

# Town of Cazenovia Planning Board

## Meeting Minutes

October 7, 2021

Members Present: Anne Ferguson, Acting Chair; Jerry Munger; Dale Bowers; Thomas Clarke; Gerald Rasmussen; Mary Margaret Koppers

Members Absent: Robert Ridler

Others Present: John Langey; Roger Cook; John Dunkle; Eric Beyer; Jack Cushman; Linda Cushman; Matthew Vredenburgh; Sharad Mathur; Mary Mathur; Karl Behnke; Jason Penoyer

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A. Ferguson called the meeting to order at 7:30 P.M. She introduced herself as a Board Member acting as the Chairperson in Mr. Ridler's absence.

Roll was taken.

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Motion by T. Clarke, seconded by G. Rasmussen, to approve the September 2, 2021 meeting minutes was carried unanimously.

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The next regularly scheduled meeting will be Thursday, November 4, 2021.  
The next regularly scheduled work session will be Thursday, October 28, 2021.  
The next deadline day will be Wednesday, October 20, 2021.

Because masks were being worn, Chair Ferguson asked that people speak loudly and also that they avoid laying papers on the microphones for the quality of the meeting recording.

### HEARINGS

*Beyer, Eric -- Line Changes – 1602 Grassy Lane with 1601 Grassy Lane & File # 21-1383 (Gerald Rasmussen) 1602 Grassy Lane with 1633 Grassy Lane, Cazenovia*

Eric Beyer was present to represent the file.

Motion by G. Rasmussen, seconded by M. Koppers, to open the public hearing was carried unanimously.

A. Ferguson explained the application was to expand the boundary line for a property purchased about six (6) months ago as well as to codify land purchased by Lockheed Martin for which they have had an easement.

A. Ferguson asked if there was any one present wishing to speak in favor of or in opposition to the application.

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

Motion by D. Bowers, seconded by G. Rasmussen, to approve the line changes as most recently proposed was carried unanimously.

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*Sadlon, J. Richard (Rich) & Elizabeth (Betsy) -- Minor (2 Lot) Subdivision – 2208 Ballina Rd File # 21-1384 (Robert Ridler)*

A. Ferguson said the drawings required for review were late and incomplete, so there was nothing to review at this time.

Motion by T. Clarke, seconded by G. Rasmussen, to continue the file and the public hearing was carried unanimously.

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

*Patricia A Christakos Trust -- Site Plan Review – 4681 East Lake Road, Cazenovia  
File # 21-1348 (Dale Bowers)*

No one was present to represent the file.

D. Bowers said Mr. and Mrs. Christakos sought a variance which was approved for (an addition to) one of their out buildings, and they were now seeking site plan approval.

A. Ferguson reiterated that the Cazenovia Town Zoning Board of Appeals (ZBA) approved the area variance.

D. Bowers continued saying he had spoken to Mr. Christakos on several occasions and had asked the Owners to have the impervious surface calculations found in the original application verified by a professional surveyor, believing the original calculations were inaccurate. David Hannig created the requested survey for the Applicants.

D. Bowers also advised that some of the existing impervious surface area be removed to compensate for the increase which would result from the proposal, presuming the percentages would be considerably over the allowed amount. The Applicants also complied with that request to offset their proposal by removing a section of driveway, a spur that goes to the parcel to the north. This change would actually slightly reduce the overall impervious percentage for the lot.

D. Bowers noted Madison County has completed the General Municipal Law Recommendation Report (GML).

D. Bowers said although the Christakoses were unable to attend, Legal Counsel said the Board could proceed and act on the file.

J. Langey affirmed he had no problem with that, and added the ZBA had handled Lead Agency for this Type I Action saying the area variance application was submitted at the same time the site plan review application had been submitted. He said the ZBA completed a Full Environmental Assessment Form (FEAF) and made a Negative Declaration. He recommended that if the Board were to vote on the proposal tonight, they reaffirm the ZBA's Negative Declaration.

D. Bowers suggested requiring a condition that before Roger Cook issue a Certificate of Occupancy (CO) for the renovation/addition, that Mr. Cook ensure the driveway section slated for removal be eliminated and seeded.

For the record, A. Ferguson asked the existing and the proposed impervious surface percentages.

D. Bowers answered the existing was 27.68% and it would become 27.57%, remarking it would be virtually the same.

J. Munger said when he visited the site, he noticed a parking area about midway from the road to the lake which did not appear “to be overly used.” He wondered if the removal of that section might also interest the Applicants.

D. Bowers did not think so.

R. Cook explained that once one got to the garage on the site, the grade began to drop, so he thought the parking area Mr. Munger was referring to was an area that was more level for people to park and to maneuver within the site.

Motion by D. Bowers seconded by J. Munger, to reaffirm the Negative Declaration made by the Cazenovia Town Zoning Board of Appeals based upon the Zoning Board’s review of the Full Environmental Assessment Form (FEAF) and approve the site plan as most recently submitted, conditioned upon the removal of the spur of driveway to slightly reduce the overall impervious surface percentage, was carried unanimously.

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*Shaffner, Donna -- Site Plan Review – Route 92, Cazenovia  
File # 21-1360 (Robert Ridler)*

No one was present to represent the file.

Motion by J. Munger, seconded by G. Rasmussen, to continue the file was carried unanimously.

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*Cushman, Jack & Linda -- Site Plan Review – 4182 Route 92, Cazenovia  
File # 21-1380 (Jerry Munger)*

Jack Cushman and Matthew Vredenburgh were present to represent the file. Linda Cushman was in the audience.

J. Munger asked Mr. Vredenburgh and Mr. Cushman to explain the proposal.

M. Vredenburgh recounted that they had been before the ZBA for variances for a garage located elsewhere on the site which were denied. The ZBA agreed the

attachment of the garage to the existing garage was a better choice and they approved the variance request for the current proposed location. Also a plunge pool location was previously approved.

J. Munger asked Mr. Vredenburg to speak about the impervious surface percentages.

Referring to his drawing entitled *C-100 Cushman Residence 4182 Route 92, Town of Cazenovia, Madison County, New York Site Plan – Planning Board Review* dated October 7, 2021, Mr. Vredenburg pointed out a section of driveway where Mr. Cushman had peeled away the asphalt for the installation of a playground. It was still a stone-based surface, so it was considered impervious. He said that was where the proposed addition would be located, so there would be no net increase in impervious surface area. They also would remove the rest of the stone-based play area, a small portion of the driveway, and a walkway. He said they also eliminated the proposed infinity edge pool and now plan to install a standard 12' X 20' pool instead. He said they would reduce the overall impervious percentage from 15.1% to 15%.

A. Ferguson asked what was a plunge pool.

J. Cushman answered that it was his understanding that was a pool 3 – 4 feet deep, slightly deeper than a wading pool.

A. Ferguson asked if there would be a fence around the pool.

M. Vredenburg affirmed there would be a fence, saying the Code requires it. The fence would be four (4) feet high; and he submitted a depiction of a black steel picket fence.

J. Langey led the Board through the Short Environmental Assessment Form (SEAF) for the State Environmental Quality Review (SEQR). There were no environmental impacts except for the impact of the proposed action resulting in a change in the use or intensity of the use of land, which was found to be small.

Motion by J. Munger, seconded by D. Bowers, 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 was carried unanimously.

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*Taylor, Thomas -- Site Plan Review – Demolition – 3176 West Lake Road, Cazenovia  
File # 21-1388 (Mary Margaret Koppers)*

M. Koppers explained that Mr. Taylor would like to remove a shed on his property. He does not plan to build anything in its place and understood that he will lose that footprint going forward if he does not build something within a year. This file was deemed to be a Low Impact file at the Cazenovia Town Planning Board Work Session September 30, 2021, so Mr. Taylor was not required to attend this meeting.

Motion by M. Koppers, seconded by D. Bowers, to approve the demolition as most recently submitted was carried unanimously.

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*Skeele, Amy & Sovocool, Joseph -- Line Elimination – 2525 Tucker Road & Tucker Road  
File # 21-1389 (Thomas Clarke)*

No one was present to represent the file. The Board expressed surprise that the Applicants were not in attendance.

A. Ferguson asked if the Board could move the application forward without the Applicants being present.

J. Langey said that it within the Board's power to move the file to a public hearing at the next meeting if the Board performed the SEQOR. He explained they could do the environmental review without the Applicants, but the public hearing could not be held without them.

T. Clarke explained the Applicants own two (2) contiguous parcels, one having a house, a garage and a shed; the second plot was vacant. He said the Owners want to combine parcels, so the proposal was a simple line elimination.

D. Bowers said the only reason not to move forward was the need for a correct, legitimate survey.

T. Clarke believed the survey was already in the file. He said he would call the Applicants (to make them aware of what transpired and to request their presence at the next meeting).

D. Bowers said he saw no reason not to move the file forward.

J. Munger asked the size of the parcels.

The lots are 1.29 acres each with 300 feet of combined road frontage.

J. Langey led the Board through Part 2 of the SEAF. It was found that there were no impacts.

Motion by T. Clarke, seconded by G. Rasmussen, 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 move the file to a public hearing at the next meeting was carried unanimously.

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*Mathur, Sharad & Mary --Site Plan Review – 5269 East Lake Road, Cazenovia  
File # 21-1390 (Anne Ferguson)*

Sharad Mathur was present to represent the file, and Mary Mathur was in the audience.

A. Ferguson said the application was for the construction of a second-floor deck. She asked Mr. Mathur to describe the project.

S. Mathur said they have an existing deck at the ground level. Referring to a photograph submitted with the file showing the existing back deck, he indicated where there was a kitchen window on the second level and explained they plan to remove the window and replace it with a sliding door which would open onto the proposed deck on the upper level. He said the upper deck would be smaller than the existing ground-level deck which was 20’ X 30’. The proposed deck would be 10’ X 16’.

A. Ferguson noted the GML had been received from Madison County today.

J. Langey said this would be a Type II Action in regard to the SEQR.

Motion by D. Bowers, seconded by G. Rasmussen, to approve the site plan as most recently submitted was carried unanimously.

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*Behnke, Karl & Pover, Carolyn --Site Plan Review – 2065 Maple Road, Cazenovia File # 21-1391 (Jerry Munger)*

Karl Behnke and his builder Jason Penoyer were present to represent the file.

J. Munger said the property was at the corner of Ridge Road and Maple Road. He asked the Applicants to explain the project.

J. Penoyer said the proposal was for a single-family residence with the driveway coming from Maple Road, about which he has spoken to Department of Transportation. He said a barn was proposed in the future. He pointed out the septic field location which was on the drawing created by Matthew D. Vredenburg Landscape Architecture September 15, 2021 entitled *Benke-Pover Residence Maple Road, Town of Cazenovia, Madison County, New York Site Plan – Planning Board L-200*. On the same drawing he sketched the location of the proposed well.

J. Munger noted elevation drawings were included with the application as well.

A. Ferguson asked the size of the lot.

K. Behnke responded it was just under 25 acres.

J. Munger estimated the impervious surface percentage would be about 1%.

T. Clarke noticed a cupola was proposed on the future barn and asked the height of the structure.

Referring to the drawings created by Eggleston & Krenzer, Architects PC 16 September 2021 entitled *New Residence: Karl Behnke & Carolyn Pover Maple Road TN of Cazenovia, NY*, J. Penoyer answered it would be a single-story garage, about ten (10) feet tall with an additional eight (8) feet on top, and then the 3-foot cupola would be at the very top.

K. Behnke added it would be about the same height as the roof of the house.

J. Munger said when he met with Mr. Behnke at the site, Mr. Behnke was hoping the house would appear “rambling.”

K. Behnke elaborated by saying he and his wife would like the house to look like it had been “put together over time.”

A. Ferguson asked about the characteristics of the parcel such as the topography and any features that might be worthy of preserving.

K. Behnke said the property was “wide open” having been a hay field for a number of years, including this year.

A. Ferguson asked if it would continue to be farmed or used (in that way).

K. Behnke answered their hope was to use some for pasturing sheep, and he indicated the section that they plan to continue to use as a hay field. He remarked he wished there were a few trees, but there are none currently.

M. Koppers noted where the property was in relation to the steep rise at the west end of Maple Road and asked about the septic system location in regard to the hill.

J. Munger and R. Cook said the septic system was at a level spot with about a 3% grade.

Comments were made about the view as well as the wind.

R. Cook mentioned the driveway location was approved by the Highway Superintendent.

Motion by J. Munger, 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 construction of a new home as most recently submitted was carried unanimously.

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*Donohoe, Peter --Site Plan Review Revisit – 4895 East Lake Road, Cazenovia  
File # 21-1323 (Jerry Munger)*

Matthew Vredenburgh was present to represent the file.

J. Munger said it was his understanding that more clarification was being sought regarding the trees that could be removed along East Lake Road.

M. Vredenburgh believed that was the case. He said the Owners do not wish to remove any trees in that area. He explained using photographs where a power pole was located. He showed where he assumed National Grid would drop the power to the ground but said they do not know for sure where National Grid will run it.

J. Munger asked why there was a change.

M. Vredenburgh answered that Mr. Donohoe wants the power to be underground.

R. Cook asked if it would be run under the stream.

M. Vredenburgh responded they would not, they would run the power across the bridge.

D. Bowers asked if the pole was left where it now was, and if the power was fed to the new structure from where it had to the previous structure, would there be no need to remove the pole, run power underground and remove trees.

M. Vredenburgh said that was correct. He said they were hoping National Grid would not need to remove any trees, but he was not sure what National Grid would do.

D. Bowers' point was that the request was due to Mr. Donohoe's desire for the power to be changed.

M. Vredenburgh explained where the power poles were currently located.

D. Bowers said the surety for Mr. Donohoe to have no trees removed, as he desires, was to do nothing (to change the power).

A. Ferguson asked about the option of replacing trees.

D. Bowers said they could wait to see what National Grid proposes, which he was happy to do.

M. Vredenburgh agreed waiting was the "reasonable approach."

More discussion followed regarding the practices of National Grid and underground power, as well as the location of the existing poles in relation to the road and the bridge, expense and the stage of development in the endeavor.

A. Ferguson recommended Mr. Vredenburgh contact Jim Malone of National Grid. She said National Grid also has a tree replacement program. She felt Mr. Malone would be sympathetic to the goal of keeping trees (in the existing cedar hedgerow).

R. Cook said even if National Grid were to replace trees, if they were to cut through the wooded area, one would see a swath of clearing.

J. Langey reminded the Board one of the conditions of the initial approval given for the project was the preservation of the grove of trees in question. He explained that to that end he has been working with Mr. Donohoe's attorney and they were considering the caliper of trees that could be removed. He explained that was why it was decided that

this should be discussed now since it was the Board's condition and concern. He said what was being suggested, to find out what was going to be proposed after a determination by National Grid, was reasonable. He asked if Mr. Vredenburgh could attend the work session to keep the Board apprised.

J. Munger expressed doubt that National Grid would cooperate.

T. Clarke believed it would be a long wait before the Applicants would know what would happen.

M. Vredenburgh spoke about a contact person at National Grid with whom he had worked previously.

J. Langey stated in the meantime no trees would be removed. He said the Owner's attorney had asked if trees of a certain caliper could be removed, and that would not be allowed.

J. Langey asked Mr. Vredenburgh if he had spoken to the neighbors (the Stoeckels).

M. Vredenburgh was unsure about the question.

J. Langey asked if the neighbors were aware of the discussion this evening.

M. Vredenburgh said he had not been instructed to inform the Stoeckels.

D. Bowers said it was his experience that if National Grid had trees obstructing their path, they would remove the trees.

M. Vredenburgh said he would find out what options the Owner would have, and Mr. Vredenburgh would inform the Board.

A. Ferguson instructed Mr. Vredenburgh to bring that information to the next meeting, saying he would not need to attend the work session as well as the regular meeting.

J. Langey said he and the Owner's attorney, Jeff Davis, started to negotiate the covenants and the issue of the trees arose, so they decided Mr. Vredenburgh should come to the Board for clarification, and they discussed that the Stoeckels be notified. He had gotten confirmation about that notification from Mr. Davis, but there must have been a miscommunication about how that would be done. He thought because of that, it was good that nothing was decided tonight.

R. Cook felt having a plan to present would be beneficial.

D. Bowers said if the plan was available by the work session, Mr. Vredenburg should come then.

J. Dunkle asked if the option of directional drilling had been considered. He explained conduit could be installed under trees using that method.

M. Vredenburg thought that could be done under the stream as well but believed they would probably go across the bridge.

J. Langey summarized that Mr. Vredenburg would hopefully have a plan by the next work session or the next meeting. Mr. Vredenburg would speak to Mr. Donohoe and Mr. Langey would speak to Mr. Davis.

M. Vredenburg affirmed he would attempt to find out the options available with National Grid.

Motion by J. Munger, seconded by G. Rasmussen to continue the file was carried unanimously.

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Motion by D. Bowers, seconded by T. Clarke, to adjourn the meeting at 8:06 P. M. was carried unanimously.

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Sue Wightman, Planning Board Secretary – October 8, 2021