

Town of Cazenovia Planning Board

Meeting Minutes

May 5, 2022

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

Members Absent:

Others Present: John Langey; John Dunkle; Roger Cook; Sasha Rasmussen; Richard Kelly; James (Jimmy) Golub; Janine Golub; Kevin O’Connor; Michelle O’Connor; James Hagan; Daniel Reeder; Peter Wyckoff; Jo Anne Gagliano; Joseph Falco; Richard Ruggaber; Christopher Montante

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

Roll was taken.

Motion by A. Ferguson, seconded by T. Clarke, to approve the April 7, 2022 meeting minutes was carried unanimously.

The next regularly scheduled meeting will be Thursday, June 2, 2022.
The next regularly scheduled work session will be Thursday, May 26, 2022.
The next deadline day will be Wednesday, May 18, 2022.

HEARINGS

*Rasmussen, Sasha -- Line Elimination – Hoffman Road & Hoffman Road
File # 21-1413 (Anne Ferguson)*

Sasha Rasmussen and Richard Kelly of Alario and Fischer, PC were present to represent the file.

Motion by A. Ferguson, seconded by D. Bowers, to open the public hearing was carried unanimously.

A. Ferguson explained the application was for a lot line elimination which would combine two (2) lots into one. She asked if there was anyone present wishing to speak in support or in opposition to the proposal.

Hearing no comments, motion by A. Ferguson, seconded by D. Bowers, to close the public hearing was carried unanimously.

R. Cook believed there had been some land clearing done on the property which was being done without proper permitting. He cautioned that activity should stop until a (site) plan (application) had been submitted and approved.

Motion by A. Ferguson, seconded by D. Bowers, to approve the line elimination as most recently submitted was carried unanimously.

D. Bowers informed the Applicants that they would need to return to the Planning Board for site plan approval (when they were ready to develop the property).

R. Kelly indicated he understood the requirement for site plan review and thanked Mr. Cook for letting him know (about the clearing) since he was unaware of any activity.

LAND DISTURBANCE/SITE PLAN REVIEW/SUBDIVISION

*McDonough, James & Pamela -- Site Plan Review -- 4555 East Lake Road, Cazenovia
File # 21-1395 (Thomas Clarke)*

No one was present to represent the file.

T. Clarke said nothing new had been received.

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

*Golub, James & Janine -- Site Plan Review – 1590 Peth Road, Manlius
File # 21-1412 (Mary Margaret)*

James (Jimmy) and Janine Golub were present to represent the file.

M. Koppers explained the discussion regarding the proposal was continued from the last meeting due to confusion regarding the parking situation. She said the Golubs worked with Mr. Cook and devised a new parking scheme (submitted April 19, 2022).

Jimmy Golub added that the new configuration consisted of one center row rather than two (2) center rows, resulting in plenty of space between the rows.

A. Ferguson asked if there would be 50 spaces.

Jimmy Golub answered there would not be 50 but “it would be pretty close.” He explained there were two (2) options, one provided 42 spaces and the other provided 48 spaces.

A. Ferguson asked if the one submitted for approval was the one providing 48 spaces.

Jimmy Golub answered, “Yes.”

J. Langey asked that an indication be noted on the plan chosen signifying it was the one to be used.

M. Koppers marked the plan which was then date stamped.

D. Bowers asked how this plan fitted into the discussion at the last meeting (regarding the correct amounts of spaces needed).

R. Cook explained the Town of Cazenovia Zoning Board of Appeals (ZBA) granted the Golubs the right to have up to 150 people. Currently the Golubs' constructed building, which they intend to use for events, can accommodate 100 people. There was the understanding that the Golubs may erect a tent for some events (in addition to the barn), but if it was found that the Golubs were not meeting the parking requirement, the Town Code could mandate that the Golubs return to the Board to address the issue.

J. Langey added the ZBA imposed a number of conditions for the major special use permit, one of which was annual renewals.

J. Munger asked if the annual review was part of the overall regulation (for this particular special use activity).

J. Langey affirmed it was written into this particular law.

R. Cook clarified annual reviews were not required for all special use permits.

J. Langey added there were other special use permits that were also renewed annually.

M. Koppers understood the Golubs would return to the ZBA annually, but did not think they would have to renew the site plan approval annually.

J. Langey affirmed that was accurate.

R. Ridler asked if Mr. Cook inspects operations annually (that are renewed annually).

R. Cook does. He added that if complaints were lodged, he would also have to respond to those (as they occur).

R. Ridler said the Board had discussed the need for a public hearing, but upon hearing that the ZBA had held a public hearing for the proposal during their approval process, he felt a public hearing for this site plan review was unnecessary.

J. Langey recommended that a site plan approval recognize the ZBA's conditions associated with their approval as well as utilizing the ZBA's reasonings for a Negative Declaration (regarding the State Environmental Quality Review [SEQR]).

Motion by M. Koppers, seconded by A. Ferguson, to reaffirm the matter an Unlisted Action, to make a Negative Declaration, based upon the ZBA's review of the Full

Environmental Assessment Form (FEAF), and to approve the site plan as most recently submitted incorporating the conditions associated with the Major Special Use Permit approval was carried unanimously.

*O'Connor, Kevin & Michelle -- Site Plan Review – 3004 Overlook Terrace, Cazenovia
File # 21-1414 (Robert Ridler)*

Kevin O'Connor and Michelle O'Connor were present to represent the file, as was James Hagan of Hagan Architects P.C. and Daniel Reeder of Greenscapes.

R. Ridler said the proposal was for an addition and some landscaping.

J. Hagan said at the last meeting there was discussion about the impervious surface calculations, so they have revised the plan with a new submission dated April 20, 2022 which removed a section of impervious surface area that was paved and would be replaced as additional lawn area. Mr. Reeder also made some modifications on the lake side of the property creating a terraced area. These changes would result in 31.9% of impervious surface area versus 33.5% of existing. He said in addition to the reduction, they have incorporated French drains to accommodate the runoff from roof leaders coming off the building which would slow runoff and would infiltrate into the ground. He said Mr. Reeder would discuss the details of the landscaping. He mentioned a drawing had also been submitted to illustrate the visual of the sea wall, which the contractor was now proposing to face with a timber facing, which he felt would be more palatable.

R. Ridler asked about the terracing.

D. Reeder displayed a visual, which was entered into the file, of the terracing as it would appear from the lake. He said the plan was to replace the stone from the wall that was there now and use that for the upper terrace. Also proposed was the creation a wooden (sea) wall the same height as the existing (sea) wall which would run the length of the waterfront creating the lower terrace. He said it would be similar to what was there but they were hoping it "would be even better."

K. O'Conner said there had been a question about the plant choices, and the plantings now proposed were chosen from the Town's website.

A. Ferguson said one concern was that a sufficient quantity of plants be used in mass to avoid the appearance of being a cultivated garden.

D. Reeder indicated agreement responding, “The best bed is a full bed.”

A. Ferguson explained the goal of the *Guidelines* was to create a naturalistic look unlike the graphic which illustrated a cultivated look.

D. Reeder said the perennials chosen would grow larger over time.

M. Koppers commented that the rendition resembled a garden rather than a naturalized shore.

D. Bowers repeated the intent of the law was to create a naturalized look along the (lake) shore.

It was suggested perhaps more grasses could be used rather than as many ornamental plants.

J. Munger felt creating a naturalized look was challenging when there was a (sea)wall like the one being proposed. He commented that he was not opposed to seeing flowers and color.

D. Reeder felt the plantings softened the appearance of the wall.

A. Ferguson thought the location of the septic system was another detail the Board had requested.

J. Hagan said they researched that and they were able to determine the sewer line comes out of the south corner of the building and they were told it runs back toward the road. He said that was the only information they had.

D. Bowers said that would be the only place it could go, and that there needed to be adequate separation from the well. He felt the septic system was grandfather-claused on the site. He commented he personally did not like the look of the wood front for the sea wall, preferring a stone front.

J. Hagan remarked the color of the wood facing would be more natural than what was pictured in the rendition and he displayed another sea wall rendition that was submitted April 20, 2022 in contrast.

D. Bowers asked about the New York State Department of Environmental Conservation (DEC) wondering if the Applicants had been given a permit from the DEC for the work on the wall.

M. O’Connor believed the contractor would acquire that permit.

J. Langey asked if River Rock Dock was doing that work. He said a condition of the approval would be that the necessary permits for the work would be obtained.

D. Bowers cautioned that the DEC may not approve of the wood facing which would result in the Applicants having to return to the Planning Board to revise this (proposal if an approval were given at this time).

More discussion followed regarding the color of the sea wall exterior.

J. Langey led the Board through the Short Environmental Assessment Form (SEAF) in regard to the 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 Board’s review of the SEAF, and to approve the site plan as most recently submitted conditioned upon obtaining the necessary permits from the DEC for work along the shore line and in the water was carried unanimously.

*Alley, Jonathan & Abigail -- Site Plan Review – 3969 East Road, Cazenovia
File # 21-1415 (Dale Bowers)*

No one was present to represent the file.

D. Bowers explained the Board had not received a response from the New York State Historic Preservation Office (SHPO).

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

*Wyckoff, Peter & Alecia -- Site Plan Review – 3331 Cannon Crest Drive
File # 22-1418 (Dale Bowers)*

Peter Wyckoff was present to represent the file.

D. Bowers welcomed Mr. Wyckoff to the neighborhood.

D. Bowers showed where the property was located within the Cannon Crest Subdivision, and showed the Board where two (2) other site plan approvals for new homes had been located.

A. Ferguson asked the size of the lot.

It was approximately two (2) acres.

D. Bowers said this driveway would exit on the cul-de-sac.

It was clarified that the lot had been previously subdivided and the conservation subdivision allowed the smaller lot size.

D. Bowers displayed the elevations, saying he had no issue with the proposal.

J. Dunkle asked if there were any no-disturbance-areas on this lot.

D. Bowers answered, "No." He did point out that there was a drainage district created for this development explaining any cost incurred for maintenance would be reflected in the owners' taxes.

R. Cook said before the driveway was installed, the Owner should contact the Highway Superintendent.

P. Wyckoff responded he has spoken with Mr. Smith because the culvert was delivered.

J. Langey said this was a Type II Action.

Motion by D. Bowers seconded by T. Clarke, to approve the site plan for a new home as most recently submitted was carried unanimously.

P. Wyckoff asked if the road had been dedicated to the Town.

J. Langey answered that it had.

*EBAC, LLC/Owera Vineyards -- Site Plan Review – 5276 East Lake Road, Cazenovia
File # 22-1419 (Robert Ridler)*

Jo Anne Gagliano and Joseph Falco of EDR, and Richard Ruggaber and Christopher Montante of EBAC, LLC were present to represent the file.

R. Ridler read the comments from the Madison County Planning Department in the General Municipal Law Recommendation Report (GML) saying there were no issues, and reading there will be “no adverse countywide impact and is returned for local determination.”

J. Gagliano displayed drawings on an easel for the Board’s convenience in reviewing the plans for the patio renovation for the Tasting Room.

Referring to the drawing G-002 *Owera Vineyards Tasting Room Renovation Drawing Key Plan* by EDR dated April 20, 2022, J. Gagliano showed the location of the area being updated in relation to the site and with orientation 770 feet from East Lake Road. She pointed out the parking lot and the tent area for orientation as well.

Referring to drawing C-101-TR *Owera Vineyards Tasting Room Patio Renovation Site Plan – Tasting Room Patio* by EDR dated April 20, 2022, J. Gagliano showed the parking area for the Tasting Room, the front entrance, and the outdoor dining area with the existing retaining wall that was approved in 2020. She explained the expansion of the outdoor dining in response to the COVID pandemic. She explained the improvements done at that time included some plantings, leveling the lawn area somewhat, and creating a shaded area. They would now like to utilize the columns that are there and in lieu of the fabric, match the pergolas at the tent area with a flat roof that would be slightly pitched to keep out the elements. The grass area, which was preferable for aesthetics, but which becomes trampled and muddy, would be replaced with blue stone. The proposed new lighting would be dark-sky compliant. She said those details were provided in the submission. The landscaping would remain exactly like it is. She said these changes would keep the area looking very similar to how it now looks except the white fabric would be replaced by wood.

J. Gagliano then displayed drawing A-1 *Owera Vineyards 5276 East Lake Road Cazenovia, New York 13035 Floor Plan and Roof Framing Plan* by St. Germain & Aupperle dated 04/20/2022 which showed the free-standing pergola from the top view.

Drawing A-2 *Owera Vineyards 5276 East Lake Road Cazenovia, New York 13035 Sections and Elevations* by St. Germain & Aupperle dated 04/20/2022 showed the side perspective of the proposal as viewed from East Lake Road. J. Gagliano pointed out the existing posts and the two (2) new posts that would be used for the free-standing pergola. She then described the retractable wind screen that was proposed.

Also shown on Drawing A-2 was the perspective of the pergola from the parking lot in front of the Tasting Room and details of the structure.

J. Gagliano mentioned a new gas firepit which was pictured on C-101-TR.

A. Ferguson noted the GML spoke about seating for 64 patrons which was the same number accommodated currently.

J. Gagliano affirmed that was the case.

A graphic had been created to show the progression of this outdoor sitting area starting from 2012 when the Tasting Room was built. In 2016 a much bigger patio area was designed with specialty pavement and two (2) firepits, but it was never built because at that time J. Gagliano said "there wasn't the call for it." She continued saying when the pandemic hit, they considered constructing it, but it accommodated 92 patrons which they felt was more than what was needed. She showed what was existing and then the proposed. She said the cantilevering of the wood would extend slightly more but the space would be exactly the same, the seating would be the same, and the hours would be the same. She said they were merely creating a hard surface that could be used throughout the season, with more protection from the wind and elements.

T. Clarke asked the material used for the wind screen.

J. Gagliano answered the cut sheet of the product was included with the submission and described it as a type of canvas.

The product name was *Storm Tex* manufactured by Alutech.

J. Gagliano spoke about the need saying in the past the wind had overturned the tables in that area.

R. Cook asked if this would be a traditional pergola with openings (overhead).

J. Gagliano answered there would be openings between the rafters with a roof on top.

R. Cook said an observation he had was that noise emanates from that area without a covering and he wondered if the roof would focus and amplify the noise.

J. Gagliano asked about the sound.

R. Cook said over the years, while monitoring the noise from the tent, he noticed that people's talking from the patio area was louder than the noise coming from the tent. He wondered if this improvement would funnel the noise beyond the swale near the tent facility to the houses to the south which receive the brunt of the noise.

J. Gagliano asked to research that issue to see if there were a way they could improve it. She said perhaps keeping the side down may help, and she remarked there were new products available to help with sound.

R. Cook said he was not saying the patio noise was objectionable, but that one could hear conversations (from that area when) sitting at the road.

J. Gagliano said they could consult with a sound engineer and they could look at the product data. She said they were also exploring options that could help with sound regarding the tent, such as vegetation to help enclose the area to prevent sound transmission.

J. Munger recalled new lighting was previously discussed as well.

J. Gagliano said those items would be applied for separately from the current application so they could get the patio area done sooner, but they have moved the architecture forward so they can return and discuss mitigation measures like enclosing the pergolas and creating a 3-season room area so sound would not penetrate, with vegetation layers throughout, changing the lighting to all be completely inside the housing. She said there were a number of things they would like to bring to the Board following this proposal.

R. Ridler asked Mr. Cook if he needed more information.

R. Cook clarified the Applicants were not in violation, but it was just a question he had about the changes.

J. Gagliano did not know if the Owners had considered enclosing the (Tasting Room patio) space more.

R. Ruggaber said they were not considering enclosing the space and he did not anticipate the changes increasing sound significantly. He and Ms. Gagliano thought the changes would improve the situation. He stated the sound should not be increased but he did not think the changes would substantially decrease noise either.

J. Gagliano stated the current pergola area was created in 2020.

R. Ridler said the possibility of a public hearing had been discussed, and he asked if the Board felt one was necessary.

D. Bowers did not think this project needed a public hearing since the space was not increasing; he felt the next project, however, would require a public hearing.

T. Clarke agreed that this proposal was staying the same.

Other Board members agreed the next proposal would need to be publicly noticed.

J. Langey led the Board through the SEAF.

Motion by D. Bowers, 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 Board’s review of the SEAF, and to approve the site plan for the Tasting Room patio renovation as most recently submitted was carried unanimously.

R. Ridler said there were pending files on the agenda, some awaiting ZBA approvals before coming to the Planning Board. He asked if there was any movement for those files.

J. Munger and D. Bowers, the members assigned to those files, indicated there was not at this time.

R. Ridler asked about the annual boat tour of Cazenovia Lake for the Board members’ familiarization. A few dates were discussed and it was decided to endeavor to make arrangements for the first Sunday in August (August 7th). Mr. Bowers will check with the boat owners. It was thought 11 passengers could be accommodated in addition to the two (2) owners. It was decided to embark at 9:00 A.M.

Motion by D. Bowers, seconded by T. Clarke, to adjourn the meeting at 8:15 P. M. was carried unanimously.

Sue Wightman, Planning Board Secretary – May 6, 2022