

Town of Cazenovia Planning Board

Meeting Minutes

December 5, 2024

Members Present: Robert Ridler, Chairman; Anne Ferguson; Linda Cushman; Dale Bowers; Mary Margaret Koppers; Roger Cook, Alternate Member;

Members Absent: Thomas Clarke; Jerry Munger, Alternate Member

Others Present: John Langey; John Dunkle; Paul Curtin, Esq; Peter Carmen; W. Bradley Hunt; Scott Freeman; Adrienne Drumm; Tim Yousey; Matthew Vredenburgh; Dan Bargabos; Elizabeth Bargabos; Sandy Holmes; Sheila Fallon

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

Roll was taken Roger Cook was a voting member for the proceedings.

The next regularly scheduled meeting will be Thursday, January 2, 2025.

The next deadline day will be Monday, December 16, 2024.

The next regularly scheduled work session will be Monday, December 30, 2024.

HEARINGS

*Morgan Qualified Per Res Tr – Line Change – 4400 Syracuse Road, Cazenovia
With Hugo, Aaron & Michela 4398 Syracuse Road, Cazenovia
File # 24-1551 (Dale Bowers)*

Paul Curtin, Esq was present to represent the file.

D. Bowers asked Mr. Curtin to explain the changes to the original proposal.

Referring to the drawing submitted November 27, 2024 created by Michael J. McCully Land Surveying PLLC dated 09-02-24 entitled *Lot Line Adjustment on Lots Two, Three and Four of the Lessen Estate Subdivision Map#2154* (which incidentally was the same title and date of the original drawing submitted September 13, 2024 but was a different drawing) P. Curtin said what was originally proposed to the Board was a line change (between 4400 Syracuse Road and 4398 Syracuse Road) involving 16 feet of lake frontage entitled Lot 3A having a diagonal line to an existing wall (which would have been a wedge-shaped conveyance of property from 4400 Syracuse Road to 4398 Syracuse Road). The proposal has been amended because the Owners of Lot 4A (4398 Syracuse Road, LLC) have requested the conveyance be squared off and were willing to forsake 11 feet of lake frontage to receive 5' X 308' of additional rectangular property. He said that was preferable to the Recipients because of the retaining wall. He said he reviewed the change with Ms. Shaw, the Trustee, and she had no problem with the change. He explained the property is woodland and there would no change to the present condition of the land.

J. Langey asked the date of the new map.

P. Curtin noted the date was the same as the original submission.

J. Langey asked if this was the map that was noticed in the public hearing notification. He did not think there was opposition to the proposal, however, the original map was noticed and this was a change.

P. Curtin agreed it was a different map and expressed understanding if there were a need to republish for a public hearing. He said they had requested the application be continued so the application could be discussed, and he repeated the map now being used was a substitute map for the purposes of public hearing.

A. Ferguson asked if Mr. Langey was advising to re-notice the file.

J. Langey indicated that was his advice.

R. Ridler asked Mr. Langey if that was what the Board was going to do or if the Board was good with the submission at this time.

J. Langey responded that he was only giving advice.

D. Bowers felt the Board had what it needed.

Motion by D. Bowers, seconded by A. Ferguson, to open the public hearing was carried unanimously.

R. Ridler invited comments at this time.

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

Motion by D. Bowers, seconded by L. Cushman, to approve the line change as most recently submitted was carried unanimously.

R. Ridler said there was a question regarding this application as to who the Trustee for the Morgan Qualified Per Res Trust was.

P. Curtin responded that Alix Shaw was the trustee.

R. Ridler said the records from Madison County indicate that Elsbeth Morgan was the representative for the trust.

P. Curtin explained Elsbeth was deceased and Alexandra (Alix) Shaw, her daughter, was the surviving trustee.

R. Ridler asked what could be used to document that.

P. Curtin said he would provide whatever the Board needed.

J. Langey asked that Mr. Curtin send whatever he had to the Town Office and that would then be forwarded to Mr. Langey, saying the resolution he created would capture that.

*Carmen, Peter & Mary Beth – Site Plan Review– 1080 Tunnel Lane, Cazenovia
File # 24-1555 (Dale Bowers)*

Carmen, Peter & Mary Beth – Line Change – 1080 Tunnel Lane with 1070 Tunnel Lane
File # 24-1556 (Dale Bowers) With RSJT Holmes, LLC

Scott Freeman of Keplinger Freeman Associates and Adrienne Drumm of Ramsgard Architectural Design were present to represent the file, and Peter Carmen was in the audience with Bradley Hunt of MacKenzie Hughes, LLP.

R. Ridler said the Board would address the line change first.

D. Bowers asked the Applicants to explain the line change.

Referring to drawing L2.0 entitled *Carmen Residence 1080 Tunnel Lane, Cazenovia Site Plan* created by Keplinger Freeman Associates last revised 11/21/24, S. Freeman explained there would be an of property exchanged between the Carmens and their neighbors to the north. He said each would be receiving and giving 953 feet.

R. Ridler asked who the affected homeowners were.

D. Bowers answered the Holmeses to the north (of the Carmens).

A. Drumm elaborated that the Holmes' driveway is shared between the two (2) properties and their garage partially opens to Carmens' property, so this exchange will eliminate that encroachment.

Motion by D. Bowers, seconded by A. Ferguson, to open the public hearing was carried unanimously.

R. Ridler asked if anyone present had any comments or questions.

Sandy Holmes indicated as the neighbors involved in this exchange, they look forward to Carmens' new home.

Motion by D. Bowers, seconded by L. Cushman, to close the public hearing was carried unanimously.

Motion by D. Bowers, seconded by A. Ferguson, to approve the line change as most recently submitted was carried unanimously.

The site plan review was then discussed.

D. Bowers said the last time the Board met with the Applicants regarding the site plan, there were some engineering concerns. He asked for an overview of how those concerns were addressed.

S. Freeman spoke about the existing conditions referring to the drawing created by his firm last revised 11/21/2024 entitled *L1.0 Site Preparations & Demolition Plan Carmen Residence 1080 Tunnel Road, Cazenovia*, indicating where the existing building was oriented on the site in relation to the property lines, the lake, the road, and the hillside. He said when they visited the site in the summer, they noted the amount of water that was coming from the hill with no drainage structure to prevent heavy rain with silt and runoff from coming across the existing patio which undermines the plant beds and the retaining wall. The proposed plan, which moves the house 31 feet from the lake and centers it on the section of the lot between the road and the lake, allows for the creation for two (2) places for the water to go around the house, but the sanitary components and system take up much of the space on one side, so they developed three (3) stormwater features to slow the stormwater.

S. Freeman said the first measure was to bypass and intercept. He showed where two (2) level underdrains would be installed to collect the first push of water from the hill using a series of pipes and routed down the hill. He showed where those would release. He explained that drainage would be installed prior to construction of the home so during excavation for the foundation, mud and water will not be going into the lake.

S. Freeman continued saying the second feature would be the rain garden which would be constructed after the house was built. He showed where the depression would be located, and explained the purpose of the rain garden was to accept water from the roof where it would be cooled, settled, and as it fills, it would slowly release into the lake.

S. Freeman explained the third component was the collection of the bypass water and the overflow of the rain garden which would come together in the pipe system and would be released unto lawn area which would further slow the water before it enters the lake aided by a level spreader which was a low, at-grade wall with a depression in front of it to slow the water. When there was a big influx of water, it would go over the top of the level spreader and into the lake. He said the lowest point/overflow point would have a band of gravel within. He recounted that there was much discussion with John Dunkle, the Engineer for the Town, to meet the needs of the Board and to fit the engineering criteria aesthetically. He said the level spreader would be a natural stone wall with plants around it.

D. Bower & R. Ridler asked Mr. Dunkle's opinion.

J. Dunkle responded, "All good."

J. Langey said a stormwater maintenance agreement would be part of this approval. He explained that instrument would capture the Applicants' plan and, in the future, any new owners would understand that the stormwater maintenance that would occur on site must be preserved. He stated it would be recorded with Madison County against the property and assured the Applicants it had not been a problem (for other owners having similar agreements). Addressing the attorneys in attendance, he said he would forward the documents to them to review.

S. Freeman wanted the Board to know Mr. Carmen would have a construction manager, Josh Stack, overseeing the project whose first line of defense would be to maintain the erosion control. He said in his experience the plans can look good, but if there is not supervision or execution, that becomes another issue. To protect the lake and to have a sound project were Mr. Carmen's goals, in addition to a speedier building process.

R. Ridler asked that silt fencing be used.

S. Freeman said silt fencing and checking and rechecking the drainage were all part of the process, but emphasized having someone on staff on site every day to address any issues immediately would be key.

D. Bowers asked Mr. Freeman to discuss the septic system.

S. Freeman responded he was not the civil engineer, but the system was designed and reviewed by the Madison County Health Department (DOH), so the system has been certified and approved for the site. He said their Engineer would inspect it once built and the DOH would also inspect it.

Referring to the drawing created by his firm and last revised 11/21/2024 entitled *L3.0 Grading, Drainage, & Utilities Plan Carmen Residence 1080 Tunnel Lane, Cazenovia*, S. Freeman showed where the leach fields were located across the road and explained the general workings of the system, including the 50 % expansion area.

R. Ridler asked about the well.

A. Drumm showed the existing location of the well and explained it currently was a shared well serving the Carmen property and the Holmes property. She said the Carmens have agreed at their expense to drill two (2) new wells, each on their own property to improve this situation for the future.

R. Ridler asked if the wells would be drilled prior to the issuance of the Certificate of Occupancy.

P. Carmen responded that the wells would be drilled first.

D. Bowers noted that the Applicants had received the area variances they needed from the Town of Cazenovia Zoning Board of Appeals (ZBA). He said this Board looks at the impervious surface area as part of the site plan review. He explained the Town of Cazenovia considers the first 20 feet of the lake to be the Critical Environmental Area (CEA) and impervious surface coverage in that area is not to exceed 5% for access to the lake. He said this project was “significantly over that.” He said the Board can either decide they want to adhere to the current regulations or they can consider what has been proposed versus what existed and conclude a good compromise has resulted. He was curious as to how the Board viewed this.

S. Freeman said if they looked at drawing L1.0 they would see that the existing condition was a deck that covered essentially 2/3 of the lakeshore. He said the proposal reduces the frontage to approximately 15%. He further described what was there now and what was proposed, concluding there would a lot more greenspace, and water would be significantly slowed before entering the lake.

D. Bowers explained the CEA was designed to provide a green belt.

S. Freeman displayed a rendition of the proposal from the perspective of the lake and explained the features shown. He said one would “see a lot green,” and showed where there were two (2) large evergreens that would be preserved, where there was a hedge of evergreens, and where a maple tree was located.

L. Cushman asked to see where the 20-foot line was located on the site.

A. Drumm displayed an aerial photo of the site on her iPad showing the lakefront decks. She said they propose to remove most of the decking with only a small landing remaining at the shore, with new steps to access the landing, and keeping the retaining walls that exists for erosion control. She repeated they would be significantly reducing the decking.

S. Freeman added they would also be significantly increasing the plantings. He stated where the decking was removed, plants would be added.

A. Ferguson what the percentage of impervious surface area of the revised plan would be.

A. Drumm said in the first 20 feet, the existing was 58.7%, and the proposed would be 24.7%.

D. Bowers commented that the proposal would be five times the maximum allowed.

L. Cushman asked if the rendition was accurate in depicting grass around the firepit.

A. Drumm responded that it would be grass.

S. Freeman elaborated saying it would be reinforced lawn; a plastic structure would be used to give the turf more strength, but it would be grass.

R. Ridler asked what comprised the proposed 24%.

A. Drumm answered it was essentially access to the lake – two (2) retaining walls, the staircase, and the “little” retained platform.

R. Ridler asked the dimensions of the platform.

S. Freeman answered 9' X 14' and explained it was already constructed, but they would be removing the decks to the right and to the left above that platform. He added the existing deck they propose to keep was in good condition.

D. Bowers said the Board needed to consider if they want to preserve the green belt within the CEA as well as how much development they want to see within the next zone where the fire pit was proposed.

A. Ferguson responded the firepit was another issue. She opined it was not unreasonable to allow the Applicants to retain a section of 9' X 14' decking considering how much decking would be removed, noting they were reducing it by 50%, and she implied if the Board were to request the Applicants reduce the allowed decking size more, it would not be practical.

D. Bowers countered the CEA allowed access to the lake; he did not think a 9' X 14' deck could be considered access to the lake.

S. Freeman again showed the rendition from the lake to illustrate the deck in proportion to the lake front.

D. Bowers commented that another application on the agenda would be seeking to have a deck in the CEA.

L. Cushman asked if the deck were removed, how much impervious surface area would be in the CEA for the steps and the walls.

A. Drumm said it would still exceed the 5% allowed.

R. Ridler asked about the condition of the shoreline.

S. Freeman answered it was cobbles with some slope.

A. Drumm added it was “pretty steep.”

R. Ridler explained the intent of the CEA was to have homeowners make the shoreline appear as naturalistic as possible.

S. Freeman responded they could naturalize the shore further by adding some larger boulders and/or more plants in front of the deck.

A. Ferguson asked if part of the reason for the width of the deck was due to the placement of the dock.

S. Freeman answered the dock latches onto the deck, but he was unsure of the width of the dock.

A. Drumm stated a dock is typically about eight (8) feet.

S. Freeman cited safety and utility as a reason to make the deck a little larger than the dock, calling it a staging area for the seasonal dock.

R. Ridler asked about reducing the size of the deck.

D. Bowers thought the question was whether the Board wanted the Applicants to have the deck or not.

R. Cook explained when non-conforming structures are changed, in the Code under the site plan review section, the Board was instructed to consider the purpose of the CEA and the current requirements.

D. Bowers asked how the Board viewed the proposal and said he would make a motion to that effect.

A. Ferguson said she wanted to discuss the firepit first. She believed that was within the first 100 feet of the lake, and she wondered if it could be moved out of the that Zone.

D. Bowers asked if it could go on the deck (near the house).

S. Freeman pointed out where the septic system location would be and where there were steep slopes that impacted the location of the firepit.

D. Bowers asked if it could go on the bluestone area proposed off the house.

S. Freeman answered it would be a covered patio.

D. Bowers asked about putting it in the semi-circular bluestone area off the covered patio.

S. Freeman answered that was a seating area and said they would like to keep the smoke from the firepit from going into the house.

D. Bowers understood.

A. Ferguson commented that she was uncomfortable with the firepit in the first 100 feet of the lake.

A. Ferguson mentioned at the work session the Board had raised the question about what existing non-conformities on properties were allowed if there were a full demolition on the site. She wondered if the current regulations then applied to the site or if non-conformities could be allowed since they existed before.

D. Bowers answered that Mr. Cook had indicated that the nonconformities were not automatically allowed.

R. Cook explained that the nonconformities were allowed to be renovated, but if they were removed, then the current regulations applied to the site.

A. Drumm showed where the 100-foot setback line was on the site and where the road intersected the site and where the 85-foot setback from the road would be, explaining that created an overlap of setbacks on this site (between the road and the lake). The small area where the setbacks could be satisfied was located on the other side of Tunnel Lane in an area that was not reasonable to build. She related that much of the ZBA discussions had been about those challenges and were part of the decisions made in terms of building location, and building reductions made during that process.

D. Bowers expressed understanding about the house location and those restrictions. He said that was however, why this Board was reluctant to grant approval for other features. He said the lot was .45 acres with a road bisecting it resulting in much of the lot being across the road (from where the development was proposed), so the area where the home would be built was on .24 acres. He repeated the Board was reluctant to overbuild that area, which created the issues of the firepit and the deck since essentially a 3-story house would be built. He explained that was why the Board was pushing back about the accoutrements.

A. Drumm replied that was understandable. She pointed out there would less site coverage with the proposed scheme than what existed and they have proposed to improve the property in every way they possibly could while designing what was reasonable for the property.

D. Bowers responded the Applicants and the Board have the common goal of doing what was reasonable, however, they viewed what was reasonable differently.

D. Bowers asked the Board how they felt about the firepit.

L. Cushman thought it was against Code.

A. Ferguson also took issue with the firepit.

M. Koppers said she was not a fan of the firepit.

R. Cook was also against it.

D. Bowers then asked how the Board felt about the deck in the CEA.

L. Cushman felt the deck was reasonable.

A. Ferguson would have liked it to be smaller, but she said she was accepting of it.

M. Koppers said she attended a ZBA meeting where this was discussed and she thought a good job had been done to remove the majority of the decks in the CEA, so she found this section of deck to be reasonable.

R. Cook commented that he would like the deck to be removed from the proposal based upon what was intended to be in the CEA. He repeated that the demolition of the current house makes the site subject to the current standards, and no longer an exception because of what had existed.

R. Ridler was concerned about the size of the 9' X 14' deck, but he was not in favor of removing it completely feeling the Owners needed something to coordinate their movement to the water.

S. Freeman agreed it was a queuing area and a staging area.

R. Ridler approved of their willingness to increase the naturalistic look of the deck area and structure. He asked if the size of the deck could be reduced.

S. Freeman explained there was a series of different vintage decks added over time, so this section of deck was framed and with footings equal to the 9' X 14' dimension. He

explained to reduce the size of the deck would require a lot of reconstruction and thought it was either a 4 or 6-post deck.

D. Bowers reminded the Board they recently approved access to the lake for the Hugo property on Syracuse Road which had no deck at the shore but also had a steep incline from the lake. He felt the purpose of the Carmen deck was to sit on it, which he said was fine if the Board found it acceptable, however, if the Board found it to be unacceptable, the Applicants would have to redesign a way to the lake.

R. Ridler asked if the Applicants removed the deck, would they make it a grassy area.

D. Bowers said the question was what the Board would allow in the CEA.

S. Freeman answered the deck was to mitigate the slope, saying the steepest part of the site was at the edge of the lake. He said the deck was a docking point for the dock and repeated it was a queuing point for people to go onto the dock.

A. Drumm answered in response to the question about grass, there was no way to get a lawnmower to that section and it was a high-traffic location, so grass would not thrive nor be practical.

R. Ridler explained he meant a vegetative substitute for the deck.

A. Drumm thought they would need to put pea gravel or something that would withstand the traffic between the house and the dock.

S. Freeman said another wall would be needed with pavers around it in an area with a 3–4-foot grade change. He felt having 4-5-foot steps would not be practical in terms of safety. He said the deck would not be a place where a picnic table would accommodate 12 people and people accessing the dock.

A. Ferguson said the Board would like to uphold the guideline of the law regarding development within the CEA, but given the landform and grade, she repeated she did not find the deck unreasonable.

R. Ridler said he would approve the deck considering the conditions.

A. Ferguson commented the Board needed to consider site-specific details.

D. Bowers said he would then move to approve the proposal with the condition the firepit was removed from the plan.

J. Langey said the resolution he would create needed to be based upon specific findings and he was looking to the Applicants in the audience to make sure they understood what was being finalized.

P. Carmen responded, "We understand."

J. Langey elaborated saying if the Applicants desire the amenity of the firepit in the future, they understand that could be requested in the future, but the firepit proposal would have to be developed in a way that would be amenable to the Board (in keeping with this decision). He asked the Applicants if that was "fair to say," as clarification that the proposal at this time would no longer include the firepit.

A. Drumm answered, "Yes."

J. Langey explained the State Environmental Quality Review (SEQR) had been done for the subdivision, but he said it should now be reviewed for the site plan review. He then led the Board through the Part 2 of the Short Environmental Assessment Form (SEAF) with a discussion of each consideration that was found to be a small impact due to the mitigations proposed and practices the Applicants will employ.

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 and to approve the site plan for the construction of a new home as most recently submitted and conditioned upon the removal of the firepit was carried as follows:

Anne Ferguson	Voted	Yes
Lindal Cushman	Voted	Yes
Mary Margaret Koppers	Voted	Yes
Roger Cook	Voted	Yes
Dale Bowers	Voted	No
Robert Ridler	Voted	Yes.

J. Langey said he would prepare a written resolution, and he would share that with Counsel. He told Mr. Hunt he would call him and let him know how this would read.

LAND DISTURBANCE/SITE PLAN REVIEW/SUBDIVISION

*Kennedy Enterprises 1, LLC – Site Plan Review – 3172 West Lake Road, Cazenovia
File # 24-1528 (Robert Ridler)*

No one was present to represent the application.

Motion by D. Bowers, seconded by L. Cushman, to continue the file was carried unanimously.

*Hoffman, Tyler – Site Plan Review – 5649 East Lake Road, Cazenovia
File # 24-1547 (Dale Bowers)*

No one was present to represent the file.

D. Bowers said there was nothing new with this file, and the weather would not be conducive for getting things done.

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

*Frank & Bonnie Damazo Trust – Site Plan Review – 3574 Route 13 S, Cazenovia
File # 24-1557 (Dale Bowers)*

Tim Yousey, the contractor for Mr. and Mrs. Damazo, was present to represent the file.

D. Bowers said what was before the Board was the fence/roof (connection of the house to the proposed garage). He noted Mr. Yousey had drawings. He said he would turn the discussion over to the Codes Enforcement Officer, Chuck Ladd, to help the Board understand what was allowable for the site plan.

C. Ladd found the Code to be “loose” regarding the connection point. He said a roof was needed to be a continuation from one structure to another. He said rather than doing a breezeway structure, he felt the proposal to have a fence that resembles a wall and a pergola as connections would suffice and would be better than just a roof structure between the two buildings.

D. Bowers said in that case the Board would now discuss the design of the trellis that would make the buildings comply.

A. Ferguson asked what the material of the wall structure would be, wondering if it would be wood and if it would be horizontal.

T. Yousey said it would be wood. He said the house was board and batten smart siding and they would use that for the proposed garage, so they would do the same for the wall, or a hemlock shaker panel.

R. Ridler asked the height of the wall.

T. Yousey answered, "Probably seven (7) feet," unless the Board would allow six (6) feet, and with a pergola roof system over the top.

A. Ferguson asked Mr. Ladd what was the maximum allowed.

C. Ladd answered eight (8) was the maximum allowed for a fence.

R. Cook said if the fence were in the front yard, the maximum would be six (6) feet.

C. Ladd explained the front of the house was not oriented toward Route 13 and would not extend to the front corner (toward Route 13).

D. Bowers asked if there was a need for the wall.

C. Ladd answered the Owners want it, and he repeated he liked their having the pergola and the wall, feeling it would be a more substantial connection than a breezeway roof, to meet the obligation of the Code.

A. Ferguson expressed agreement.

R. Ridler asked about the surface beneath the pergola, behind the wall, and between the two (2) structures.

T. Yousey answered the walkway would be stamped concrete or bluestone.

R. Ridler asked if it would be a walkway rather than a patio or a slab.

T. Yousey answered it was hard for him to speak to the Owners' plans, but at this time he believed it would be just a walkway in the pergola area.

C. Ladd said bluestone was used in the back where there were steps to the creek.

A. Ferguson asked the width of the walkway.

T. Yousey believed the minimum allowed was four (4) feet.

C. Ladd responded it would need to be at least four (4) feet, but felt six (6) feet would look nicer.

T. Yousey remarked the pergola would not go to a door; it would be a cosmetic feature to join the two buildings.

A. Ferguson thought the Owners would enjoy the space.

R. Cook pointed out that in the definitions in the Code, a building needed a roof. He said a trellis was not a roof-system. He said the objective was to make these two (2) structures one (1) primary structure. He thought the design of the trellis was aesthetically pleasing, but as he read the Code, it was not what was required. It was his understanding that the Homeowners did not want to seek a special use permit from the ZBA for the garage as a second accessory structure, but had they done that, the Board would not be having this discussion (about how to connect the garage and house).

A. Ferguson clarified Mr. Cook was saying a roof was necessary.

T. Yousey responded they would then put a roof between the two (2).

R. Cook said the rest of the proposal “was fine the way the Code reads.”

C. Ladd believed the Code was subjective and it was a matter of interpretation. He thought a breezeway roof that did not go from door to door “was just to meet compliance.” He said it would look “tacky.” He said he would rather adjudicate in favor of something more substantial and aesthetic.

D. Bowers asked what the Board wanted to do.

R. Ridler liked the idea of a substantial structure connecting two (2) buildings to make one (1) structure. His question was whether the wall and pergola would be substantial.

T. Yousey interjected that it would be like having two (2) walls since there would be posts on both sides to do a roof system or a pergola.

D. Bowers clarified the issue was whether the Board wanted a roof or not.

R. Ridler opined he would rather have a roof that was substantial.

T. Yousey assured Mr. Ridler the proposed roof would not be removed.

L. Cushman asked if anyone would actually walk between the two (2) since it would not lead to a door. She questioned why they would put a walkway, walls, and a roof over an area that would not be walked upon.

T. Yousey responded, "Right."

L. Cushman asked if the roof would need to be eight (8) feet high to let a 6-foot man walk below it since the walkway would not be used.

T. Yousey believed the minimum needed to be six (6) feet.

R. Cook explained there did not need to be a door at the end of the breezeway for entrance into the house according to the Code.

A. Ferguson was curious why the Homeowner chose not to obtain a special use permit from the ZBA to avoid this difficulty. She said she would like to adhere to the Code, so she would say a roof was necessary.

M. Koppers expressed discomfort having two people who had experience interpreting the Code disagree in their opinions as to what was allowed.

J. Langey clarified the Board was not interpreting the Code; Mr. Ladd interprets the Code. He explained the Board respects Mr. Cook's opinion and his many years of experience, but Mr. Ladd is the Code Enforcement Officer and Mr. Ladd has given the Board his interpretation. The Board is not to overrule Mr. Ladd's opinion, just as the Board did not overrule Mr. Cook's opinion when he was the Code Enforcement Officer.

C. Ladd said he was basing his opinion on what was done in the past, what he has seen was done in the past during his short tenure, and how he can fairly adjudicate in the future (based upon what has been allowed).

A. Ferguson remarked the pergola would be more aesthetically appealing.

L. Cushman expressed approval of the pergola. She expressed having a roof with no use was undesirable. She wondered if the roof would be flat.

D. Bowers answered it would be peaked.

M. Koppers expressed approval of the pergola as well.

D. Bowers asked Mr. Ridler if he was still in favor of a roof.

R. Ridler answered he was uncomfortable too.

D. Bowers reminded the Board their function was site plan review.

J. Langey agreed. He said the discussion was regarding the proposal and for what has been submitted, unless the Applicants care to change it at this time.

D. Bowers stated the determination has already been made by Mr. Ladd.

R. Ridler said the application was for a pergola. He said, "In that case, I go with that."

A. Ferguson agreed.

J. Langey said this was a Type II Action in regard to SEQR.

Motion by D. Bowers, seconded by A. Ferguson, to approve the site plan as most recently submitted was carried by a majority vote of 5-1 with R. Cook recording a "No" vote.

*Bargabos, Dan & Elizabeth – Site Plan Review – 1080 Marlyn Park Drive, Cazenovia
File # 24-1563 (Linda Cushman)*

Matt Vredenburgh, the landscape architect, was present to represent the file, as was Dan and Elizabeth Bargabos.

Referring to his drawing created 08/21/2024 entitled *L-200 1080 Marlyn Park Drive Planning Board Site Plan M*. Vredenburgh explained the plan was to demolish an existing house and garage. He said the project was reviewed by the ZBA. There were five (5) nonconformities with the existing home; they removed the nonconformity of having the garage between the house and the road, and they reduced the other four (4) nonconformities regarding setbacks. They propose a new driveway to be installed where there was an existing driveway; they will construct a new house with an attached garage and a new patio at the water to replace an existing patio reducing some of the impervious surface area in Zone A. The overall impervious surface area will be slightly reduced from 28.5 to 28.4.

A. Ferguson asked the impervious surface coverage in the CEA.

M. Vredenburgh answered it would be 13%; it was 13.8% and it would be 13.4%.

A. Ferguson asked the size of the patio.

M. Vredenburgh answered it was 220 square feet; 22' X 10'.

A. Ferguson asked how much of the patio would be in the CEA.

M. Vredenburg answered it would all be in the CEA.

M. Koppers asked if the area was flat going to the water.

M. Vredenburg replied the “whole property was pretty flat.”

M. Koppers asked what prevented the Applicants from pulling the patio out of the CEA.

A. Ferguson said the Owners needed access to the lake.

M. Koppers thought the patio could be farther from the water and a path could be used to access the shore.

L. Cushman asked what was in the first 100 feet from the lake. She noted the house was moved quite a bit from the location of the existing house, but part of the proposed house would still be within the first 100 feet from the lake and acknowledged that was the reason a variance was needed for that setback.

A. Ferguson agreed she would prefer the patio be moved out of the CEA and a pathway be proposed to the shore.

R. Ridler asked about the shoreline.

M. Vredenburg answered it was “a crumbling sea wall.” He elaborated that it was a crumbling concrete masonry unit (CMU) wall. He said the plan was to remove the crumbling CMU’s and to replace them with some rip rap to stabilize the edge.

A. Ferguson asked if there would be future plans to plant along the lake edge.

M. Vredenburg replied, “Not at this point, no.” He said it has always been open, and they plan to keep it open.

A. Ferguson thought that was another reason to move the patio from the lake edge.

L. Cushman noted moving the patio back still kept it in the first 100 feet.

M. Vredenburg said the existing condition in Zone 2 (20 – 100 feet from the lake) was 32% and this plan reduces it to 17%. (10% is allowed.). He said moving the patio would still make the coverage in Zone 2 less than it currently is and would still reduce the overall percentage. He did think if the patio were removed, a path for access would be desired. However, he was unsure where the path would go at this point. He explained the path would be to have access to a dock, and they have not yet

designated where the dock would be, so they cannot designate where the walk should be.

There was discussion regarding returning to the Board when the plan for the dock was made, but the dock may not be designated for more than a year from now.

A. Ferguson asked the Board if they care where the path was located if they knew the dimensions that would be used to create the path.

M. Vredenburg calculated 20' X 5' would be needed for the path, and suggested the other 120 square feet for the patio be moved into Zone 2, thereby keeping the overall impervious area to 28.4%

A. Ferguson asked if the plan needed the location of the path at this time.

D. Bowers responded that the Applicants were allowed 5% impervious for access to the lake. He said it was his understanding that the lot was fairly flat, so he did not think the location was a critical detail.

R. Cook added there was no setback requirement for a walkway.

M. Vredenburg stated 5% would be 82 square feet, so the walkway would be 4' X 20'.

A. Ferguson thought that would “be doable.”

E. Bargabos indicated consent.

It was repeated that the path would be added to the plan to be no larger than 5% of impervious coverage, the patio would be moved out of the CEA and reduced in size to accommodate the impervious area for the path resulting in the overall coverage not to exceed the 28.4%.

D. Bargabos asked if Mr. Ladd would oversee those improvements.

D. Bowers indicated Mr. Ladd would.

A. Ferguson asked about elevations.

L. Cushman responded those had been reviewed.

R. Ridler asked Mr. Langey about SEQR.

J. Langey replied this would be a Type II Action, but said he would advise that Mr. Vredenburgh prepare a revised drawing to be consistent with this discussion and that Mr. Vredenburgh obtain Chair Ridler's acceptance of the revised drawing.

M. Koppers and A. Ferguson asked about the trees shown on drawing L-200 wondering if they were existing or proposed.

M. Vredenburgh explained there were cedars along the southern edge, but presently there were no trees along the north boundary, so those shown were proposed.

D. Bargabos spoke about using green giant cedars.

M. Vredenburgh said when he updated the plan, he would also identify some species to be planted along the north side.

A. Ferguson requested he distinguish between existing and new.

M. Vredenburgh consented.

Motion by L. Cushman, seconded by D. Bowers, to approve the demolition of the existing house and garage and the construction of a new single-family home with an attached garage and the related improvements as discussed and adjusted carried unanimously.

Motion by D. Bowers, seconded by M. Koppers, to adjourn the meeting at 8:42 P.M. was carried unanimously.

Sue Wightman, Planning Board Secretary – December 6, 2024