

Town of Cazenovia Planning Board

Meeting Minutes

July 2, 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; Matthew Vredenburgh; Lynn Hart; Sheila Fallon

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

Roll was taken.

The next regularly scheduled meeting will be Thursday, August 7, 2025.

The next deadline day will be Wednesday, July 23, 2025.

The next regularly scheduled work session will be Thursday, July 31, 2025.

Motion by T. Clarke, seconded by A. Ferguson, to approve the June 5, 2025 meeting minutes 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)*

Matthew Vredenburg was present to represent the file.

D. Bowers explained the Hugo property has been reviewed in three (3) segments. The first was the house; the second was the deck which was approved, but has returned for a modification; and the third was the planting plan. He asked to address the planting plan before revisiting the deck plan.

It was clarified the house and the planting plan were part of file #24-1548 while the deck, firepit, and dock approval was found in file #24-1562.

M. Vredenburg acknowledged he still needed to present the final planting plan showing the counts, calipers, species, numbers, and heights (as stated in the approval letter for the construction of the new home dated September 11, 2024). He said the plans he submitted, L-400 dated May 22, 2025 entitled *Hugo Residence 4398 Syracuse Road, Town of Cazenovia, Madison County, New York Preliminary Planting Plan – House & Preliminary Planting Plan Perimeter* included some of that information, but not all.

M. Vredenburg said the plantings around the house would be “more residential-style.” He thought the drawing addressing the perimeter of the property would of more interest to the Board.

D. Bowers was hoping to address the plantings within the Critical Environmental Area (CEA) while they discussed the dock revision since the original and the revised plans each had their own accompanying landscaping plan.

It was repeated that the deck, the firepit, and the access to the lake were all part of file #24-1562.

The Board recalled the firepit was initially proposed to be partially located in the CEA and that the plan had been revised to remove it from the CEA.

D. Bowers mentioned the *Cazenovia Lakefront Development Guidelines* suggested three (3) new trees be planted for each tree removed in the first 40 feet from the lake. He noted several ash stumps remained showing where trees had been removed in the first 40 feet of the lake on this property, so additional trees could be requested if the

Board felt that would be needed. He clarified that he was not suggesting that more trees be added, if the Board were “happy” with what had been presented.

M. Vredenburg reviewed the conditions of the approval for the construction of the house found in the approval letter of September 11, 2024. He read the first condition was the Stormwater Maintenance Agreement, which he believed Mr. Langey was working on. The second was that all trees to be removed will be marked and the Code Enforcement Officer will inspect the trees. He said he developed drawing C-200 dated September 8, 2024 entitled *Hugo Residence 4398 Syracuse Road, Town of Cazenovia, Madison County, New York Tree Inventory and Removal Plan* which listed all the trees in the construction area. It listed the type, size, species, the action to be taken, the reason for the action, and additional notes which Mr. Vredenburg believed had been useful for Mr. Ladd's inspection of the trees. He explained 32 trees were listed, but some clusters were counted as a single tree, he thought about 35 trees were removed. Some were dead, some were ash, some were growing under other trees or growing too closely to other trees. He commented that not all trees are created equal. He explained the planting plan for the perimeter of the property shows where there were a number of trees added in a gap between the Hugos and the neighboring property to the south for privacy which is the area he hopes will fill in quickly. He pointed out where a few trees were proposed along the edges outside the septic field area, where a fruit tree orchard was proposed, and where trees were proposed to line the driveway. He said none of this would be done until construction was completed, but repeated they were hoping to plant the trees for screening the southern property line as soon as possible.

T. Clarke asked why the pine trees were limbed so high.

M. Vredenburg answered those tree branches did not have foliage; they were bare due to too little light and air from overcrowding. He said no limbs were removed that had foliage. He offered to bring photographs to illustrate the condition. He documented all the trees and said he was happy to discuss the specific details of any of them.

M. Vredenburg was hoping to receive Board comments or answer questions regarding why trees were proposed where they were saying he would then return with a fully detailed list. He spoke about some of the species of the proposed 39 trees.

A. Ferguson questioned an area that seemed to have few trees.

M. Vredenburg explained the existing house and yard had been in that area which was near the railroad bed.

R. Ridler asked about the current condition where the orchard was proposed, wondering if it was lawn or driveway.

M. Vredenburgh answered it was a graded area with nothing on it at this time. He said a spruce was removed from the area.

D. Bowers repeated that he noticed an area where ash trees had been removed where the Board could request 4-6 new trees be planted.

D. Bowers asked that Mr. Vredenburgh provide ¼ inch scale drawings rather than 11"X17" drawings by the deadline. He spoke about the challenges of using smaller drawings.

A. Ferguson asked about the Applicants' thoughts about not adding trees in the area where they were removed.

M. Vredenburgh thought three (3) trees had been removed in that area; one tree was removed because a wall was removed and a nearby tree was taken with it. He said they could add trees in that area. He elaborated that there were other trees nearby that were not depicted because they were outside the area of disturbance.

A. Ferguson thought if there were room, she would like to see more trees added if that would not jeopardize the remaining trees in the area.

M. Vredenburgh did not find that to be a problem and mentioned they would avoid planting under other trees.

A. Ferguson did not think the addition of more trees would inhibit views and could be done in a naturalistic way.

M. Vredenburgh expressed consent.

D. Bowers asked if the neighbors had been contacted about the plantings.

M. Vredenburgh did not think so.

D. Bowers had talked to the neighbors and thought it might be a courtesy to them to be informed about the plantings between the Hugos and them.

More discussion followed regarding the timing and appropriateness of informing the neighbors.

It was mentioned that the neighbors have had contractors parking on their land during the Hugo build so some Board members were sensitive to the situation and were more inclined to invite neighbor comments than ordinarily would be sought for a planting plan elsewhere.

M. Vredenburg was very agreeable to talk to the neighbors. He felt the neighbors and Hugos wanted the same screening. He also said when he oversees the plantings, he will tweak placements to be most effective to block views along that boundary.

A. Ferguson suggested shrubs could be added to the plan where more plantings were suggested in other areas near the dock.

M. Vredenburg responded that he had added a lot of dogwood and viburnum to the plan which would grow to be 10 – 12 feet high and wide and agreed they would add much more effective screening.

Motion by D. Bowers, seconded by T. Clarke to continue the file for the planting plan was carried unanimously.

Discussion then moved to the lake access file#24-1562.

D. Bowers reminded the Board that the fire pit, deck, and access to the lake had been approved. He said at some point the Hugos decided to install a boat port and reminded the Board that the Town has no jurisdiction over that structure. He explained that because of the decision to have a boat port, a decision was made to put a deck over the CEA with stairs. When the Code Enforcement Officer saw the partial construction which was not according to the approved plans, he stopped the work. D. Bowers concluded, "Now here we are."

D. Bowers explained the Board was now being asked to consider a second plan because of this issue. He described it as a self-created hardship.

M. Vredenburg expressed his dismay of discovering the construction had not been done according to plan. He said many of the Board members were able to meet at the site this past Monday and were able to see the situation. Also, Aaron LaSala had created two photo simulations showing how the access would be viewed from the lake for either plan which had been submitted to the file prior to this evening.

D. Bowers interjected that he wanted to see "bigger blow-ups of both sections."

M. Vredenburg understood and said the original approved plan incorporated 5-foot-wide steps, going down at an angle, 22-feet along the shore with a retaining wall cutting into the bank, with a dock going out and a firepit/patio just outside the CEA.

A. Ferguson asked the width of the steps and the size of the dock.

M. Vredenburg answered the steps were 5 feet wide and the dock was 8 feet wide. He elaborated that the DEC allows the dock to be 8 feet wide. If it were larger than 8

feet wide, it would be considered a platform and would require a DEC permit. He also explained a dock can have a roof structure to cover a boat, the roof structure must be pitched, it cannot be more than 16 feet above mean high water, it cannot have sides, and the roof has to be sized appropriately for only covering the boat.

R. Ridler noted the boat port followed the regulations. He asked if there was an anticipation of having a boat port when the first approval for the lake access and other features was given.

M. Vredenburg answered he did not know Hugos wanted the boat port, and he was unsure if they anticipated wanting it at the time of the first approval. He explained that they did want to have the access approved before the latest DEC regulations went into effect (January 2025).

Discussion followed about the placement of the boat port.

It was clarified that the boat port was installed at the access point of the approved plan, however the firepit was relocated on the new plan, which caused confusion regarding where the boat port was located.

M. Vredenburg described the condition for those who were unable to visit the site. He said there were four (4) pipes sunk into the top of the bank to support the proposed 8' X 8' landing. Originally it was going to be 10' X 8' but now the plan was for it to be smaller. What was seen on the site was 10' X 8' with a frame, but now it would be 8' X 8'. At the time, it was asked if the stairs could be slid back to be closer to the top of the bank rather than projecting out, so they have now shifted it back 2 – 3 feet. The plan shows it would be eight (8) feet wide with railings, so seven (7) feet clear.

Reading from the *Hugo Residence Shoreline Access Revisions July 2, 2025*, Mr. Vredenburg said the new plan preserves the existing steep slope bank because it would not impact that bank. The old plan included cutting into the bank and installing a retaining wall, this plan would be a clear span over the bank. The new plan does not create any opportunities for erosion of the bank. He said looking through the *Lakefront Development Guidelines* that was something mentioned – no disturbance to steep slopes or vegetation on the bank. The new plan does not require any excavation and does not affect tree roots. He noted two (2) large oak trees with roots along the top of the bank. The new plan would have less of a visual impact from the lake and would have a cleaner design, being a straight shot down to the water whereas the first plan came across the hill.

R. Ridler asked if the 22-foot original plan was built on the surface of the bank.

M. Vredenburg answered it was and explained the thinking was for several posts to be driven to support the structure.

R. Ridler asked if the surface would be level with the existing bank.

M. Vredenburg said it would have been cut into the bank. It would not have been projected over the water.

A. Ferguson asked if it would be “flat on the level of the ground.”

M. Vredenburg said it would not. He said the top of the structure was level then one would go down five+/- steps onto a landing then another nine+/- steps to another landing with varying grades and the retaining wall would hold the grades back.

M. Vredenburg said the new plan would be screened by the low tree canopy and the new plantings. He said the new plantings next to the landing would be 2-3 feet high. He said they would be junipers and aromatic sumac. He said from two (2) directions, one would not see the platform from the top. The steps would be seen but that would be a horizontal image. He said the number of steps would be reduced because they now would use an 8" riser, so it would not project as far into the lake. The treads would be 11" making it a more compact set of steps.

M. Vredenburg said another benefit of the new plan was that it would amount to less impervious surface area than the previously approved plan. It went from 73 SF to 54 SF, having 1/8" gaps in the spacing of the boards making it semi-pervious.

M. Vredenburg also said it would be safer for the Owners as they carry materials to and from the dock. He said the Owners have 195 feet of shoreline with only this point of access.

A. Ferguson asked about the access point, wondering if there was a less steep area that could be used. She felt much of the issue with the project was due to the height of the deck. She thought choosing a lower point would make things easier.

M. Vredenburg felt there was no easy access point. He thought the difference in grade might be a foot. He said in the lower area there were more trees. He thought perhaps the reason for the choice was because it was directly in front of the house. The chosen area was also farther from the neighbors, so it afforded more privacy. He explained the neighbors' steps and dock were quite close to the property line.

M. Vredenburg thought the new design would be more practical than the approved design which had closer railings and switch-backed with a retaining wall on one side.

D. Bowers said the Board had the choice of keeping the approved plan or of accepting some version of the new plan. In rereading the minutes of the approved plan, he saw

no concerns regarding the location of the approved plan or concerns about trees. He felt the approved plan could be screened from the lake more easily than the new plan. He felt it was more in keeping with the spirit of the *Lakefront Development Guidelines* in keeping the shore as natural looking as possible. He felt after the plantings have been established, the approved plan would look more natural than the new plan.

A. Ferguson disagreed questioning how the structure parallel to the shore would be less visible.

Discussion then turned to the width of the steps.

D. Bowers thought 8-foot-wide steps were unacceptable if the new plan were chosen.

L. Cushman commented that she has 3-foot-wide steps with no railing which has functioned adequately for her.

R. Ridler agreed with Ms. Ferguson that the proposed plan was less impactful.

T. Clarke commented the width of the steps and the width of the platform for the new plan were issues for him.

M. Vredenburgh asked if the platform remained 8' X 8', and the width of the steps was shortened to 6' if that would be an acceptable change.

A. Ferguson asked if 5-foot steps were adequate for the original plan, why would 5-foot steps not be adequate for the new plan.

M. Vredenburgh said in the original plan he designed the steps to be as narrow as possible because it involved cutting into the bank. He asked again if it would be more agreeable to shorten the steps to be 6' wide.

A. Ferguson answered it would help.

R. Ridler believed the Applicants were entitled to 5% of impervious surface area for access in the CEA. He said 8-foot-wide steps would not be over the allowed limit. However, he understood that by narrowing the steps, the visual impact from the lake was lessened, which he preferred. However, he felt the boat port would be so visually impactful, few would notice whether the steps were two (2) feet shorter.

A. Ferguson indicated if the boat port were removed in the future, the size of the steps would then matter.

M. Vredenburgh displayed a drawing using 6' wide steps.

D. Bowers stated that because 5% was allowed, that did not mean 5% should be used. He said if 5-foot-wide steps were approved previously, why should the Board consider wider steps for this plan.

T. Clarke thought being a straight shot did not require wider steps.

M. Vredenburg said the percentage of coverage with 8-foot-wide steps would only be 1.9%.

L. Cushman thought the issue was the visual impact rather than the amount of impervious surface coverage.

E. Jerabek suggested the platform be lowered and the bank hugged as closely as possible, so the structure would look more like it was part of the land.

A. Ferguson believed the Applicant has agreed to do that.

E. Jerabek replied he has agreed to do it to a certain extent; it would still be above the ground. He said the pipe would act basically as a cradle. He suggested 12 inches be removed from the cradle and reestablish the U that it would set in, and lower the structure so that it would be “literally right next to the ground.” He explained that would accommodate a tighter set of stairs to the actual bank without changing the bank or digging.

M. Vredenburg responded when they looked at pulling the structure back at the same elevation, because the ground slopes up, they would have about four (4) inches to clear between the top of the landing and the ground.

E. Jerabek responded, “Sink it four (4) inches.”

M. Vredenburg answered that would require excavation for the frame.

E. Jerabek thought that would be minimal disturbance.

A. Ferguson said there would be backfilling on the entrance side.

E. Jerabek responded he was saying, ‘Get rid of that.’

A. Ferguson said it was dirt and grass; it would not be raised from the path walking toward it.

R. Ridler believed Mr. Vredenburg was saying he could make it flush without cutting into the soil but he would raise the area around it.

M. Vredenburgh said one would just “put a little shim in there so it's a smooth entrance onto this frame; you don't have to excavate; you don't have to potentially hit any tree roots.” He repeated it would only be four (4) inches, which would not be seen from any direction, especially once the plantings were installed.

E. Jerabek countered it still would affect the geometry of the stairway.

M. Vredenburgh believed the stairs would be very close to the top of the bank. He thought they would be 6-7 feet from the shoreline before the descent.

L. Cushman asked if the shrubs and planting would be close to the steps regardless of the width of the steps.

M. Vredenburgh affirmed they would, saying they wanted the landing to be sunken into the plantings. He explained the Hugos desired it to look natural, saying they would conceal it to the best of their ability.

A. Ferguson acknowledged it was regrettable that a change began before receiving approval for it, however she felt the amended plan would be better than the original plan. She said she did not care whether 5 feet wide or 6 feet wide steps were used, but she thought 6 feet wide steps would be more proportional to the dock. She repeated she preferred going with the amended plan.

E. Jerabek asked the dimension that the structure would be pulled back, hearing it would be two (2) or three (3) feet.

M. Vredenburgh answered 2.2 feet. He said the reason was the posts were already in the ground. He said new posts could be sunk in the ground, but that was the dimension using those posts. He said if a 6-foot-wide landing were used, those posts might need to be pulled.

D. Bowers felt the Board still lacked adequate information. He asked to see a section of the bank and what could be cut, lowered or “what have you.” He thought the latest suggestion by Mr. Jerabek should be detailed as an option. He said according to the information provided for the original plan, it was put forth as being the option with the least amount of disturbance which would be planted and would look natural when it was finished. If that was the case, he asked why change the plan.

A. Ferguson, R. Ridler, and E. Jerabek opined the new plan was better.

R. Ridler believed a concern regarding cutting into the bank to the disturbance of the roots of the nearby, tall oak trees.

D. Bowers responded that concern was never mentioned previously.

A. Ferguson and R. Ridler believed it was a concern that was missed.

D. Bowers thought of it as something, that was not a concern then, but now that a new plan has been proposed, has manifested.

More discussion followed regarding the design of the steps.

A. Ferguson moved the Board proceed with the amended plan and using a 6-foot-wide stair with railings.

R. Ridler asked Mr. Vredenburg to outline the details of that plan so the Board understood what was proposed.

M. Vredenburg said it included 6-foot-wide steps with railings on both sides, and a 6-foot-wide landing at the top that would be eight (8) feet long.

T. Clarke did not think a motion should be made at this time until all the details were “ironed out” since the Applicants created the problem.

R. Ridler thought enough details were provided.

T. Schepp said like the Hugos he had owned a property close to the water and then built a new home at the crest of a hill also like the Hugos. It was his experience that using a boat shed was not very convenient. To spare the Owners and the Board another proposal in the future, he suggested Mr. Vredenburg discuss options.

D. Bowers clarified Mr. Schepp was suggesting that a boat house was an option.

R. Cook said when discussing what is allowed in the CEA the Town Code talks about installing an impervious walking path or a walk. He asked why in the discussion of this project was part of the walkway being termed a “landing.”

M. Vredenburg answered it would be a level spot before descending the steps.

R. Cook understood, but he believed it should still be considered part of “the walk” or “the path,” (to adhere to the Code).

M. Vredenburg agreed it would be part of the walk.

R. Cook explained the term “landing” connotated a place where a bench might be added or some other use would occur, not that any mention of that type of use has been made, but he noted the distinction.

M. Vredenburg assured the Board that the use would be for access only.

L. Cushman seconded the motion made by A. Ferguson.

R. Ridler asked if Mr. Cook thought the flat area that was proposed for the walkway was in violation of the Code.

R. Cook answered the Code does not state what material is used to construct a walk. He explained the term landing is used when one is building steps into a house. It is not a term used for an area such as this which has been stated is part of the walkway to the lake. He said the question is whether the Board approves of this walk/path to the lake up to the first 20 feet (of the lake) and stays within the 5% impervious surface area.

R. Ridler opined due the steepness and height of the bank, it would be unreasonable to assume one could have a grassy lane to the bank and then stairs would be fixed to that bank down to the dock. He believed a more substantial structure was needed where the stairs meet the bank.

A. Ferguson added that would be necessary especially for the safety of children.

E. Jerabek desired to see how far back the 6' structure would "go back relative to where we are today." He requested the stairs be pushed back as far as possible.

A. Ferguson said the dimension of 2.2 feet should be the recorded dimension of the distance of pushing back the stairs for the motion.

M. Vredenburgh said perhaps they could try to pull it back more.

A. Ferguson replied the motion would record the minimum dimension would then be 2.2 feet.

M. Vredenburgh spoke more about pulling the stairs back and what could be done to explore that option.

A. Ferguson offered to adjust her motion to include that.

J. Langey advised against making a motion to approve a plan, created because something differing from an already approved plan was being built, lacking dates and descriptions and which was not a clear plan of what will be built instead. He felt Mr. Ladd needed a complete plan to enforce. He also believed something specific was required to avoid a similar incident.

A. Ferguson understood the need for more detailed building specifications, but thought Mr. Vredenburgh could proceed using this most recent plan. She withdrew her motion.

R. Ridler asked that the specificities be stated so Mr. Vredenburg does not return next month without having what is necessary to satisfy the Board.

M. Vredenburg offered to return with a plan showing 6-foot-wide stairs, proof that they have pulled the structure as far back as possible without cutting into the top of the bank, with information regarding how far the steps will land on the dock, and all the dimensions associated with the stairs, the flat area, and the dock.

T. Schepp asked if Mr. Vredenburg would shoot grades.

M. Vredenburg answered he could.

J. Langey asked that all that information be received prior to the work session.

D. Bowers asked that it be submitted by the next deadline day.

R. Ridler asked if there were any other concerns Mr. Vredenburg should address, stating he wished to resolve this at the next meeting.

D. Bowers said if this was the direction the Board wished to go, he was very opposed to a 6-foot-wide step, when the original dimension approved was five (5) feet.

R. Ridler asked the Board if one (1) foot in width would make a difference in how they would vote.

A. Ferguson answered she preferred six (6) feet.

L. Cushman responded it would not make a difference (in her vote) but she preferred five (5) feet.

T. Clarke answered he preferred five (5) feet.

R. Cook was okay with six (6) foot.

E. Jerabek wrestled with a previous approval of five (5) feet which was not followed, but ultimately said he was okay with six (6) feet.

D. Bowers wanted the dimension to be five (5) feet.

R. Ridler was fine with six (6) feet.

T. Schepp believed the Board only wanted to see one plan for the access.

The Board confirmed that was the case, as well as the planting plans for the area around the house, the planting plan for the perimeter of the building area, and the planting plan for the walkway to the lake.

Motion by D. Bowers, seconded by A. Ferguson, to continue the file was carried unanimously.

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

Lynn Hart was present to represent the file.

L. Hart explained she bought the property April 1, 2025 as a “fixer upper.” She said the property is close to Chittenango Falls and she likes to fix old homes, restore them historically accurately, and resell them. She continued this was a fishing cottage built in 1828. She said the lot was very small with no access to Chittenango Creek which is behind the parcel. To make the property more desirable, she approached Joyce and Bill McMaster to buy the lot they owned between their home lot and hers. The McMasters were not willing to sell the whole piece, but they agreed to allow her to “square off” her lot from the southernmost point on the road straight back to the creek. Displaying the drawing created by Michael J McCulley Land Surveying PLLC dated 6-17-25 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*, Ms. Hart showed the section of property that would be added to her .22-acre lot.

L. Hart explained she was approved by the Cazenovia Town Zoning Board of Appeals (ZBA) pending the location of the well and septic on the property. She said the septic is on the north side of her property and is contained wholly on her property.

E. Jerabek asked her to show the location of those items.

L. Hart displayed the drawing by Michael J McCully Land Surveying PLLC dated 03-25-25 entitled *Location Survey on Part of the Town of Cazenovia Known as 5162 Gorge Road, Town of Cazenovia, County of Madison, State of New York* on which the person who performed the well and septic tests sketched the locations on the enlarged drawing.

E. Jerabek asked about the location of the well.

L. Hart confirmed the well was located in the basement of the house.

E. Jerabek asked if there was access to the well and if it could be serviced if needed.

L. Hart affirmed there was.

E. Jerabek noted the property would be less than three (3) acres after the line change, but there was "gain compared to what it was." He said that was how the ZBA chose to view the proposal.

E. Jerabek explained the McMasters would also be eliminating the line between their two (2) parcels at the same time.

R. Ridler understood both changes would be shown on one plat.

That was confirmed.

Motion by E. Jerabek, seconded by T. Clarke, 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 E. Jerabek, seconded by D. Bowers, to continue the file was carried unanimously.

Instructions were given to Ms. Hart regarding the notification of her neighbors regarding the public hearing at this time and she was instructed to attend the next meeting.

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

L. Cushman explained Doug Jarvis had represented the file (as the contractor) with a drainage plan. When the site was visited by Mr. Dunkle, the Engineer for the Town, and Mr. Ladd, the Codes Enforcement officer, with a few other members of the Planning Board to review the plan, there were some complaints by the neighbors who had issues regarding stormwater runoff. Mr. Duke did not want to devise a plan in collaboration with the neighbors; he also does not want to attend Planning Board meetings. The Board has the original plan but there was no representation for the plan at this time. She asked Mr. Langey if someone must be present for the Board to take action regarding the proposal.

J. Langey answered, "Yes." He explained he had spoken with Mr. Duke in a telephone conversation and explained to Mr. Duke that he could elect to attend the meeting to advance his application or he could select someone to stand in his stead. Mr. Duke fired his contractor. He informed Mr. Duke the representative need not be his contractor. Since that time, he has not heard from Mr. Duke.

J. Langey recommended the Board continue the file, document Mr. Duke did not appear for this evening, and the Board give Mr. Duke one more chance to appear at the next meeting. If Mr. Duke does not prosecute his application, he then advised the Board to deny Mr. Duke's application.

D. Bowers asked if the Board would deny the application without having sent Mr. Duke notice.

J. Langey advised the Board to notify Mr. Duke what the outcome of his failure to appear would be.

A. Ferguson thought typically the Board would withdraw an application if an applicant failed to appear after three consecutive meetings. She did not think the Board typically denies an application for failure to appear. She thought the usual procedure should be followed.

R. Cook said the Code gives the Board the option to make a decision to approve or deny an application if the Applicant is not in attendance, and the Board has five (5) days to notify the Applicant of the decision.

J. Langey said it was the Board's choice if Mr. Duke fails to prosecute his application to deny the application and send notification within five (5) days as Mr. Cook said for failure to prosecute. He acknowledged Ms. Ferguson was correct that there were situations where applicants did not show up, but in this case, Mr. Duke was overtly insisting that he will not come to meetings, which is different than any other situation encountered. He counseled Mr. Duke to represent his file, but Mr. Duke has expressed that he wants his application to be denied or approved without his representation and he wants the reasons stated if the application is denied.

J. Langey said his failure to appear would be the reason for a denial of the application.

T. Clarke asked Mr. Dunkle if the proposal would create a problem for the neighbors.

J. Dunkle stated the last plan reviewed and the plan discussed with the Contractor would alter drainage patterns and would concentrate flow. He said that was not what they liked to see in the watershed and he said they definitely do not like to approve drainage patterns that could detrimentally affect adjacent properties. He said he was

reluctant to have the Board endorse a plan because it was really between two (2) property owners.

J. Langey said the issue was that Mr. Duke has filed an application, and the question was now what will the Board do. He advised against the Board's taking action on it this evening. He advised action be taken at the next meeting.

J. Langey said the neighbor can take action against Mr. Duke if there is a trespass of water onto his property from the Duke property. He explained that would be a civil action.

A. Ferguson asked if Mr. Duke were here tonight, would the Board approve his application.

J. Dunkle said he would recommend he be denied.

L. Cushman said the Contractor was communicating with her when he was still the on the job and he said Mr. Duke just wanted an answer and the reason why his application was denied if it were not approved – wanting to know what was wrong with the proposal.

L. Cushman did not think the Board has given him the reasons the proposal would not be approved. The Board has instructed him to discuss a plan with his neighbors.

A. Ferguson said the Board hasn't rendered an official denial.

T. Clarke added Mr. Duke would still need to come (to discuss his proposal).

L. Cushman said to Mr. Duke's point, either the application will be approved or disapproved, so tell him the reasons, and then it would Mr. Duke's responsibility "to figure it out."

J. Langey responded it was the Board's decision how they want to handle the file; he did not think Mr. Duke was in a position to tell the Board how to proceed.

L. Cushman agreed but said Mr. Duke's position was that in February it was nearly approved, contingent on inspection by Chuck Ladd and John Dunkle (and receipt of the GML), but weather conditions delayed that inspection for several months. Mr. Duke contends that now it's June and he hasn't "heard a word."

J. Langey that would be because his representative - his contractor did not keep him advised.

C. Ladd interjected that Mr. Duke had been in favor of developing a plan with Mr. Ladd's referral of Matt Vredenburgh, since it involved the Bargabos and Silverman properties, until Mr. Duke was given a quote from Mr. Vredenburgh, at which point, Mr. Duke was no longer interested in devising a plan due to the expense.

R. Ridler asked if next month would be the third month Mr. Duke has not appeared.

It was explained that the reason there has been no recent representation for the file was because it was placed on the pending section of the agenda while the Board awaited a site visit after the snow melted after the first meeting. After the site visit, the Board was awaiting the submission of a revised plan.

Motion by A. Ferguson, seconded by L. Cushman to continue the file was carried unanimously.

D. Bowers thought notification should be sent to inform Mr. Duke no action was taken due to his lack of attendance and that his attendance was required at the next meeting.

J. Langey agreed.

E. Jerabek commented that would be "good due process."

L. Cushman asked Mr. Langey if it had been made clear to Mr. Duke that someone needed to attend on his behalf.

J. Langey answered he "was crystal clear."

Motion by D. Bowers, seconded by A. Ferguson, to send a letter to Mr. Duke was carried unanimously.

OTHER MATTERS

Roach, Barbara & Christopher — Site Plan Review – 1006 Overlook Terrace, Cazenovia File # 24-1560 (Linda Cushman)

R. Ridler explained this matter involved the placement of a shed, and he read from the letter being proposed to be sent to the Applicants, saying, "At its November 7, 2024 meeting, the Cazenovia Town Planning Board voted to approve the above-referenced site plan review for a 12' X 18' Amish prebuilt shed for storage as most recently submitted at that time. Upon your request – the Roaches request - a revised location was sought which required 22 feet of rear yard setback relief." He explained the Board

was asked to revise that original site plan because when the installer of the shed was going to place it, he informed the Owners that the location first chosen was too wet. He continued reading, "The Cazenovia Town Zoning Board of Appeals approved the new location at their December 16, 2024 meeting. At its January 2, 2025 meeting the Cazenovia Town Planning Board amended your site plan approval to permanently erect the shed in the revised location. June 25, 2025, the Cazenovia Town Zoning Board of Appeals informed us the location of your shed remains the same, however the setback relief needed was actually 38 feet." He explained there had been a mis-measurement. He continued reading, "and they approved that correction at their June 23, 2025 meeting. At the July 2, 2025 Cazenovia Town Planning Board meeting, the Planning Board amended your site plan approval to reflect this latest revision. Please now purchase the building permit issued by the Codes Enforcement Officer."

It was repeated that the location of the shed has not changed since the last approval.

J. Langey explained the issue was "just semantics." He said the shed would be going exactly where the Applicants said it would, however there was a misunderstanding regarding the measurement of the setback. He said this would be a Type II Action with a reapproval by a motion.

Motion by D. Bowers, seconded by R. Cook to approve the site plan for the installation of the shed in the same location as previously approved, but with the amended setback measurement was carried unanimously.

Motion by D. Bowers, seconded by T. Clarke, to adjourn the meeting at 8:47 P.M. was carried unanimously.

Sue Wightman, Planning Board Secretary – July 3, 2025