

# Town of Cazenovia Planning Board

## Meeting Minutes

January 5, 2023

Members Present: Robert Ridler, Chairman; Anne Ferguson; Jerry Munger; Dale Bowers;  
Thomas Clarke; Gerald Rasmussen

Members Absent: Mary Margaret Koppers

Others Present: John Langey; John Dunkle; Thomas Schepp; Adam Woodburn; Kyle  
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R. Ridler called the meeting to order at 7:30 P.M.

Roll was taken.

The next regularly scheduled meeting will be Thursday, February 2, 2023.  
The next regularly scheduled work session will be Thursday, January 26, 2023.  
The next deadline day will be Wednesday, January 18, 2023.

Motion by A. Ferguson, seconded by T. Clarke, to approve the December 8, 2022 meeting minutes was carried unanimously.

**LAND DISTURBANCE/SITE PLAN REVIEW/SUBDIVISION**

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

No one was present to represent the file.

R. Ridler said Rob Seeley has asked that the file be continued.

Because this was the fourth meeting since a representative has been present it was decided that a letter of intent should be sent to the Applicants.

Motion by A. Ferguson, seconded by G. Rasmussen, to continue the file was carried unanimously.

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*Terel Realty, LLC -- Site Plan Review – 1030 Tunnel Lane, Cazenovia  
File # 22-1448 (Dale Bowers)*

Thomas Schepp was present to represent the file.

D. Bowers trusted that everyone had read the emails that circulated (regarding whether this application needed an area variance) and the lengths taken to establish the high-water mark. He concluded that the project was deemed by the Assistant Code Enforcement Officer, Chuck Ladd, to not require any Zoning Board of Appeals approval. He asked if Mr. Langey had anything to add.

J. Langey answered that he had worked with Mr. Ladd, and they “had looked at all the different angles,” saying he was comfortable with Mr. Ladd’s determination.

D. Bowers said the Planning Board would need to finish any further site plan review items at this time.

R. Ridler asked if any members had any questions, believing the Board was quite familiar with the proposal.

No one did.

D. Bowers asked if Mr. Schepp had anything to add.

T. Schepp declined.

Motion by D. Bowers, seconded by A. Ferguson, to appoint the Planning Board as Lead Agency for the purposes State Environmental Quality Review (SEQR), to affirm the matter an Unlisted Action and make a Negative Declaration based upon the Board’s review of the SEAF, and to approve the site plan as most recently submitted was carried unanimously.

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*Jonas, Daniel & Epsilanty, Alexandra -- Site Plan Review – 4937 East Lake Road,  
File # 22-1450 (Jerry Munger) Cazenovia*

Adam Woodburn of Landscapes East was present to represent the file.

J. Munger said the project was the replacement of a driveway and a retaining wall. He had visited the site. He asked Mr. Woodburn to explain the proposal.

A. Woodburn said the Owners had asked Landscapes East to change part of the existing driveway to pavers and to redo some of the existing walls, in addition to some landscaping in the front yard. He said the area of driveway they would be replacing was the portion in front of the house and it would be a replacement in kind, in location, with different material. He explained the Client chose porous pavers, but the project was not designed per the full stormwater design manual as they typically would. He elaborated that the Owners had chosen the material selected because they did not want ponding issues in the specified location. The area beneath the pavers was designed appropriately for the porous surface materials, but the gaps between the pavers would not be as large as would be needed to be considered pervious.

J. Munger asked about the area being replaced.

A. Woodburn explained that in addition to the area in front of the garage, they would also be replacing a set of stairs, and two existing retaining walls. He said the retaining walls were “landscape walls and not very tall.” He said they would not be impacting the vegetation on site except for perhaps one shrub. He said the goal was to not impact the existing vegetation, which has taken a lot of time and energy by the Owners.

J. Munger asked if the pavers would be an improvement, noting the existing impervious surface area was 18%.

A. Ferguson asked if the pavers would reduce the percentage.

A. Woodburn said he had spoken to Mr. Dunkle about this, and he believed per the Town Code, that the improvement would not meet the requirements to be considered a reduction in impervious surface area. He described some of the engineering that would be required for this to actually be considered a reduction, explaining those measures were not part of the design for this project. He said the area being replaced would not see a lot of road salt or “deposition of material that would bind the porous pavers and be an issue as far as longevity.” However, it was not their intent to reduce impervious surface area; the Owners had requested porous pavers as the replacement material for the driveway section. He stated the pavers would work better for the site. He also said 50 % of the water hitting the pavers should be infiltrated by the pavers.

A. Woodburn said he works for Landscapes East part-time and he is also the Stormwater Program Coordinator for Onondaga County. He explained that he oversees a couple hundred projects with porous pavers, and spoke about the ability of maintenance to promote longevity of the pavers system. Because this residential location would not have “salt loading” and was not a year-round residence, he felt sweeping with a broom “would bring back porosity.” He did not anticipate degradation of material.

R. Ridler asked if under any circumstances would the impervious surface area be increased.

A. Woodburn answered no, and said he calculated the impervious surface area to match the existing.

A. Woodburn said there would be a positive impact upon water quality for the lake, but he did not feel he could state a reduction (of impervious percentages). He clarified the project was the maintenance of the existing footprint and not new development.

R. Ridler asked if the Homeowner had been encouraged to sweep the pavers, or if they would be advised to do so as part of maintenance.

A. Woodburn said he had not discussed maintenance, but he would. He added the Owners “were the ones who wanted to go porous because they care about the lake.”

D. Bowers asked Mr. Dunkle if he “was okay with everything.”

J. Dunkle responded that he was” because this was the replacement of impervious surfaces so it was not being counted as mitigation for additional impervious surfaces.” He explained if it were to fail, it would be no worse than the existing condition. He said this was “an enhancement that may last forever, or it may not”, but he found it to be “a step in the right direction.”

Motion by J. Munger, seconded by D. Bowers, to appoint the Planning Board as Lead Agency for the purposes SEQOR, to affirm the matter an Unlisted Action and make a

Negative Declaration based upon the Board's review of the SEAF, and to approve the site plan as most recently submitted was carried unanimously.

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D. Bowers thought the Planning Board should address the issue if the high-water mark being the base measurement for boathouse projects. He thought perhaps the Town ought to seek different legislation for the whole issue.

J. Dunkle asked if a definition of the high-water mark was needed for clarification of the Code.

D. Bowers said another option was to remove that as the standard and to use the floor level of the boathouse as the measurement.

A. Ferguson asked the reason the Code used the high-water mark. She remarked it seemed easier to use the floor measurement, but wondered if there was a reason it had not been used in the past.

R. Ridler thought the high-water mark had been determined to be 1196', which was the level of the dam on Carpenter's Pond.

A. Ferguson asked if the level changed.

R. Ridler did not believe it did.

D. Bowers said he would love to know the elevations around the lake, thinking boathouses would be higher than 10' using the current standard.

J. Dunkle agreed saying the high-water mark was seldom reached, so the current standard could potentially be allowing higher buildings using that measurement.

The Board agreed, saying that had been the case for the recent approval.

It was clarified that this would affect boathouses on the shore, not boathouses which were in the water, since the Planning Board has no regulation of boathouses in the water; the New York State Department of Environmental Conservation (DEC) oversees boathouses in the lake.

J. Dunkle stated the standard of the current Code was not relevant for boathouses on shore and advised it be struck from the Code.

J. Langey encouraged the Board to discuss how the new standard should be determined and once they had decided, he would write the proposal with Mr. Dunkle's input for the Town Board's consideration.

D. Bowers said they could discuss it at the next work session.

J. Langey said they could find the current language the Code in 165-20 (D) – posted below. He said it was sensible for the Planning Board to initiate the recommendation for a change.

**D.**

**Boathouse(s).** Notwithstanding the provisions of § **165-19G**, a one-story boathouse may be erected for the sole purpose of boat storage and associated boating equipment on the lake shore of a lakefront lot, the maximum width of the boathouse not to exceed 12 feet and the maximum depth not to exceed 15 feet. The height shall not exceed 10 feet at the highest point measured from the high-water mark. There shall not be a roof or enclosure of any kind above the deck of the boathouse, except a thirty-six-inch railing will be permitted around the outer edge; also, a portable canopy of canvas or other flexible material shall be permitted. At no time shall a boathouse be used as living quarters.

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J. Dunkle said he had another item for the Board's consideration. He recalled working on creating a standard with Don Ferlow for porous surface redundancy and semi-pervious percentages. He asked if that had been codified.

D. Bowers and A. Ferguson did not believe it had been.

J. Dunkle cautioned the Board regarding calculating pavers at 50% impervious since that would assume the pavers would be pervious in perpetuity, which was not actual unless there were redundant designs built into them.

J. Langey said that section of Code was found in 107-7.1 (Land Disturbance). He read:

**IMPERVIOUS SURFACE**

Any surface which adsorbs less than approximately 50% of stormwater which falls on it or cross it. The following surfaces are considered impervious by the Town of Cazenovia:

**(1)**

Concrete pavements, regardless of the amount of porosity or perviousness of the concrete.

**(2)**

Asphalt pavements, regardless of the amount of porosity or perviousness of the asphalt.

**(3)**

Driveways made with paving blocks, regardless of the porosity or perviousness of the blocks or the spacing of the joints between blocks.

**(4)**

Gravel and crushed stone.

**(5)**

Oil and stone pavements.

**(6)**

Rock outcroppings.

**(7)**

Roofs and gutters.

**(8)**

Pools with less than 4.5 inches of freeboard.

**(9)**

Hot tubs.

**(10)**

Patios and walkways made with bricks, pavers or flagstones, regardless of the porosity or perviousness of the materials or the amount of space between joints.

**(11)**

Wooden decks with tight joints such as ship lap or tongue and groove.

**(12)**

Other surfaces which absorb less than 50% of stormwater falling into or crossing the surface at any time during the lifespan of the material, based on the judgment of the Town Engineer.

**SEMI-PERVIOUS SURFACE**

Any man-made or nonnatural (including newly introduced materials) surface which adsorbs more than approximately 50% of the stormwater which falls on it or crosses it. Semi-pervious surfaces shall be considered 50% impervious for the purpose of calculating the total impervious cover of a site. The following surfaces are considered semi-pervious by the Town of Cazenovia:

**(1)**

Wooden decks with loose joints of at least 1/8 inch.

**(2)**

Other man-made or nonnatural (including newly introduced materials) surfaces which adsorb more than 50% of the stormwater falling onto or crossing the surface at any time during the lifespan of the material, based on the judgment of the Town Engineer.

J. Dunkle said he would get some information together to address this issue and he would get it to the Board for their review.

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It was noted that Mr. Ladd was not present for the past few meetings. D. Bowers and R. Ridler have spoken to Mr. Ladd requesting his attendance.

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Motion by D. Bowers, seconded by J. Munger, to adjourn the meeting at 7:52 P.M. was carried unanimously.

Sue Wightman, Planning Board Secretary – January 5, 2023