

Town of Cazenovia Planning Board

Meeting Minutes

June 1, 2023

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

Members Absent:

Others Present: John Langey; John Dunkle; Aaron Brown; Raymond Ulinski; Ramond Biondillo; Meadow Cropsey; William Zupan; Jo Anne Gagliano; Rick Ruggaber; Bruce Race; Joanne Race; Charles (Sam) Woods

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

Roll was taken and all members were present.

The next regularly scheduled meeting will be Thursday, July 6, 2023.

The next regularly scheduled work session will be Thursday, June 29, 2023.

The next deadline day will be Wednesday, June 21, 2023.

Motion by A. Ferguson, seconded by J. Munger, to approve the May 4, 2023 meeting minutes was carried unanimously.

HEARINGS

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

No one was present to represent the file.

R. Ridler said the Board would move onto the succeeding agenda items while waiting to see if the Applicants will arrive later in the evening.

LAND DISTURBANCE/SITE PLAN REVIEW/SUBDIVISION

*Brown, Aaron & Krista – Site Plan Review – 2067 Hoffman Road, Cazenovia
File # 23-1461 (Dale Bowers)*

Aaron Brown was present to represent the file.

D. Bowers said the file was complete and the Applicant was seeking a site plan review for a tool shed in the lake watershed. He said it was the fifth house from East Lake Road.

R. Ridler asked what side of Hoffman Road was the property.

A. Brown and D. Bowers both answered it was on the north side of Hoffman Road.

Looking at an aerial sketch of the site, D. Bowers showed where the house and driveway were located and where the proposed shed would be.

D. Bowers commented that the only reason the Applicants needed site plan review was because they reside in the lake watershed.

A. Ferguson asked if the proposed shed would be the only secondary building.

D. Bowers answered, "Yes."

D. Bowers said there was no need for a General Municipal Law Recommendation Report (GML) from the Madison County Planning Department. The height of the proposed structure would be less than 35 feet.

R. Ridler asked if the impervious surface percentage would be an issue.

D. Bowers responded he was not worried about the percentage (which was minimally increasing by 192 SF from 10.5% to 10.9%).

J. Langey noted this was a Type II Action in regard to the State Quality Environmental Assessment (SEQR).

Motion by D. Bowers, seconded by A. Ferguson, to approve the site plan for a 12' X 16' tool shed as most recently submitted was carried unanimously.

*Ulinski, Raymond & Lauren — Site Plan Review – 2064 Wright Road, Cazenovia
File # 23-1463 (Mary Margaret Koppers)*

Raymond Ulinski was present to represent the file.

M. Koppers said the Applicants had previously sought and been granted an approval for a 20' X 30' addition/deck, but they decided not to do that, and now would like to put the entire space into decking with the relocation of a small patio to a side entrance. She said Mr. Ulinski was submitting some corrected impervious surface calculations at this time.

R. Ulinski added the revision was using the 50% allowance for the decking.

M. Koppers explained that following the discussion at the work session, the percentage would now be increasing from 10.4% to 11.2% (rather than the original calculation of 11.8%).

J. Langey said this was an Unlisted Action in regard to SEQR and led the Board through the second part of the Short Environmental Assessment Form (SEAF).

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, and to approve the site plan for a 600 SF deck and the relocation of a 114 SF patio as most recently submitted was carried unanimously.

*Biondolillo, Raymond & Cropsey, Meadow – Site Plan Review – 5448 Oxbow Road
File # 23-1464 (Anne Ferguson) Cazenovia*

Raymond Biondolillo and Meadow Cropsey were present to represent the file.

A. Ferguson said the Applicants proposed to install a swimming pool and asked them to summarize their project.

M. Cropsey said they were proposing to locate the pool in the side yard.

R. Biondolillo elaborate that the pool would be 18' x 36' with three (3) feet of concrete around three (3) sides and ten (10) feet around 36 feet. He said there would be a fence around it.

A. Ferguson asked about the fence details, wondering the height and design.

R. Biondolillo responded that they had not chosen the fence.

A. Ferguson wanted the approval to include the installation of a four-foot fence.

D. Bowers pointed out that height was required by the New York State Building Code.

A. Ferguson added that the Board typically likes a black fence since that is less conspicuous.

M. Cropsey said they were thinking of ordering a black wrought iron fence.

A. Ferguson said there were some original concerns about the presence of a wetland, but it was determined not to be the case. She said there were no problems with the impervious surface percentages.

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

Motion by A. Ferguson, seconded by T. Clark, to approve the site plan for the installation of a 16' X 36' rectangular inground pool as most recently submitted and with the installation of four-foot, black wrought iron fencing was carried unanimously.

*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 said this was a request for a lot line elimination and asked Mr. Zupan to explain the proposal.

W. Zupan said the Veterans of Foreign Wars (VFW) in New Woodstock disbanded so the property, which was on two (2) lots, went to the Town. The Town would like to combine the lots and sell the property with the understanding with the New Woodstock VFW that the money the Town receives from the sale would be used for improvements in the Hamlet of New Woodstock. The Town is considering improvements to the playground and the ball field in the Hamlet. He mentioned the Town was going through this process as a courtesy to the Planning Board per the recommendation by the Attorney for the Town.

A. Ferguson asked if a condition of the approval could be that the subsequent owners of the property allow a temporary sign to be posted advertising Old Homes Day as conducted by the New Woodstock Historical Society when that event is celebrated in the Hamlet.

J. Langey explained that he would make that a covenant of the deed. He asked for specific details regarding the signage.

M. Koppers asked what if Old Homes Day becomes something else.

J. Langey asked the size of the sign, the location of the sign, and the duration of the sign posting. He also asked if it would be lighted.

A. Ferguson responded that it would not be lighted.

It was decided that the sign would be posted not in excess of three (3) days. It was also decided that the sign would be sized according to Town Code (residential use). The placement would be adjacent to the sidewalk.

Motion by D. Bowers, seconded by M. Koppers, 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 move the file to a public hearing at the July 6th meeting, and to continue the file was carried unanimously.

*deCordova, Noel III (Owned by Melissa deCordova) – Site Plan Review Update –
File # 19-1358 (Dale Bowers) 5276 East Lake Road, Cazenovia*

D. Bowers said a new map was received. He explained that the Board discussed some items that needed better clarification when the file was last approved. One item that was addressed was the location of some steps, saying Chair Ridler and he had performed a site visit to verify that location. He noted that was the only development within the first 100 feet of the lake. He said the other detail that was corrected on the drawing was the driveway which will now remain as is. He said impervious surface percentages were updated to coincide with these two items. He said it was his understanding that the previous approvals would be amended to reflect the updated information.

The most recent drawings reflecting the changes were entitled *New Residence deCordova Residence 1040 Tunnel Lane, Cazenovia, New York 13035 Site Plan L2.0* dated 4/19/2021 and last revised 5/18/2023 by Kelplinger Freeman Associates.

Motion by D. Bowers, seconded by A. Ferguson to reappoint the Planning Board as Lead Agency for the purposes of the SEQR, to reaffirm the matter an Unlisted Action and make a Negative Declaration based upon the Board's review of the SEAF and to approve the amended changes for the driveway design and the steps, with the same conditions of prior approvals, was carried unanimously.

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

R. Ridler asked if there was a representative for this application yet.

There was not.

D. Bowers believed they were not in attendance because they did not have a final plat prepared at this time.

There was then discussion regarding the time constraints resulting from closing the public hearing at the May 4, 2023 meeting. Only 62 days could elapse before the Board would need to make a decision.

J. Langey suggested the Board continue discussion of the final application while he determined the timeframe.

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

Jo Anne Gagliano of Environmental Design & Research and Rick Ruggaber of EBAC, LLC were present to represent the file.

J. Gagliano displayed a site plan drawing showing the main entrance, the road to the back of the property, the tasting room, and the existing tent area. She reminded the Board the Applicants would like to see the tent, which has caused some sound issues, to be replaced by an enclosed building to control the sound. In addition, they would like to replace some lighting near the entrance from East Lake Road which in the past has caused some concerns. She explained that the new fixtures would be more dark-sky compliant than those initially installed. She stated screening was another item of the proposal. She elaborated that additional fencing would further contain sound and reduce visibility on the property. She explained screening would be added to the lower level on both sides of the drive along the neighboring sides, as well as partway down the driveway where a bend where there was a potential for headlights, and also along the parking area where a hedge now exists. In the parking lot area, they propose a four-foot-high wood fence that would not only reduce headlight visibility but buffer sound penetration.

J. Gagliano said after discussions with the Board about sound issues, they also revised the design of the proposed building to have vestibules at every accessible door, and they designed a 3-season, encased glass room to reduce sound in the area that the Board has expressed concern about with the tent structure.

R. Ridler asked if the same sound proofing measures would be used for that room.

J. Gagliano responded that it would be the same construction as the building.

T. Clarke asked if the 3-season room would be enclosed on the west side with windows or a combination of windows and screens.

J. Gagliano answered it would be a combination of windows and building wall. She said there would be no screens.

J. Munger asked if there would be any exit from the west side of the building.

J. Gagliano replied, "No, just through a vestibule." She added there would be an airlock between doors.

J. Gagliano said these revisions were in response to comments from the Board for the need of soundproofing especially in problem area related to the tent as well as parking lot noise.

J. Gagliano said another concern with parking lot noise was voice transmission, so they also propose to hire security on site to ensure people leave the property as quickly as possible after events close and to deter patrons gathering in the parking lot.

T. Clarke asked the number of security people who would be hired.

J. Gagliano responded that she would try to provide more information about that. She explained the Vineyard was planning to hire a security company, so they would not be hiring an individual.

A. Ferguson asked if the security personnel would be hired for every night, just weekends, or just weddings.

J. Gagliano thought weddings seemed to be the issue, but she expected the size of the event would dictate. She suspected smaller events would not need security personnel.

A. Ferguson asked if the Applicants would be agreeable to making that a requirement based upon head count size.

J. Gagliano said she would look into that and find out the recommendations from the vendors based upon their experiences.

R. Ridler asked about the materials that would be used for the construction of the building. It was his understanding that they would be using modern technology.

R. Ruggaber said they were researching products at this time and talking with sound engineers.

M. Koppers asked about buses waiting in the parking lot, commenting they create odor and sound problems.

J. Gagliano said she would check to see how frequently buses are used and what could be done to minimize the effects.

J. Munger asked about the proposed hours.

J. Gagliano said the proposed hours were the same as previously discussed.

Referring to information received May 30, 2023, R. Ridler read that the tent currently runs Sunday – Thursday from 11AM – 5PM, and Fridays and Saturdays from 11AM – 10PM. He

said all lighting was extinguished at 11 PM to allow staff to clean-up and leave the site. The proposed hours for the building would be no events occurring in the building on Mondays and Tuesdays. Wednesdays and Thursdays the building would operate from 10 AM – 9 PM, Fridays and Saturday the building would operate from 10 AM – 10 PM, and Sundays the building would be open from 10 AM – 5 PM. Additionally, during the months of January, February, and March, the maximum number of events would be four (4) per month in the proposed building.

M. Koppers said the Board was looking for the scheduled events for this summer.

J. Gagliano believed that had been provided.

R. Ridler said the Town had not received it.

J. Gagliano said she was copied on the email from Dawn. She said she would forward that this evening and offered to answer questions about it. She believed the Code Enforcement Officer had requested it.

J. Langey repeated the Board would also want the materials that would be used for the building.

R. Ridler asked if the events in the tasting room could be provided in addition to the events in the tent, so the Board could see what events were happening in that building on particular days.

J. Gagliano did not think many events were held in the tasting room, commenting that the building was not intended for that purpose. For example, on Fridays they have music in the tasting room. She said the event schedule did include the tasting room events which were very few. Looking at the list, she saw only one event for 2023, which already took place and was for 13 people. She noted in the month of June there were about eight events scheduled for the tent structure; including two (2) graduation parties, the Cazenovia High School Senior Ball, a JCC event, two (2) receptions, two (2) weddings, and a baptism. She said the list included the booked events through October.

A. Ferguson asked about elevations.

J. Gagliano said they were included in the packet that was sent to the Board. She said the proposal was very much in character with the other structure, and she described the fence as a wood farm fence. She said they would not be dramatically changing the look or the feel.

J. Gagliano referred to drawing *A-201 Exterior Elevations Farm Marketing and Event Building 5276 East Lake Road, Town of Cazenovia, Madison County, New York State*

dated 4/28/23 by MacKnight architects/EDR. She pointed out that the building would have trellis details.

A. Ferguson asked if the doors between the vestibules and the main building would be fire doors, heavy and made of steel, that close automatically, or would they need to be latched.

J. Gagliano said they would be rated.

D. Bowers explained they would be fire-resistance rated.

J. Gagliano said there is a set of two (2) doors in the Tasting Room, and the proposed doors would be similar. She described them as “a heavy wood door.”

R. Ridler asked if there was any open-air activity on the east side.

J. Gagliano explained on the back side of the building there would not be a terrace as before, but there would be an area on the ground, “with a pergola over top,” that would face the hill.

R. Ridler asked about access to that open area.

J. Gagliano answered one would have to pass through a vestibule to access that area as well.

J. Munger asked the size of that area.

J. Gagliano estimated it to be 40 feet long.

A. Ferguson asked about where the access would be to the west pergola – patio area.

Referring to drawing *A-101 First Floor Plan Farm Marketing and Event Building 5276 East Lake Road, Town of Cazenovia, Madison County, New York State* dated 4/28/23 by MacKnight Architects/EDR, J. Gagliano explained where the permanent part of the building already exists and where the circular driveway is in relation. She pointed out where there was just a wall and a door which would now have a vestibule into the 3-season room which would be completely enclosed with no other doors to the outside. She said they have eliminated a few other doors as well to help contain activity and noise. She showed where the storage closet would be on the south end of the building. She also pointed out the vestibule leading onto the new patio area on the east side of the building which also has a walkway from the driveway. She predicted there would be no voices moving or sound transmission. She showed other areas where there would be no outside entry or exit.

T. Clarke asked about the windows in the 3-season room, wondering if they were standard windows or tinted.

J. Gagliano said they would not be tinted.

A. Ferguson commented that many issues arose during the bridal and groom sendoffs with firecrackers and sparklers, etc.. and asked where that would now occur in the proposed building.

J. Gagliano said she was not informed about those details and would have to ask about that.

D. Bowers and M. Koppers said they happen in the front as the couple leaves the building.

D. Bowers said the doors would not be closed for that activity so the matter would have to be handled by the people overseeing operations. He assumed the building would be airconditioned so the doors would not need to be opened for cooling, but they might be propped open for sendoffs.

J. Gagliano remarked management would be there.

D. Bowers agreed saying that was his point, it would be a management issue.

A. Ferguson believed it would be unrealistic not to anticipate activity outside.

D. Bowers agreed, thinking a 5 – 15-minute sendoff would be a normal occurrence.

J. Gagliano said she would ask Dawn how that could be done differently. She said with the tent there is only one exit. She was wondering if patrons could exit on the east side of the building to reduce the noise associated with departure.

The Board expressed approval of that option.

D. Bowers commented that the Board raises these questions now so that solutions can be found to prevent issues from arising.

M. Koppers said the back side of the tent structure “is not very attractive,” and she asked if the back side of the proposed building would be attractive so that people would want to use that area.

J. Gagliano said they would use blue stone in that area, like its use throughout the facility.

T. Clarke asked if there would be plantings along that back pathway.

J. Gagliano affirmed they would.

A. Ferguson suggested it be designed to encourage its use as a bridal walkway.

J. Gagliano said they could direct people to use it, adding it could be used for entry as well.

J. Langey recalled that someone meets with prospective wedding guests to outline the rules and to contract events; he suggested items like this which are important to the Board to protect the community be “baked into” the rules set forth in the contract as bullet points, thereby ensuring the Owner/Establishment advises the celebrants of the approved procedures, if an approval were given for this building. He believed issues had arisen in the past because patrons claimed they were unaware of the rules.

D. Bowers thought that was well-advised and indicated the Board could make a list as they move through the process.

R. Ridler agreed.

A. Ferguson asked about the proposed roof material.

J. Gagliano answered it would be the same as the other roofs on site – asphalt shingles. She said it would “look very much in character, like the barn - the Tasting Room.”

M. Koppers noted an erosion problem partway down the driveway. She asked if Norway pine would remedy the erosion.

J. Gagliano pointed out where the old farm road was located, and said it is still used for mowing, etc. To put the pines in they would have to add topsoil to make a small plateau and swale which would improve the situation.

M. Koppers asked if the farm road would still be utilized.

J. Gagliano answered it would because that was the access to the meadow and goes all the way to the west, adjacent to what was formerly the Borio property. She assured they could address the erosion issue.

A. Ferguson said at the work session they had discussed the security personnel and she noted it was part of the plan for the future, but she expressed that the Board would greatly like the implementation of security personnel for the 2023 summer season so the Board could see the impact of having security on site for June, July, and August. She wondered if Ms. Gagliano could make that commitment.

J. Gagliano said they could not make that commitment, but they “could push it.” She said they are looking at different options for the security, just like they were for the building materials, to make the best decision for acoustical work.

A. Ferguson wanted them to know the Board is looking for security this year, regardless of how long the process takes.

M. Koppers added that was “a very important piece.”

R. Ridler elaborated that this would be a way to test the effectiveness of the security management.

J. Gagliano expressed understanding.

A. Ferguson added the Board was seeking to see if there would be a noticeable change by having security present.

J. Munger asked if the event June 2nd (the High School Senior Ball) was the first event of the season.

J. Gagliano answered it was not.

A. Ferguson commented that she assumed the High School event would be nondrinking.

J. Gagliano said for the next step she would address the Board’s comments, get security information, and Mr. Ruggaber would be talking to the acoustical engineers this week, so they hope to have that information as well.

M. Koppers said she was interested in the effect of the hill wondering how noise would bounce off it and wondering if any residences would be impacted. She wondered if having the outdoor use between the building and the hill would “fix the problem,” or if sound would still be an issue.

J. Gagliano was told the weather impacts sound. She was informed that when the weather was most clear, that was when sound “moved the most.” She said sound does transmit straight through the tent, but she believed the sound would not penetrate through the building. She said they would do some further investigation since this use for the back area was just considered this evening.

R. Ridler believed many of the issues about sound depended upon management’s control of activities outside the building, which he felt would be aided by contracts clearly outlining what was expected of guests.

J. Gagliano noted there were two (2) large events in May, one was the MPH Gala May 19th and the other was a Bat Mitzvah May 27th, and she asked if there had been any comments about noise.

There had not.

J. Gagliano said one event had 190 attendees and the other had 250. She stated they had not had paid security at those events, just the inhouse staff. She said Dawn was very cautious since hearing from the Board, and she is managing the noise with the team they have there now, saying she hopes it is making a difference. She commented the High School event is expected to have 190 guests as well.

R. Ridler asked Mr. Langey where they were in the process.

J. Langey said when the Applicants are formally ready to submit their whole proposal, the Board will review this as an amended approval to put these new characteristics – the building and other improvements – into their overall plan with the new conditions and hours, etc. which will have to have a Madison County referral, SEQR assessment, and a public hearing.

R. Ridler asked if the Applicants then plan to have their final submission for the next meeting.

J. Gagliano answered they could just submit the final plan when it was ready rather than taking the Board's time before then. She expected to have more information at the next meeting but by sending the information to the Board while the information was being reviewed by the Applicants would give the Board time to offer feedback prior to actual meetings.

R. Ridler asked if the file should be moved to a public hearing at this time.

It was thought to be too soon, and that when the whole package was ready was the time to do that step.

J. Gagliano said they would do their due diligence and work with the vendors to get accurate information and be back as soon as possible.

R. Ridler asked if Ms. Gagliano expected to have all the items discussed ready for the next meeting.

J. Gagliano answered that was correct.

R. Ridler asked if the information would be ready by the Deadline Day.

J. Gagliano said they would make the submittal by the deadline, but she did not think they needed to attend the next meeting, because the County referral would not be back in time for the July meeting.

A. Ferguson asked if they would have the material so John Dunkle could comment on the sound engineering at the July meeting.

J. Gagliano answered, "Sure."

A. Ferguson thought a representative should attend for that reason.

J. Gagliano said they would attend; she just did not want to take the Board's time unnecessarily.

A. Ferguson commented that the Board had to review it at some point.

R. Ridler said he wanted to ensure the Board was responsive to the Applicants' needs as well as the Board's own needs.

J. Gagliano said they had "a couple of things to get through," and they would do that as quickly as they could. She said she and Mr. Ruggaber would "push for the acoustical information," and they would talk about the potential of using the space on the east side.

Motion by D. Bowers, seconded by T. Clarke, to continue the file was carried unanimously.

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

There were still no representatives for the Macera project at this time.

J. Dunkle calculated the days between the May 4th closing of the public hearing and the July 6th meeting as 63 days.

Because the next date is beyond the 62-day "default approval" found under Town Law §276(8), J. Langey recommended the Board deny the request without prejudice. He said the Board could waive the reapplication process. He asked if anyone knew why the Applicants did not appear tonight.

D. Bowers surmised it was because the final plat was not ready.

J. Langey explained that had the Applicants attended, they could have agreed in writing to extend the time period. He said that was allowed. However, because the Applicants were not present, that was not an option. By denying it without prejudice, the Board can consider the request again. He said he would have to decide how to proceed procedurally, but for now a motion was needed to deny the application without prejudice.

Motion by G. Rasmussen, seconded by T. Clarke, to deny the application for a minor (1 lot) subdivision without prejudice was carried unanimously.

J. Langey talked about a lawsuit that resulted from this sort of timing in another municipality. He explained that if the time elapses and there is no action taken, the application is deemed automatically approved and the applicant can submit the subdivision map to the County Clerk.

R. Ridler asked what notification should be provided to the Maceras.

J. Langey said he would work with the Zoning Clerk explaining that because of statutory requirements, the Board was constrained to deny the application without prejudice, but they would be allowed to return to the Board for reconsideration. He wanted to review the procedures that need to be followed. He assured the Board this would only be a minor inconvenience.

Motion by D. Bowers, seconded by T. Clarke, to adjourn the meeting at 8:23 P.M. was carried unanimously.

Sue Wightman, Planning Board Secretary – June 2, 2023