that in terms of aesthetics and designs of the space that a curvy shape does not improve upon the square design or would be any less obvious from the water.

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

INFORMAL

Patrick Ruddy - Possible Site Plan Review - 2420 Route 20 East

P. Ruddy explained that he is hoping to open a distillery at the property formerly known as "The Maples."

He explained that he will be having an excavator come March 7, 2014 to consult about the parking lot size. He has spoken with Beak & Skiff about their 1911 Distillery, whose operation he is using as a model, and they average five to eight cars during their busy season.

At the work session it was asked what smells would be issuing from the distillery. He stated that it is a beer smell. This smell would be produced for about four hours a day during working hours, about two to three times a week, while they produce approximately 500 gallons of spirits.

The building they are hoping to construct is a 2400 square foot barn with a tasting room that will not serve food, but would have a counter to taste spirits. Unlike a winery or a brewery, a distillery is only allowed to serve two tastings according to liquor laws. As he already stated, he expects traffic to be five to eight cars. He displayed a map of the property and showed where he plans to build which is located in what he calls "the lower field." He clarified that he is proposing a farm distillery, also known as a class B distillery, and he would be doing tastings and direct sales of his product.

He anticipates his hours would be 10am - 6pm, possibly 10am - 8pm during the busy season during the summer.

The other accessory structure that he would be proposing to modify is the existing back barn, which at this time is partially collapsed, where he would need to store equipment.

The parcels are subdivided but he would treat them all as one. He and his father-in-law purchased this land together, and his father-in-law intends to build a home on part of the land.

He does intend to grow his own crops. He was asked if he knows which soils would best support those crops.

He was asked if he was aware that there may be a potential hotel being built nearby. He affirmed that he was aware of that and it actually sparked this plan, thinking it would be a good marriage of endeavors.

When asked about signage he said he was looking to the Board for those guidelines, but he expected he would have stone blocks with a sign two foot by three foot or slightly bigger.

He was told he might want to refer to the State about their specifications, and Mr. Ruddy said he already had spoken with them, and was told they defer to the town about that. He was instructed to get the State's approval before getting the sign because there was an instance when a business was approved by the Cazenovia Zoning Board of Appeals and then the State made them remove the sign anyway.

He was also informed that the parking of vehicles must be behind the structure and not visible from NYS Route 20, so shipping and receiving is facilitated by a circular driveway.

It was also mentioned that there is going to be a development of a greenway along this section of NYS Route 20 as a buffer section, and walkways to the recently approved commercial area, so this presents a good opportunity to connect to that greenway.

Their initial plan is to produce about 12,000 bottles a year. If they were to become more successful they would move the distillery. With the equipment they have, they could probably produce up to 30,000 - 40,000 bottles. Because of the constraints of storage, they would not feasibly be able to store that much at this site anyhow. They will be hand-bottling their product.

On the subject of lighting, he would need to have downside lighting on his sign and along his driveway.

He hopes to have a full site plan application completed for the next meeting and was told the deadline for that meeting is March 19, 2014.

Motion to by H. Roszel, seconded by T. Pratt, to adjourn the meeting at 9:26pm was carried unanimously.

Sue Wightman - Planning Board Secretary
March 7, 2014