

# Town of Cazenovia Planning Board

## Meeting Minutes

July 6, 2023

Members Present: Robert Ridler, Chairman; Anne Ferguson; Jerry Munger; Thomas Clarke; Gerald Rasmussen; Roger Cook, Alternate Member; Linda Cushman, Alternate Member

Members Absent: Dale Bowers; Mary Margaret Koppers

Others Present: John Langey; John Dunkle; Mark Macera; Bethany Macera; William Zupan; Todd Pugh; Timothy Aubertine; Mark Costa; Darrick Marris; Adam McAllister; Holden Omans; Michael Barnes; Donna Shaffner; Nathan Edwards; Kyle Reger; Pam Halton; Mark Babilonia

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

Roll was taken. Linda Cushman and Roger Cook acted as Voting Members in the absences of Dale Bowers and Mary Margaret Koppers.

The next regularly scheduled meeting will be Thursday, August 3, 2023.  
The next regularly scheduled work session will be Thursday, July 27, 2023.  
The next deadline day will be Wednesday, July 19, 2023.

Motion by A. Ferguson, seconded by J. Munger, to approve the June 1, 2023 meeting minutes was carried unanimously.

Motion by A. Ferguson, seconded by J. Munger, to approve the June 20, 2023 special meeting minutes was carried unanimously.

Motion by A. Ferguson, seconded by J. Munger, to approve the June 23, 2023 special meeting minutes was carried unanimously.

### **HEARINGS**

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

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

R. Ridler said the public hearing had already been held and now the Board was reviewing the plat to make sure it contained the information requested at the May meeting.

M. Macera said that at the last meeting he attended, the Board was waiting to act on the subdivision until three (3) pieces of information had been received. He said one item was the Percolation (perc) Test results performed by Wayne Matteson. A second item was the approval for the driveway location by Bryan Smith, the Town of Cazenovia Highway Superintendent. The third item was to have those two details included on the survey. All the information has now been submitted. He added there had been some discussion regarding the submission of the site plan review for the proposed new home to be constructed on the new lot, but at this time they were not prepared to file that application.

Motion by G. Rasmussen, seconded by T. Clarke, to approve the minor (1 lot) subdivision as most recently submitted was carried unanimously.

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*Town of Cazenovia – Line Elimination – 2037 Main Street, New Woodstock  
File # 23-1469 (Robert Ridler)*

William Zupan, the Town of Cazenovia Supervisor, was present to represent the file.

R. Ridler explained the application was for a lot line elimination.

Motion by G. Rasmussen, seconded by T. Clarke, to open the public hearing was carried unanimously.

R. Ridler asked Mr. Zupan to elaborate on the request for the line elimination.

W. Zupan explained the American Legion in New Woodstock ceased to meet last year and the deed states the property now reverts to the Town of Cazenovia. There are currently two (2) parcels involved, and he believed combining the lots would make a more desirable building lot for a house. He mentioned the Town could have bypassed the process for Planning Board approval, but he felt the Town should follow the process enacted. He said once the Town receives approval to combine the lots, the property will be listed for sale, and the funds received from the sale will be placed in a special fund to be used for the Hamlet of New Woodstock.

R. Ridler invited public comments at this time.

Pam Halton said she wanted to know the purpose of the sale. She said she owns the property next door (2043 Main Street). She asked if it would be sold as a building lot.

W. Zupan affirmed it would be, adding it would be for residential development, not commercial.

Mark Babilonia said he lives across the street (2032 Main Street) and he had similar questions. He wondered why a lot line elimination was being sought, believing that sometimes results in less property tax revenue.

W. Zupan answered he thought the improved building lot size would result in more revenue for the Hamlet at the time of sale.

M. Babilonia agreed and asked if Mr. Zupan had been approached by a potential buyer before making that decision.

W. Zupan responded that two (2) individuals have asked to be notified when the property is listed so they can submit bids with the intention of constructing a residence on the property.

M. Babilonia asked if any commercial developers had inquired.

W. Zupan answered, "No."

R. Cook informed Mr. Babilonia that the property was not zoned for commercial enterprises.

M. Babilonia responded that situations change and he felt it was close to the Mixed-use Zone within the Hamlet.

M. Babilonia said another concern he had was the incumbrance on the deed that had been proposed regarding a sign.

W. Zupan explained the sign would only be installed during the Old Home Days event that occurred every two (2) years.

M. Babilonia asked if that was proposed by the New Woodstock Historical Society.

W. Zupan answered the Planning Board initiated the condition at the last meeting and he had agreed to the condition.

A. Ferguson confirmed that.

W. Zupan asked Mr. Cook if the event lasted two (2) days.

R. Cook answered Old Home Days was two (2) days at the very most.

M. Babilonia believed the Board had discussed the size of the sign, whether it would be lighted, and the location. He asked if he could find the rules about that in the Town Code.

A. Ferguson responded that typically the signs for Old Home Days would be paper laminated signs with no lighting.

R. Cook repeated that there would be no lighting associated with the signs and that the sign law actually allows signs 1' X 3', but the current signs being discussed would be smaller.

M. Babilonia talked about the sign at the nearby church which was lit and he expressed his disapproval of that sign. He asked if the church received a special dispensation as a church.

He was told it does.

M. Babilonia asked if the church bought this property if they would have a special dispensation there as well.

J. Langey answered, "It depends."

M. Babilonia asked the Board to rethink the condition of signage. He questioned the need to include the incumbrance in the deed "to put up a 1' X 3' piece of wood." He felt it would "easier to take on the church" if the condition "was not codified in the deed."

J. Langey responded Federal Law impacts Town Land Use Laws as applied to churches.

J. Munger asked if the incumbrance Mr. Babilonia was referring to was the New Woodstock Historical Society's signs.

M. Babilonia said he thought the condition was for a broader sign allowance.

R. Ridler explained the Board was talking about the sign that Mr. Cook had described that would be posted 1-2 days every two (2) years.

J. Langey clarified that the Board was discussing a line elimination only.

M. Babilonia expressed confusion about signs being part of the line elimination approval.

W. Zupan repeated the Planning Board had stipulated the temporary signage once every two (2) years to denote the location of the American Legion.

R. Cook elaborated that before the location of the American Legion, the property was the site of a manufacturer of sleighs and wagons, so that historical landmark would also be displayed on those special days for visitors to the Hamlet.

R. Ridler asked if there was any further discussion.

Hearing none, motion by T. Clarke, seconded by G. Rasmussen, to close the public hearing was carried unanimously.

Motion by A. Ferguson, seconded by T. Clarke, to approve the minor (1 lot) subdivision as most recently submitted and with the condition that a covenant be added for a sign sized no larger than 1' X 3' be permitted for Old Home Days, which would be every two (2) years, be posted for no more than two (2) days, and be posted adjacent to the sidewalk was carried unanimously.

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

*Pugh, Todd & Carol — Site Plan Review – 4495 Seven Pines Drive, Cazenovia  
File # 23-1466 (Jerry Munger)*

Todd was present to represent the file.

J. Munger reminded the Board that there had been discussion regarding the impervious surface calculation of the new home. He also noted that photographs of the existing house had been added to file as per the request by Ms. Ferguson.

J. Munger said the impervious surface calculations had been based upon the total square footage of the proposed new house, but that had included the second story footage as well as the actual footprint of the new structure, so the percentages had been recalculated; what had been reported to be 25% would actually be 16% or less. He said the proposal included the removal of all the decking which currently cavalieres over the lake. He informed Mr. Pugh that at the time the landscaping is installed, if they wanted to include the construction of a small patio, they would need to return to the Planning Board for that additional impervious surface area. He clarified that at this time, there was no proposal for landscaping or additional patio area.

T. Pugh spoke about his concerns regarding landscaping with the existing cedar trees. He was worried if he added a patio, it might change how the trees receive water.

A. Ferguson asked if the footprint of the house was changing.

T. Pugh said the footprint of the proposed house might have to be slightly reduced to accommodate the relocation of the proposed attached garage one foot from the north property line, which had been a condition of the Zoning Board of Appeals area variances approval. He said they "are still figuring that out." He assured the Board they would "follow the rules."

J. Langey completed Part 2 of the Short Environmental Assessment Form (SEAF) for the State Quality Environmental Assessment Review (SEQR).

Motion by J. Munger, 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, and approve the site plan for a new home as most recently submitted was carried unanimously.

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*Aubertine, Timothy & Hannah – Site Plan Review – 1574 Peth Road, Cazenovia  
File # 23-1468 (Robert Ridler)*

Timothy Aubertine was present to represent the file.

R. Ridler said this project had been approved by the ZBA at its June 23<sup>rd</sup> meeting. He said the project was the construction of a 30' X 36' pole barn to be placed between the house and 645 feet from Peth Road. He said among the conditions of the ZBA approval, one was the relocation of a 12' X 20' shed to be attached to the new structure or to be removed. He said the General Municipal Law Recommendation

Report (GML) from Madison County had been received and there were no issues associated with that.

Referring to the drawing entitled *Map of Lands of Mary Louise Cordes #1674 Peth Road Part of Lot 28 4<sup>th</sup> Allotment New Petersburg Tract Town of Cazenovia Madison County, New York* by David A. Vredenburg dated 5-2-2013, T. Aubertine showed the Board where the new barn would be located in relation to the house and where the existing 12' X 20' shed was located.

T. Clarke asked about the condition of the ZBA regarding impervious surface area.

R. Ridler believed the Applicants had 20 acres.

T. Aubertine said they have approximately 22 acres.

R. Cook added the parcel was located more than 500 feet from the lake as well.

Motion by A. Ferguson, seconded by J. Munger, to approve the site plan for a 30' X 36' pole barn as most recently submitted was carried unanimously.

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*Costa, Mark & Nicole – Site Plan Review – 3339 West Lake Road, Cazenovia  
File # 23-1470 (Anne Ferguson)*

Mark Costa was present to represent the file.

A. Ferguson asked about the proposal to install a pond.

M. Costa explained they were hoping to expand their small farm/garden operation but at this point they did not want to tap into their well. He said their land would be used for growing some crops and a small livestock operation to support another contract. He said they contacted Madison County Soil & Water to visit the site, perform an analysis on the soil, and to suggest a couple of locations for the pond. Based upon their test holes, the Madison County Soil & Water instructed the pond to be located slightly to the southwest of the house. On the Forest Type Map he provided with the Site Plan Review application, the location of the pond was sketched. It was also located on another aerial view where he showed it to be 90 feet from his southernmost structure and 90 feet from the southern property line, which also belongs to him. He saw where the GML referred to a stream on his property, but he explained that was actually a man-made drainage ditch. He said it passes through the property approximately 600 feet from the

road in the northern part of the property and then meanders to the southeast of his second property. He stated the overflow pipe would go into that drainage ditch.

A. Ferguson asked about the flow, wondering if there was water during the hot, dry times of summer.

M. Costa said the source of the water was groundwater, so it does dry up, and he said the source of the water would not flow from the drainage ditch. He said they hit water about seven (7) feet down and the hole filled almost immediately. He explained it was on a low spot on the property.

R. Ridler asked the depth of the pond.

M. Costa answered it would be approximately ten (10) feet deep. He said it would not have a berm.

A. Ferguson noted it would be 75' X 125' and remarked about the size.

M. Costa said they have contracted the United State Department of Agriculture Natural Resources Conservation Service (NRCS) to do some environmental remediation of invasive species – dead ash, buckthorn, multiflora rose, etc – and said the area was marginal.

J. Munger asked about the acreage, noting Mr. Costa owns two (2) parcels.

M. Costa explained he has 12 acres on the parcel with his home and he also owns 12 acres to the south.

J. Langey asked the size of the proposed pond.

A. Ferguson answered it was 75' X 125' which would be about .25 acres.

R. Ridler asked Mr. Dunkle's thoughts.

J. Dunkle said it would basically be a hole in the ground, with no water in and no water out. He advised the pond be constructed in accordance with NCRS standards for safety reasons, and advised the Board to include that as a condition of an approval.

Motion by A. Ferguson, seconded by T. Clark, 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 and to approve the site plan for the installation of a 75' X 125' (approximately .25 acre) pond with a maximum depth of ten (10) feet for livestock and crop irrigation as most recently submitted and

conditioned upon the pond's design following NRCS standards for safety reasons was carried unanimously.

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*Marris, Darrick & Tracie – Building Envelope Change – 3834 Charles Road,  
File # 23-1472 (Robert Ridler) Cazenovia*

Darrick Marris was present to represent the file.

R. Ridler said this was a request to adjust the building envelope on the property for the purpose of constructing a garage. He believed the building envelope would be rotated counterclockwise so the garage could be located directly behind the house.

D. Marris showed where his house was situated on the lot and where he would like to position the garage which currently would be outside the building envelope. He said the location of the garage would be 25 feet from the side yard property line, and 75- 80 feet from the rear property line.

A. Ferguson asked if the garage would be behind the house.

D. Marris answered it would be.

J. Langey said it had been mentioned previously that private covenants exist in Mr. Marris' neighborhood, and he advised him to look into those for his own benefit. He said the Planning Board would not comment directly about those private covenants however.

D. Marris asked if there would be more covenants than those found on his survey.

J. Langey answered they would be on Mr. Marris' deed.

R. Ridler asked if the garage would be within 25 feet of the side yard setback or if there would be 25 feet of side yard setback.

D. Marris clarified there would be at least 25 feet of side yard setback, and he thought it would be 30 feet.

Motion by J. Munger, seconded by L. Cushman, 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.

Motion by T. Clarke, seconded by L. Cushman to move the file to a public hearing at the August 3<sup>rd</sup> meeting, was carried unanimously.

Motion by A. Ferguson, seconded by T. Clarke to continue the file was carried unanimously.

Public hearing notification instructions were given at this time.

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*McAllister, Adam – Minor (1) Subdivision – 1875 Fabius Road, New Woodstock  
File # 23 -1473 (Thomas Clarke)*

Adam McAllister was present to represent the file. Holden Omans, the potential buyer, was also present.

T. Clarke stated Mr. McAllister has 83 acres and asked him to explain his proposal.

A. McAllister said he wanted to create a 5-acre lot which would include the shop which is presently there. He explained that originally there had been a lot which had 400 feet of road frontage on New York State Route 80/Fabius Road which he had adjusted with a line elimination a few years ago, and he now would like to reestablish the lot lines with that same amount of road frontage. He told the Board he was downsizing his land ownership.

T. Clarke elaborated the new parcel will have a pond and the existing accessory structure with no primary structure. He said the existing building already has water and sewer. He pointed out the existing condition was nonconforming.

A. Ferguson asked the intent for the property, wondering if the potential buyer would be building a new structure.

H. Omans said he grew up in Pompey and he currently resides in North Carolina. He said he taught swimming lessons at Cazenovia College for 14 years. He explained they have a 1-year-old now and they hope to have more children, so they are hoping to return to this area to be near family. They were interested in this property with the plan of possibly building a house in the future.

J. Langey said the issue was the Code clearly states one cannot have an accessory structure on a parcel with no primary structure. He said the creation of the new lot with this situation causes the Board to “double down on our accessory structure” regulations. He explained if the plan for the property were to build a new house immediately, this would be easier to allow. He felt the Board was “in a catch-22 here with this accessory

structure.” He indicated this situation with its related problems has arisen in the past, so the Board was seeking solutions as to how to deal with this location.

R. Ridler asked Mr. Omans about his thoughts.

H. Omans said they had considered converting the structure to a residence. He was unsure “of the commitment that would require.”

A. Ferguson asked if the structure was heated.

H. Omans answered that it was.

A. McAllister said it was all duct work.

R. Ridler said it was heated, it had water, and it had septic.

J. Langey asked if there was a bathroom in the building now.

A. McAllister affirmed it there was.

A. Ferguson asked about its meeting the minimum size requirement.

R. Cook clarified the minimum size requirement was only for properties in the lake watershed overlay.

J. Langey remarked a studio living space could be created. He asked the square footage of the structure.

A. McAllister answered it was 32' X 40' and there was an attached, enclosed 28' x 40' lean-to.

J. Langey noted it was only lacking a kitchen facility, which could be solved. He said Chuck Ladd, the Codes Enforcement Officer, should be consulted about creating the kitchen area. He suggested the Chairman of the Board could delay signing the final subdivision maps until Mr. Ladd signed off on the structure meeting the requirements to be considered a house/habitable space.

C. Ladd discussed the requirements with Mr. Cook.

R. Cook said a sleeping space would need to be 70 square feet, 7' X 10'. He said the biggest issue was to have a bathroom with privacy, it would need to have a door.

A. McAllister said the bathroom was already enclosed with a door.

R. Cook said they could have an open space with a bed, a kitchen sink, and a refrigerator.

A. McAllister said there were already two rooms within the structure that were framed and with doors, one was an office.

L. Cushman asked what the minimum requirement for a kitchen would be.

R. Cook and C. Ladd did not believe there was a minimum requirement.

R. Cook related the addition of habitable space in a hunting structure on Barrett Road. He said like that building, a small living space could be created within the structure and the Code would be met. He commented the space would also provide a place to stay until they were ready to build.

C. Ladd talked about the measures that would be needed to bring the structure up to the current energy code regulations with the change of classification for the building.

R. Cook responded it would depend on what the Owner decided to do at the time. He said when the structure was built, it was created under the regulations for agricultural use, and that was the reason it was allowed to be constructed with no house.

A. Ferguson asked if a condition of the approval would be the proof of meeting the current applicable regulation standards.

J. Langey said there was time to research the necessary standards because the next step would be to move the application to a public hearing.

R. Cook said they would just have to take a look at what's there for insulation.

A. McAllister said it was 6-inch fiberglass and was all GFI (ground fault circuit interrupter).

T. Clarke asked Mr. McAllister his intent for the remaining 70+ acres.

A. McAllister answered it was for hunting.

T. Clarke said the consideration of a conservation subdivision had been raised.

A. Ferguson explained if the intent were to subdivide further, the Board would want to look at the land in terms of saving aspects.

H. Omans interjected that if he bought the 5-acre parcel, he would be given the right of first refusal for the larger piece, which they would want to keep as is.

A. Ferguson said the reason for a conservation subdivision was to prevent over development.

Both Mr. McAllister and Mr. Omans indicated development was not their intent.

H. Omans added his father lives on Stanton Road.

J. Langey repeated that conditions of an approval were not necessary at this time. He said Mr. Ladd and Mr. Cook could determine what was necessary to convert the current structure into single-family living space and the next step would be the public hearing for the subdivision.

Motion by A. Ferguson, seconded by T. Clarke, 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.

Motion by T. Clarke, seconded by J. Munger, to move the file to a public hearing at the August 3<sup>rd</sup> meeting, and to continue the file was carried unanimously.

Public hearing notification instructions were given at this time.

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*Barnes, Michael & Heather — Site Plan Review – 3161 West Lake Road, Cazenovia  
File # 23-1474 (Jerry Munger)*

Michael Barnes was present to represent the file.

J. Munger said this proposal was for a pond and asked Mr. Barnes to give the details.

M. Barnes said they recently built a new house in the front of the lot and they would now like to put a small pond approximately 175 feet back to the west. He said there are currently wetlands to the west but using the New York State Department of Environmental Conservation Resource Mapper, they do not appear to be wetlands overseen by the New York State Department of Environmental Conservation (DEC). He thought they could possibly be governed by the United State Army Corp of Engineers (ACOE). He said the pond would be approximately 20' X 30' or about 700 square feet. He said using the map of the wetlands and overlaying it using the creek as a reference, it showed the pond would be at the edge of the wetland area. He said the plan was to merely excavate a hole; no berms or dam structures would be part of the design.

J. Munger asked about the creek. He noted some comments about the stream on the GML.

M. Barnes said the creek does not show up on the State Mapper system. He described an area that he called, “a big swale, more or less,” which goes downhill, across West Lake Road, and toward the lake. He showed areas that also slope downhill, one on the adjacent property where a natural pond exists. He said the creek, as he refers to it, right now is dry.

T. Clarke asked if that was an intermittent stream.

M. Barnes said it was a natural feature, it was not dug, and does not appear to be manmade.

The Board asked Mr. Dunkle his thoughts.

J. Dunkle said as he understands the design, the Applicant plans to build his pond in a drainage way whether it is a regulated stream or not. At some point in time, flows pass through this area, and Mr. Barnes was proposing to build his pond in the middle of that drainage. The concern would be if he were building any impoundment to capture that runoff. He believes the proposal was to leave the natural grade on the surface, where it is, and dig a hole in that drainage way, so when there are major flows, it will flow over the top of the pond. There would be no restrictions on flow and no downstream impacts as proposed. He said there would be concerns if there were flow restrictions. He advised the Board to have the Applicant seek a determination from the ACOE as to whether any permits would be needed for work in the proposed area due to the wetland area’s proximity. He was unsure if the Board would be comfortable with a conditional approval, or if the Board preferred to have the ACOE’s response prior to an approval. He concluded he saw no major concerns from a stormwater drainage perspective.

T. Clarke asked the depth of the pond.

M. Barnes approximated eight (8) feet and said he would shelf it around the edges for safety.

J. Dunkle added, like the previous approval for the pond, this should follow NRCS pond design standards for safety.

M. Barnes said he works with engineers, and they suggested he get a sediment capture.

J. Dunkle elaborated that because this has drainage that carries sediment with the flow, so to keep sediment out of the pond, an upstream sediment basin should be installed.

T. Clarke also advised that be done during dry weather.

A. Ferguson asked the diameter of the pond during a very rainy season.

M. Barnes answered still 20' X 30'. He said the stream was more defined at one point, but then "it wanders" and then reforms.

A. Ferguson asked about the information being sought by the ACOE.

J. Dunkle said the question would be whether the wetland was being disturbed and/or a regulated stream on the subject property.

J. Langey asked if the condition would be that no work would commence until submission or correspondence from the ACOE was received confirming the plans for the pond were approved.

J. Dunkle affirmed that was the case, whether a permit was needed by the ACOE or not.

M. Barnes asked if the Town would initiate that or if he would need to contact the ACOE.

M. Barnes was told he would need to contact the ACOE.

M. Barnes said when they built the house the ACOE delineated the area for the house and he had talked to them briefly about this project at that time. He was told he could excavate, cut trees, and mow, but fill could not be placed anywhere it that area. He said the plan was to remove the fill and to pile it where it was delineated as a non-wetland.

J. Dunkle responded if the ACOE still supports that determination, the proposal would be "fine."

J. Langey asked if Mr. Barnes could get an email or a letter confirming that Mr. Barnes would not need a permit from the ACOE.

M. Barnes said he needed to consult with the ACOE anyway because he was planning to excavate himself with a backhoe for ease of stockpiling the dirt in a separate area. He said he did not want to bulldoze and disturb a larger area for no reason. He thought it would amount to about 100 yards of fill which he commented was not a lot.

T. Clarke said a silt barrier should be used.

Motion by J. Munger, 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 Board's review of the SEAF and to approve the site plan for the installation of a pond as most recently submitted conditioned upon no work would commence until submission or correspondence from the ACOE was received confirming the plans for the pond were approved, and the NRCS pond design standards for safety would be used, was carried unanimously.

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*Shaffner, Donna – Site Plan Review – 1809 US Route 20 West, Cazenovia  
File # 23-1475 (Dale Bowers)*

Donna Shaffner was present to represent the file.

R. Ridler explained the proposal was to change the house design from the previous approval.

D. Shaffner said the original design included a walkout basement and when they were just about to order the walls, the builder informed them the design would be about \$350,000 over budget. So, they found a new design, and the builder, who was going to start in June, will be starting later in August.

R. Ridler asked how the new house compares regarding impervious surface area.

D. Shaffner answered, "It's actually a little tighter." She said the garage will now be incorporated with the house rather than being a separate structure with a connecting piece.

R. Ridler asked if the setbacks would remain the same.

D. Shaffner responded they would, and they would even be somewhat improved.

T. Clarke asked the height of the house.

D. Shaffner replied it would be 31 feet, which would be lower than the original design because it would no longer be on a walkout basement.

R. Ridler asked if the pitch of the roof would be 12/12.

D. Shaffner affirmed it would be.

R. Ridler commented that some would consider that a bit steep considering “the lay of the land.”

D. Shaffner countered, “actually it's kind of flat up there.” She said Jeff Stowell was installing the driveway and it would actually “only be up on the one side about two (2) feet on the front end.” She said the aim was to make it look “historical.” She wanted it to “look like a Caz farmhouse.”

R. Ridler asked that an as-built survey be submitted after completion of construction.

D. Shaffner responded, “No problem.”

D. Shaffner spoke about her lakefront property saying she has been calling the New York State Highway Department and wondered if the Town could offer any assistance getting the Highway Department to do their part of the swale. She said she has done her part with new plantings and the new trees, but she has not been able to get the New York State Department of Transportation to do theirs. She said the swale was 4 ½ - 5-feet high.

J. Langey did not think the Town had any purview regarding that.

D. Shaffner recalled the Town being able to help in the past.

T. Clarke asked if the State put rock in it.

D. Shaffner answered, “No.” She said all the state did was dig down another two (2) feet and one can see the erosion. She said they installed a small check dam.

J. Dunkle recalled the DOT had created “a whole design.” He said, “They just haven't done it.”

J. Munger wondered if Ms. Shaffner could contact the DEC.

D. Shaffner thought it was on the docket.

It was also suggested that the Cazenovia Lake Association be contacted to help with this.

R. Ridler stated Dave Miller would be the contact person for the Lake Association.

D. Shaffner said Mr. Miller had been helping her.

J. Langey advised Ms. Shaffner “to keep bothering them (DOT).”

D. Shaffner responded she called at least seven (7) times.

He felt the more calls she could have on her behalf, from the Lake Association, would also help.

J. Langey said he had received a number of telephone calls regarding the appearance of that property. He recalled at a previous meeting, Ms. Shaffner had said she would discontinue the usage of the property for renting dock space.

D. Shaffner said during that discussion, she had stated the docks would be limited to three (3).

J. Langey interjected that the docks could only be used for personal use, not commercial use.

D. Shaffner responded, "Nobody is paying me; not one person is paying me."

J. Langey elaborated that the docks are intended only for the Shaffners' use.

D. Shaffner replied, "With that in mind, everyone is doing manual labor for me."

J. Langey responded the dock usage could not be used as a barter either, which would be an admission of commercial use.

D. Shaffner clarified they were allowing their friends to dock their boats.

R. Ridler interjected the Code did not allow one to do that.

D. Shaffner felt they had already eliminated many people using the area to dock and said if the Town was going to enforce the regulation at their property, the Town should also enforce the regulation around the entire lake. She conceded their property was very visible, but she felt they had converted "the eyesore of the Town," and they "have done everything under the sun to make it attractive," as the entryway to the Town. She said she told Chuck she did not want the third dock after this year. She said if she were allowed to use the property as is until the end of the year, it would "really help" her.

J. Langey said he appreciated what she said, but the issue was the complaints the Town is getting. He said they also have complaints for other properties around the lake being used as access points to the lake, so the issues "have to be addressed." He said he hears what Ms. Shaffner was saying about this particular situation being remedied at the end of the year, but he explained theoretically tickets could be issued over this. He asserted neither he nor Mr. Ladd want to take Ms. Shaffner to court.

D. Shaffner expressed understanding, and she thought Mr. Ladd had informed her the usage needed to be for her household, not even her immediate family. She named other docks owned by her friends where 3 – 4 boats were docked for usage not within those households. She said her friends would support her on the grounds that the rule should not be enforced for her, if not for everyone.

J. Langey said the recent complaints have caused the Town to examine the Code, and as was explained, the use was not to include nonpaying friends.

D. Shaffner said she read the Code and she felt her situation would not be defined as a marina.

J. Langey countered the section of Code dealing with private use did not allow friends' usage.

D. Shaffner felt she had followed the letter of her prior promise to limit the number of the docks to three (3) and to only allow family and friends to use the docks. She said one boat was her brother's and her brother was currently in Germany. She said the dock having four boats belonging to friends, whom she named, would only be allowed to be used by those friends for the remainder of this year, saying they knew this was "their last year."

J. Langey asked when the statement had been made previously about the usage being the last year. He wondered if it had been earlier this year.

D. Shaffner answered that was when they acquired the property and there were seven (7) docks being used and 15 boats.

J. Langey commented that the minutes would be reviewed, and stated this issue does not impact the application currently before the Board. He just wanted to let Ms. Shaffner know he might be asked to take her to court over this issue.

D. Shaffner said she appreciated what Mr. Langey was telling her. She said the wooden dock that they were planning to remove was unsightly, but when they remove the third dock, they will have so many fewer boats on the property than so many other people around the lake.

J. Langey responded, that may be true, but they must address the complaints, and the promise to remedy the situation does not make the situation any less noncompliant at this time.

D. Shaffner said she totally appreciated what he was saying.

C. Ladd commented that Ms. Shaffner was "in the spotlight," due to her location.

D. Shaffner indicated that while she was in the spotlight, so many other people were taking advantage of going unnoticed. She said if she was going to have to comply, she felt the enforcement needed to be “unilateral.”

J. Langey agreed.

She said many of their friends have a place on someone else's dock, and some have had them for 60 years.

A. Ferguson asked where the Board was for the current application.

J. Langey answered they were in a position to approve the application for the change to the house. He said it would be a Type II Action in regard to SEQR. He repeated he brought up the other issue because he knew Ms. Shaffner would be present to discuss the matter.

D. Shaffner said she appreciated that. She took responsibility for the situation.

R. Ridler said when the issue arises with other dock owners, the Town would deal with it in the same way.

J. Munger pointed out it was an enforcement issue, not a Planning Board matter.

J. Langey stated this was “a courtesy discussion for all of us.”

D. Shaffner commented that the Code was “very vague,” and wondered if the language should be made clearer so everyone would know what was expected and acceptable, just as it was made clear that she could not have an accessory structure or a boathouse until the primary structure was built.

J. Langey said if the Town were to improve the verbiage, the end result would be the same for Ms. Shaffner. He also noted the current Code has always been interpreted as they have stated for her use. He stated he had no problem amending the Code however. He assured Ms. Shaffner he did not want “to jam up anybody;” they were merely responding to complaints.

D. Shaffner said she understood and believed until there was only one (1) dock with one (1) boat, people would complain. She commented that she and her husband own three (3) boats.

L. Cushman noted Mr. Bowers had requested that the Board ask about the fence posts.

D. Shaffner responded that Mr. Bowers was referring to the fence stiles. She said those would be done when they “do the other work.” She said they would be staining the fencing first and “putting them on afterward.”

Motion by A. Ferguson, seconded by T. Clarke to approve the site plan for the construction of a new home as most recently submitted was carried unanimously.

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*Edwards, Nathan & Bassett, Elena – Site Plan Review –2087 Wright Road, Cazenovia  
File # 22-1476 (Anne Ferguson)*

Nathan Edwards was present to represent the file.

A. Ferguson explained the proposal was to regrade the backyard and she said after visiting the site, there were some questions about how the retaining wall would function in relation to the trees and the dropoff.

N. Edwards displayed some photographs of the yard showing the shed and the location of trees. He said the retaining wall would be an L-shaped structure “in front of the shed and then the trees.” He said the wall would be about 3 ½ feet tall at the top point “running down to nothing.” He explained the whole corner of the yard “would be dropped down 3 – 3 ½ feet, so that the yard would then be more flat.” He said all of the dirt would be brought to the other side of the house as a second step, to level that area. He said the landscaper wants to maintain the east to west, uphill to downhill slope of the yard. He said from where they would locate the retaining wall to the opposite side of the yard there currently is a seven (7) foot decrease over 75 feet. They would like to make that 2 ½ - 3 foot.

R. Ridler clarified the Applicants want to level the yard.

N. Edwards affirmed that was the intent.

A. Ferguson asked if the tree line would be kept at the higher elevation.

N. Edwards answered they would. They would only be dropping the yard down.

A. Ferguson had thought the wall would be parallel to the shed, but she now noted it would not be.

N. Edwards responded it would not be parallel.

A. Ferguson said there would 22 feet of retaining wall in the back.

N. Edwards showed where the other 11 feet of the wall would be. He explained there would be a ramp up to the shed “to get the mower up and out,” but then the retaining wall would be in front of it from one side.

N. Edwards said to mitigate soil erosion, they will be installing sod instead of seeding, since they are within the lake watershed. He said an extra 40 yards of soil being added to the yard to level it.

T. Clarke asked if the soil would be stockpiled.

N. Edwards said it would not be – the job should be completed in about two (2) days. He explained the retaining wall will take longer to build and be backfilled, but the yard will be leveled and sod will be laid in about two (2) days.

A. Ferguson asked for clarification regarding the location of the wall. She noted it would not be the length of the yard, but only 22 feet.

N. Edwards said the distance was 75 feet and 22 feet would have the wall.

A. Ferguson asked about the grading.

N. Edwards said the back yard would remain flat and then a portion will remain graded as it is now.

R. Ridler and T. Clarke asked about silt fencing.

J. Dunkle said it should be used.

A. Ferguson said the landscaper will have that.

R. Ridler added that the equipment operator will know where to place it.

J. Dunkle advised the Board to make a condition of an approval that Mr. Ladd confirm that the drainage patterns will be maintained and there will be no diversion of drainage. He offered Mr. Ladd his assistance if needed.

N. Edwards anticipated that there would be less drainage because the yard will be more level.

Motion by A. Ferguson, seconded by J. Muger 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 Board’s review of the SEAF and to approve the

site plan for the installation of a retaining wall and the related grading of the yard as most recently submitted and conditioned upon Mr. Ladd's verification that existing drainage patterns will remain the same was carried unanimously.

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*EBAC, LLC/ Owera Vineyards – Site Plan Review – 5276 East Lake Road, Cazenovia  
File # 23-1428 (Robert Ridler)*

R. Ridler said there was no one present to represent the file.

Motion by T. Clarke, seconded by G. Rasmussen, to continue the file was carried unanimously.

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Motion by L. Cushman, seconded by A. Ferguson, to adjourn the meeting at 8:45 P.M. was carried unanimously.

Sue Wightman, Planning Board Secretary – July 7, 2023