

# Town of Cazenovia Planning Board

## Meeting Minutes

April 6, 2023

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

Members Absent: Jerry Munger

Others Present: John Langey; John Dunkle; Chuck Ladd; Edward Keplinger; Johnathon LaPlante; Mark Macera; Robert Kukenberger

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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, May 4, 2023.

The next regularly scheduled work session will be Thursday, April 27, 2023.

The next deadline day will be Wednesday, April 19, 2023.

Motion by M. Koppers, seconded by A. Ferguson, to approve the March 9, 2023 meeting minutes was carried unanimously.

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

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

Edward Keplinger of Keplinger Freeman Associates was present to represent the file.

D. Bowers said technically the proposal was for the final planting plan. However, Mr. Bowers had received a text recently from a concerned neighbor regarding the septic system and the amount of fill associated with that work. He assured the neighbor that he believed it was a Madison County Department of Health (DOH) approved system and that the Town Code Enforcement Officer was involved with the related inspections for the installation of the system, but he promised to investigate. He said he did visit the site and there was considerable fill. He called Mr. Keplinger, and although the location of the septic system was as shown on the approved plans, he requested that a cross section drawing be created to illustrate what was being done so when Mr. Ladd does his final inspection “he can see what’s what.” He added that he had conferred with Chair Ridler prior to these actions.

R. Ridler said he also visited the site and he commented, “it is quite an elaborate (septic) system.”

E. Keplinger agreed saying, “it was the most elaborate system we’ve ever worked on,” adding it was the most expensive as well. He explained it was a mound system, but because of the size of the property, they also have a sand filter system. He elaborated saying the effluent comes out of the house, into a septic tank, then to a pump station where it is pumped to the sand filter, it then goes to another pump station, and then out to the field.

J. Langey asked if there was County Health Department approval.

E. Keplinger said Madison County DOH approved the system, and he said their Engineer has been to the site multiple times to review the subgrade before the fill went in and also to inspect the piping. Recently he ran the lower pump station and tested the bed to make sure the system was working and the effluent was evenly distributed throughout the field. He said the Engineer would not allow the system to be back-filled until the entire system was in place and operable.

J. Langey asked who the Engineer was.

E. Keplinger answered RZ Engineering.

T. Clarke asked if one of the pumps was a grinder pump.

E. Keplinger answered, “No, it goes to the septic tank.”

E. Keplinger acknowledged there was concern about the amount of soil in this location, so he too visited the site after speaking with Mr. Bowers. He said he has worked with the contractor for years on several projects, many that were bigger projects than this one, and he said he “has confidence in what they’re doing.”

A. Ferguson asked who the contractor was.

E. Keplinger said it was Burrell Excavating from Norwich. He said as soon this system was done, finished, and approved, the soil would be back-bladed, not only on the mound, but, as much as possible, throughout the site. He said that the was explanation for the embankment of soil.

E. Keplinger displayed *Site Plan L2.0 New Residence deCordova Residence 1040 Tunnel Lane, Cazenovia, New York 13035* dated 4/19/2021 and last revised 3/6/2023 by Keplinger Freeman Associates, and he explained the driveway design differed from what was originally approved in that the circular design was abandoned and the straight design was enlarged with a longer walkway.

A. Ferguson asked Mr. Langey if this needed to be approved as an amended site plan due to the change in the driveway.

J. Langey responded that it would need to be treated as an amended site plan since it was not identical to what the Planning Board had already approved.

E. Keplinger said, “Everything else was essentially the same.” He said the planting plan includes evergreen and deciduous trees along the parameter to create a buffer between this house and the neighbors’ house. There will also be foundation plantings around the front of the house and around the back patio. He said some “steps were added to go down the hillside.”

A. Ferguson said the Board had one modification regarding the planting plan; they asked that the Japanese Maple be replaced with something more indigenous since Japanese Maples have become invasive.

E. Keplinger said they would be happy to substitute something like a lilac.

E. Keplinger showed drawing *Section L2.2 New Residence deCordova Residence 1040 Tunnel Lane, Cazenovia, New York 13035* dated 4/19/2021 last revised 3/6/2023 by Keplinger Freeman Associates in response to his conversation with Mr. Bowers. The drawing also included the location of the former home. He explained the new house was on a ridge, the high point of the property. He explained water from the front of the

house drains toward Tunnel Lane while the water from the back of the house drains toward the lake. He showed the level area where the mound from the mound system was located. Then there was a small drop off with a small plateau, it then drops to the area where it transitions from existing grade to existing landscape before reaching the lake. He said the contours were three to one. He stated that was the high end of mowable. He said they will be sodding the entire property where there was disturbance so they can use the yard this summer.

R. Ridler asked about the depiction of the driveway on the drawings which showed a small bend.

E. Keplinger said they would like to make that change to the driveway for easier access onto Tunnel Lane, but the neighboring house with an access easement “may have a project coming down the road,” and they would not want to limit that neighbor’s ability to access the property as the neighbor does construction.

E. Keplinger then displayed the drawing entitled *Scenes L.23 New Residence deCordova Residence 1040 Tunnel Lane, Cazenovia, New York 13035* dated 4/19/2021 last revised 3/6/2023 by Keplinger Freeman Associates which showed some three-dimensional modeling from various perspectives.

A. Ferguson asked if the trees depicted were existing or proposed for the future.

E. Keplinger answered that most were there now, and he described where the proposed additions would be located, and explained that some along the lake were depicted larger than what is there currently.

A. Ferguson said the Board wanted to compliment Mr. Keplinger for not disrupting the lakefront and leaving it natural, which was how the Board preferred to see the shoreline along the water.

E. Keplinger responded that was the intent. He said it was a challenging site because of the septic system. He said it was a small lot and required “an intricate system.”

D. Bowers asked John Dunkle if he had any comments.

J. Dunkle responded he did not since the County approved the septic system, and as long as the drainage works over the top of the bed.

E. Keplinger said it was shedding.

J. Langey asked if the Board wanted to include the condition that the soil be redistributed making all the slopes mowable, and sod would be installed in the area by June of 2023, since the Board was reaffirming an amended site plan approval.

The Board was in favor of those conditions.

E. Keplinger said the septic system should be finished in 2 – 3 weeks, and they have an onsite meeting with J & J Landscapes who will be doing the landscaping as soon as Burrell is done with the site work.

J. Langey asked if silt fencing would be left up.

J. Dunkle said it should be left until the sod was installed.

A. Ferguson asked if any trees would be removed.

E. Keplinger said none would be removed on the lake side of the house.

C. Ladd said some trees had been removed already.

E. Keplinger clarified some trees were removed by the driveway.

Motion by D. Bowers, seconded by T. Clarke 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 Short Environmental Assessment Form (SEAF) and to approve the amended changes for the driveway design and the planting plan with the previously stated conditions was carried unanimously.

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*LaPlante, Johnathon & Rebecca — Site Plan Review – 1642 Peth Road, Cazenovia  
File # 22-1452 (Mary Margaret Koppers)*

Johnathon LaPlante was present to represent the file.

M. Koppers said this was a site plan review for a garage with the removal of a couple of existing sheds. She said the Applicants would like to put a 2-story garage at the end of their driveway on an existing pad. She drove by the site today and noted the yard was extremely wet.

J. LaPlante conceded "it is awful." He said he received the area variance recently at which time he had agreed to move the location a couple feet (from the side yard

property line). He explained the location chosen was the only dry spot on the property that was flat.

A. Ferguson asked if there were elevations.

J. LaPlante provided a sketch of the proposed design.

M. Koppers said the house was “on the smaller side.” She was hoping Mr. LaPlante had provided a photo of the house.

J. LaPlante had a few photographs of the property.

M. Koppers said the area had “a farm country...feel.” She noted a number of places in the neighborhood had barns and/or large storage sheds, including the next-door neighbor who has a garage that outsizes the house.

A. Ferguson commented the garage design resembles a barn.

R. Ridler believed that was the intention of the Zoning Board of Appeals (ZBA).

J. LaPlante affirmed that both sheds existing on the site now would be removed.

J. Langey explained that the ZBA had approved the area variance with conditions and he expected the Planning Board would want to fold those conditions in with their approval as well. He said those conditions were:

- 1) as previously stated, the two existing additional accessory structures would be removed,
- 2) the color and finish of the proposed garage would match the existing house,
- 3) any associated outside lighting for the garage would be dark-sky compliant, downcast, and shielded.

J. Langey said one could say this was a Type II Action in regard to SEQR, but they would treat it as an Unlisted Action.

Motion by M. Koppers, 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 a 24' X 28' two-story, detached garage as most recently submitted and with the aforementioned conditions was carried unanimously.

*Dixon, Riley & Allison – Minor (1) Subdivision – 5701 East Lake Road, Cazenovia  
File # 22-1456 (Jerry Munger)*

No one was present to represent the file.

R. Ridler said Mr. Bowers had made a good suggestion at the work session to combine a site plan review with the subdivision, which was a 2-month process, to save the Applicants' time.

A. Ferguson said another question arose during the work session regarding the leasing of the horse buildings with this proposal for a single-family home. She said the Board was unsure if this commercial use trumped the zoning for a single-family home.

It was explained that Crawford Farms, the prior owners, would be leasing the property to continue the keeping of their horses there.

J. Langey said a condition of the area variance granted by the ZBA was for the construction of a single-family home and he felt the Town Code allowed that (on this site with nine [9] accessory structures for horses). He said the property would continue to be exactly as it is but with the addition of the home.

A. Ferguson said the issue the Planning Board questioned was the number of accessory structures. She presumed the number was allowed because of the farmland overlay.

J. Langey affirmed that was true. He said the equine use was an agricultural use.

A. Ferguson asked if the use did not have to be for the Owners, but that it could be used that way by others leasing the property.

J. Langey responded that was correct.

J. Langey proceeded to complete the SEAF with the findings of no or only small impacts.

D. Bowers asked if the Applicants have filed applications.

A subdivision application has been filed, but to date no site plan application has been filed.

There was discussion regarding whether to move the file to a public hearing at the next meeting. It was discussed that the Applicants might want to move the file along, or they might not be ready, needing to have the survey with the percolation (perc) test,

and the Deep Hole Test designated on the plat for the public hearing. It was decided they could continue the file next month if they needed more time.

Motion by D. Bowers, 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, to move the file to a public hearing at the May 4<sup>th</sup> meeting, and to continue the file was carried unanimously.

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

Mark Macera was present to represent the file.

M. Macera said his family owns the subject parcel which is 39.72 acres. He said the property is 3/10 of a mile from the Village line on Michigan Road, formerly known as the Burke Family Trust. He said they purchased the land in 2015 and have used it for recreational purposes, explaining he has three children who all hunt. He elaborated that his youngest daughter would like to build a single-family home on the property, so they would like to subdivide a 3.99-acre parcel for that purpose. Mr. Rasmussen met with Mr. Macera and his daughter at the land the previous Sunday.

M. Macera displayed the site plan entitled *Map Of Lands of Burke Living Trust (Michigan Road) Part of Lot 43 3<sup>rd</sup> Allotment New Petersburg Tract Part of Lot 2 4<sup>th</sup> Allotment New Petersburg Tract Town of Cazenovia Madison County, New York* by David Vredenburg dated 11-15-2013 showing where the lot would be created in the northeast corner off Michigan Road. Looking at the sketch plan submitted with the file he showed the proposed location of the house which would be approximately 225 feet from the road tucked into the woods with a driveway close to the south property line. He was unsure about the Code restrictions in regard to the placement of the driveway, wondering if it could be installed on the line or if it was subject to the side yard setback limitations required for structures.

C. Ladd informed Mr. Macera the driveway could be installed one foot from the property line.

J. Langey added the driveway was not considered a structure.

M. Macera said the driveway would be located parallel to the property line and then would curl slightly to the northeast to help block the sound from the road. He believed the location of the driveway would be subject to the Town's approval for sight distance.

He said locating the driveway farther to the north, away from the southern property line, would put it in a dip that would be more dangerous for traffic rounding the bend and coming down the hill heading north out of the Village.

T. Clarke asked if there were wetlands on the property.

M. Macera answered there were wetland attributes to the east with reeds near the hard woods. He explained there is a creek that runs from the Galton property, farther south, that cuts diagonally across his property and would be 200 – 300 feet beyond his daughter's proposed rear property line.

M. Macera said a perc evaluation was performed March 27, 2023, and they used Wayne Matteson as the engineer. Mr. Matteson determined a raised leach field would be needed. He said the first foot of silts and clay allowed absorption, but below the first foot it was essentially clay. He explained since the land slopes where the leach field would be located, the leach field will not look prominent from the house and would not be seen from the road, and it would be gravity fed.

It was clarified that the site plan application had not yet been filed so the project at this time was for the minor subdivision.

T. Clarke asked if there was an existing road on the property.

M. Macera replied there was one farther to the south on the subject property. A road cut would need to be made.

M. Macera said his daughter was considering the various structures provided by American Homes, a company selling modular homes. In discussions with American Homes, it was stated they would need at least a 20'-road cut for the maneuvering of their crane. He said his daughter would like to preserve as many of the mature trees as she is able. He said the sketch plan shows how they would be well within the minimum required setbacks, and they would adjust the placement for the least destruction of mature trees.

J. Dunkle asked if a perc test needed to be performed for the second lot, as well as a driveway location for the second lot.

D. Bowers said they would want a letter from the Town of Cazenovia Highway Supervisor.

M. Macera said they have approximately 1180 feet of road frontage.

D. Bowers clarified that the Board would need a letter approving the driveway location from the Superintendent for the small lot for the next meeting. He said they would also

need a new survey map showing the subdivided lot with the location of the Deep Hole and the test pit for the smaller lot.

J. Dunkle asked if they would want those details for the remaining lot as well.

M. Macera said they have no intentions for further subdivisions.

D. Bowers commented that the site plan does not have those details at this time. He thought they could get that in the future if the Applicants were to build on the larger parcel.

D. Bowers said Mr. Matteson's information should be included on the new survey drawing. He expected the Board would move this application to a public hearing for the next meeting, and the survey would need to be ready prior to that meeting, so that any neighbors could comment on the proposal if they wanted to comment.

M. Macera appreciated the guidance for the process.

Motion by G. Rasmussen, 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 move the file to a public hearing and to continue the file was carried unanimously.

Instructions regarding the notification of the neighbors regarding the public hearing were given at this time.

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*Kukenberger, Robert & Claudia – Site Plan Review – 1029 Marlyn Park Drive, Cazenovia File # 22-1458 (Jerry Munger)*

Robert Kukenberger was present to represent the file. He brought a model of his home to scale for the Board's benefit.

R. Kukenberger said the home was built in 1991. He showed on the model where the existing 10' X 10' open porch was located that will be removed for the addition of a 14' X 10' laundry room, and they would then replace the porch on the end of the addition. He said the relocation of the laundry room would enable them to enlarge an existing bathroom to accommodate a new shower and closet, becoming a full bathroom. He said the laundry room would have a closet, a sink and some bars on the wall for hanging clothes, and a door opening to the new covered porch.

D. Bowers asked about impervious surface percentages.

R. Kukenberger explained that at the work session they discussed the removal of a 20' X 20' stone patio that was replaced with some walkways last year. His original impervious calculations had not reflected this replacement, so he redid the impervious calculations to show the reduction from 7.76% to 7.56%. He commented that there are no other plans for this property.

J. Langey said this would be a Type II Action regarding SEQR.

Motion by D. Bowers, seconded by T. Clarke, to approve the site plan for the relocation of a covered porch for the addition of a 10' X 14' laundry room as most recently submitted was carried unanimously.

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Ridler mentioned the Owera Vineyards file was not part of the active file list because the Applicants have indicated they are still considering their application and they will let the Board know when they will be ready to proceed.

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

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Motion by D. Bowers, seconded by G. Rasmussen, to adjourn the meeting at 8:11 P.M. was carried unanimously.

Sue Wightman, Planning Board Secretary – April 7, 2023