

Town of Cazenovia Planning Board

Meeting Minutes

March 6, 2025

Members Present: Robert Ridler, Chairman; Anne Ferguson; Linda Cushman; Dale Bowers

Members Absent: Thomas Clarke; Mary Margaret Koppers; Roger Cook, Alternate Member; Jerry Munger, Alternate Member

Others Present: Jeffrey Eaton Esq; John Dunkle; Nolan Kinne; Magen Kinne; David Hazer; Penelope Hazer; Matthew Vredenburg; Michael Hopsicker; Peter Muserlian Jr; Chris Montante; Rob Seeley; Lauren Adornetto; Eric Jerabek; Charles (Sam) Woods; JoAnne Race; Brian Keeler; 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, April 3, 2025.

The next deadline day will be Wednesday, March 19, 2025.

The next regularly scheduled work session will be Thursday, March 27, 2025.

Motion by A. Ferguson, seconded by L. Cushman, to approve the February 6, 2025 meeting minutes was carried unanimously.

R. Ridler explained that the public hearing for Oweria Vineyards application was still open so he asked that everyone present sign the attendance sheet to register their appearance. He also noted that there was a quorum, however for any approval this evening, all four (4) attending members would need to approve a proposal, so it was unlikely that any action would be taken on most files this evening. Proposals would be discussed and reviewed, but he expected most would be continued until the next meeting.

LAND DISTURBANCE/SITE PLAN REVIEW/SUBDIVISION

*Hoffman, Tyler — Site Plan Review – 5649 East Lake Road, Cazenovia
File # 24-1547 (Dale Bowers)*

No one was present to represent the file.

D. Bowers reported there was nothing new.

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

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

No one was present to represent the file.

L. Cushman explained the Board was waiting for Mr. Ladd and Mr. Dunkle to have an opportunity to perform a site visit (when the weather permitted). She noted the General Municipal Recommendation Report (GML) had been received from Madison County Planning Department.

Motion by L. Cushman, seconded by D. Bowers, to continue the file was carried unanimously.

*Slocum, David & Judy – Minor (1 New Lot) Subdivision – 2686 Route 13, New Woodstock
File # 25-1568 (Anne Ferguson) & Kinne, Nolan & Magen*

Nolan and Magen Kinne were present to represent the file.

A. Ferguson explained the proposal was for a subdivision.

N. Kinne explained the subdivision was being sought to build a home on the newly created lot in the future.

A. Ferguson asked the size of the current lot.

N. Kinne believed there were 27 acres.

A. Ferguson asked how the lot would be divided.

N. Kinne answered he and his wife would acquire 16.8 acres and the remaining 9.04 acres would remain with the Slocums' home.

A. Ferguson asked when the future house would be built.

N. Kinne answered they were hoping to build sometime this year.

A. Ferguson advised that the Applicants submit an inquiry with the New York State Department of Environmental Conservation (DEC) and the Army Corp of Engineers (ACOE). She informed them the response from the DEC could take 90 days so the sooner a request was submitted the more helpful that would be for the Applicants in the future since that needed to be completed prior to an approval to build a house.

M. Kinne expressed understanding.

N. Kinne asked how they would obtain information to do that.

He was told that the Planning Department in the Town Office would aid him.

A. Ferguson also informed the Applicants that if they choose to subdivide their newly created parcel in the future, they may be required to consider a conservation subdivision so as much open space could be saved as possible while allowing them to have a higher density of buildable lots.

D. Bowers asked about the percolation and deep hole tests.

M. Kinne responded they performed those tests.

N. Kinne elaborated those tests were performed last summer.

They were advised to have those items located on the drawings.

A. Ferguson explained the Applicants would be given instructions regarding the public hearing notifications to be sent for the next meeting.

J. Dunkle asked if the driveway access for the newly created lot was known.

M. Kinne affirmed it was.

R. Ridler asked if it had been approved by the Highway Department in writing.

M. Kinne said they had completed that last summer as well.

Motion by A. Ferguson, seconded by D. Bowers, to move the file to a public hearing, and to continue the file was carried unanimously.

N. Kinne asked if the public hearing would be the following month.

He was told it would.

*Hazer, David & Penelope – Site Plan Review – 5669 East Lake Road, Cazenovia
File # 25-1570(Mary Margaret Koppers)*

David and Penelope Hazer were present to represent the file.

R. Ridler stated the GML had been received. He said the potential wetland locations might be an issue for this proposal and asked Mr. Dunkle about that concern.

J. Dunkle noted this was the parcel next to Mr. Hoffman's, so he believed they too would need a wetland determination from the ACOE as well as New York State DEC that their construction would not impact the wetlands known to be nearby.

P. Hazer and D. Hazer responded that they had already reached out and that they were told there was not a wetland issue, however, the Hazers had not received any formal notification to that affect.

J. Dunkle explained the process was to contact the Albany office of the DEC for a jurisdictional determination.

D. Hazer asked about the ACOE wondering if only one agency was to be contacted.

J. Dunkle responded unfortunately both agencies would need to be contacted.

D. Hazer said they had done their best to be prepared this evening, saying that was the reason they had attended the work session a week ago. He said he has also contacted Madison County.

J. Dunkle informed the Applicants an official delineation of the wetland(s) may need to be done.

P. Hazer replied they had been told that the maps from 1987 had not shown any wetlands.

A. Ferguson advised the Applicants to contact the DEC for their formal determination.

P. Hazer asked if the DEC would send a formal letter.

A. Ferguson answered, "Yes."

D. Hazer said they were aware of the issues with the lot to the south, the Hoffman parcel, and the creek that runs there. He said their build area would be in the northwest corner of their lot with an elevation increase of approximately 15 feet which he felt was a considerable distance from the area of concern.

P. Hazer elaborated that the Class A stream was located about 110 feet from East Lake Road (along the southern boundary of the lot).

J. Dunkle repeated that the Board would need to see a determination in writing from the agencies.

P. Hazer asked if there were any other issues they needed to address.

R. Ridler asked if the driveway location had been approved.

D. Hazer affirmed it was, indicating that the driveway had been in place for quite some time.

R. Ridler said he would be handling the file in the future if the Applicants had more questions.

D. Hazer asked if this was the only issue “holding up the permit.”

J. Dunkle responded the first step would be the jurisdictional determination which would inform the Owners if there was a regulated wetland needing delineation, then a project determination would be needed. He explained it could be a 2-step process.

P. Hazer asked if there was a person she could reach out to because she was having trouble finding a contact.

J. Dunkle answered the Hazers could contact DEC Region 7 and ask them to perform the delineation.

P. Hazer responded that she had already talked to DEC Region 7.

J. Dunkle advised they also call the office of the ACOE.

P. Hazer asked if they needed “both pieces.”

J. Dunkle indicated they would, cautioning that may take months to accomplish.

D. Hazer replied he was hoping to build this year.

J. Dunkle said the Hazers could also hire a private delineator.

R. Ridler explained that new regulations had come into effect this year.

P. Hazer asked if there was a private delineator in Cazenovia.

J. Dunkle answered the professionals were in Syracuse.

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

(Upon review by Mr. Dunkle after the meeting and the following morning, Mr. Dunkle determined the location of the wetlands and the location of the building site were distanced significantly and no DEC or ACOE determinations would be needed for this file to be further reviewed by the Cazenovia Town Planning Board. His comments were conveyed to the Applicants March 7, 2025 and the Applicants were instructed to attend the April 3rd meeting to continue the site plan review.)

*Hopsicker, Michael & Laurie – Site Plan Review – 4507 Seven Pines Drive, Cazenovia
File # 25-1571 (Mary Margaret Koppers)*

Matthew Vredenburgh and Michael Hopsicker were present to represent the file.

M. Vredenburgh explained the Hopsickers were proposing to put a small firepit/patio by the water – 20 feet away, outside the Critical Environmental Area (CEA) - and to keep a small section of pavement that had been designated for removal for access for the sidewalk and to be able to turn vehicles around to head out of the driveway rather than having to back the length of the driveway onto Seven Pines Drive. To offset these areas, they would remove all the pedestrian gravel along the side of the house resulting in a .2% decrease in overall impervious surface area.

D. Bowers responded that the Planning Board was given the responsibility to protect the “crown jewel of the community which is this lake.” He said since the establishment of the Planning Board 60 – 65 years ago, the Town Board has given the Planning Board “every tool they could think of to help protect that body of water.” Changes have included the increase in lot size to accommodate additional septic features, and as summer homes have been replaced by much larger, full-time residences, zones were created to control impervious surface percentages according to proximity to the lakeshore. The Cazenovia Area Conservation Commission (CACC) was created to help the Boards with these matters. Don Ferlow, a leader of the CACC, created the *Cazenovia Lakefront Development Guidelines*. He stated that all these measures were created not to restrict but to protect. He said when he looks at this lot in particular, he notices it is on Seven Pines which is serviced by sewer which means no effluent will run into the lake, but reviewing development within the three (3) zones he sees while there are no impervious surfaces in the first zone, the first zone is all grass which contributes to runoff into the lake. In the second zone – 20’ – 100’ – there is already 18% of impervious surface area which is 80% more than the maximum allowed. The proposal would reduce that to 62% - 65% over what is allowed, which he still considers to be a significant amount. He asserted the reduction in that zone was being requested to allow development only 20 feet from the water. He reminded the Board in zone 3 the maximum impervious surface area was to only be 15%, and the Applicants would still have 16+%. He asked Mr. Vredenburgh what the overall coverage would be.

M. Vredenburgh answered it was 16.5% and it would become 16.3%.

D. Bowers responded that 10% was the amount allowed overall. He said he was not basing his opinion upon who owned the property; his concern was all the small overages that had been allowed to occur. He said he was not necessarily opposing the proposal but he asked if the Board was being given a substantial improvement in exchange for was being requested. He did not feel the Board was.

A. Ferguson asked if there were any receptivity to replacing some lawn with more vegetation.

M. Vredenburg answered that they actually had a planting plan. He explained that he had not included it on the plan for this project thinking it would not be necessary for this discussion, but repeated there were plans to plant along the boundaries including the installation of some trees. He stated those additions would act as a vegetative filter.

D. Bowers commented that would not decrease any impervious surface area.

M. Vredenburg countered that it would improve the quality of the vegetative cover and repeated it would act as a vegetative filter.

D. Bowers replied the question was if that was acceptable to the Board. He said he would only find that acceptable if the Applicants transformed the CEA into what the *Guidelines* specified. He stated that would make him view the overages in the impervious percentages more favorably.

A. Ferguson noted the house was already on site and said that contributed to the bulk of the impervious surface area, so she agreed the best option would be to address the vegetation component on the site, particularly along the lakeshore.

D. Bowers pointed out that in the past the Board could rely upon CACC input from Faith Knapp and Don Ferlow, but now the Board has no representative to guide their landscaping decisions. He spoke about having a professional available in the future to guide the Board (with the Board's objectives in mind). He assured Mr. Vredenburg that the Board did not doubt his expertise, however Mr. Vredenburg was employed by the Applicants.

M. Hopsicker offered to remove more impervious surface area near the house.

D. Bowers explained the problem was the removal of impervious surface area was farther from the lake than the proposed increase.

M. Vredenburg informed the Board that the lawn area from the house to the water on this site was very flat saying, "The water doesn't just rush off this house and make a beeline for the lake." He elaborated, "It does kind of slump off a little bit to the side and it works its way down the property line." He indicated a vegetative filter along that side would be beneficial.

A. Ferguson asked what existed along the shore currently.

M. Vredenburg said it was just grass.

M. Hopsicker answered there was some stone as well.

A. Ferguson asked if native grasses and indigenous plants could be added along the shore.

D. Bowers felt the Board often contorts itself to help an applicant obtain what they want. He reminded the Board that they, as Board members, work on behalf of the Town. He felt it was the Applicants' responsibility to develop an acceptable plan. In this case he suggested it was the CEA that needed an acceptable plan. He indicated improvement there was the only way he would be inclined to approve the changes proposed.

M. Hopsicker asked what the CEA was.

It was explained it is the area within the first 20 feet from the lake.

D. Bowers further explained the *Lakefront Development Guidelines* advised the lakeshore be naturalistic with tall grasses and the like.

M. Vredenburgh responded that would be unreasonable for this site.

D. Bowers replied that was a reason the Board would benefit from their own professional.

A. Ferguson thought Mr. Bowers raised a good point.

D. Bowers cautioned the Applicants that if a motion were made at this time, there would not be four favorable votes.

A. Ferguson indicated she would like to see how the proposal could be modified.

M. Vredenburgh indicated that if Mr. Bowers was saying a decision at this time would be unfavorable, he would table the discussion.

D. Bowers confirmed that was "the way it's going to be tonight." He said Mr. Vredenburgh has heard the concerns expressed.

M. Vredenburgh responded Mrs. Hopsicker and he have discussed plantings along the edges of the boundaries, saying Mrs. Hopsicker did not want it to be entirely open.

A. Ferguson commented that plantings would also afford more privacy.

M. Hopsicker explained they currently have a firepit with grass and chairs.

M. Vredenburg interjected that the Owners would like to have it be less muddy.

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

R. Ridler wanted the Applicants to understand that tonight there were only four (4) members in attendance and that was why all four (4) needed to agree if an approval could be given since it was a 7-person board.

M. Hopsicker said they would be back.

M. Vredenburg commented they would not be trying to build anything in the next month anyway.

HEARINGS

*EBAC, LLC/Owera Vineyards — Site Plan Review – 5276 East Lake Road, Cazenovia
File # 22-1428 (Robert Ridler)*

R. Ridler said the public hearing from the last meeting had been continued and he asked for a motion to open the public hearing this evening.

Motion by A. Ferguson, seconded by L. Cushman, to open the public hearing was carried unanimously.

R. Ridler invited statements at this time.

Lauren Adornetto, an attorney at Philips Lytle, represented the Applicants. She said the Board has been working with Adam Walters, her colleague, doing an exhaustive review of this application which principally presents request for an amended site plan approval with the principal change of a proposed fully constructed building enclosure to replace the seasonal tent. Since the last meeting, the Applicants had an opportunity to submit a variety of responsive material prepared by experts as well as some responses to community feedback from Owera. Some of the details and supportive information the Applicants have been able to provide were items like a security plan and protocol for cars exiting the parking lot to respond to comments regarding security and general traffic concerns. Other items include a photometric plan and additional lighting details which have also been a key area of concern for adjacent property owners. The photometric plan offered details on exactly the nature of the lighting proposed and emphasized that lighting will be reduced by this particular proposal because of the nature of the enclosed building. The other key piece of the additional information provided was the additional sound data. Principally what that established was the

building with its propensity to enclose the event space, would have a very strong tendency to mitigate the sound, and would actually reduce the levels at the property line by approximately 20 decibels. She said the report submitted in mid-January established those findings. After filing those materials, the Applicants had an opportunity to return to the Board to hear additional community comments. She said they appreciated the Board's leaving the public hearing open which gave Owera an opportunity to submit a supplemental filing in mid-February with some additional lighting detail and more Applicant responses to community comments from the last hearing. The request tonight was, in light of the Board's lengthy review, and since there were no new issues being raised in connection with the actual proposal, to close the public hearing if all the comments have been submitted. That would give Owera the opportunity to make a final filing with full, comprehensive responses by March 19th, and would provide the opportunity for Owera to work with the Board to move toward determination and discussion of conditions at the April meeting. From Owera's perspective, she said they look forward to hearing additional public comments this evening, and repeated they ask that the Board close the hearing if no new comments were forthcoming, and the Board would move toward determination at the next set of meetings.

R. Ridler responded that at previous meetings it was stated that all the information provided by Owera, with all the updates, and all the community's expressions of concerns has all been contained in the file and has been reviewed by all the members of the Board. All that information is accessible to the public and to the Applicants. Acknowledging that fact, he said there were still issues that had been raised regarding the relationship between New York State Department of Agriculture and Markets (Ag & Markets) and Owera, explaining Owera's farm operation has been questioned.

L. Adornetto asserted Owera was a farm/winery saying they grow their own grapes on their seven acres of planted vines on the site. She said she would principally like to clarify with respect to the Ag & Markets guidelines issue that has been repeatedly raised in the public comments was that those guidelines exist to protect farm operations. She explained the real purpose of the agricultural district program was to preserve the agricultural use of the land. She alleged there was no doubt that the Owera site was used principally for agriculture. She said the nature of the comments from the community was with respect to the offsite impacts associated with the farm operation. She stated that the guidelines ask the farm operators to work collaboratively with municipalities and with neighboring landowners to propose mitigations that will allow the farm to operate to the full extent it needs to achieve the agricultural district program while also being respectful and responsive to surrounding land uses. She said they look forward to submitting full, comprehensive responses prior to the next meeting, and they will certainly address any and all Ag & Markets comments from the community. She elaborated that at this time, the emphasis they would like to offer was that the thresholds asserted in the Ag & Markets laws are principally restrictions on municipalities – that if municipalities enforce the regulations in a manner that would be

more restrictive than the thresholds by Ag & Markets, municipalities would be in danger of being unreasonably restrictive on the farm operation, and the farm operation would be entitled to seek relief from the Department (Ag & Markets). She repeated Owera looks forward to offering full responses to any other comments made this evening.

D. Bowers asked how he was to understand that Owera was operating principally as a farm.

L. Adornetto answered that Owera exists to sell its agricultural product – grapes and wine. She asserted Ag & Markets have been clear that agricultural production is farm product, so the function was to grow grapes and sell wine. She stated the marketing activities' principal focus was to sell the agricultural commodity. She said if Owera were a stand-alone event business that did not have a farm product to market, it would not principally be a farm. She concluded that because the principal function is to sell an agricultural product, Owera is a farm.

R. Ridler replied he could not opine on that, but he acknowledged hearing that reasoning from Owera in the past. He said the Board considers that reasoning, but other issues have been raised that need resolution before the Board can look at this application as a whole. He explained he has been advised by the Attorney for the Town that the Attorney has been able to establish a point of contact with Ag & Markets. A conference call will hopefully be arranged by the end of March wherein Mr. Walters, Brody Smith, the attorney for the community, and others can discuss the issues in question. For that reason, Mr. Ridler said the public hearing would remain open so information from that conference call could be shared before proceeding with the decision- making process.

L. Adornetta responded from the Applicants' perspective that would be a purely an administrative decision for the Board and their plan would be identical – to hear all comments this evening, prepare a written submission to finally and fully address from Owera's perspective all the comments with the ideal of following any additional comments from Ag & Markets, moving into an April meeting with a comprehensive, final application.

R. Ridler agreed it was the Board's mission to do that, but having the results of the meeting with Ag & Markets was needed if more issues were raised. He acknowledged this process has been "beaten a long time," but he anticipated an understanding of the relationship between Ag & Markets and the Town "and so on and so forth."

A. Adornetta replied she would be "furiously taking notes on any and all comments" and she would "look forward to responding."

R. Ridler thanked her and invited public comment at this time.

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Hearing none, L. Cushman made a motion to continue the public hearing, seconded by D. Bowers, which was carried unanimously.

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

Motion by D. Bowers, seconded by A. Ferguson, to adjourn the meeting at 8:08 P.M. was carried unanimously.

Sue Wightman, Planning Board Secretary – March 7, 2025