

Town of Cazenovia Planning Board

Meeting Minutes

March 3, 2022

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

Members Absent: Jerry Munger; Thomas Clarke

Others Present: John Langey; John Dunkle; Jeffrey Rubin; Vincent Ryan; Peter Miske; Jason Huyck; Ronald Millback; Timothy Coyer

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

Roll was taken.

Motion by A. Ferguson, seconded by D. Bowers, to approve the February 3, 2022 meeting minutes was carried unanimously.

Motion by A. Ferguson, seconded by M. Koppers, to approve the January 31, 2022 joint meeting minutes was carried unanimously.

The next regularly scheduled meeting will be Thursday, April 7, 2022.
The next regularly scheduled work session will be Thursday, March 31, 2022.
The next deadline day will be Wednesday, March 23, 2022.

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.

R. Ridler said there was nothing new in the file.

Motion by D. Bowers, seconded by G. Rasmussen, to continue the file was carried unanimously.

*Living On Lake Time, LLC/Jeffrey & Jennifer Rubin -- Site Plan Review -- 1657 Hedge Ln
File # 21-1406 (Jerry Munger)*

Jeffrey Rubin was present to represent the file as was Vincent Ryan of Keplinger Freeman Associates.

R. Ridler said this was an application for a new home construction.

V. Ryan explained the project would be a 4000-square foot home. He said after meeting with Mr. Munger and Mr. Ridler on site in December, a revised orientation was created so that some existing trees could be preserved. He compared the original drawings submitted December 23, 2021 by Keplinger Freeman Associates entitled *L-100 Site Preparation Plan*, and *L-200 Grading, Drainage & Utilities Plan*, with those submitted February 16, 2022 with the same titles revised 2022, 02-16. He explained a stand of trees would be conserved, but some trees will still have to be removed, most notably a 24-inch caliper. He said there would not be a significant loss within 20 feet of the lakefront or within the next 20 – 100 feet of lake with the house being located 100 feet from the water.

V. Ryan stated that since the latest submission, Bartlett Tree Service has visited the site and found some ash trees that will need to be removed and routine maintenance will

need to be done for some of the other trees. The ash trees were located to the northeast of the proposed house.

A. Ferguson asked how close to the shore would Bartlett be working.

V. Ryan said they would not be working within 20 feet of the lake; he said they would “shore up anything in the 20 – 100-foot range.”

Looking at the drawings, A. Ferguson presumed the trees to be removed were those X'd on L-100.

V. Ryan affirmed that was correct. He further explained that where an old building had been removed previously, the trees referenced on the drawing had already been removed with that building as well.

R. Ridler asked about development along the lakeshore, wondering if additional plantings were planned.

V. Ryan said a partial plan was provided having used the *Cazenovia Lakefront Development Guidelines*. He showed drawing *Not For Construction Rubin Residence 1657 Hedge Lane, Cazenovia, NY L-300 Layout & Planting Plan*. He said they calculated there was about 200 feet of lakefront, so using *The Guidelines*, they devised the planting plan to supplement the existing vegetation. He explained they did not want to disturb the root system of the existing trees at the shore, so they did not locate new plantings beneath those trees.

R. Ridler asked if additional docks would be added.

V. Ryan said a removable dock, similar to the dock used by the other residents on Hedge Lane, who utilize the easement shown on the drawings, would be installed in the summer and removed at the end of the season.

A. Ferguson asked if the concrete pavers shown would be a new addition.

V. Ryan answered that the whole patio area would be new, saying its addition would still keep the impervious surface coverage under the 5% allowed within the first 20 feet of the lake.

R. Ridler asked the total amount of proposed impervious surface coverage for the site.

V. Ryan responded there would be about 15,000 feet of coverage which would amount to approximately 12% overall. He said the impervious calculations were listed on drawing L-200. He stated they stayed slightly below the allowed percentages for all zones.

A. Ferguson asked about the modular wall.

V. Ryan answered the wall was in keeping with *The Guidelines*; they would be bringing modular boulder stone to provide for the patio area walls.

J. Dunkle said he was seeing the plan for the first time and had some questions about the storm water management.

V. Ryan said they would use the existing culvert and the existing gravel drive. He explained there was a second culvert belonging to the neighbors near the southern property line that discharges across the Rubin property to the lake. He said minor grading would be done where the house would be located, and some check dams would be installed as noted on the plans.

J. Dunkle then asked about the driveway(s).

V. Ryan explained a gravel driveway exists which runs along the north end of the property. Part of that driveway would be paved and then a new section of asphalted driveway would be created to service the house.

J. Dunkle was concerned about the drainage that would be created by the addition of the asphalt driveway surfaces and the drainage that would go down the hill. He asked about a pond or storm sewer piping depicted that might discharge.

V. Ryan clarified the area in question was where the driveway loops, and he said there would be an inlet in that location which would discharge to a swale south of the house.

J. Dunkle said he would like to look at that drainage plan in more detail.

J. Dunkle also asked about the proposed septic system. He noted saving trees was a concern and wondered where the outline of the septic system would be.

V. Ryan responded that they have not done testing for the septic but plan to have that done when the weather permits, so they currently have two (2) proposed septic sites listed on L-200. He said the vegetation in those areas was buckthorn and minor evergreens, but not substantial trees.

J. Dunkle suggested the Board wait for the septic determination.

R. Ridler asked if pumping would be needed to both locations.

V. Ryan affirmed it would.

J. Langey suggested the State Environment Quality Review be postponed until the Board was ready to vote on the project, after having an opportunity to understand the entire project, and after giving Mr. Dunkle an opportunity to make his comments.

J. Langey wondered if Mr. Dunkle felt a storm water maintenance agreement was necessary for storm water practices to be guaranteed over the years.

From what Mr. Dunkle understood of the project upon this cursory review, he did not indicate that would be necessary, however, Mr. Langey would want that to be clearly decided before the Board rendered a decision.

D. Bowers moved to continue the file.

R. Ridler asked if the Applicants understood what needed to be provided.

V. Ryan asked about a contingent approval so they would know if they could start ordering materials.

J. Dunkle asked what the Applicants would like to start to do, wondering if they were hoping to start the foundation.

D. Bowers believed the Applicants merely wanted to order materials.

V. Ryan affirmed that was their goal due to issues with back-ordering. He asked if the Board approved the location of the building and the general layout of the impervious area in terms of hardscape areas upon engineering approval and the Applicants' returning for the sanitary component in either of the two proposed locations.

D. Bowers believed the Applicants were asking if they could build a house on this lot.

A. Ferguson asked Mr. Dunkle if he anticipated finding anything that would inhibit the Applicants to place orders at this time.

J. Dunkle said he did not. He said the only inhibitor would be if they could not find percolation (perc).

V. Ryan said in the lower location they planned a sand filter with a raised system, otherwise they would use a traditional system if the perc test was successful.

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

J. Langey explained the Board could not give assurance that the house could be constructed as it appears on the plans, however it did appear that the house could be

constructed on the site subject to final septic design and location (and other engineering approval). He clarified that if the septic location needed to be changed, it could obviously change the design of the rest of the plan.

V. Ryan expressed his desire to get the septic information by the next meeting, but in the event he could not, they would try to have it for the May meeting.

D. Bowers remarked that the Applicants would have Mr. Dunkle's (other engineering) comments by the April meeting leaving the septic issue to be resolved.

V. Ryan understood.

*Crawford, Al & Michelle -- Line Change -- 5039 & 5008 East Lake Road, Cazenovia
File # 21-1408 (Robert Ridler)*

No one was present to represent the file.

D. Bowers suggested the Board still move the file to a public hearing.

J. Langey said if the application materials were relatively complete, the Board could do so if they chose to.

D. Bowers saw no reason not to. He acknowledged the Representative(s) would then need to attend the next meeting.

J. Langey noted the Representative(s) should be informed of the necessity of their presence for the public hearing.

The Planning Board Secretary will notify the Applicants.

Motion by D. Bowers, seconded by M. Koppers, to move the file to a public hearing at the next meeting was carried unanimously

*Buchanan, Robert & Kristin -- Site Plan Review – 3632 West Lake Road, Cazenovia
File # 21-1409 (Gerald Rasmussen)*

Peter Miske, the builder for the Buchanans, and Jason Huyck, the architect, were present to represent the file.

G. Rasmussen expected an updated plan to be submitted, but that was not in the file.

J. Langey asked what the new plan would show.

G. Rasmussen believed it would show the house located outside the wetland buffer.

P. Miske explained that the New York State Department of Conservation (DEC) sent an email approving the original location of the house, which would be on the fringe of the wetland buffer. He said it would impinge 13 - 15 feet. He repeated the email gave consent to build there, however the land surveyor did not find the email acceptable and requested a formal statement from the DEC.

P. Miske remarked the Buchanans were willing to relocate the house outside the wetland buffer if the DEC did not provide approval.

The drawing he submitted entitled *Lot 1B Coughlin-Miller Resubdivision Filed 12/8/2020 Map No 61177 Part of Lot No 22 Town of Cazenovia County of Madison State of New York* by Land Lines Surveying, PC dated 3/3/2022 showed the location of the proposed leach field and the well.

G. Rasmussen noted the drawing showed the house location still within the wetland buffer.

P. Miske explained that the presence of a certain plant constituted the outline of the buffer area which jutted past the east corner of the proposed house. He said he has not experienced this particular situation before. He continued saying there was a large, 30-acre field that is plowed and fertilized that drains toward the wetland whereas the proposed location of the house would be quite a distance from the actual wetland, so he was unsure why the location of the house would be cause for concern. He said water does not flow in the direction of the wetland from the house location because of the pitch of the land. He said the Owners would only have a lawn around the house, they would not mow the entire patch of property. He repeated they would only impinge on the buffer by 15 feet. He concluded by saying the Owners would prefer not to put the house any closer to West Lake Road.

D. Bowers asked Mr. Dunkle's thoughts.

J. Dunkle said he was viewing this plan for the first time. He said the 100-foot buffer was established to see if there would be potential impacts to a wetland. He indicated the sufficiency of the DEC's approval, but he presumed the Board would need proof of that approval.

J. Langey spoke about the need for a final location of the house for the Board's site plan approval. He said all the site plan's features and improvements would need to be on the drawing. If an approval were given, it only would be for the specific drawing noted. Any changes to the plan would have to be reapplied for and reapproved.

J. Langey asked if the site plan drawing submitted tonight (dated 3/3/2022) was the plan they will build.

P. Miske affirmed it was. He repeated that the DEC had approved the location of the house on the drawing in an email and it was only the land surveyor who was requesting the signed letter by the DEC.

R. Ridler interjected that he felt the Board also needed that document.

A. Ferguson said the Board could approve the site plan contingent upon receipt of the letter from the DEC.

J. Langey agreed.

G. Rasmussen recounted his conversation with the Owners in which he advised them to refrain from building within the wetland boundaries, and it was his understanding that the Owners would devise another plan locating the house outside the wetland buffer.

P. Miske said because the present plan would only encroach 15 feet, and because they have already been given DEC approval (electronically) for the present location, and because they do not want to locate the house closer to the road, the proposal was for the location shown.

J. Dunkle asked if the driveway location had been approved.

There was discussion regarding whether this section of West Lake Road required approval from Madison County or the Town of Cazenovia.

P. Miske believed an approval was given since the 911 address had been assigned.

J. Dunkle explained the need for a safe location of the driveway and whether any drainage would require the location of a culvert in the area.

The need for written approval of the location was discussed.

J. Dunkle asked if the proposed leach field location had been confirmed by a perc test. P. Miske said it had and that it was shown on the most recent drawing.

J. Langey clarified the date on the drawing to be approved was 3/3/2022. He also clarified that the proposal would need a permit from the DEC to build within the wetland buffer and confirmation of the driveway location. He asked if the final septic design was something Mr. Dunkle would want to see.

J. Dunkle said Mr. Cook would review the final septic design (during the permitting process).

More discussion followed regarding who would give approval for the driveway location and whether that had already been given. It was determined that the location would need to be approved by the Town of Cazenovia Highway Superintendent.

P. Miske asked if the Board received the letter from the DEC and the driveway approval, if attendance at the next meeting would not be required.

A. Ferguson answered that was correct, it could be a contingent approval.

R. Ridler elaborated that the project could not be started until those two approvals were received.

J. Langey reviewed the Short Environmental Assessment Form (SEAF) for the SEQR.

Motion by D. Bowers, 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 review of the SEAF and to approve the site plan as most recently submitted contingent upon the DEC permit for construction within the 100-foot buffer area and upon the driveway cut approval from the Town Highway Department was carried unanimously.

Milback, Ronald/Green & Moore Development -- Site Plan Review – 3341 Cannon Crest File # 21-1410 (Dale Bowers)

Ronald Milback of Milback Homes was present to represent the file as was his surveyor, Timothy Coyer.

D. Bowers showed the drawing created by Ianuzi & Romans Land Surveying entitled *Topographic Survey Lot No 4 Cannon Crest Part of Lot No 50 Town of Cazenovia Madison County, New York* dated February 11, 2022.

D. Bowers found the site plan application to be complete, with acceptable impervious surface percentages. He said at the work session, the original subdivision map was reviewed showing the buffered areas. He said the outstanding item he found was the finalization of the paperwork dedicating the road which will service the subdivision to the Town of Cazenovia.

J. Langey spoke about the process of dedicating the road. He said the attorney for Green & Moore Development has completed some of the associated paperwork, however the Town has not received all the necessary paperwork. He said he has inquired about it on a number of occasions including today. He stated he needed the final deed. He explained the Town Board voted a while ago to accept the road subject to his final review. He did not anticipate any problem, but he wanted Mr. Milback to be aware that construction cannot commence until the paperwork has been processed.

D. Bowers mentioned another house adjacent to Mr. Milback's which will be constructed (once the road is dedicated) as well.

D. Bowers said one other item he wanted Mr. Milback to be aware of was the existence of a drainage district for the development.

J. Langey explained the paperwork for a drainage district had been filed and had been recorded some time ago which meant the entire neighborhood will pay for the upkeep and maintenance of the drainage facilities throughout the development. If a fee were to be incurred, the expense would be added to the owners' Town & County tax bills.

R. Milback asked about the nature of the costs.

D. Bowers remarked there may never be a fee.

J. Langey explained that the fees typically would be for mowing and maintenance such as "cleaning it out."

J. Dunkle explained there was an infiltration basin near Fenner Road that will collect drainage.

D. Bowers said, "there's a lot of water...that comes off the hill." He spoke about the filling of the Fenner Fields' retention ponds. He remarked he wasn't being an alarmist,

but he wanted the Owner to know about these details in case they were unclear or went unnoticed in the deed.

J. Langey said when the Owner closed on the lot, the Owner would see that the drainage district was filed.

D. Bowers offered to show the Board the elevations that were included with the application, commenting he was fine with the house details.

A. Ferguson asked about the siding of the house and the material for the roof.

R. Milback said the roofing would be asphalt. He said the siding was scheduled to be vinyl. He elaborated that he had considered wooden siding, but the size of the house made wooden siding very expensive.

A. Ferguson asked about color choices.

R. Milback responded that he had not yet chosen the color.

R. Ridler asked if this house would belong to Mr. Milback.

R. Milback answered it would be his personal home.

M. Koppers believed the house was 4000 square feet.

R. Milback answered it would be 4131 square feet.

The size of the lot was 10 acres.

T. Coyer said the conserved area at the rear of the lot would not be touched.

J. Dunkle, after speaking more about the no-disturb areas, asked about the septic system.

R. Milback said it would be a standard gravity system and that the plans were forthcoming. He said the perc test was performed to the north of the property.

J. Dunkle asked if the Board wanted his review, commenting that the lot was large.

J. Dunkle asked if only grading would be done and if the natural drainage would continue.

R. Milback said that was correct.

D. Bowers mentioned that the General Municipal Recommendation Report from Madison County had been received and returned for local determination.

J. Dunkle suggested erosion control during construction.

R. Milback responded they always use erosion control during construction.

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 Board's review of the SEAF, and to approve the site plan as most recently submitted, conditioned upon there being no construction until the road has been dedicated to the Town of Cazenovia was carried unanimously.

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 – March 4, 2022