

# Town of Cazenovia Planning Board

## Meeting Minutes

December 5, 2023

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

Members Absent: Thomas Clarke

Others Present: Wendy Lougnot; John King; Christine Fietta; Phillip Anker; Eden Anker; Matthew Vredenburgh; Dennis Gregg; Bill Zupan; Kyle Reger

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

Roll was taken; all were present except for Thomas Clarke. Linda Cushman acted as a voting member in Mr. Clarke's absence.

The next regularly scheduled meeting will be Thursday, January 4, 2024.

The next deadline day will be Wednesday, December 20, 2023.

The next regularly scheduled work session will be Thursday, December 28, 2023.

Motion by A. Ferguson, seconded by J. Munger, to approve the November 2, 2023 meeting minutes was carried unanimously.

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

*Druke, John – Site Plan Review – 3631 Rippleton Road, Cazenovia  
File # 23-1489 (Robert Ridler)*

John King of Halco was present to represent the application.

R. Ridler explained the solar array had been erected prior to receiving authorization from the Planning Board. At the time of application, an area variance was also sought due to the siting of the array. During the time of discussion with the Zoning Board of Appeals, the solar array company accepted responsibility for the installation happening prior to approvals, and for the placement of the array less than the 50-foot setback requirement from the rear property line. He believed Mr. King had indicated he was willing to relocate the array (to comply with the setback requirement). He asked Mr. King how that would be done.

J. King explained the array was secured to the ground using 83-inch ground screws. He said the arrays were constructed out of three-inch diameter, structural steel tubing. He said the spacing between each set of posts was nine (9) feet, so if they were to take the western-most set of posts, remove the two (2) screws, restore the landscape, and move the screws and posts to the opposite side of the array, the last two (2) rows of panels could then be moved resulting in about 12 feet of additional setback distance. He explained they would not have to redo any trenching or electrical connections because those originate at the eastern side of the array. No additional groundwork would be required other than removing and reinstalling the two (2) foundation screws.

A. Ferguson noted the Owner and a neighbor had agreed upon and already had installed some plantings for screening. She asked if that screening was impacted by the change proposed.

J. King answered, “No.” He said the relocation would move the array farther from the screening.

R. Ridler commented that Mr. Druke had provided dialog between himself and the neighbor wherein the neighbor indicated they were pleased with vegetative screening.

R. Ridler asked if there would be any impact from moving the panels from the west end to the east end of the array.

J. King repeated it would involve the relocation of two (2) rows of panel, eight (8) panels in total. He said Mr. Druke elected to trim a pair of smaller trees which would have eventually over hanged the array. He said the trees were “not strictly necessary

to remove," because they would not have interfered, but he noted they were Scotch pine and they were in poor health.

W. Loughnot led the Board through Part 2 of the Short Environmental Assessment Form (SEAF) for this Unlisted Action.

Motion by D. Bowers, seconded by A. Ferguson, to appoint the Planning Board as Lead Agency for the purposes of the State Environmental Quality Review (SEQR), to affirm the matter an Unlisted Action and make a Negative Declaration based upon the review of the SEAF and to approve the site plan for the ground mount solar array and its relocation from the rear property line as most recently proposed was carried unanimously.

J. King mentioned they could relocate the array potentially as early as this Thursday if they were to receive the permit in the next day or two. He asked if he should have the permit physically picked up or if it would be mailed.

He was told Mr. Ladd still needed to issue the permit, and once the permit was ready, he would be notified.

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*Fietta, Peter & Christine — Site Plan Review – 5250 Owera Point Drive, Cazenovia  
File # 23-1503 (Linda Cushman)*

Christine Fietta was present to represent the file.

L. Cushman explained the Fiettass would like to install a swimming pool between their house and the lake. She visited the site today and she did not see a problem with the proposal. She said the parcel was over two (2) acres in size, and the pool would be about 684 square foot pool (so approximately 18' X 36'). She said the pool would be inground.

M. Koppers asked about the adjacent property.

L. Cushman answered the Owners would install the pool on the parcel where the house was located. The Fiettass also own the adjacent parcel where there is a tennis court.

R. Ridler said the tennis court property was a separate parcel and was not involved in this project.

L. Cushman said the current impervious surface area was about 11%, and she did not think this (small addition of impervious surface area) would be an issue. She repeated the parcel was 2.16 acres.

A. Ferguson asked how the pool would be seen from the lake relative to the grade.

L. Cushman answered the land was at an elevated pitch, and she questioned whether the pool would even be seen from the lake.

C. Fietta elaborated that there would be a fence around the pool with landscaping around the fence. She also did not think it would be seen from the lake.

R. Ridler commented that “it was pretty high up.”

C. Fietta said the location was “set back from the waterfront.”

L. Cushman said there would be about a foot of concrete edging around the pool and that would be the part that would be fenced – not the entire yard.

A. Ferguson asked if Ms. Fietta would commit to installing appropriate landscaping around the fence.

C. Fietta affirmed she would and said she had made appointments with J & J Landscaping and Atlas Fence.

A. Ferguson asked if the fence would be black.

R. Ridler said it would be wrought iron.

W. Loughnot said this was a Type II Action in regard to SEQR.

Motion by L. Cushman, seconded by J. Munger, to approve the site plan for the installation of an 18' X 36' inground swimming pool as most recently submitted was carried unanimously.

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*Anker, Eden & Philip – Site Plan Review – 2730 West Lake Road, Cazenovia  
File # 23-1504 (Anne Ferguson)*

Eden Anker was present to represent the file and Philp Anker was in the audience.

A. Ferguson asked Ms. Anker to explain the project.

E. Anker said the project was for a home built by her grandparents in the 1940's and included the reconversion of a 3-seasons room on the back of the house into a screened porch, adding a small family room off the kitchen, and converting a first-floor maid's room into a first-floor bedroom with a bathroom.

A. Ferguson said a site visit had been made. She said the siding for the addition would match the existing siding.

E. Anker described it as cypress siding and said the addition would have the same hip roof.

A. Ferguson added there would be new flashings. She asked if there would be gutters.

E. Anker affirmed there would be gutters. She said the house was originally built with gutters in the roof, but the gutters no longer hold enough water, so there will be new exposed gutters or there will be a cypress fascia board that will cover them.

A. Ferguson stated this addition would be several hundred feet from the lake, so there would be no drainage issues.

A. Ferguson concluded saying she had no issues with the application, commenting that the application was well-prepared.

Motion by A. Ferguson, seconded by G. Rasmussen, to approve the site plan for a 525 square foot addition as most recently submitted was carried unanimously.

E. Enker asked about the permit.

The procedure and timing were explained.

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*Pipas, Lauren & Rodriguez, Elliot — Site Plan Review – 5258 Oweria Point Drive,  
File # 23-1508 (Mary Margaret Koppers) Cazenovia*

Matthew Vredenburgh of MDLA was present to represent the file.

M. Vredenburgh explained the project was the replacement of an existing sea wall.

He displayed his drawing L-100 entitled *Rodriguez Pipas Residence Seawall 258 Oweria Point Drive, Town of Cazenovia, Madison County, New York Permit Plan* dated 10/31/2023 which he had submitted with the application on November 15, 2023.

M. Vredenburg said the existing timber sea wall was approximately 40 feet long. He said an application had been submitted to the New York State Department of Environmental Conservation (DEC) for the project. He said the replacement wall would be located in the same place as the existing wall. He explained the existing wall was tipping outward and there was a lot of erosion on the bank behind the wall. He said the Owner would like to replace the timber with real stone, and make it higher to lessen the severity of the slope behind it, and replant the bank. He explained the slope would be changed from a 2 to 1 slope to a 3 to 1 slope. He repeated they would plant where the grading would be done to make the slope less severe. The plantings would be panicum and rhus aromatica.

A. Ferguson asked about the comments from the Madison County Planning Department in their General Municipal Recommendation Report (GML).

M. Koppers read, "...We note that page 3 of the Cazenovia Lakefront Development Guidelines recommends 'using a stepped configuration (+/- 2' to 3' height) that includes significant pockets for plantings...' This is returned for local determination."

A. Ferguson asked Mr. Vredenburg for his response to the County's comments.

M. Vredenburg answered they could do that design if the Board preferred that.

A. Ferguson asked about the design change.

M. Vredenburg replied that it was just more costly.

M. Vredenburg displayed drawing L-100 entitled *Rodriguez Pipas Residence Seawall 258 Owera Point Drive, Town of Cazenovia, Madison County, New York Permit Plan revised 12-05-2023* to show the Board how that modification would look.

M. Koppers noted the stepped design would reduce the visual appearance from the lake. She said currently the dock area has a significant impact of there being "a lot of wood." She thought this design would be an improvement, softening the appearance from the lake.

M. Vredenburg said Mr. Rodriguez was willing to do the stepped design.

A. Ferguson asked about the financial increase to the Owner.

M. Vredenburg answered there would be some additional cost because it would be like creating two (2) walls and there would be more materials needed.

D. Bowers pointed out the stepped design was recommended in the *Guidelines*. He felt based upon Ms. Koppers comments, it “made sense to do that.”

M. Vredenburgh responded that he had prepared the Owner for that possibility.

R. Ridler asked if there would any changes to the dock.

M. Vredenburgh answered the only changes would be to the wall and the slope.

R. Ridler asked if the work on the wall would be done from the water and asked if River Rock would be doing the work.

M. Vredenburgh answered Summit was the company that would be used, and they would want to do it when the water levels were low. He elaborated that if Summit can work at the base of the wall without working from the water, they would put up a silt fence, as was required by the DEC, for the duration of establishing the foundation of the wall.

A. Ferguson asked if they worked in the water would they need DEC approval.

M. Vredenburgh explained there would be work below mean high water, so DEC approval would be needed regardless of how it was done. He elaborated that if they have to work in the water they would install turbidity curtains, which was required by the DEC as well.

R. Ridler asked about Summit and their work on the lake.

M. Vredenburgh responded Summit had done some work on Cazenovia Lake, but they have worked extensively on DeRuyter Reservoir, Erieville Reservoir, and Eaton Brook Reservoir.

R. Ridler spoke about the barge that has been left at Cazenovia Lake.

M. Vredenburgh stated Summit does not have a barge, saying they work from land. He explained if they have to work in the water, they would install the turbidity curtain, but they would pull everything out by land.

A. Ferguson asked that it be confirmed that the proposal was now for the stepped approach.

M. Vredenburgh answered, “Yes,” if that was the Board’s preference.

The Board indicated that the stepped design was their preference.

W. Loughnot lead the Board through Part 2 of the SEAF.

R. Ridler asked about Question #4 *Will the proposed action have an impact on the environmental characteristics that caused the establishment of the Critical Environmental Area (CEA).*

W. Loughnot explained that despite the work being in the CEA, because the Applicants would be improving the existing wall, she would consider the proposed action to have no or little environmental impact.

Motion by M. Koppers, seconded by A. Ferguson, to appoint the Planning Board as Lead Agency for the purposes of the SEQR, to affirm the matter an Unlisted Action and make a Negative Declaration based upon the review of the SEAF, to approve the site improvement to replace the existing timber sea wall with a boulder sea wall as most recently submitted for the stepped design was carried unanimously.

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*Love Frazee Assoc with Pushlar, Paul — Site Plan Review – Route 20 with Route 20 &  
File # 23-1497 (Robert Ridler) Fenner Road, Cazenovia*

No one was present to represent the file.

R. Ridler explained Cazenovia Preservation Foundation (CPF) was scheduled to meet with their attorney to determine whether or not CPF's agreement with the Pushlar farm will have any bearing on the proposal for the commercial solar project to utilize the Pushlar parcels as a buffer for the proposed solar location. He said that meeting was to happen today, so the Board has asked to continue the file while they await that information.

Motion by D. Bowers, seconded by G. Rasmussen, to continue the file was carried unanimously.

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*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 Oweria has temporarily ceased the operation of their events and for the Tasting Room. He said he was not speaking for the Winery, but he believed the Tasting Room would resume operation in May of 2024 with a revised operation plan. He said the events agenda has been suspended until 2025. He said the Applicants have asked that the file be continued until January or February of 2024.

A. Ferguson asked why they closed.

R. Ridler did not know why the operation has been suspended.

Motion by D. Bowers, seconded by G. Rasmussen. to continue the file was carried unanimously.

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R. Ridler noted there were three (3) files pending. There was no new information for those files at this time.

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D. Bowers said he was asked to remind Chair Ridler to mention Mr. Munger's becoming an alternate member and Linda Cushman's becoming a voting member beginning in 2024.

A. Ferguson asked that the minutes reflect the Board's sincere appreciation for Mr. Munger's service.

It was believed that Mr. Munger has served at least seven (7) years in the capacity of a voting member.

R. Ridler thanked him and said he has been a positive addition to the Board's decision-making.

J. Munger responded that it has been pleasure and an education.

R. Ridler welcomed L. Cushman into the voting ranks of the Board.

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Motion by D. Bowers, seconded by G. Rasmussen, to adjourn the meeting at 7:55 P.M. was carried unanimously.

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Sue Wightman, Planning Board Secretary – December 5, 2023