

Town of Cazenovia Planning Board

Meeting Minutes

August 7, 2025

Members Present: Robert Ridler, Chairman; Anne Ferguson; Linda Cushman; Dale Bowers; Thomas Clarke; Roger Cook; Eric Jerabek; Thomas Schepp, Alternate Member

Members Absent: Jerry Munger, Alternate Member

Others Present: John Langey, Esq; John Dunkle; Chuck Ladd; Lynn Hart; Matthew Vredenburgh; Robert Kukenberger; Brigid Gugino; Ingrid Mahoney; Brian DeRochie; Jesse Holmes

R. Ridler called the meeting to order at 7:30 P.M.

Roll was taken.

The next regularly scheduled meeting will be Thursday, September 4, 2025.

The next deadline day will be Wednesday, August 20, 2025.

The next regularly scheduled work session will be Thursday, August 28, 2025.

Motion by T. Clarke, seconded by A. Ferguson, to approve the July 2, 2025 meeting minutes was carried unanimously.

HEARINGS

*Hart, Lynn with McMaster, William & Joyce – Line Change & Line Elimination – 5162
File # 25-1584 (Eric Jerabek) Gorge Rd & 5136 Gorge Rd with Gorge Rd 7:31PM*

Lynn Hart was present to represent the file.

Referring to the drawing created by Michael J. McCully Land Surveying PLLC dated 06-17-2025 entitled *Lot Line Adjustment on Part of The Town of Cazenovia. To be Parcels A & B. Known as No.s 5162 & 5136 New York State Route 13, Town of Cazenovia, County of Madison, State of New York*, E. Jerabek asked about the location of the leach field, noting the drawing indicated the location of the septic vent.

L. Hart pointed to the location of the septic field on the drawing in the northwest corner of the property between the house and the property line.

A. Ferguson requested that the leach field be noted on the map for the file, and that Ms. Hart initial the notation.

L. Hart complied and said the location had been verified by her contractors, the person who performed the well and septic dye test, and the surveyor.

Motion by E. Jerabek, seconded by T. Clarke, to open the public hearing was carried unanimously.

R. Ridler invited comments at this time.

Hearing none, motion by E. Jerabek, seconded by A. Ferguson, to close the public hearing was carried unanimously.

Motion by E. Jerabek, seconded by T. Clarke, to approve the line change between McMasters and Ms. Hart as well as a line elimination between the McMaster properties, as most recently submitted was carried unanimously.

LAND DISTURBANCE/SITE PLAN REVIEW/SUBDIVISION

*Hugo, Aaron & Michela – Site Plan Review – 4398 Route 92, Cazenovia
File # 24-1548 (Dale Bowers) (Planting Plan)*

*4398 Syracuse Road, LLC – Site Plan Review – 4398 Syracuse Road, Cazenovia
File # 24-1562 (Dale Bowers) (Dock Project)*

7:34pm

Matthew Vredenburgh was present to represent the files.

D. Bowers requested to address the planting plan first (File#24-1548).

M. Vredenburgh displayed his drawing dated July 22, 2025 entitled *L-400 Hugo Residence 4398 Syracuse Road, Town of Cazenovia, Madison County, New York Aaron & Michela Hugo Preliminary Planting Plan – House.*

M. Vredenburgh reminded the Board that as part of the approval for the construction of a new home granted last September, they were required to provide a planting plan identifying the locations of all the proposed plants on the property.

M. Vredenburgh summarized by saying they propose heavy screening between the Hugos and the closest neighbors, with the addition of trees along the edges, and typical residential plantings around the house and in the steep slope areas.

D. Bowers asked the total number of proposed trees.

M. Vredenburgh thought there would be 41.

D. Bowers asked how many would be planted at the lake.

M. Vredenburgh answered three (3) within 100 feet of the water.

D. Bowers asked what those trees would be.

M. Vredenburgh replied three (3) birch and a redbud.

A. Ferguson recalled there was discussion of adding more trees along one side and asked if those were part of the plan.

M. Vredenburgh pointed out where a couple of birch were proposed. He mentioned he has a birch in his yard that is 45-feet-wide, describing them as "vigorous growers."

A. Ferguson asked if Norway maples were proposed.

M. Vredenburgh answered they were not.

A. Ferguson was glad they were not since they were “very invasive.”

M. Vredenburgh said they proposed Norway spruce.

E. Jerabek recalled Mr. Vredenburgh mentioning he would contact the neighbors regarding the planting plan.

M. Vredenburgh was unsure if that was necessary (at this time) but said they would definitely talk to them in the future. The neighbors had reached out to him regarding adding plantings, but he has not responded yet since the property line is on the edge of the neighbors’ driveway, so he was unsure where they could add plantings to the neighbors’ property. He said they would be planting “right up to their driveway.”

Motion by D. Bowers, seconded by A. Ferguson, to approve the planting plan as most recently submitted was carried unanimously. 7:39PM

M. Vredenburgh said the next item was the ongoing discussion of the substitute stair connection to the dock and boat port.

M. Vredenburgh displayed his drawing dated July 22, 2025 entitled *L-205 Hugo Residence 4398 Syracuse Road, Town of Cazenovia, Madison County, New York Shoreline Improvements Plan – Updated* and reminded the Board they had asked for an accurate drawing of not only the steps with details about the risers and treads and how far it would extend as well as a better understanding of what would be “going on on the bank, the top of the slope.” This drawing illustrated the steps with the stringer as close to the top of the bank as possible.

A. Ferguson said it was her understanding that the boat port includes the dock.

M. Vredenburgh affirmed it did.

A. Ferguson asked if there would be separation from the dock and the stairs shown in the new drawing.

M. Vredenburgh said there would be. He explained the stairs would not set on the dock. He now understood that connecting the two would not be allowed – the boat port cannot be connected to the shore in any way. He then explained how the steps would be constructed to make them independent from the dock.

A. Ferguson asked what material the stairs would be, wondering if they could be the same material as the boat port.

M. Vredenburgh answered, “They will be.”

D. Bowers said it would be composite PVC (Polyvinyl Chloride).

M. Vredenburg said they wanted the appearance to be harmonious.

D. Bowers stated he strongly objected to it. He spoke about his dislike of boat ports, calling them a “scourge.” He felt the Board was allowing it to appear to be a unit by allowing the landing and stairs to be the same composite material. He feared this design would be replicated. He said the Board has an opportunity to relocate it or to have it redesigned. He spoke about the access at McNitt State Park saying that was “exactly what we want, something like that.”

A. Ferguson said she understood. She believed McNitt and this property were “apples and oranges.” She understood Mr. Bowers would like it in another place, but if it were moved it would intrude upon the neighbors.

L. Cushman showed a photograph she had taken from the lake to give the Board a lakeside view of the boat port and the slope to the shore.

A. Ferguson said the boat port was already built at its present location. She agreed boat ports were “the worst thing that could have happened to this lake,” however, “we have no authority over them.” She said she was “focused on what was the best aesthetic given what we have, in proportion.” She felt a narrow set of steps to the boat port would make the boat port appear bigger from the lake. She felt the proposal was proportionate and that having the stairs the same material was better than having it glaringly different. She felt Ms. Cushman’s photo showed how the stairs would be barely seen.

D. Bowers responded, “To me, that’s not the point.” He said the point was that the Board has the opportunity to put the pathway to the lake the way the *Cazenovia Lakefront Development Guidelines* “intended it to be,” which he said was more like what was at McNitt than what has been proposed. He believed an approval of this proposal would set a precedent that the Board would have to combat in the future.

L. Cushman questioned how repositioning the boat port would eliminate the issue since a set of stairs would still be needed to get to it.

D. Bowers answered that was not his issue. He said the Applicants changed their plan and put it where they preferred and now it seems the Board was “forced into accepting this.” He objected to that. He said the Board’s issue is providing access to the lake from the Town’s perspective. He did not question this design was best for the Applicants having 6-foot stairs and a 6-foot landing whereas McNitt has 3-foot steps.

T. Clarke said his biggest concern was the platform, believing something more natural could be installed. At McNitt's there is not platform, there is a stone base before descending the stairs.

A. Ferguson responded the stone platform area is 10' X 15', calling it "huge."

T. Clarke pointed out there were two (2) paths at McNitt from that platform.

D. Bowers asserted the point was it was natural material.

A. Ferguson questioned whether gravel was natural and if huge boulders in the front was natural.

D. Bowers countered the *Cazenovia Lakefront Development Guidelines* does not deny activity, it discourages material like PVC decking. He said there are specifics about boulders which are not to be precast.

T. Clarke said the reason the platform (at Hugos) was installed was because it was put in without approval and now "we're stuck with it."

M. Vredenburg clarified, "We're not stuck with it; they're removing the one – the footers that were put in – there's nothing built there now."

D. Bowers said it was changed because when the site was first visited it was 8' X 10'. He believed after that it was 6' X 6', so even after there was a Stop Work Order, work continued.

A. Ferguson recalled the Board requested it be relocated.

D. Bowers replied that the Board had requested that conceptually.

M. Vredenburg said anything done at the top of the slope was temporary – the upper framework. He said the footers will have to be cut off because they're too wide. He repeated the platform was not permanent and "we're not stuck with it."

D. Bowers responded, "This is a bad idea."

R. Cook said he believed the *Lakefront Development Guidelines* directed steps to be put into the ground and to be as naturalistic as possible. This proposal was constructed over the ground and was not natural in appearance.

A. Ferguson asked what would make it more natural other than plantings, wondering if he was thinking gravel.

R. Cook repeated what was proposed was above the surface from the top of the bank to where one will step onto the dock instead of something built into the slope, becoming part of the slope and of natural materials.

A. Ferguson said the previous plan was to build into the bank and that was considered invasive in terms of the integrity of the bank, whereas the stairs catapulting over the bank would be less environmentally disruptive.

R. Cook replied that the ability to walk to your water has always been allowed. If that can be accomplished with a naturalistic look, that is preferred. He said when the New York State Department of Environmental Conservation is involved with residential projects around the lakes, they want rock to be used and have very specific style and size guidance.

A. Ferguson countered the landing/platform would not be seen from the water.

T. Clarke questioned how one would not see it when the leaves were off the trees.

D. Bowers responded one may or may not see the landing/platform, but one would see the stairs. He agreed with Ms. Ferguson that the first (and approved) plan was not the best. He said the Applicants also agree because they completely disregarded it. He thought perhaps the Board should disregard the approved plan and require the Applicants to devise a better plan instead. He suggested they research other solutions used. He indicated the Board needed to steer the Applicants in the direction the Board thinks is best, and the Applicants need to provide the plan based on that direction.

R. Ridler believed the Board has been directing the Applicants and this was the plan they have devised for it. He said the Board requested another plan from last month and this was what they created.

D. Bowers responded the Applicants scrapped the approved plan because they desired this plan which was not approved. The Board can say, "All holds are barred now because they've compromised the situation." The Board agrees they don't like the approved plan, but the Board can say, "This is what we want – something more like McNitt, and come back with something like that."

R. Ridler said he saw McNitt and photographed it, and his opinion was that the elevation from the bank to the water was completely different (from Hugos' property). He described McNitt as naturalistic with a gradual slope.

D. Bowers said the difference in elevation from the top to the water was eight (8) feet.

It was clarified that the difference in elevation at Hugos' was also eight (8) feet.

R. Ridler countered the pitch was much steeper at Hugos.

D. Bowers felt the concept of what was done at McNitt was what the Board should “be after.” He said there were more options to reach the water other than a “straight shot.” He expressed frustration with the location of the boat port which now dictated either direct access or decks either side of the boat port if the access was on either side.

R. Ridler said regardless of the Board's feelings, the Applicants still needed access to the boat port.

More discussion followed.

M. Vredenburg stated the Owners have an approved plan, so if this alternate plan were rejected, the Owners would build the approved design tomorrow. He felt that would be “a shame” because it will disturb the oak tree roots.

D. Bowers said there was no mention of that initially.

M. Vredenburg said regardless, it was approved.

R. Ridler said upon his examination of McNitt State Park, there were 3-foot-stairs, but the overall width of the access to the lake was 6+ feet because there is a timber-frame-structure that allows one to slide one's watercraft into the water beside the walkway. He said requiring a narrower stair without a similar timber-frame structure would be unsafe (for the Hugo property).

T. Schepp said according to the application submitted, the Applicants have 140 square feet of impervious surface area allowed (within the first zone from the lake).

D. Bowers asked if Mr. Schepp was referring the 5% of impervious surface area allowed.

T. Schepp said that was the amount allowed in the CEA (Critical Environmental Area). He understood that two boards with at least 1/8-inch space would be used to build the steps.

M. Vredenburg affirmed that was correct.

T. Schepp said that would then allow for 280 feet of semi-pervious surface area. He asked if his understanding was correct.

M. Vredenburg and A. Ferguson responded that he was.

T. Schepp calculating those percentages, asked if the Code therefore allowed Mr. Vredenburg's client to have a 14-foot-wide stairway.

M. Vredenburg answered that access to the water was the only impervious surface area allowed within the CEA according to the regulations and there was no definition given in the Code as to how wide that could be.

T. Schepp replied that was what he was trying to point out.

M. Vredenburg said the impervious surface area percentage is the only limitation for width in the Code.

T. Schepp affirmed that was his point. He said the Owners were entitled to a 4-foot-walkway. He asked if the Planning Board has the right to deny anything that is less than what the Code allows.

A. Ferguson answered the issue was not the amount of impervious surface area but the design of the proposal.

T. Schepp said he missed the work session, and he thought the discussion was about the width of the steps.

A. Ferguson answered the width of the steps on the plan was six (6) feet.

T. Schepp responded in his reading of the guidelines in the Code, the only specifics mentioned are about impervious surface percentages. He asked what he was missing.

A. Ferguson replied, "Interpretation of the Code."

C. Ladd clarified the interpretation of the *Lakefront Development Guidelines*.

D. Bowers and A. Ferguson said that was correct, that was more the issue.

C. Ladd asked if changing the composite material to a more natural redwood or cedar would be an improvement.

A. Ferguson thought a different material would create a more noticeable contrast.

C. Ladd suggested staining the more natural material a (matching) dark color.

R. Ridler asked Mr. Langey for his comments.

J. Langey acknowledged there was some friction among the Board members, but he commended the Board on their serious consideration of the application, and their interest in how development around the lake should happen. He felt the discussion was good and he did not want people "to walk away feeling bent out of shape." He said the Board was trying to balance what was best for the lake and the homeowners'

wishes. He said the Board will make a determination, will support the determination with the findings, and he will capture that in the resolution whether for or against, or by reasonable conditions. He concluded it was the Board's decision.

E. Jerabek opined Mr. Bowers "was going down the right track; I think we need to look at that, and look at the materials, and support it from a more naturalistic side, however, we all sat there on that day, and we gave Matt's marching orders, and he did what we asked him to. And that was a mistake on our part....we should have just said, 'Let's go back and have some consultation privately and work it out ourselves and get to this discussion without taking it to this level.' So, to that point...we made our bed – I'm not in agreement with it, but we made our bed...I think that is fair and reasonable from the Applicants' side of view. He did do what we asked him to do. How can you deny that part?" He felt the Board's awareness and understanding was now greater, but dealing with it now was late. He acknowledged the Board has the power to deny, but he repeated the Mr. Vredenburg did what was asked of him.

R. Ridler said discussion was had at the last regular meeting in July and at the work session last week. He reminded the Board his final comment at the July meeting was, "Tell him what you want." That is what Mr. Vredenburg "has come back and expressed to us what they think how they met what we want." He presumed they have not met everyone's expectation, but under the circumstances and dealing with the reality of the situation, that either the proposed plan was to be considered, or the previously approved plan will be built. He did not think the Applicants were willing to change the location of the boat port. Given the understanding of the boat port location, and the Owners' need access to it where it now exists, the proposed plan, in his opinion, seemed like the best access. He said given the modifications the Applicant has made, even though as it has been stated repeatedly that the Applicants violated the initial approval, "it is what it is now."

D. Bowers asserted the Applicants did violate the agreement and the Board has choices.

R. Ridler countered the Board could not realistically ignore the location of the boat port.

A. Ferguson added, "Which we have no control over." She stated the Board "is dealing with now, okay, it's in."

D. Bowers questioned because the boat port is in and it's where the Applicants want it, does that mean the Board must "acquiesce to what they've done."

A. Ferguson said, "It's not 'acquiesce' - I think we're coming up with the best solution for where it is."

R. Ridler added, "under the circumstances, what exists."

D. Bowers addressed Mr. Jerabek saying, “The way I get around your point, the way I get around your comments is that this file never should have come before us last month.”

E. Jerabek asked Mr. Vredenburgh if it would be possible to replace the steps with a series of limestone treads.

M. Vredenburgh answered, “The only way to do that would be to cut into that bank and cut the roots of those oak trees.” He said, “It would be a shame because those are nice oak trees.”

E. Jerabek thought “it was really all cut out; it was more building it up so you could place those in accurately, not necessarily carving more.”

M. Vredenburgh said it could potentially, but given the location of the big oak trees, they would not want to get near those. He showed an area where there was cedar and less “consequential” growth. He said they could cut into bank there and cut into the roots of those trees.

E. Jerabek asked why that would be necessary since they have already made a 6-foot-wide path.

T. Schepp answered the strong, masonry mass could slide into the lake (if they did not cut into the bank).

E. Jerabek thought the path was already quite extensively cut out.

M. Vredenburgh responded, “Not by us.” He stated, “It’s not really cut out. This is a pretty steep slope...and it’s not cut out” He added he wished it was; it would have made it much easier to descend, but “most of the shore is like this.”

E. Jerabek wanted to explore all options.

M. Vredenburgh responded it was a possibility, but he did not know if the Owner “at this point would entertain that or whether they would just go with this (the first approval).” He said personally he did not care “which way it goes...they’re going to build something, but it would be a shame to see that get impacted.”

R. Ridler and A. Ferguson agreed.

R. Ridler opined the massiveness of the boat port will overwhelm “any 6-foot-wide staircase that goes down there.” He said it would be flat at the surface and would not be a raised form. He felt it descended at the correct angle and it would not be connected to the dock/boat port deck.

R. Ridler asked if the Board had any other comments before a decision was made.

J. Langey advised that an easier motion was to move to approve with any dissention being a “No” vote. He reminded the Board that if Mr. Bowers makes a motion to approve, that does not mean Mr. Bowers will vote in favor of the motion.

J. Langey asked if the motion to approve would be tethered with any conditions.

D. Bowers said he would have two (2) conditions.

J. Langey explained SEQR was performed for the project before and he was comfortable with the Board’s reaffirming the original SEQR, not believing any changes have been made that have resulted in a significant environmental impact to the job.

Motion by D. Bowers to reappoint the Planning Board as Lead Agency for the purposes of SEQR and to reaffirm the matter an Unlisted Action with a Negative Declaration based upon the initial review of the SEAF, and to approve the lake access as most recently submitted dated July 23, 2025 was made with the following two conditions.

D. Bowers said the first condition was to change the dimension of the risers from six (6) inches to 7 ½ inches. He explained a traditional riser was 7 ½ inches and wondered the reason for the shorter dimension. He calculated that the change would eliminate two (2) steps.

M. Vredenburgh answered the material comes in that width.

C. Ladd explained that the change would decrease the overall run of the set of stairs.

D. Bowers said the math works for the riser to be heightened.

D. Bowers said the second condition would be the removal of the deck/patio and the firepit that had been approved just outside of the CEA, which was part of the 2024 approval, and that there would be no structures in the zone 20 – 100 feet from the lake. He thought that would be appropriate since the Applicants had violated the approval.

A. Ferguson responded, “I think that’s petty.”

J. Langey clarified the motion was to approve the lake access as most recently submitted dated July 23, 2025 with a reaffirmation of the SEQR and the condition that:

- 1) the height of the step risers will be 7 ½ inches, and
- 2) there will be no structures in the 20 – 100-foot zone from the lake, including the elimination of the previously approved patio and firepit.

More discussion followed regarding procedure for this approval with two (2) conditions if one approved of the proposal but not one or both of the conditions.

J. Langey explained if no one seconds this motion, then a new motion could be introduced.

There was no second.

D. Bowers then withdrew his motion.

J. Langey asked if there was another motion to approve the proposal with condition(s). He noted that it seemed the 7 ½ inch riser was not met with much opposition. He asked if perhaps that condition would remain part of the new motion while the second condition would not.

Motion by A. Ferguson, seconded by Linda Cushman, to reappoint the Planning Board as Lead Agency for the purposed of SEQR and to reaffirm the matter an Unlisted Action with a Negative Declaration based upon the initial review of the SEAF, and to approve the lake access as most recently submitted dated July 23, 2025, with the condition that the risers be 7 ½ inches was denied as follows:

Anne Ferguson	Voted	Yes
Linda Cushman	Voted	Yes
Thomas Clarke	Voted	No
Roger Cook	Voted	No
Eric Jerabek	Voted	No
Dale Bowers	Voted	No
Robert Ridler	Voted	Yes

J. Langey said the Applicants have the option to redesign their plan.

M. Vredenburgh said the Owners will build the design approved November 7, 2024.

D. Bowers asked if the Applicants can revert to the previously approved plan.

J. Langey recalled that there was a fully approved plan that was not constructed because they had built something other than what was approved. What was being constructed was inconsistent with the plans that had been approved.

M. Vredenburgh elaborated that (the extent of the build was) four (4) footers had been put in the ground.

J. Langey noted the four (4) footers were not in the right places.

D. Bowers said the platform was being constructed to coincide to where the boat port would be.

M. Vredenburgh responded, "The platform wasn't permanent though."

J. Langey replied that it was not reflective of where things should have been.

D. Bowers asked why that did not give the Board the opportunity to negate the first plan.

J. Langey stated he would have a hard time negating a plan that was approved. He explained a court would view it that if it were approved the first time, it should be approved at this time. He recounted a case in which this had occurred.

D. Bowers spoke about the Applicants' ability to change their minds and attempt to have a new plan, but the Planning Board could not.

J. Langey responded the Board had the ability to make the Applicants present their new plan and attempt to conform the new plan to the Board's will, as has been done in this instance.

A. Ferguson stated that now a zig-zag stairwell will be the access along the side of the bank. She declared, "It's not right."

M. Vredenburgh agreed but said it was not his decision; it was the Owners'.

J. Langey noted there was a Stop Work Order in place. He said theoretically the Applicants were in violation of the Code, because what one does on the lake must be approved. There was a theory that Mr. Ladd could ticket them for what was done. The Town could take them to justice court, and they theoretically could be assessed some fines. He said he was not suggesting this course of action, nor was it something the Planning Board could address. That was an issued he and Mr. Ladd could discuss. He just wanted all the facts to be known.

R. Ridler clarified that the proposed plan was denied and now the original plan will be built as approved.

T. Schepp asked when work could begin.

C. Ladd answered as soon as he issues the permit.

R. Ridler asked what work was stopped.

C. Ladd answered the work on the platform.

J. Langey clarified the work that was inconsistent with the approved plan.

R. Ridler asked if the Applicants were prohibited from starting work on the approved plan.

C. Ladd said once the unapproved work was removed (the Applicants would no longer be prohibited).

J. Langey explained that Mr. Ladd would lift the Stop Work Order, after carefully inspecting the site.

C. Ladd elaborated that would need to happen before he issued the permit for the approved work.

M. Vredenburg responded, "Okay. I'll tell them and have the contractor come see you."

C. Ladd asked Mr. Vredenburg to have Mr. LaSala contact him.

M. Vredenburg expressed agreement.

*Duke, Spencer & Danielle — Site Plan Review – 4310 Route 92, Cazenovia
File # 25-1565 (Linda Cushman)*

8:19PM

L. Cushman asked to move to continue the file until next month.

Robert Kukenberger approached the Board explaining Mr. Duke was in Florida where he resides, and stated that he was Mr. Duke's neighbor (at Mr. Duke's Cazenovia residence). He said he was here on behalf of Mr. Duke and his agreement that he would attend to represent Mr. Duke. He said at this time, Mr. Duke was not his client, and repeated they were neighbors, and explained he was assisting Mr. Duke. He began to explain his involvement when Mr. Langey interjected.

J. Langey stated he had spoken to Mr. Duke and he had communicated with Mr. Duke's attorney via email, and Mr. Duke's attorney had requested the file be continued until the September meeting, so he was surprised by Mr. Kukenberger's presence this evening.

R. Kukenberger responded that he was present as a neighbor.

J. Langey asked if Mr. Kukenberger had authorization in writing that Mr. Duke requested Mr. Kukenberger to be his representative.

R. Kukenberger replied he did not have anything in writing.

J. Langey acknowledged Mr. Kukenberger's willingness to attend, however, he did not think the application should move forward without written consent from Mr. Duke. He explained Mr. Duke has had prior issues regarding his representation.

R. Kukenberger explained that he had spent five (5) hours with Mr. Duke who agreed by text.

J. Langey responded that he was uncomfortable with Mr. Kukenberger's representation since Mr. Duke has an attorney's representation. He wanted to follow the request made by Mr. Duke's attorney, which was to adjourn the file until next month. He asserted he "was not trying to be problematic;" he was endeavoring to give the Board sound legal counsel.

R. Kukenberger expressed understanding, but asked if he could be given direction on what might be approvable. He said he reviewed Mr. Duke's plan and he understood the drainage in that area having testified in the Silverman versus Dole case. He said he had the results of that case which he felt were applicable to the situation now. He thought it was "pretty clear that he's (Mr. Duke) probably not responsible for water running onto a neighbor's property unless he's puts in piping," not if he merely grades the property.

R. Ridler interjected that he needed to stop Mr. Kukenberger, saying this was not the time or place to ask questions. He stressed the need for the Board to hear from the Applicant or his authorized representative.

R. Kukenberger repeated Mr. Duke authorized him via text.

R. Ridler replied that Mr. Duke has already authorized his attorney.

J. Langey repeated that the Board has an attorney who has formally appeared for this project who has asked that it be continued until the next meeting.

R. Kukenberger responded that his goal was "to prevent another lawsuit in the neighborhood by having some discussion here..."

J. Langey assured Mr. Kukenberger that there would be plenty of time for that in the normal course, believing this would be scheduled to have a public hearing. He

repeated that he was not trying “to give you a hard time.” He explained he was trying to make sure the Board acted appropriately.

R. Kukenberger wanted to make a point, which he said was not representative of Mr. Duke, that he does not believe Mr. Duke “has been treated correctly by this Board,” or by a neighbor.

J. Langey responded, “The Board hasn’t done anything.”

T. Clarke and A. Ferguson indicated the Board has not done anything because Mr. Duke has never shown up for a meeting.

R. Kukenberger said Mr. Duke has been working on this for a year - asking for approval, asking for comments, and he hasn’t been given them. He said he did not want to be argumentative.

J. Langey was told by Mr. Duke that he was upset with his contractor.

R. Kukenberger repeated that he was here to try to prevent the continuation of a long...

R. Ridler interrupted saying the proper place and time to do that was when the Board had an authorized representative before the Board.

R. Kukenberger interjected that will unfortunately be an attorney, so the Board “will have to deal with it.”

J. Langey responded that he agreed with everything Mr. Kukenberger was saying, but “we have to do this the right way in our venue.” He said he appreciated Mr. Kukenberger's intentions for the neighborhood.

R. Kukenberger said he did not see why there could not be some discussion.

J. Langey answered because Mr. Duke was not present nor was the attorney who had requested the extension. He said that (discussion) was not done when a more formalized notice was not given by an applicant for a representative.

R. Kukenberger responded that he had sent an email to the Chairman several days ago and felt he should have been informed he would not be welcomed at this meeting.

R. Ridler answered he did not say an email wasn't sent, however, this was “not the time or place for that.”

R. Kukenberger asked again why he had not been told not to attend before he prepared to present.

R. Ridler repeated that proper authorization had not been received.

R. Kukenberger questioned why he had not received an email to that effect.

R. Ridler apologized for not responding to the email.

R. Kukenberger held up a piece of tiling and said for those who claim there was no tile on the property, clay tile from a hundred years ago was all over that property. He said the property was drained previously and was all lawn at one time.

Motion by L. Cushman, seconded by T. Clarke, to continue the file was carried unanimously.

*Mahoney, Ingrid – Site Plan Review – Route 20 East, Cazenovia
File # 25-1573 (Dale Bowers) (Driveway on 2684 Route 20, Town of Nelson) 8:25PM*

Matthew Vredenburgh was present to represent the file, and Ingrid Mahoney was in the audience.

D. Bowers asked Mr. Vredenburgh to summarize the proposal. He said Chair Pratt and the Cazenovia Town Zoning Board of Appeals (ZBA) has done a wonderful job (reviewing the project changes) and he would move to approve once the proposal has been explained.

Mr. Vredenburgh displayed his drawing dated 2/19/2025 entitled *L-200 Cazenovia Self Storage 2684 Route 20 East Town of Cazenovia, Madison County, New York Ingrid Mahoney Site Plan – Phase Two*. He explained the original approval was for five (5) buildings – three (3) with internal access and two (2) with external access. Two (2) buildings were built initially (as Phase I), and the next Phase was for the last three (3), however, the buildings have been changed for exterior access so now the overall proposal is for four (4) buildings instead of five (5) due to the additional asphalt now needed which amounted to 30% of impervious surface coverage for the site which was the maximum allowed by the area variance approved by the ZBA.

M. Vredenburgh said the ZBA required an as-built survey to be provided, which they did, inspection and certification of the stormwater management system, which was also performed and provided, and that the 16 trees that had been lacking from the

number specified in the initial approval be added. Referring to the drawing he indicated where six (6) trees were installed and said the ZBA had approved for the remaining ten to be planted upon completion of construction.

D. Bowers explained no certificate of occupancy would be given until the final trees were planted.

M. Vredenburg said that was correct.

M. Vredenburg then said eight (8) dead trees had been replaced.

M. Vredenburg explained the black outlines on the drawing represented where the trees were to be planted and the yellow circles represent where the trees were actually installed.

A. Ferguson questioned whether all the trees shown along US Route 20 on the plan had been planted.

M. Vredenburg answered they had been.

A. Ferguson remarked the plantings look sparser in reality than as depicted.

M. Vredenburg responded that was due to the size of the plantings.

C. Ladd added they had only been planted last year.

A. Ferguson thought the trees were planted about 25 feet apart.

M. Vredenburg thought they were 15 – 20 feet apart. He said the ZBA stipulated that there be no barren areas as part of the approval for the modification of the Major Special Use Permit.

D. Bowers repeated his opinion that the ZBA had done a thorough job.

Motion by D. Bowers, seconded by L. Cushman, to reaffirm the matter as an Unlisted Action and to reaffirm the Negative Declaration, based upon the ZBA's review of the Full Environmental Assessment Form (FEAF), and to approve the amended site plan review with all the original terms and conditions as well as the recent terms and conditions imposed by the ZBA was carried unanimously.

C. Ladd asked Mr. Vredenburg to inform Ms. Mahoney to submit a permit application before commencing work.

Ingrid Mahoney acknowledged the request.

*DeRochie, Brian & Susan — Line Changes – 2565 Tucker Road, New Woodstock with
File # 25-1588 (Thomas Clarke) With Kempf, Andrew & Beth Tucker Rd & 2551 Tucker Rd
8:29PM*

Brian DeRochie was present to represent the file.

T. Clarke explained Mr. DeRochie applied to the ZBA for relief needed for the line change for himself and Mr. Kempf.

Referring to the drawing created by Denkenberger Surveying PLLC dated May 28, 2025 entitled *Line Adjustment Survey For Andrew J. & Beth Ann Kempf and Brian S. & Susan M. DeRochie Deeds: 1219-321, 1206-237 & 1331-123 Tax Map Parcels: 146.00-02-31, 146.00-02-33 & 146.00-02-34.5 # 2565 & #2551 Tucker Road, Town of Cazenovia, County of Madison, New York Job #C88-43L*, T. Clarke explained where Mr. DeRochie's property was located and how the line would be adjusted by 1.03 acres from the adjoining lot which was 5.93 acres and where Mr. Kempf would be taking .42 acres from the same 5.93-acre parcel to enlarge his (home) property. He said both lots were previously pre-existing, non-conforming lots, and they would still be non-conforming after the transfer of land. He said the land being conveyed was an open field and would remain more than three (3) acres after the line changes.

Motion by T. Clarke, seconded by R. Cook, to appoint the Planning Board as Lead Agency for the purposes SEQR, to affirm the matter an Unlisted Action and make a Negative Declaration based upon the review of the Short Environmental Assessment Form (SEAF), to move the file to a public hearing at the next meeting.

Motion by T. Clarke, seconded by L. Cushman to continue the file was carried unanimously.

Instructions were given to Mr. DeRochie regarding the notification of the neighbors regarding the public hearing at this time and he was instructed to attend the next meeting.

*Holmes Acres Holdings, LLC — Minor (1 New Lot) Subdivision – Damon Road, NW
File # 25-1590 (Roger Cook) 8:31 PM*

Jesse Holmes was present to represent the file.

R. Cook explained Mr. Holmes has a parcel on Damon Road which was approximately 62 acres and he would like to take approximately four (4) acres from it (for a new building lot).

R. Cook said the Board was waiting for a plot map to show where the new lot would be located on the parcel.

J. Holmes responded that was correct. He showed an aerial of the parcel and indicated the general location.

A. Ferguson explained the Board needed the plat to proceed.

R. Cook explained the survey should show the road frontage. He also noticed two (2) orange stakes when he drove by.

J. Holmes said that was the driveway locations.

R. Cook instructed Mr. Holmes to also have that location depicted on the map, and he said Madison County would need to approve the driveway access.

J. Holmes responded they have two (2) potential driveway locations and spoke about an area where there was already a culvert, so either location would be an option.

R. Cook said the Board understood the proposal in general. He believed the house location would be on a hill.

D. Bowers said the deep test and percolation test locations should also be included on the map.

Discussion followed as to whether the file should be moved to a public hearing before the survey was provided.

J. Holmes thought the surveyor would be coming in the upcoming week.

J. Langey asked about Mr. Holmes' timeframe.

J. Holmes answered they would like to have the foundation in by this fall.

J. Langey thought there would be an October approval if the file was continued.

J. Holmes believed the drawing would be ready for the next meeting.

J. Langey explained the issue was having no plans if the public notification were done now. He said typically the plan would be ready for this (initial) meeting.

D. Bowers explained that Mr. Holmes should submit his information as soon as possible for the next meeting.

J. Holmes said that would mean having to have two (2) more meetings, so he would not be able to get started until October or November.

J. Langey said an approval could be given the beginning of October.

J. Holmes expressed understanding.

Motion by R. Cook, seconded by A. Ferguson, to continue the file was carried unanimously.

Motion by D. Bowers, seconded by T. Clarke, to adjourn the meeting at 8:37 P.M. was carried unanimously.

Sue Wightman, Planning Board Secretary – August 8, 2025