

# Town of Cazenovia Planning Board

## Meeting Minutes

December 8, 2022

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

Members Absent:

Others Present: Wendy Loughnut; John Dunkle; Thomas Schepp; Matthew  
Vredenburgh; Thomas Pratt; Kyle Reger; William Zupan

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

Roll was taken.

The next regularly scheduled meeting will be Thursday, January 5, 2023.  
The next regularly scheduled work session will be Thursday, December 29, 2022.  
The next deadline day will be Wednesday, December 21, 2022.

Motion by A. Ferguson, seconded by T. Clarke, to approve the November 3, 2022 meeting minutes was carried unanimously.

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

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

No one was present to represent the file.

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

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

Thomas Schepp was present to represent the file.

D. Bowers gave a brief summary noting the General Municipal Law Recommendation Report (GML) from Madison County Planning Department had been received and saying the County's one comment regarding the height of the proposed boathouse would be addressed a little later in the discussion. The height requested was 12 feet and the County noted the regulation allowed ten (10) feet.

D. Bowers said after much discussion since the work session (on 12/1/2022), it was determined with the agreement of Counsel that boathouses are an acceptable use in the Town of Cazenovia and can be located in the Critical Environmental Area (CEA – the first 20 feet from the lake). He said boathouses did not require an area variance from the Town of Cazenovia Zoning Board of Appeals (ZBA) nor does the ZBA grant relief for impervious surface area. Impervious surface percentages were within the Planning Board's purview.

D. Bowers recounted that he, Roger Cook, Chuck Ladd, and Robert Ridler met with Mr. Schepp Wednesday morning. At that time Mr. Schepp had shown them two (2) plans which would be shared with the Board. One plan illustrated how the regulations could be followed, but had environmental impacts requiring the bank to be cut due to the steep slope and the removal of trees. The second plan which Mr. Schepp preferred "bumped up" the impervious surface percentage past the allowed 5%, but included concessions.

J. Munger asked for more details regarding the second plan.

T. Schepp asked if he could share with the Board the discussion he had earlier with the other gentlemen.

D. Bowers was more than agreeable.

T. Schepp said after last week's work session, he approached the proposal from the concern regarding the impervious surface percentage. He drew a line to designate the 20-foot CEA and then did some calculations. He distributed a document he created entitled Plan A dated 12/8/2022. He said if one were to install a semi-pervious surface landing 18' X 18' and semi-pervious surface stairs 6' X 6' with 2 feet being within the first 20 feet of the lake that would amount to 324 SF plus 12 SF divided in half and then install the boathouse 12' X 15' with 2 feet being within the first 20 feet of the lake amounting to another 24 SF, the total amount of impervious surface area in the CEA would be 192 SF. Using the approved site plan map, 5% of the 3887 SF of property in the first 20 feet of the lake would equal 194 SF. He said the existing bank would require the removal of many yards of dirt to flatten the location for the boathouse, and it would also require the removal of three (3) trees. He stated he did not want to do that.

T. Schepp said he preferred Plan B dated 12/8/2022. He explained he was approved to build 10' X 14' solid surface landing and 5' X 8' stairs totaling 180 SF. He said he did not want to "start monkeying around with the lake shore to get proper footings and everything in." He decided to use decking with ½ inch spacing instead and would make the landing 8' X 18' with 6' X 6' stairs and move the 12' X 15' boathouse closer to the lake so that the first 12 feet would be within the first 20 feet of the lake, the total impervious surface area in the CEA would be 234 SF (72 SF for the landing + 18 SF for the stairs + 144 SF for the boathouse). He said this would be only 40 SF over the 5% allowed amount, which was less than the surface area of the conference table at which the Board was sitting now. He elaborated that in doing this plan he would not have to excavate the bank nor would he have to remove the trees. He also preferred this plan from a personal use standpoint. He hoped the Town also would find this plan preferable from a land disturbance perspective.

T. Clarke asked what the total proposed impervious surface percentage would be in the first Zone.

T. Schepp handed out a sheet of comparison calculations and it was noted that the preferred plan would have 6.02% in the CEA. He pointed out that Plan A would amount to 540 SF of total square feet of surface area for the boathouse, the landing, and the stairs whereas Plan B would amount to 360 SF for the three items; and the total impervious and semi-pervious surface for Plan A would be 360 SF whereas Plan B would total 270 feet. He conceded that he would exceed the 5% allowed by 1.02% but he asked the Board to look at the "bigger picture," saying Plan B would be a smaller

incurrence upon the neighborhood. He said he could build Plan A and meet all the requirements, but he felt it was “a bad plan.” He concluded he “would rather meet the spirit of the Code rather than one little section of it.”

T. Schepp pointed out on this comparison that the boathouse would be 8 feet from shore, but the Code allowed him to construct a boathouse on the shoreline. He repeated he would not have to remove any trees or remove the bank using his preferred location. He questioned if increasing the percentage from 5% to 6.02% (40 SF) was “really significant.”

D. Bowers responded that the Town deemed that the Planning Board have site plan review “for examples like this.”

A. Ferguson asked what would be used for the semi-pervious areas.

T. Schepp answered 6-inch-wide decking board with 1/2-inch spacing.

D. Bowers asked about the material that would be used for the boathouse.

T. Schepp answered the stone of the house with the same shingles as the house. He asserted it would blend.

A. Ferguson said she did not have a problem with the location of the boathouse.

D. Bowers believed the only issue was the proposed height.

T. Schepp responded the ZBA had already addressed that issue in the application for the Difulentiz boathouse. He said, “They came in with a 12-foot flat boathouse and they wanted to put a peak on it.” He said, “They started out at 18-feet with a cupola.” He relayed that on boathouses cupolas were not excluded from the height calculations. He said there was a long discussion and the conclusion was 13 feet was allowed, ten (10) feet plus three (3).

D. Bowers asked if the three (3) feet was for a railing.

T. Schepp answered, “No, for the whole thing.”

D. Bowers sought counsel from the Attorney for the Town present.

W. Lougnot read from the Code, “The height shall not exceed ten (10) feet at the highest point measured from the high-water mark.” She said that was from the Zoning Code, so this Board could not grant a variance from that standard. She said the Applicant would have to appear before the ZBA because the restriction was part of the Zoning Code.

T. Schepp responded that was not the interpretation given by the ZBA.

W. Loughnot did not remember all the details about that property.

D. Bowers and A. Ferguson said the variance given for that property was not a precedent for this proposal.

A. Ferguson elaborated that one could not cite it as precedent because of individual circumstances for every application. She said perhaps in the Difulgentiz situation, it might have been granted because it was a historic property, or because there was a boathouse there before, or any number of factors, so the Board would have to deal with Mr. Schepp's situation alone.

T. Schepp answered the ZBA dealt with that issue.

W. Loughnot clarified the ZBA dealt with that issue with respect to that particular application.

R. Ridler added it was site specific.

W. Loughnot said the Difulgentiz application was for a height variance which was granted, but the Code specifies ten (10) feet, so if Mr. Schepp wanted something more than ten (10) feet, he would have to go to the ZBA to get the same variance that the Difulgentizes had requested.

T. Schepp asked if Ms. Loughnot recalled what the (amount of the) variance was that was granted.

W. Loughnot did not recall.

T. Schepp responded 6.38 inches was the variance that was granted. He said the height of the boathouse was 13 feet 6.38 inches.

T. Clarke asked if Mr. Schepp proposed a cupola on his boathouse.

T. Schepp answered, "No."

A. Ferguson asked the hardship of the two (2) feet.

T. Schepp said one would not be able to stand up inside (the boathouse).

A. Ferguson asked if one would not be able to stand up if the height was ten (10) feet.

T. Schepp said only the peak would be ten (10) feet.

A. Ferguson asked if it would have a gabled roof.

D. Bowers said that was correct; Mr. Schepp was not proposing a flat roof.

The sketch included with the application was reviewed showing the design of a flat-roofed boathouse with a 3-foot railing versus the 7-foot structure with a 12-foot peak having an 8/12 pitch.

T. Schepp said a temporary canopy was also allowed in the Code for the flat, 10-foot style with the 3-foot railing. He said the architect for the Difulentiz boathouse spoke about having the peaked roof (13 feet 6.38-inches), saying that would have a much less visual impact than the flat-topped option.

T. Schepp stated he did not want a flat roof. He said he did not want deck space above the boathouse; he wanted deck space by the lake. Secondly, he said flat roofs “leak all the time.” Thirdly, he would sink the structure into the bank; a flat roof would be “an attractive nuisance for kids to climb on top of.” According to his research the highest interpretive authority board was the ZBA. He said the ZBA had much discussion whether the maximum was ten (10) feet or if it was 13. He said the ZBA decided it was 13, and in the case of the Difulentizes, they granted a variance of 6.38-inches for a 13-foot 6.38-inch boathouse.

D. Bowers said the Board would trust their Counsel about the matter.

R. Ridler agreed repeating variances were site specific for each application.

A. Ferguson stated Mr. Schepp would have to go the ZBA (for his request to build the boathouse 12 feet high.)

W. Loughnot repeated the Code specified that the highest point of the structure was not to exceed ten (10) feet.

D. Bowers said that was also stated in the GML (from the Madison County Planning Department who cited the Cazenovia Town Code.)

W. Loughnot reiterated that Mr. Schepp would have to go to the ZBA.

D. Bowers said other than that, he felt the Board was generally accepting of the application.

A. Ferguson and R. Ridler expressed agreement.

D. Bowers thought Mr. Schepp would want to know that in considering the ZBA process.

M. Koppers asked about the path from the lawn to the beach, wondering what the material was.

T. Schepp answered it was lawn.

D. Bowers asked what direction Mr. Schepp would be taking. He asked if Mr. Schepp wanted the site plan to be kept open while Mr. Schepp pursues an approval for the height from the ZBA.

T. Schepp felt that was “the only path forward.”

R. Ridler asked if any discussion regarding runoff was necessary. He asked if gutters would be part of the design.

J. Dunkle advised against using gutters.

D. Bowers felt the steepness of the bank would generate more runoff than the proposed roof of the boathouse.

J. Dunkle advised not to concentrate the flow by collecting it. He said his only other comment was to ask what would be underneath the proposed decking.

T. Schepp answered, “Whatever is there right now.”

J. Dunkle asked, “Earth?”

T. Schepp responded, “Correct.”

J. Dunkle asked if there would be “any impervious underneath the deck?”

T. Schepp replied, “No.”

Motion by D. Bowers, seconded by A. Ferguson, to continue the file was carried unanimously.

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Matthew Vredenburgh was present to represent the file.

M. Vredenburgh explained the plan was to shift an existing shed which will be rebuilt. He said they received an approval from the ZBA (to build within the first 100 feet of the lake).

It was clarified that this was the property where the new house was being built.

M. Vredenburgh said this existing accessory structure was the only structure that was kept (for the new home). He said it currently sits 12 ½ feet from the water's edge; they are proposing to shift it nine (9) feet to the east/southeast, which would remove it from the CEA. He said they would be reducing the impervious surface coverage in Zone A (the first 20 feet) and in Zone B from what was originally approved by the Planning Board. He said a sports court was removed from the original plan resulting in the decrease. He explained the shed would be used for storage. He said a portion of the approved patio would also be removed from the CEA.

T. Clarke asked the impervious surface percentages.

M. Vredenburgh said 5% was allowed in the first 20 feet; the previous approval was for 4.7%; the proposed would be 3.4%. He said in the next Zone, 10% was allowed; the prior approval was for 4.6%; and the proposed would be 2.8%. He said the overall was reduced from 11.2% to 10.6%.

R. Ridler asked if the dimensions of the shed would remain the same.

M. Vredenburgh said, "Exactly the same – 12.2' X 12'.

R. Ridler asked the height of the shed.

M. Vredenburgh said it would not exceed 14 feet at the peak.

M. Vredenburgh said it would be located at the base of the hill. He said it would sit about ten (10) feet below the pool. He explained from the road it would barely be seen due to the elevation and the vegetation. He said from the water the shed would be viewed with the green bank behind it, and again there would be vegetation screening it as well.

W. Loughnot led the Board through the Short Environmental Form for the purposes of the State Environmental Assessment Review (SEQR).

Motion by T. Clarke, seconded by A. Ferguson, to appoint the Planning Board as Lead Agency for the purposes SEQR, to affirm the matter an Unlisted Action and make a

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

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Motion by D. Bowers, seconded by T. Clarke, to adjourn the meeting at 7:56 P.M. was carried unanimously.

Sue Wightman, Planning Board Secretary – December 8, 2022