

Town of Cazenovia Planning Board

Meeting Minutes

May 4, 2023

Members Present: Robert Ridler, Chairman; Anne Ferguson; Jerry Munger; Dale Bowers; Gerald Rasmussen; Mary Margaret Koppers; Roger Cook, Alternate Member

Members Absent: Thomas Clarke

Others Present: John Langey; John Dunkle; James Betro, Esq; Mark Macera; Bethany Macera; Robert Carman; Kyle Reger; Linda Cushman

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

Roll was taken. Roger Cook acted as a voting member in Thomas Clarke's absence.

The next regularly scheduled meeting will be Thursday, June 1, 2023.

The next regularly scheduled work session will be Thursday, May 25, 2023.

The next deadline day will be Wednesday, May 17, 2023.

Motion by A. Ferguson, seconded by J. Munger, to approve the April 6, 2023 meeting minutes was carried unanimously.

HEARINGS

*Dixon, Riley & Allison – Minor (1) Subdivision – 5701 East Lake Road, Cazenovia
File # 22-1456 (Jerry Munger)*

James Betro, Esq. of Vindigni, Betro & Getman, PLLC was present to represent the file.

Motion by J. Munger, seconded by A. Ferguson to open the public hearing was carried unanimously.

There was no one present wishing to speak.

Motion by J. Munger, seconded by A. Ferguson to close the public hearing was carried unanimously.

R. Ridler asked if Mr. Betro had the plat for the subdivision.

J. Betro said he did not have the final plat, but he had a section of the preliminary drawing showing the proposed division of the property divided by East Lake Road. He explained the request was to divide the east side of the road from the west side which had the existing residence. He said they were unsure where the proposed house (for the east side property) would be located at this time, but the property has almost 85 acres.

J. Munger asked how many acres would be on the east side.

J. Betro answered 2.34 acres would be on the west side so about 81 acres would be on the east side.

A. Ferguson asked if the Board needed to see the house location, the percolation (perc) test site, and the Deep Hole site on the final subdivision map before approving the subdivision, noting the timing involved with this proposal was part of the process.

J. Langey explained the Zoning Board of Appeals (ZBA) granted the area variance that was required to create an undersized lot with the home on one side of East Lake Road and with many extra structures on the other side of East Lake Road. He explained that if this were to be subdivided without conditions, the Town would automatically be in violation of its own law, creating a lot without a primary structure where accessory structures exist. Therefore, the ZBA conditioned their approval upon the Planning Board's approval to be conditioned upon a statement on the plat map that the Chairman will not sign the plat map for recording until confirmation from the Code

Officer that the Owner has applied for and obtained the necessary permits and has commenced construction of a single-family residence as a primary use on the larger lot.

A. Ferguson asked if the Board should continue the file.

J. Langey responded the Board could vote on a conditional approval if they were so inclined. He repeated the ZBA wanted the Planning Board to echo their conditions. He said construction of the single-family residence needed to commence within one year of the subdivision approval. He said if there were a failure to commence construction within the year, the original area variance approval may be forfeited and the subdivision map certainly would not be filed. He acknowledged this situation requires an unconventional approach due to the existence of secondary structures already on the lot.

J. Munger asked for clarification that at this time the Board would conditionally approve was the subdivision. Then, before the Applicants begin construction, the Board would receive the plat as well as a site plan review application.

J. Langey responded that the subdivision could be conditionally approved, but the Applicants would have to return for site plan review. He explained the site plan review would be for the location of the house. He repeated the subdivision map could not be filed (with Madison County) until the building permit was issued for the building of the primary structure. He repeated that whole process would have to be done within a year.

R. Ridler asked if there would be an issue with delaying the filing of the map.

J. Langey said there is a specified timeframe but the Applicants could request extensions.

J. Betro asked if he understood correctly that they needed to begin building within a year, but prior to that they had to submit a plat, as well as a site plan.

J. Langey answered they would want to commence sooner than a year because a subdivision approval expires before twelve (12) months.

J. Betro asked how much time they had to fulfil the conditions since there is a deadline for filing the subdivision maps that precedes the 12-month deadline.

J. Langey answered the initial filing period is 62 days but extensions can be requested.

J. Betro believed their unusual circumstances will necessitate the need for extensions.

M. Koppers asked if the Board needed the perc test and other routine details for the conditional approval.

D. Bowers explained those details would need to be on the final plat, but because of the size of the lot, he had no doubt that the parcel would perc, so he did not think the Board needed to see that prior to a conditional approval.

J. Munger asked if the State Environmental Quality Review Assessment (SEQRA) had been done at the previous meeting.

J. Langey affirmed it had.

Motion by J. Munger, seconded by A. Ferguson, to approve the minor (1 lot) subdivision as most recently submitted conditioned upon the stipulations that had been explained and discussed was carried unanimously.

R. Ridler asked the extent of the extension that could be given (for the filing of the subdivision maps).

J. Langey replied it was statutory. He said it could be given up to 180 days, citing section 276-7(C) of the (New York Consolidated Laws,) Town Law (*Subdivision review; approval of plats; development of filed plats*).

R. Ridler asked if “shovels in the ground” would need to happen before the maps could be filed.

J. Langey said he would like to see that.

J. Betro said it was their understanding that the ZBA had given them a year to start the build after the approval.

J. Langey repeated the 180-day map filing deadline was statutory (per the State of New York).

J. Betro asked if the worse-case scenario would be that they would have to reapply if they could not meet the conditions.

J. Langey doubted they would not be able to meet the deadline of 180 days, believing six (6) months was quite a bit of time.

D. Bowers recalled at the work session that the Applicants expressed understanding that the site plan and the subdivision would be concurrent. He was not under the impression that the Applicants intended to wait to do the site plan review.

J. Langey spoke about the need for the site plan review approval before starting construction.

A. Ferguson elaborated that the Applicants would have to start building within six (6) months but they would have a year after starting construction to finish.

J. Langey remarked this was “not an ideal situation.” He said the only other “option was to pull the entire application and wait until they were ready to go and reapply” if they did not think they had sufficient time to meet the conditions of the approval at this time. He felt the Applicants had been on the cusp of being ready the last time they spoke.

J. Betro responded he didn't know the status of the project since he was absent for the ZBA meeting. Sam Getman had represented for that meeting.

More discussion followed regarding the deadlines.

R. Ridler asked if the house would have to be under construction before the Applicants would be allowed to file the subdivision maps.

J. Langey affirmed that was necessary. He said that was the only assurance the Town would have that a house would be built without having to collect a sizable bond.

R. Ridler asked if Mr. Betro understood.

J. Betro said that would cut their timeframe in half since they thought they had a year to start construction. He wondered if there was “a way to work with that,” to comply with the conditions while still allowing a year to accomplish it.

J. Langey repeated the other option was to withdraw their subdivision application until they were ready.

J. Betro responded, “Well, we're here now; we may as well go ahead and get the approval” saying he would see what his clients' plans are.

J. Langey said he had another instance in Skaneateles where Applicants had to reapply and it was granted. He said the time had run out, so it had to be reapproved requiring another application fee, but the approval was easily granted.

It was explained that the area variance approval was good for a year, so they would not have to reapply for that even if the subdivision were to need reapproval.

*Macera Family Trust – Minor (1) Subdivision – Michigan Road, Cazenovia
File # 22-1457 (Gerald Rasmussen)*

Mark Macera was present to represent the file and Bethany Macera was in the audience.

Motion by G. Rasmussen, seconded by A. Ferguson, to open the public hearing was carried unanimously.

There was no one present wishing to speak.

Motion by A. Ferguson, seconded by M. Koppers, to close the public hearing was carried unanimously.

M. Macera said there were no new materials to submit for the Board's review at this time. He thought the site plan application would not be ready for submission until the July meeting.

D. Bowers asked if the subdivision map had been prepared.

M. Macera said the preliminary plat was in the file, but the final plat had not been done.

D. Bowers asked if the perc and Deep Hole tests were shown on the drawing.

Those items were not on the drawing.

J. Langey clarified the Applicants did not have an approvable subdivision map.

D. Bowers asked the Board if they wanted to approve the subdivision before getting the information on a map. He said the file could be continued, or the Board could approve the subdivision as is.

G. Rasmussen believed the letter from the Highway Superintendent for the driveway location was another item the Board was seeking.

D. Bowers added that detail should also be shown on the map.

M. Macera had thought those details would be part of the site plan review, so he was not aware that should be done at this time.

D. Bowers believed the highway location, the letter from the Highway Superintendent, the location of the perc test, and the Deep Hole test should all be received so that the

drawing will show that the lot is a buildable lot. He explained the site plan application will address the construction of the house.

M. Macera asked if the drawing that should include the details Mr. Bowers mentioned would be the surveyed drawing.

D. Bowers answered that would be the subdivision map.

M. Macera said the perc and Deep Holes tests have been done. He thought he would be able to have that prepared for the June meeting.

D. Bowers suggested they file the site plan application in conjunction with the subdivision document.

R. Ridler asked if the Board felt it was appropriate to continue the file.

D. Bowers believed it was.

J. Langey asked who the surveyor was.

M. Macera answered Mike McCulley.

J. Langey instructed Mr. Macera to tell his surveyor that he needs a subdivision plat map. He said the surveyor will understand what is needed.

M. Macera asked if the subdivision plat map would be submitted to the engineer who performed the perc and Deep Hole tests.

D. Bowers said the engineer would need to provide that information to the surveyor.

J. Langey also instructed Mr. Macera to have the surveyor show the approved location of the driveway cut.

D. Bowers informed Mr. Macera that he would need to notify the Town when the perc and Deep Hole tests would be done so that the Code Enforcement Officer can witness it.

M. Macera said the Code Enforcement Officer was there when the tests were done.

Motion by G. Rasmussen, seconded by J. Munger, to continue the file was carried unanimously.

LAND DISTURBANCE/SITE PLAN REVIEW/SUBDIVISION

*Carman, Robert — Site Plan Review – 2954 West Lake Road, Cazenovia
File # 23 - 1459 (Anne Ferguson)*

Robert Carman was present to represent the file.

A. Ferguson said Mr. Carman applied to have a second-floor addition on his existing garage with some modifications, and she asked him to explain his proposal to the Board.

R. Carman showed a photograph of the structure from the street. He explained the single-story garage was next to the two-story addition they had built in 2009. He explained the plan was to put a second story addition directly above the first-story garage. He said the only change would be to extend the roofline to match the roofline of the other angled section which will create a little additional living space on the second floor – about 2 feet depending on where the angle lies on the eight-foot line. He said the addition would be approximately 22 feet over the 20-foot footprint of the garage, but the 2-foot overhang would be over the existing driveway. It would not be any closer to the street or the power lines, so there would be no setback issues nor any additional impermeable area.

A. Ferguson asked about any impacts upon the sanitary system from the addition of another bedroom.

R. Carman said the space would be an in-law suite with an additional bedroom, bathroom, and kitchenette. He explained when they did the 2009 addition, they installed a second 1000-gallon septic tank that could accommodate three (3) additional bedrooms, so the septic system was adequate. He talked about the connection to the existing electrical service and said the heat in the house was radiant so there was plenty of capacity for that as well.

J. Munger asked about the kitchenette.

R. Carman said there would be a refrigerator, a small sink, possibly a dishwasher, and a stove which would be run by natural gas.

A. Ferguson explained that because the addition would be attached to the primary living space this addition was allowed to include the kitchenette and bathroom.

A. Ferguson noted that the application mistakenly stated that the project was in the Critical Environmental Area (CEA) but that should be corrected to show that it is not

because it is not within the first 20 feet of the lake. (The application has since been corrected.)

Motion by A. Ferguson, seconded by G. Rasmussen, to approve the site plan as most recently submitted was carried unanimously.

J. Langey said this was a Type II Action in regard to SEQRA.

R. Carman asked if he needed architectural stamped plans to apply for the building permit.

He was told he does.

R. Cook asked the Board if the garage addition would be connected to the living space of the existing house, explaining a completely separate space could not be created for a relative which could be rented in the future. He explained a 2-family home could not be created on a lot less than six (6) acres. He said one should be able to easily pass between the additional space that will result from this addition and that two separate spaces should not result.

More discussion followed about the features of this particular addition.

R. Ridler said regarding the pending Owera file, he had a message from Rob Seeley who works with Joanne Gagliano. Mr. Seeley said they would be providing the Board with another application before May 17th with the expectation of appearing before the Board at the June 1st meeting.

Motion by D. Bowers, seconded by A. Ferguson, to adjourn the meeting at 8:01 P.M. was carried unanimously.