

Town of Cazenovia Planning Board

Meeting Minutes

June 4, 2020

ZOOM video <https://madisoncounty-ny.zoom.us/j/97861411721>

Meeting ID: 978 6141 1721

Or Dial by phone (no video)

+1 646-558-8656 US (New York)

Members Present: Robert Ridler, Chairman; Anne Ferguson; Jerry Munger; Dale Bowers; Hugh Roszel; Bryan Wendel; Thomas Clarke; Gerald Rasmussen, Alternate Member;

Members Absent: Jon Vanderhoef, Alternate Member

Others Present: John Langey; John Dunkle; Don Ferlow; Roger Cook; Suzanne Braun; Claude Braun; Heather Ryan; David Vredenburgh; Michael Silberberg; Matthew Vredenburgh; James Calenzo; Patricia Calenzo; Kristi Andersen; Alan Glos; Josephine Glos; Jen Wong; 1-760-602-8720; 1-402-570-6310

R. Ridler called the meeting to order at 7:30 P.M. He read the following announcements:

“Welcome to the June 4, 2020 Meeting of the Town of Cazenovia Planning Board, which has been legally noticed in the *Cazenovia Republican*, on the Town Website and outside the Town Offices.

This meeting is a virtual meeting as authorized by New York Executive Order 202.1.

This meeting is being recorded, and will be made available on the Town’s website.

The public may be participating. When public speaking is allowed, speakers are asked to please state their name and address for the audio recording. Otherwise the public is asked to remain silent during the proceedings.

Attendance will be taken and votes will be conducted by roll call.

When possible, the Board members and applicants will be named while speaking for audio recording purposes.

Please note: The output of transcribing from an audio/video recording from Zoom, will be fairly accurate, although in some cases will be incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting. If you should need clarification for something said, please contact the Planning Board Secretary.”

Attendance was taken by roll call. At this time Jerry Munger was unable to unmute his device.

Motion by T. Clarke, seconded by H. Roszel, to approve the May 7, 2020 Zoom meeting transcription was carried as follows:

Robert Ridler	Voted	Yes
Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes (indicated by hand motion)
Dale Bowers	Voted	Yes
Hugh Roszel	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes.

The next regularly scheduled meeting will be Wednesday, July 1, 2020.

The next deadline day will be Wednesday, June 17, 2020.

The next regularly scheduled work session will be Thursday, June 25, 2020.

HEARINGS

*Braun, Claude & Suzanne/ Anne H Teitsch Rev Trust -- Line Change – 4976 Lincklaen Rd/
File # 20-1273 (Jerry Munger) 5011 Gorge Road, Cazenovia*

J. Munger was unable to be heard.

Motion by A. Ferguson, seconded by T. Clarke, to open the public hearing was carried as follows:

Robert Ridler	Voted	Yes
Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes (indicated by hand motion)
Dale Bowers	Voted	Yes
Hugh Roszel	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes.

R. Ridler said the plat had been received and circulated. He thought Mr. Munger could call to relay the status of the file.

J. Langey suggested Mr. Munger call the telephone number to access the Zoom meeting audibly using the meeting ID.

While Mr. Munger attempted to join by phone, J. Langey said the application was a request for a minor line change/lot reconfiguration between the properties located at 4976 Lincklaen Road (owned by Claude and Suzanne Braun) with 5011 Gorge Road owned by the Anne H. Teitsch Revocable Trust, involving tax map numbers 77.-1-30 and 77.-1-33, both within the Rural A District. The objective is the line between the two (2) parcels be adjusted in a way to give an access corridor between the farm fields and it would preserve an existing pasture and fence line as shown on the plans created by David Vredenburgh last dated May 21, 2020.

J. Munger connected by telephone and asked if there was anyone wishing to speak.

Hearing no one, motion by A. Ferguson, seconded by H. Roszel to close the public hearing was carried as follows:

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Robert Ridler	Voted	Yes
Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Hugh Roszel	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes.

Motion by J. Munger, seconded by A. Ferguson, to approve the line change as most recently submitted was carried as follows:

Robert Ridler	Voted	Yes
Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Hugh Roszel	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes.

*Ryan, Timothy & Heather/ Alley, John & Abigail -- Line Change – 3955 East Road/
File # 20-1277 (Thomas Clarke) 3969 East Road, Cazenovia*

R. Ridler asked if a response from the New York State Historic Preservation Office (SHPO) regarding the Lead Agency designation had been received.

J. Langey said he reached out to SHPO today by email and they had not responded. He said 30 days had not yet passed since the request was sent.

Motion by T. Clarke, seconded by A. Ferguson, to continue the file was carried as follows:

Robert Ridler	Voted	Yes
Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes

Hugh Roszel	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes.

R. Ridler said his notes indicated the need for a Full Environmental Assessment Form (FEAF) and he wondered if that was still the case.

J. Langey said after SHPO has had a chance to respond, the Board will complete Part 2 and Part 3 of the FEAF at the next meeting and the Board then can vote on the merits of the application.

A. Ferguson thanked Heather Ryan for attending.

Silberberg, Michael -- Revised Line Eliminations – East Lake Rd, East Lake Road & File # 19-1269 (Bryan Wendell) 4577 East Lake Road
Silberberg, Michael – Site Plan Review – 4577 East Lake Road, Cazenovia
File # 19-1270 (Bryan Wendell)

Michael Silberberg and Matthew Vredenburg were present to represent the file.

Motion by B. Wendel, seconded by H. Roszel, to open the public hearing for the line eliminations was carried as follows:

Robert Ridler	Voted	Yes
Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Hugh Roszel	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes.

Alan Glos, the neighbor to the north of the lot currently owned by Andy Rutz, said he had no objection to the line eliminations.

Motion by B. Wendel, seconded by H. Roszel, to close the public hearing for the line elimination was carried as follows:

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Robert Ridler	Voted	Yes
Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Hugh Roszel	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes.

Motion by B. Wendel, seconded by T. Clarke, to approve the line eliminations as most recently proposed was carried as follows:

Robert Ridler	Voted	Yes
Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Hugh Roszel	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes.

Discussion regarding the accompanying site plan review then followed.

B. Wendel said new information had been received from Matthew Vredenburgh and asked if the Board had any comments or questions regarding that information.

A. Ferguson felt the additions were “a big improvement,” and she said she applauded the Applicant as well as Mr. Vredenburgh for devising the new plan. She said, “it really looks good.”

B. Wendel asked for John Dunkle’s comments, asking if Mr. Dunkle had any concerns or if the plan received his blessing.

J. Dunkle said he reviewed the plan Mr. Vredenburgh recently provided him via email. He said he liked the concept. He said they will leave the drainage pathway to the lake as it now exists, and they incorporate an easement over the whole pathway to the lake. They also will make some minor improvements to provide additional stabilization and to increase flow capacity. He said the easement would be from East Lake Road to the lake so the Town will have access to maintain it. He suggested the easement be extended to include all the flood routes as well. He was a little concerned about the proximity of the house to the pipe and the drainage easement, but Mr. Vredenburgh indicated he could deal with that. He repeated that he liked the concept overall. He approved of leaving the drainage pathway and creek in their current state, working

the development around what is existing. He felt this plan was “a big improvement over what was proposed before.”

B. Wendel asked for Roger Cook’s comments.

R. Cook wondered how close the house construction would be to the drainage way. He said it was not a zoning issue but whether it would be in floodway would be a building issue. He said during reconstruction, they would want to make sure any new construction would be well above that (drainage) area.

M. Vredenburgh agreed.

B. Wendel asked Mr. Langey if there was anything regarding the easement that required additional attention.

J. Langey said he had been working on a proposed resolution with the condition that the Applicant enter into a Stormwater Control Facility Maintenance Agreement providing an easement over those areas that Mr. Dunkle had talked about. He said he would work with Mr. Vredenburgh and the Homeowner to finalize that offer, saying this was customary with projects such as this one. He said he would need an updated list of all the drawings presented to incorporate into the resolution. He then outlined the following conditions: construction shall be in strict compliance with the finalized plan; as-built plans shall be provided upon completion and checked by the Codes Enforcement Officer; all final plans shall be approved by the Engineer for the Town; a Stormwater Control Facility Maintenance Agreement shall be created; and all zoning setback requirements shall be observed.

B. Wendel asked if the resolution needed to be completed before the Board could act.

J. Langey answered, “no.” He had a resolution drafted but he was unsure if he had the complete and updated list of drawings. He was also waiting to hear if the Board had any other conditions they wanted to see incorporated.

D. Bowers asked if the Cazenovia Advisory Conservation Commission (CACC) had a chance to review the plan as it relates to the *Lakeshore Guidelines*. He also asked about a shed structure at the shore that was to be “reworked.” He wondered if there was a foundation for that building. If it did not have a foundation, he wondered if the Applicant would be allowed to “put that back.”

R. Cook felt the Code was clear that because a structure exists now, the Applicant would be allowed to maintain it, including adding a foundation if one was not there, as long as it did not expand the footprint of the existing structure.

D. Bowers asked if the Town distinguishes between structures with a foundation from structures which do not.

R. Cook responded he does not distinguish between the two.

D. Bowers was agreeable with that issue. He then asked again about the lakefront development, wanting to be sure the minutes reflect its being addressed.

A. Ferguson asked Don Ferlow to comment.

D. Ferlow said CACC has reviewed the plan. He said the shrub growth, maintenance of existing trees, keeping a mix of species across the frontage of the lake – both low and medium height, and the CACC's agreement that the tree roots make it difficult to determine the placement of additional plantings, make the CACC recommendation simply that Mr. Cook has the opportunity to work with the landscape architect, Matt Vredenburgh, to fit the shrubs into the areas at the time of planting. He repeated he felt the plan was in keeping with regard to the lower growth, the medium growth, and the trees. He said he felt comfortable with the plan, adding "the species list was pretty good."

R. Ridler thanked Mr. Ferlow for his comments.

B. Wendel asked if the Board had any other comments.

A. Glos asked about sewer hook-up, wondering if the new home would be connected to the sewer line along East Lake Road or if they would have a private septic system.

T. Clarke said the existing house, which formerly belonged to the Stevenses was connected to the sewer line.

R. Cook agreed.

R. Cook presumed Mr. Silberberg would reconnect to the sewer line because the parcel would not perc for a private septic system.

A. Glos said that was his concern. He said the lot currently owned by Mr. Rutz, that will be part of the Silberberg property, would not perc either. He talked about the previous owners, the Phillips, who were instrumental in having the sewer line extended along East Lake Road, which he felt was beneficial by upgrading many sewer systems of lakefront properties in the area. He said he would applaud the new house being connected to the sewer line.

T. Clarke said the Stevens' house had a 3000-gallon holding tank that required pumping every two (2) weeks.

Josephine Glos had a question about trees.

A. Glos said the property to the south of the Stevens' lot also had many trees and he wondered if there was a plan as to how those trees would be managed.

M. Vredenburg responded that they hope to keep as many mature trees as they can. He said there were also a number of unhealthy/weed trees as well. But he said they want to preserve the screen they currently have with the property to the south. He said they would like to have privacy along East Lake Road as well. He said there would be significant disturbance where the (drainage) pipe is and creating the flood way, but four (4) large trees along the western end of the pipe will be preserved regardless of the grading requirements of the flood way. He said the plan is to keep the area vegetated.

A. Glos asked if the flood way would have catch basins.

M. Vredenburg said it would not, explaining it would be for emergency situations only. The 36 inch-pipe would accommodate most situations. He said in the past the pipe has been blocked because it was not maintained, but it will now be maintained. For those events when water goes over the surface, they want to ensure the water goes where they want it to go. He repeated that would be for large events, and they would want water to enter the lake without causing any damage.

J. Langey asked Matt Vredenburg to email him a list in the morning of all the submittals being considered for approval.

M. Vredenburg said he would email that list this evening.

Motion by B. Wendel, seconded by A. Ferguson, to approve the site plan as most recently submitted with the list of conditions mentioned by Mr. Langey was carried as follows:

Robert Ridler	Voted	Yes
Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Hugh Roszel	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes.

R. Ridler said he had one question regarding the property to the north of the proposal owned by Mr. Silberberg. He wondered the status of bringing that property into compliance with the removal of unauthorized construction along the lakefront.

M. Silberberg asked if Mr. Ridler was referring to his current residence.

R. Ridler affirmed he was.

M. Silberberg explained late last year he had contacted the contractors who had installed the unauthorized improvements and had informed them he would be looking to have those improvements removed. Unfortunately, current events prevented that from happening. He spoke with them several weeks ago, asking them to notify him when they would be available, however he was hoping to avoid destroying the shoreline along the property during the summer. He said parts of the removal can be done “without major interference and disturbance”, but the hope was to complete it afterward. He said they were committed to complying with what the Town requires.

R. Ridler thanked Mr. Silberberg for the update.

R. Cook asked that Mr. Silberberg provide him a timeline for the removal of the various components, giving him some ideas as to when to expect that removal.

M. Silberberg said he would be happy to send that and asked if Mr. Cook would like a letter sent to him.

R. Cook expressed appreciation for the valuable information.

(Please see additional discussion regarding this application on page 12.)

LAND DISTURBANCE/SITE PLAN REVIEW/SUBDIVISION

*Crawford, Albert & Michelle – Site Plan Review –5039 East Lake Road, Cazenovia
File # 18-1192 (Robert Ridler)*

No one was present to represent the file.

R. Ridler reported the moratorium preventing construction has been lifted and the Builder is back at work.

Motion by H. Roszel, seconded by J. Munger, to continue the file was carried as follows:

Robert Ridler	Voted	Yes
Anne Ferguson	Voted	Yes

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Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Hugh Roszel	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes.

Bianco, Heidi -- Site Plan Review – 5256 Temperance Hill Road, Cazenovia
File # 20-1272 (Anne Ferguson)

No one was present to represent the file.

A. Ferguson said there was nothing new in the file.

Motion by A.Ferguson, seconded by H. Roszel, to continue the file was carried as follows:

Robert Ridler	Voted	Yes
Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Hugh Roszel	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes.

R. Cook believes the Board can anticipate a letter of withdrawal for this file. He said Mrs. Bianco has indicated they may be going in a different direction with the project. He said they may be considering the construction of a residence in the woods. He informed Mrs. Bianco the Board would need her to inform them in writing if she no longer plans to pursue this project.

R. Ridler said the Board would keep track of that.

Calenzo, James & Patricia -- Site Plan Review – 3830 Number Nine Road, Cazenovia
File # 20-1279 (Dale Bowers)

James and Patricia Calenzo were present to represent the file.

D. Bowers said this was a site plan review for the last lot of the (recent) Zupan subdivision. This would be the lot furthest to the south. He said the application was complete. He said unless the Board has questions or if the Applicant has something to say, he moved to approve.

J. Langey said this would be a Type II Action in regard to the State Environmental Quality Review (SEQR).

Motion seconded by Bryan Wendel, and was carried as follows:

Robert Ridler	Voted	Yes
Anne Ferguson	Voted	Yes
Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Hugh Roszel	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes.

S. Wightman asked about the SEQR for the Silberberg site plan approval.

J. Langey responded that his notes indicated that the SEQR for that was combined with the SEQR performed for the line eliminations.

D. Bowers asked if the line elimination that was approved included the most recent lot to be combined.

J. Langey answered it did and the Board also approved the site plan with that additional property at the same time.

Motion by D. Bowers, seconded by H. Roszel, to adjourn the meeting at 8:07 P. M. was carried as follows:

Robert Ridler	Voted	Yes
Anne Ferguson	Voted	Yes

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Jerry Munger	Voted	Yes
Dale Bowers	Voted	Yes
Hugh Roszel	Voted	Yes
Bryan Wendel	Voted	Yes
Thomas Clarke	Voted	Yes.

Sue Wightman, Planning Board Secretary – June 5, 2020