

Town of Cazenovia Planning Board

Meeting Minutes

April 3, 2014

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

Members Absent: Jennifer Basic

Others Present: John Langey, Esq.; Tim Carpenter; Don Ferlow; John Dunkle; Jim Emerick; Douglas Brackett; Dannielle Carr; Michael Silberberg; Adam McAllister; Anne Redfern; Graham Egerton

M. Palmer called the meeting to order at 7:29 p.m.

A. Urtz arrived at 7:30 p.m.

Motion by A. Ferguson, seconded by H. Roszel, to approve the March 6, 2014 meeting minutes was carried unanimously.

The deadline to be on the next meeting agenda is April 16, 2014.

The next work session is April 24, 2014.

The next regularly scheduled meeting is Thursday, May 1, 2014.

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 showed on the Preliminary Subdivision Lot Layout Plan dated March 14, 2014 the minor changes that were made regarding the wetland markers per the Board's request which states, "NYSDEC 100-FOOT WETLAND BUFFER MARKERS SHALL BE PLACED AS SHOWN ON THIS PLAN PRIOR TO CONSTRUCTION. THE NUMBER OF MARKERS SHOWN ON THIS PLAN IS THE MINIMUM REQUIRED. THE NYSDEC 100-FOOT WETLAND BUFFER MARKER SHALL CONSIST A LIMESTONE ROCK GENERALLY CUBIC IN SHAPE WITH A MINIMUM SIZE OF 8 CUBIC FEET (GENERALLY 2'X2'X2'). THE ROCK SHALL BE 'PLACE' LEVEL ON THE EXISTING GRADE. ONCE THE MARKER HAS BEEN PLACED IT SHALL NOT BE MOVED FOR ANY REASON. THE WETLAND BUFFER SHALL BE PROTECTED BY NYSDEC ENVIRONMENTAL REGULATIONS." The three changes that were addressed were the increased size of the markers to be eight cubic feet, the addition of a few more markers to better delineate, and the addition of the number shown as a "minimum requirement."

It was clarified that "level to existing grade" means they are to be placed so that they will not topple over. They will be set in and not flush to the ground.

It was also clarified that the markers will be placed prior to development, whether that development is done by the buyer or the seller.

J. Langey has had a lengthy discussion with Mr. Camperlino regarding deed restrictions and with Mr. Camperlino's attorney regarding the verbiage. Whether a homeowners association provision is used or restrictive covenants, what the Board requires is something that is recordable and enforceable, so either is acceptable. He received examples of restrictive covenants Mr. Camperlino has used elsewhere, which would need to be tailored to the conditions set forth by the Planning Board for this particular project.

It was repeated that individual homeowners will be appearing before the Board for site plan review for each of the four lots. The placement and number of the marker stones will be part of the forthcoming site plan approvals, as well as other details such as elevations.

T. Carpenter expressed his satisfaction with the engineering details of the project.

The State Environmental Quality Review Act (SEQRA) process reviewing the Full EAF was completed February 6, 2014, before the application went before a public hearing.

Motion by D. Bowers, seconded by H. Roszel, to approve the site plan subject to the following conditions was carried unanimously:

Payment of all fees associated with review and approval of said application;

The filed plat plan and covenants shall contain a note indicating that each individual lot will require a separate site plan approval from the Planning Board prior to the time a building permit is to be issued;

All driveways constructed on the property shall not drain onto existing roadways;

All development and construction shall be in strict conformance with the plans and specifications approved by the Planning Board;

Preparation and recording of a Conservation Easement (consisting of approximately 4.97± acres located at the most southerly portion of the site) as outlined and depicted on the subdivision map and agreed upon by the Town of Cazenovia Planning Board as part of the approval (subject to the review and approval of the Town's attorney);

Each lot on the site will have erected upon them permanent markers to depict the limits of the New York State Department of Environmental Conservation's 100-foot buffer area. Said markers shall be fixed prior to any disturbance of the individual sites and will be included in any future site plan approvals and depicted on the approved subdivision plan;

The applicant will record Restrictive Covenants in the Madison County Clerk's Office subject to the approval of the Town's attorney, which covenants will also reflect the required 100-foot buffer area and any additional restrictions contained herein;

The applicant will obtain any necessary additional Madison County Health Department approvals for individual septic disposal systems and wells and any applicable New York State or Town of Cazenovia stormwater applications and permits;

The applicant will obtain all necessary State and local permits at the time the proposed elevated boardwalk is to be constructed;

Total impervious coverage for each lot will be subject to individual site plan reviews to be obtained from the Planning Board upon application by individual lot owners;

The applicant will prepare and record covenants to run with the land advising future owners of the areas of protected wetlands and the prohibition against disturbance of same in order to avoid any inadvertent encroachment on the wetlands. The covenants will further set forth the requirement for the continuation of the minimum requirements for the setting of markers for the wetland buffer area and physical notification of the delineated wetland area on the site. Said covenants shall be enforceable by the Town of Cazenovia. The proposed markers shall be stones having a minimum mass of 300 lbs. to 500 lbs. with cubic dimensions of 2'x2'x2' (minimum) and shall be subject to future site plan approval. In addition, the Planning Board, at the time of the individual site plan approvals, may add to the number of markers to be placed. Such covenants shall be deemed acceptable to the Town of Cazenovia prior to recording;

At the time of any construction on the subdivision lots, construction/silt fencing shall be placed at the buffer areas during construction of each individual home and upon completion of such construction, said fencing may be removed. This requirement shall be set forth in the proposed covenants to run with the land;

At the time of each individual lot's site plan review, future property owners will be required to submit an approved Stormwater Pollution Prevention Plan ("SWPPP") in accordance with the specifications of Chapter 140. The SWPPP shall be prepared by a registered professional engineer, landscape architect or certified erosion control specialist and shall be signed by the professional preparing same;

Each lot shall include the construction of an individual wastewater treatment system to be designed for each residential lot. Each proposed system will include:

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

absorption area with engineered fill and eljen geotextile and filter units;

The applicant will include in the required covenants the requirements for the proposed wastewater treatment system as outlined herein. Each lot owner shall have its ETU periodically inspected (once every two (2) years) for its continued functionality, the results of these inspections shall be filed with the Town of Cazenovia Codes Office within two (2) weeks of their completion. These covenants will run in favor and be enforceable by the Town of Cazenovia. In addition, the covenants shall contain a requirement that in the event the Town of Cazenovia adopts regulations relating to a Responsible Management Unit as referenced in the New York

State Department of Health Design Handbook for Onsite Wastewater Treatment System (as last revised), each property owner shall comply with such requirements;

As part of this application, the applicant has provided information relating to the 100-year flood plain, as identified on the plan. The applicant shall place in the recordable covenants that there shall be no fill placed within the 100-year flood plain, nor shall there be any construction occurring on same without appropriate approvals;

Throughout the construction of the site, the owners shall leave in place as many trees as possible, which restriction shall also be included in the covenants to run with the land referenced herein.

M. Palmer then informed the applicant's representative of the next steps to be taken regarding the filing of the maps.

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

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

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

There was no one present to represent the application.

It was noted that there is nothing new in the file. The pending grant was mentioned with regard to this project.

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

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

At the work session it was decided that the modification Mr. Dwyer made to his plan was not significant, so this remains a "low impact" application, and Mr. Dwyer was not required to attend this meeting.

Motion by H. Roszel, 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.

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

M. Palmer explained that David Vredenburg is handling this application for the owner and has asked that the file be continued until May.

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

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

Dannielle Carr and Douglas Brackett from Environmental Design & Research (EDR) were present to represent the file, joined by M. Silberberg who arrived at 8:01 p.m.

D. Brackett is a registered landscape architect and the owner the firm of EDR. He introduced D. Carr as the designer of the plans for this project. He stated they have had several reviews, and they felt they had responded to the comments, particularly those of the Cazenovia Advisory

Conservation Commission (CACC), so they hoped to gain site plan approval contingent upon any engineering items that had yet to be reviewed.

John Dunkle arrived at 7:44 p.m.

D. Carr began by reviewing the Impervious Surface Calculations Plan pointing out the existing conditions as opposed to the proposed conditions, identifying entry improvements and waterfront improvements which will reduce the overall impervious surface coverage from 19.3% to 19%. They have calculated the proposed patio as permeable pavement at 50% of the actual square foot area. The material proposed is unit paver set in a permeable pavement section.

In reviewing the Site Plan, D. Carr stated the proposed patio is 16'X26' with stairs and landings that extend to the east with plantings around it and around the waterfront. She also indicated a vegetative dry swale on the north side of the main home and a rain garden just north of the guest cottage. The owner plans to put granite or recycled granite cobble curbing along either side of the driveway, paver aprons constructed with recycled or refurbished street pavers available commercially from Western New York, and some decorative entry piers. The existing driveway will remain asphalt.

The Grading Plan has been revised to show the wall set into the slope, so the wall steps up from 1 1/2 feet to four feet high along the back, and the stairs and cheek walls step up the slope with it. A planting bed was added in front of the wall to help screen that wall. She also pointed out that the patio elevation has been raised with the lowest elevation of 196.83 which puts it above the 100 year flood plain elevation of 196; the lawn space in front of the patio will be as well. The Grading Plan shows the top of the wall elevations and the exposed wall heights also. In addition it shows the underdrains. She explained the underdrains outlets from the wall will daylight into the planting beds and will be treated at the surface with a mitered drain grate that fits over the end of the pipe. The permeable pavement underdrains outlets were treated like a below grade stormwater management trench in that they are collected in a manifold in the planting bed with small drainage stone around them so water will enter the planting bed's subsurface.

The patio will be about six feet above the mean high water elevation of the lake.

The Erosion and Sediment Control Plan incorporated the suggestion by D. Ferlow to use a silt sock in lieu of silt fencing at the lower edge of the disturbed area. They would also be installed along the water edge, in an undisturbed area, as an extra measure, at the edge of the driveway where the vegetative dry swale would be, as well as below the vegetative dry swale. She explained the silt sock is a temporary measure which helps keep surface drainage from sending

sediment into the lake until vegetation is established. She described it as a stretchy mesh that is filled with wood mulch compost or coarse compost, which can be refilled or emptied for mulch to be used on site. She mentioned the use of jute mesh on the slopes at the waterfront for erosion control as well.

The stairs will be treads which would be impervious and the landings would be pavers.

There will be no lighting down at the water's edge.

The Planting Plan contained much more information than before. At the waterfront the proposed plantings would include Red Sprite Winterberry, Muskingham Gray Dogwood, and Hummingbird Summersweet. The Winterberry grows three to four feet high, the Dogwood grows three to five feet high, and the Summersweet grows from four to six feet high. These plantings would take approximately three to five years to grow to the height shown in her illustrations. The interior plants would be ornamental varieties of native species. Among them would be a Climbing Hydrangea planted along the wall with a wooden trellis to provide support for it. The trellis would help soften the view while the plants mature.

A combination of ornamental native plants suited to wet and dry conditions would be used in the vegetated dry swale and rain garden areas. Cobbles will be used at the gutter down spout outflow in the rain garden as well as where the water comes off the surface of the driveway, before it gets to the vegetative dry swale, to take the energy away from water there.

J. Dunkle said the concepts proposed are in the spirit of stormwater management and mitigation, but he has not had an opportunity to review the details. He suggested that if the Board was satisfied with the other aspects of the application, they approve the site plan contingent upon his review of those details.

D. Ferlow opined that the choice of plantings along the wall was interesting in that the three peak in separate seasons, and stated slow-growing varieties might be best since they may not require as much maintenance.

The CACC had recommended turning the wall at the end.

He also mentioned the placement of the headers for the underdraining that cut into the grade around the maple tree, suggesting turning the pipes away from the roots and perhaps combining the underdrains from the pavement so as to eliminate the need to make three separate cuts thus reducing root disturbance.

Protective fencing for the existing trees during construction was not shown on these drawings but could be added to the Erosion & Sediment Control Plan. This would not be difficult to add nor would it be an expensive measure for the contractor to provide as added protection.

M. Palmer stated he had no problem approving this contingent upon the measures they talked about: turning the pipes, noting protective fencing at the drip line of the trees, and J. Dunkle's review and approval of the drawings.

It was asked what provisions would be made if the plantings fail.

J. Langey said that he would add as a condition of the approval the continued maintenance and upkeep of the plantings subject to inspection.

D. Carr explained that she did not design the wall to turn, as suggested by the CACC, to keep the design traditional and symmetrical, so she redesigned the planting beds to give a sense of enclosure and to block views, buffering the patio's surrounding area without changing the patio design.

J. Langey requested pdf's of all the plans, with an email including a list of the names of each drawing sheet.

J. Dunkle asked if the Board was comfortable with the impervious surface calculations or if they would like him to verify those figures. The Board would like the calculations to be verified.

Motion by A. Ferguson, seconded by H. Roszel, 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 contingent upon the Engineer for the Town's review and sign off, and a continued maintenance and replacement clause for the plantings was carried unanimously.

One set of drawings was accepted for the file and updated drawings will be submitted. D. Carr will also provide J. Dunkle with drawings. She received his initial comments and will address those in her documentation as well.

*Adam McAllister - Line Change - 1905 NYS Route 80 West
#14-916 (Hugh Roszel)*

Adam McAllister was present to represent the file.

He stated that he now has a potential buyer who may want to configure the line change differently than Mr. McAllister had originally intended, so he requested that his application be continued until May so he can finalize those modifications.

He was informed that postponing his application will cause June to be the earliest potential date for his public hearing. He was not concerned about that timeframe.

He was reminded the next deadline will be April 16, 2014.

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

*Patrick Ruddy - Site Plan Review - 2420 Route 20 East
File # 14-917 (Anastasia Urtz)*

M. Palmer briefly outlined the application, stating that Mr. Ruddy was present at the last work session and had asked to be continued until he could attend to some other details.

It was affirmed that he received a copy of Madison County's April 2, 2014 GML Recommendation Report regarding his application.

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

M. Palmer reminded the Board of the upcoming webinars hosted by the New York State Department of Environmental Conservation in April and May, as well as the Planning /Zoning

Training for Local Officials offered by the Board of Supervisors Chamber and Training Center in April for those interested or in need of accruing training credit hours.

Motion by T. Pratt, seconded by A. Urtz, to adjourn the meeting at 8:19 p.m. was carried unanimously.

Sue Wightman - Planning Board Secretary
April 3, 2014