

**Village of Cazenovia Planning Board  
Meeting Minutes  
October 9, 2023**

5 Present: Rich Huftalen, Chair; Adam Walburger; Steve McEntee; Anne McDowell; and Don Raleigh.

10 Others Present: James Stokes, Village Attorney; Marlene Westcott, Recording Secretary; Margaret Huftalen; Bruce Baker; Patricia Baker; Thomas Tait; Kate Schwartz; Erick Schwartz; Robert Aronson; Jim Sessler; Stephen Hadley; Dave Dissinger; Laura Hard af Segerstad; Henrik Hard af Segerstad; Gustav Hard af Segerstad; and Todd Harrington.

15 14 people were in the audience.

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R. Huftalen called the meeting to order at 7:00 p.m.

20 He asked for any changes to the minutes of August 14, 2023. Hearing none, R. Huftalen made the motion to approve the minutes as presented. D. Raleigh seconded. The motion carried with 5 in favor, 0 opposed.

\* \* \* \* \*

25 **Erick and Kathryn Schwartz, 8 Ledyard Ave., Patio, Site Plan Review**

R. Huftalen: The applicants are present. I have shared this information with the Board. There is a project going on at the Schwartz residence to do a bunch of improvements to the property. Mr. Carr (Zoning/Code Enforcement Officer) received some questions about it and determined at that point that they needed to supplement their application for a building permit with some site plan data. I think the Board knows that he put in a request to the owners to augment their application. He determined, based on Village Code, because some of the construction is within 20 feet of the shoreline of Cazenovia Lake, the permit was only going to be authorized on the grant of site plan approval by the Planning Board. So that’s how this project arises and gets on our agenda tonight. There is currently a Stop Work Order on the project. The construction, obviously, is subject to our review. We have materials in here, including an engineering report, site plan, and conditions pictures. Maybe I could get the applicant or his representative to give us an overview of the project.

40 Stephen Hadley: I can do that. I am Steve Hadley from Hadley’s LLC in Jamesville. We are removing or have removed existing patios in the back and by the shoreline. They are replacing that as well as taking out some concrete sidewalks. Overall, we are reducing impermeable space by 345 square feet. We did not touch any vegetation along the boulder retaining wall or shoreline. We are leaving that as existing. We are pouring Stampcrete patios to replace the old patios and doing  
45 plantings around them.

R. Huftalen: We have a couple of site plans here.

50 Stephen Hadley: Those were updated to show watersheds. Watershed is 1 inch per 8 feet per patio space. As you can see, they are going to be running into garden beds and lawn areas.

R. Huftalen: As I viewed in your application packet, it looks like this work is replacing existing impermeable area.

55 Stephen Hadley: Yes.

R. Huftalen: We have this report from Mr. Sheneman at PLS Engineering to Stephen Hadley dated September 25, 2023. I can read some of the highlights now, but I will get the full text to our Recording Secretary to incorporate into the minutes. The complete letter is also in the file.

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*Steve,*

*This is to document my site visit to you project at 8 Ledyard Road (US Route 20) in Cazenovia and to transmit the results of my analysis of the potential impacts of this project on stormwater flows.*

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*Based on my site visit and a review of the plans for this project, project will have an impact on stormwater flows based on changes in impermeable area on this property resulting from the proposed changes as follows:*

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*1. Approximately 150 Sq.Ft. of existing concrete driveway apron will be removed from the south side of the existing driveway located on the south side of the house and will be replaced by a permeable gravel strip resulting in a **decrease** of 150 Sq.Ft. of impermeable surface on this property.*

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*2. Approximately 770 Sq.Ft. of existing concrete sidewalk will be removed at the southeast corner of the house and replaced with landscaped gardens resulting in a **decrease** of 770 Sq.Ft. of impermeable area.*

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*3. A 4' x 160' portion of the existing curved concrete sidewalk from the east side of the house will be removed and replaced with a stone walkway with an assumed permeability of 50% resulting in a **decrease** 320 Sq.Ft. of impermeable area.*

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*4. A 1200 Sq. Ft. area of existing lawn will be removed along the north side of the existing concrete driveway to the south and east of the house and will be replaced with a 540 Sq.Ft. pea stone parking area with an assumed permeability of 50% and 660 Sq.Ft. of landscaped garden area resulting in an **increase** of 270 Sq. Ft. of impermeable area.*

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*5. An existing 600 Sq.Ft concrete patio at the northeast corner of the house will be removed and replaced with a new 1225 Sq.Ft. 3-tier patio resulting in an **increase** of 625 Sq. Ft. of impermeable area.*

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6. *An existing concrete patio near the lake shore will be replaced with a new patio of the same size. Approximately 80 Sq.Ft. of existing concrete sidewalk will be removed to the west of the new patio and this area will be converted to landscaped garden. Essentially there will be no change in impermeable area from this portion of the project.*

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7. *The net resulting impact on stormwater flows will be from a **decrease in impermeable area** on this property of 345 Sq.Ft. After completion of this project stormwater flow from this property will be reduced accordingly.*

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*Please feel free to contact me with any questions.*

*Sincerely,*

110

*Paul Sheneman*

*Paul Sheneman, P.E.*

*cc: Bill Carr via email: pwa@villageofcazenovia.gov*

115 R. Huftalen: Point 6 I really want to highlight because I believe that is the area causing this project to come before the Board. That is the area of the project that is within 20 feet of the shoreline. It appears to me the impermeable area within 20 feet of the shoreline is going to remain the same. I want to give an opportunity for the Board members to ask any questions. We also have some neighbors here and I want to give them an opportunity to add some comments. I think Mr. Hadley described the project well. Any questions from the Board members?

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S. McEntee: A question for Mr. Stokes. Does the DEC (New York State Department of Environmental Conservation) have oversight of changes along the shoreline?

125 Mr. Stokes: Not as long as it is on land. This portion doesn't involve them.

A. Walburger: Not a question, Rich, just a general comment on the site plan. This is pretty much not in-kind but like-kind upgrades to a residential property. Proximity to the lake just makes me wonder about construction sediment controls without requiring a stormwater pollution prevention plan (SWPPP). I would like to hear if any of those thoughts were entertained for this work.

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R. Huftalen: Mr. Hadley, if you would like to comment.

Stephen Hadley: The only real erosion control that is needed right now is a silt fence that was put in. Once the beds are in, all the water will gravitate to them. The runoff is clean. As I said, we are not removing or adjusting any existing vegetation above the water wall. That would put us into a DEC spec. We see no issue in any regard.

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R. Huftalen: Any other questions or comments? One of the things I advised the applicants of, obviously, we have seen it in a lot of different projects before, there are Lakefront Development Guidelines prepared by Cazenovia Advisory Conservation Commission (CACC) with assistance from SUNY ESF (State University of New York College of Environmental Science and Forestry).

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145 They have made reference to those. It appears to me that these are pretty consistent with those guidelines. There are native species. Clearly, there are provisions in those Lakefront Development Guidelines for updating and improving existing infrastructure.

150 Dr. Bruce Baker: I am Dr. Bruce Baker. I'm an orthopedic surgeon in Syracuse. I also have an undergraduate degree in engineering with a double major in civil engineering and mechanical engineering. I really understand fluid mechanics. My wife and I have been taxpaying citizens of Cazenovia for over 51 years. We have owned a number of places. My wife has had an interest in the history of Cazenovia and the old buildings. We have actually renovated a building that was over 100 years old previously. She has volunteered at Lorenzo and other activities to support the historic endeavors in the community. She became aware that 10 Ledyard, a building that was constructed in 1860 was being considered for renovation for commercial purposes and she got upset with that so she bought the property. We renovated it. One of the things we found when we first got down and really inspected it was that the adjacent property at 8 Ledyard was significantly higher than our property and the runoff was really dramatic. We had one episode on the 4<sup>th</sup> of July, my son Clayton's twin boys were actually lugging in a river of water coming down from above. It is substantially higher. One of the concerns we have is the runoff. We had other property on West Lake Road on the lakefront and we were required to put in a French drain around it because of runoff problems. It is my opinion that the runoff problems here are greater than what we had on West Lake Road. The other thing is for wastewater. We have a tank that exits out of the house and then is pumped up to the street level to be exited through the sewer system on the road. We had to replace this a couple of years ago because it had been there, I'm guessing, 70 or 80 years. It was interesting to see how high the groundwater level was. It was pretty close to the surface. With the groundwater level and the runoff we have seen periodically, we have concerns about this affecting our system and being able to have the wastewater be evacuated without a problem. There is a brand new system in there now. There are a number of concerns we have. We have demonstrations of what happens when we get a heavy rain. One of the biggest problems is when there is snow accumulating up above and there is a heavy rain in the spring, for example, the water coming off is monumental. This is a picture of what happened before we knew about this. This is our house and a picture from it. This is the excavation done at the lakefront. This is a week later after a rainstorm. The water is not running off. It's a problem. This is a picture of the building again. It is basically the original building that was constructed in 1860. It was originally a horse barn and then it was converted. This was actually a stall we converted into a living room. Horses were in there at one time. This is a remnant of one of the horse barn doors that we kept to use. The other thing is that it's not the only impermeable site within, I would say, within two or three years more or less. This impermeable area by the house up above us was converted into a court or whatever. But the problem is it doesn't soak up water that comes off. It was a recent construction up above. You can see there is kind of a contour. And the flow comes down. There is actually a wall that diverts it down and this comes down over our property toward the wastewater system that we have. And we have concerns about that. We put in a row of evergreen trees to try to avert that down below on our property. The other thing was that some of the digging that was already done on the waterfront came over onto our property. We had our surveyor, Perry Tooker, from Oneida come up and he put 185 in new markers.

190 Patricia Baker: We were not aware of this project and it had not been brought down to Mr. Carr until we called him. The construction began on the week of the 18<sup>th</sup>. We went up to the home and inquired because, as he was explaining, our wastewater goes up to the corner of their house to the sewer. Quite frankly, when I saw the construction machines there, I was worried about our

wastewater problem. I was assured that if they did damage to something that they would repair it. To be perfectly frank, I would rather not have damage and wait for repair. I think you all like to use your facilities. They told me they were replacing a patio of sorts off their master bedroom. So we accepted that. We regretted the acceptance of it and not checking further. Because, all of a sudden  
195 when we came back from taking him, this was occurring and it occurred very fast. I'm going to go through and show you. You'll have to excuse me. I'm not a public speaker. These are pictures that we took and they are not professional, I will admit. We did it with our camera and printed them out. This all occurred within a few days. We called Mr. Carr and I did have the dates. It began on the 18<sup>th</sup>. We called Mr. Carr on the Monday after the 18<sup>th</sup>. He stopped work at that time because there  
200 was no site plan. If you would pass those (pictures) on because I have more. You can pull off the notes. I gave explanations of the photos. There are other folders in the back. I think you can see. When this happened, by the end of the week, we called our surveyor because we wanted to have it marked because we felt they were encroaching on our property. I think you will see from the pictures that they definitely were encroaching on our property. I have put Roman numerals on them  
205 so you can see what we are trying to show. This is the marker and this is the property. When we bought the property, we chose not to put up a fence. There was a fence originally. I have the original pictures from the people who owned it before us and they did have a fence. I would prefer not to fence if I don't have to. In the beginning, I chose to put in plants that I thought would grow. If anyone has worked on properties around the lake, they know it is clay soil. It is very  
210 impermeable, I believe is the word. I know that you are going to have to pick very particular plants to have anything that grows and doesn't wash away. As a gardener would tell you, things don't grow well in clay. It dries up and cracks. It is very hard to find plants that like that type of soil. And those that do, generally don't grow well anyway and they don't last. It is a great deal of water that runs down this property. It is much higher than ours. Our home begins about midway down the  
215 hill. The land slants down. Our grandsons were lugging down, what was like a ditch. The water comes off the hill and there is a gradient about a third of the way down the hill on the Schwartz property that brings the water from the upper part of their property down and empties on ours. It is very obvious. You can see it by eye. I have a problem, too, because I believe this is not one construction, but two constructions. The lakefront is very definitely involved. The water cannot  
220 drain into the lake. It must run sideways onto our property again because there are lengths of concrete that block the drainage. You will see where the marks are how the water comes around and comes onto ours. We have part of the original wall. I have pictures of the property. Mr. Tooker thought he would have a more updated survey, but he did not have it ready for us. I brought an old survey. But he did stake the line for us. If you are interested, you can read my comments. They are  
225 basically pretty explicit. The second project has been going on for several years unbeknownst to us—that's the upper part. Again, there is an explanation about it. This is not the original patio that was there—it is in layers or parts. Again, the explanations are there. It drains down onto a concrete pad, which the young men of their family play basketball on. I think they attempt to direct it to a drain in the drive. It doesn't drain there. I cannot walk behind our utility shed at times when the  
230 water doesn't come over my shoes. I'm not an engineer. However, I do know that if you just sight it, you can see that the water runs onto us all the way down. My granddaughter goes back there and she says, "Nana, it's all squishy down here." She's right. We are going to have to have the wall done. We are in the beginning stages of talking about it. If Mr. Tooker were here, we could show there are two drainage holes in the middle of the highway that bring water to drainage that runs  
235 down the driveway on the left hand side, which is the Loftus side. It crosses over just at the joint of our property and the Schwartz property. Then it runs. It is big enough that I could crawl into it. It is beginning to collapse. I called a gentleman from the EPA (Environmental Protection Agency) and I asked about it. They said there was not an easement over the properties, therefore, that drainage is

240 ours. I asked what if it becomes plugged—which is happening. There is a great deal of silt  
accumulating there. If you step off down into it, it can go up to your knees—the silt—sometimes.  
He suggested we contact someone else in the State Highway Department, so we are going to do that.  
I talked to some other people. Bob Constable, who I know and has been in Cazenovia for a long  
time, he suggested we go to the Lake Association, too, and find out. We did have the land around  
245 the tree on our property because I understood it was one of two elm trees. Unfortunately, it took us  
over four years to get them to allow us to do something to save it. Unfortunately, it is not savable  
now. It is frustrating to a landowner. We have multiple spots on this property that became the drain  
for the Schwartz property. Some of it they did not do and I understand that. It is a frustration for  
them. However, perhaps now is the best time to do something about it. The amount of property they  
250 are going to cover is extensive. I don't like people who begin to work when they don't know where  
the property lines are. I don't like people who destroy, even if it's only a piece of something that I  
own. This has been happening and I don't like it. I don't think anybody would like it. I'm not  
going to say anything more because I'll get upset and angry. And I am angry. These are pictures we  
received when we purchased the property.

255 R. Huftalen: Thank you to the Bakers. I appreciate the context you are providing. I think this  
project, in particular, was initiated with the idea that it was replacing existing infrastructure and, as  
such, Mr. Carr issued a permit without requiring Planning Board review. We were given an  
opportunity to consult, Mr. Carr and myself, after he heard from you. Again, relying on the Village  
Code, normally, for a residential property, there is no site plan review required. It is not something  
260 we consider. There is no stormwater permitting. There is no consideration for residential properties,  
generally. Because there is disturbance within 20 feet of the shoreline, then site plan review is  
required. Because of that, that's how we arrived at this review. With a site plan review, one of the  
key considerations the Planning Board MUST take into consideration when determining if the site  
plan is appropriate or not is: What are the post development conditions relative to the  
265 predevelopment conditions? I know this is the case. We have dealt with a bunch of different issues  
down in this area where there have been existing problems in the neighborhood and the lot coverage.  
Again, we have had issues with development at the Brewster Inn. Taking into consideration some of  
these challenges with neighboring properties that are quite close to each other. At the same time, I  
also say, from our perspective, we have to take into consideration the post development conditions  
270 and how they compare to predevelopment conditions. Jim (Stokes), I'm glad to have you weigh in if  
I need correcting or amplification. But it is not the Planning Board's job to improve existing  
conditions that have been in place. That's kind of what I'm hearing. There have been a number of  
issues amongst these neighboring properties. I'm glad to get any comments or further questions or  
amplifications from the members of the Board. I think the problems you are talking about are  
275 important—no doubt. I would be hopeful that there can be some mutual accommodation with the  
neighbors to try to resolve those things. Given the engineering report that we have and the decrease  
in overall impermeable surface, and specifically the area within the 20-foot Critical Environmental  
Area. It doesn't look to me like there is any basis for the Planning Board to say that this project is  
not permissible.

280 S. McEntee: I have a question about the drawing. It seems from the pictures that Mrs. Baker  
presented that the property line that was staked out does not really represent what is drawn here.

285 R. Huftalen: In particular, there is a picture where it looks like this bed that is being created has  
encroached on the neighbor's property.

Patricia Baker: And there are going to be two others. One of the pictures shows that it has gone well down into our property.

290 R. Huftalen: This is the picture we are referencing, in particular (showing photo to S. McEntee).

S. McEntee: For one, yes, the near stake that Mrs. Baker is talking about. But also, the far stakes in that picture, Rich, they are on the east side of that hedgerow. Whereas, on this drawing, the property line is drawn through the center of the hedgerow. That's my point.

295 Patricia Baker: There are two different hedgerows. One belongs to Mr. Schwartz, who planted those and they arc around. It is to direct water from the new patios they are building. They replaced a retaining wall about two years ago and built a concrete pad. Then as they are doing now, they are doing the upper. That's why I'm saying there are two construction sites here—the one up above in front of the home, which is very extensive. It does not cover an older patio. The drainage will run  
300 down behind it and end up attempting to get into a drain in the driveway. But most of it ends up behind our shed. Mr. and Mrs. Schwartz are welcome any time when we have a good rain and runoff and come and slop through it with me.

305 Erick Schwartz: That area has been wet since the day we moved in, which was about six years ago. So it is an existing issue, as you said. No new patios have been poured since we moved in. A concrete pad was added. Our girls actually play basketball there too and not just the boys, which is nice. The encroachment over the property line was just a complete miscommunication, which we apologized for. It was a nice conversation. That was just a mistake with the excavator. That  
310 drawing that you have matches what is going to be done. The photos match an honest mistake. It will be repaired as soon as we can.

Stephen Hadley: On the property line, the excavator went a little too far. I painted two lines because I'm the designer. I paint all the lines. I place all the plants. I establish all the patios. I had  
315 two lines. The first line I knew was the existing property line. The problem is my brain was thinking that vegetation goes all the way across the property line. But she removes the vegetation from her shoreline. So there was just a little bit more. I went farther and I put a dotted line. I told my guy to tell my other staff in the excavator not to go to the second line and to go to the first line. So that's our mistake. That mistake was actually identified when I showed up at their house for two  
320 hours on a Saturday night on my way to Hamilton where I own property. We discussed everything. We walked the property. I showed them what we were going to do. I told them that the bed line that got moved over is not landscaped or hardscaped and it is a bed line that will be returned to sod. We are not even going to see it. We are actually going to put sod in. It is a very small area. The other things that we did go over is what she detailed and talked about up front there. Number 1, we plant  
325 about 3,000 trees and about 50,000 plants in a six-month season and have been doing it for 30 years. We are going to introduce no new soil. The plants that we actually put in are warrantied. So I better figure out what goes in and what's going to last. The water control on the property . . . Both of these structures were built in the 1800s. These conditions have been there for 200 years plus. I don't know if they had to do foundation work. The water runoff, the storm management has been  
330 that way for 200 years. There are some things that she is worried about that I discussed with her with the shed having the squishy environment behind her shed is because that is a structure she put on her property or someone prior to her owning the property put there. So the water doesn't run off. It collects behind it. So that's a stormwater management issue that she should probably control by lifting the shed and getting the water to drain off, instead of collecting behind the shed. The

335 driveway is an issue. They need access to their property. I understand that. That has nothing to do  
with plant beds that are going to control erosion, grass that is going to maintain stormwater  
management. There is a driveway that goes right down to their structure. They bought the existing  
property knowing they were on a downslope and the structures have been there since the 1800s.  
And they are both still there. What we are doing is actually reducing impermeable area. We are  
340 adding some plantings, which are filtration beds. The site does have clay and that's why we  
implemented soiling. The plan was done in June. My clients would not sign a . . . I would not ask  
them to sign an estimated cost of work without showing them in great detail of what we were going  
to do. We do work fast. We are very efficient. One of the reasons why we lined this up—which  
was upsetting to us—because I spoke with them on Saturday and I had somebody come on Monday  
345 and just shut us down. The efficiency was there because there was no rain. So we allocated staff to  
get as much excavation done as quick as possible so we could reimplement standards of erosion  
control quickly while there was no rain. So now we had two weeks of sun so we actually mobilized  
our equipment and staff from other jobs, that weren't on a lake, to handle this efficiently. So we  
weren't trying to . . . We started on Thursday. My staff was approached directly and aggressively. I  
350 found out from my client on Saturday while I was at the SU game. I left the SU game at half. I went  
to their house and spoke with them for two hours. Then Monday morning we had a stop order  
without discussion. Then we had the police deliver something to my client's house. It was a loud  
voice heard. But the impact and the engineering, and the architecture and the efficiency of the job I  
don't believe should have been altered. But we are very happy to be sitting here to clear the issue up  
355 so that we can go forward.

Patricia Baker: May I make a suggestion then please? I know they are using other ways to divert  
the water. You can see the water does come around the vegetation. It cannot pass the concrete—I  
don't know what you call them. They look like parking things and it runs onto our property. All of  
360 it does. If you look at the pictures, you will see where it does come. I don't know what is going to  
happen when all of this that you are building is going to be covered. Because what is being put  
down is not permeable.

Stephen Hadley: As I said in response to your need of help, the concrete barriers there by the  
365 lakeside, as discussed with you on site that Saturday night, I said that I can alter the bed a little bit so  
it slants back towards the Schwartz property so it doesn't run off.

R. Huftalen: Can you show me the concrete barrier we are talking about?

370 Patricia Baker: Yes.

Stephen Hadley: It's not really a barrier. It's kind of hard to see. There's just little pieces of  
concrete here.

375 Patricia Baker: There is another picture with them—number two, I believe. This is before. They  
are right in here (pointing to photo).

Stephen Hadley: As you can see, we didn't take any vegetation out. We left it there.

380 Patricia Baker: No, they didn't take any vegetation out. You don't see them. There is a picture with  
it.



Stephen Hadley: Both you and I know they are in there, right?

385 Patricia Baker: Yes, we both know they are there.

Stephen Hadley: As discussed when I was on site, we can bring up this bed right here so that this patio does not pitch toward your property.

390 Patricia Baker: It is going to come over here onto the supposedly permeable area.

Stephen Hadley: No, it's surrounded by beds and then there is a filtration bed in front of it. What you have done is removed the filtration beds from your property.

395 Patricia Baker: No. No. Do you know what that was? That is because I go out there with a rake and I take all the stuff that has washed in.

Stephen Hadley: You had an excavator there getting stuff out of the way, too.

400 Patricia Baker: You know exactly what I'm saying. I am taking up leaves and things that come down the drain. Also, everybody who has been along that lake right now knows they are either cutting the weeds now or . . .

Stephen Hadley: That is a separate issue. Can we handle this one? I'm not here for the lake.

405 R. Huftalen: Thank you. It is buried in this area.

Patricia Baker: Not buried. You can see them.

410 Stephen Hadley: There is a small exposure to them.

Patricia Baker: No, no. I measured it. I went over there and measured it and it's not small. It goes about 6 inches high and it's deeper than across. It is very frustrating because I watch the water. As I said when I was speaking, a great deal of this was done before and I'm not talking about that. I'm  
415 just trying to direct where the water comes, why we have so much water, and what's going to happen when this is finished? I know it's going to go onto us. That water table is so high that they could not put a new tank down. Again, there is a picture here of the tank right at the side of our house. I was not asking them to correct anything that's been done by somebody else. I would just appreciate that they take into consideration that doing what they are doing is going to affect other people. And  
420 they have not up until now.

R. Huftalen: We have a list of species of plantings you have down in that area. I could identify most of the species that were listed here on the list of preferred species in the Cazenovia Lakefront Development Guidelines.

425 Stephen Hadley: It goes with DEC as well as Audubon.

R. Huftalen: There is a specific list that is an appendix to the Cazenovia Lakefront Development Guidelines. I am able to match the majority of the species. In some cases, their scientific names are  
430 a little bit difficult. Fortunately, we have an expert in the back here (Tom Tait) that I might ask to

consult with this listing and make recommendations just to ensure that there is no miscommunication on sedum autumn joy versus sedum species and getting a recommendation or approval of this list if the applicants would be willing to have that consultation done.

435 Tom Tait: Do we have a design on file?

R. Huftalen: Yes. There is a design right here, Tom. You can take a copy (which he did).

440 R. Huftalen: I understand the concerns. I might like to consult for a minute with Mr. Stokes in executive session, if possible. I make a motion to adjourn to executive session for a couple of minutes. All in favor?

All: Aye. The motion carried with 5 in favor, 0 opposed.

445 Into executive session at 7:46 p.m.

Out of executive session at 7:51 p.m.

450 R. Huftalen: One of the things the Planning Board has to do is make a determination for State Environmental Quality Review (SEQR) purposes on what type of action this is. Because this is a residential project, it is a Type II action. With Type II actions, I can just make a declaration without a vote. Therefore, I am going to declare this a Type II Action under State Environmental Quality Review (SEQR). Since no other agencies are involved, nor will approval have any significant adverse effect on the environment, no further SEQR action is required. This is under 617.5(9).

455 R. Huftalen: One of the challenges we see historically is with these residences and these historic conditions, it puts homeowners in a difficult spot and makes it difficult to solve for everybody's needs. At the same time, it is clear based on the Code and our Lakefront Development Guidelines, that improvement of hardscape, where there is existing hardscape, is not something that is prohibited  
460 by the Code. Because we have the engineer's report and it talks about the maintenance and reduction of impermeable surface, the particulars of this situation seem to point toward this as an allowable action. One thing that I think we would like to do to mitigate, and hopefully the parties can work together and come to the best possible solutions as this project proceeds, one of the things we would require as a condition of approval of the site plan, is that the bed that is constructed along  
465 the border between the two properties is constructed in such a way as to eliminate runoff in the disturbed area onto the neighbor's property. It seems like Mr. Hadley said that is feasible. That would be something that we would incorporate in any approval and make sure Mr. Carr, Code Enforcement, is aware of that. The other condition that we'd like to incorporate into any motion here would be that the landscaping and the planting plan is reviewed by the Chair of the Tree  
470 Commission to ensure that the species do indeed match our list of those approved in the Lakefront Development Guidelines.

Tom Tait: Specifically that area close to the water?

475 R. Huftalen: Correct. The Critical Environmental Area. Is that alright with the Tree Commission Chair?

Tom Tait: We already spoke and I will share notes.

480 R. Huftalen: Thanks very much.

Mr. Stokes: Rich, do you want to add a condition that they will need to restore the sod condition to the neighbor's property?

485 R. Huftalen: Yes. Any incursions on the neighboring property, we certainly expect that those would be restored to a better than original condition. I hope that would be the case. Again, recognizing that the difficulties of managing waterfront water flow issues are not always resolvable by a Planning Board, but hopefully there will be an opportunity for good will and conversation and a mutually good outcome even in light of this new project.

490

R. Huftalen: I make a motion to approve the site plan with these conditions attached:

1. The bed that is constructed along the border between the two properties is constructed in such a way as to eliminate runoff in the disturbed area onto the neighbor's property.
2. The landscaping and the planting plan will be reviewed by the Chair of the Tree Commission to ensure that the species do indeed match our list of those approved in the Lakefront Development Guidelines.
3. Any incursions on the neighboring property will be restored to better than original condition.

495

500

A. McDowell: I'll second your motion.

505

The motion carried with 5 in favor, 0 opposed.

R. Huftalen: The motion carries and the site plan is approved. I will notify Mr. Carr.

\* \* \* \* \*

510

**James and Conkie Sessler, 15 Hickory Lane, Addition, Architectural Review**

Jim Sessler came forward as the representative.

515

R. Huftalen: We have a depiction of the addition. We have the floor plan. Mr. Sessler or Mr. Harrington, please walk us through your thoughts.

520

Jim Sessler: My name is Jim Sessler. My wife and I acquired this property at the end of last year. It was her grandparents' house. They built it there in 1955. We are completely redoing the inside of the house. We are virtually not going to change anything outside, except we are adding a deck off to one side. It is a 16-foot by 20-foot deck. It is going to be a covered deck. It is going to have the same roofline as the garage. So if you look at the roofline of the garage, it's just going to extend straight back. We are going to cover that up with a set of stairs going down the side.

525

R. Huftalen: This is the west elevation?

530 Jim Sessler: Looking at it from the west. So there is just going to be the covered deck with gravel underneath it. The only other thing we want to do, if you want to call it an addition, there is a bay window on the west elevation. We are just going to square that up. Instead of having the old style bay window, it's just going to be squared up. So we are adding literally like 9 square feet to the foundation. Right now, it is two 45-degree angles that come in. We are just squaring that up to make it a little more modern. Nothing has been done to the house since 1955. You won't believe this, but it has the same coat of paint that they put on in 1955 on the rooms inside.

535 R. Huftalen: It's all that good leaded paint.

540 Jim Sessler: So that's why we are redoing the whole inside of the house. This is a very minor change to square up bay window and add the covered deck. That's all we are going to do from the outside. If you look at the front of the house from the street, it will look exactly the same, except for the hip roof. Except for having rough split shingles on the house, we are going to put clapboard siding on the whole house. 10% of the shingles have been replaced and it just doesn't look good. Those are 75 years old too.

545 S. McEntee: That's the entire exterior?

Jim Sessler: Yes. It is all rough split shingles.

S. McEntee: Open deck posts underneath?

550 Jim Sessler: Yes, open deck posts underneath. The deck goes down and stops. It goes out 16 feet. My neighbors have a deck that goes another 6 or 8 feet below it. The deck is a good 130-140 feet from the lakefront. It's not even close to coming to the lakeshore. Both neighbors have decks. My wife's grandparents never thought about putting a deck on the place. It probably cost too much money for them. It is really very, very simple. We are really not changing hardly anything. Just updating a house that was built in 1955 and bringing it up to speed. 95% of the work cost, probably more than that, is going to be inside. Some of the windows are not current legal standards, but we will update those. It is going to be high efficiency insulation.

560 D. Raleigh: Any changes to the garage door?

565 Jim Sessler: No. That is going to look the same. They might put a ridge across the top, something decorative, the newer style to go across. We are not changing anything of significance. The rooflines are going to be the same, except where we are adjusting the roofline at the front porch. We are putting a peaked roof over the deck. They will have to adjust a little bit where they square up the front where the bay windows are now.

R. Huftalen: You are not in the Historic Preservation Overlay. Otherwise, you would be visiting with them. 1955 is getting pretty historic.

570 Tom Tait: Who built it? Bob Reidl?

Jim Sessler: I have no idea.

Tom Tait: He built many of the homes on Hickory Lane.

575

Jim Sessler: I have seen the drawings. The architect was somebody in Fayetteville. I'm not sure who built it.

580

R. Huftalen: The Historic Preservation/Architectural Committee (HPC) has more stringent standards. All the Planning Board asks is if it is extremely dissimilar, unusual, incongruous, with the rest of the neighborhood. It's a Type II action based on State Environmental Quality Review (SEQR) residential property. No further action is required. Our review is architectural only. I am going to make a motion to approve the project as presented.

585

S. McEntee: I second.

The motion carried with 5 in favor, 0 opposed.

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590

**11 Lincklaen Street, LLC, Subdivision**

Robert Aronson came forward.

595

R. Huftalen: I see we have a subdivision application. I should tell you, in consultation with Mr. Stokes beforehand, we do have to have a public hearing for any subdivision application—major or minor. That means we put up a sign and put it in the newspaper. Then in a month we start up the meeting by asking if anybody has any comments about the subdivision proposed. It is a procedural thing. Go ahead and give us the low down on what you are trying to do. You have a parcel in the front and a parcel in the back? And you are separating them out?

600

Robert Aronson: Yes. I have been using the parcel in the back for storage for tires, furniture, and that sort of thing and I want to keep it. I'm selling the front parcel. I don't want to change anything. I don't want to do anything but keep it as storage.

605

R. Huftalen: This is in the B-1 district. One of the problems with subdivisions, normally, is you can't create a nonconforming lot. You can't make a parcel less conforming. In this case, there are no lot or structure requirements in the B-1 district. I don't think there are any obstacles on that front, is there Jim (Stokes)?

610

Mr. Stokes: I'll look into it.

D. Raleigh: What is the new acreage or size of the lot?

615

Robert Aronson: The size of the lot is the building itself and not an inch more. It is the old jailhouse.

620

R. Huftalen: Parcel A is the one-story masonry garage, 355 square feet. You are in the B-1 district right adjacent to C-1. There are no lot and structure requirements in B-1.

Tom Tait: What is the building in front?

Robert Aronson: The bakery, HeartStone.

625 R. Huftalen: The Board has 30 days to come up with questions.

Mr. Stokes: What is it being carved out from? It's not real clear here.

630 R. Huftalen: We have the legal description here, Jim. It's a funny parcel. It's one parcel that is on both sides of the alley. That's why the legal description is so long.

A. Walburger: Is there parking behind the HeartStone building?

635 Robert Aronson: There are 4 spots behind the bakery.

R. Huftalen: Parcel B is 2,125 square feet.

Robert Aronson: Parcel B will be 4 parking spots and the bakery.

640 R. Huftalen: You are just parceling off the garage, right?

Robert Aronson: I just want to take the garage away.

645 Mr. Stokes: Is there public access to the building? Is it considered a street?

Robert Aronson: Yes. It's a street. I think it's called Jailhouse Alley.

650 R. Huftalen: I am going to make a motion to set a notice of public hearing for November 13, 2023, at 7:00 p.m. I don't think subdivision requires county approval.

Mr. Stokes: It does not.

\* \* \* \* \*

655 R. Huftalen: Is there any other business before the Board tonight? Hearing none, I will make a motion to adjourn.

D. Raleigh: I second.

660 The motion carried with 5 in favor, 0 opposed. The meeting was adjourned at 8:12 p.m.

Respectfully Submitted,

665  
Marlene A. Westcott  
Recording Secretary