

# Cazenovia Zoning Board of Appeals

## Meeting Minutes

August 22, 2011

Members present: Chris Fischer, Chairman; Richard Sheridan; David Silverman; Gene Smith

Members absent: Louis Orbach

Others present: Wendy Reese, Esq.; Roger Cook; R. Merrill; H. Merrill; L. Osborne; B. Osborne; M. Hill-Glass; J. McDonald; R. McDonald; Kevin Curtis; Kristin Curtis; John Whittle, Judy Whittle; T. Gunerman; P. Reagan; S. Sunderman; M. Willis

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C. Fischer called the meeting to order at 7:30 pm.

The next regularly scheduled meeting is September 26, 2011.

There is a special meeting on August 29, 2011 at 7:30 pm for Cazenovia Equipment.

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C. Fischer asked if there were any corrections or comments for the July meeting minutes.

Motion by C. Fischer, seconded by G. Smith to approve the July meeting minutes as amended was carried unanimously.

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*Stearns, Melvin - #05-250 – Special Use Permit Renewal – 2639 Mill Street, New Woodstock*

C. Fischer stated that the special use permit is to raise dairy goats for 4H.

R. Cook stated there are 4 goats.

C. Fischer stated that R. Cook inspected the property on August 14, 2011 and found no items of non-compliance.

Motion by C. Fischer, seconded by G. Smith to appoint the Zoning Board of Appeals as Lead Agency for purposes of the State Environmental Quality Review Act (SEQRA), to declare the matter an Unlisted Action and to make a Negative Declaration of environmental significance, all based upon the Board's review of the Short EAF, and to approve the Special Use Permit

Renewal under the same terms and conditions as originally granted by the Board was carried unanimously.

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*Hazer, Penny & David - #11-770 – Use Variance – 5857 East Lake Road*

C. Fischer stated it was for a continuation of a public hearing that had remained open from the July meeting and asked if anyone was present to speak for or against the application.

R. Merrill, a neighbor at 5858 East Lake Road, addressed the Board. He read a lengthy letter to the Board that he composed which consisted of his opposition to the Hazer use variance application for a public stable due to odors, manure disposal, dust/dirt and effects on the water supply, among various other reasons. He submitted a copy of the letter to the Board.

C. Fischer stated he got an email today from Mrs. Hazer, that she and her husband were unable to make the meeting tonight. Therefore, C. Fischer stated they would adjourn the file until the September meeting and keep the public hearing open until next month.

C. Fischer asked the ZBA Secretary to forward a copy of Mr. Merrill's letter to the Hazer's and ask them to review/respond to the concerns raised at least a week prior to the September ZBA meeting.

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*Osborne, Brian & Linda- #11-773 – Special Use Permit – 4561 Ridge Road*

C. Fischer reminded the Board that the Osborne's have an application for a special use permit to run a bed and breakfast at 4561 Ridge Road and have a contract to purchase on the property.

C. Fischer stated the public hearing was kept open.

C. Fischer asked the applicants if they wanted to address/update the Board on any of the concerns that were raised.

B. Osborne stated they addressed the concerns raised by J. McDonald and some of the other neighbors. He mentioned that L. Osborne had put together a book addressing the concerns and stated the Board had a copy of the book. The book addressed parking, signage, and lighting.

C. Fischer asked the applicant to go over the highlights of the book they compiled.

B. Osborne stated:

1. Signs: the Town allows a 2 square ft. sign. The proposed location of the sign is where the real estate sign on the property currently is located. The sign will be 2 square feet illuminated with 2-75 watt bulbs. The sign colors will coincide with the trim of the house.

2. Lighting: "Lighting-It is our goal to preserve the existing residence the way it is-we don't plan on making any changes, not to parking or lighting." He stated they visited the property several times and have decided there is sufficient lighting. There is lighting at the end of the driveway and half way up, sconces on the carriage house and main dwelling and two on the ice house. They do not want to add any additional lighting.

3. Parking: There are 14 spaces total (next to and including main residence). They only need 5 for guests but there are 7 near main dwelling. 2 additional spaces next to carriage house for the tenant and 5 spaces in the carriage house.

C. Fischer inquired about the parking locations for the bed and breakfast guests. B. Osborne confirmed the 7 identified on the survey would be for bed and breakfast guests. He pointed out the location of the spaces to the Board. B. Osborne further stated that there would be parking spaces designated for each guest (Room 1, Room 2, etc.)

C. Fischer stated; if granted special use permit, the parking spaces would have to be marked out on the pavement to meet the code requirement.

C. Fischer inquired about the "connecting driveway". B. Osborne stated the owner removed about 20' of the pavement and he took out the particular portion he did because there was drainage underground and he did not want to go beyond property line. He further stated they may decide to plant some small dwarf trees so people know it is not an exit.

C. Fischer inquired about the environmental concerns: the sewer line capacity and the water usage and impact on neighboring properties.

L. Osborne stated she did calculations for her and her husband's water use on a water consumption calculator at 111 gallons/day. She based her calculations for guests on 100% occupancy and the total sum was 427 gallons/day of total usage (10 guests at 7 days). She referred to documentation that stated successful Northeast bed & breakfast have a 51% occupancy rate. Therefore, the typical water usage would be 217 gallons/day and 111/day for the Osborne's. It would be up to 300 gallons/day.

C. Fischer said he discussed briefly with the town engineer the water and sewer information. He further stated he wants the engineer to review and formally give guidance on the issues. C. Fischer stated the engineer will look at the information from a per bedroom calculation perspective.

B. Osborne stated the capacity of the existing sewer is 6,000 gallons/day.

C. Fischer stated to the Board that the County sent L. Osborne an email that said the sewer treatment plant is running at approximately 50% capacity. C. Fischer said that the pipe capacity is the concern not the plant capacity.

C. Fischer stated there is a letter from the DEC that the sanitary sewer main extension for the Jephson Estate includes the installation of a 1,855' long, 8" wide sanitary sewer main extension with an average flow projected at 5,250/day.

C. Fischer stated it was for a continuation of a public hearing that had remained open from the July meeting and asked if anyone was present to speak for or against the application.

Judy Whittle addressed the Board and passed around a scrapbook of photos of the property. She stated the house is part of the history of Cazenovia and is a treasure. She feels a bed and breakfast is a wonderful idea because of the grandeur; and it is a hard home to sell as a family home. She feels the Osborne's would maintain it as her and her husband have kept it. Judy Whittle read a letter from the Edison's, who are neighbors.

P. Reagan, a neighbor at 4515 E. Lake Road, stated he was in favor of the Board supporting the application.

John Whittle wanted the Board to know he purchased the house as a 7-bedroom. The bedroom on the 3<sup>rd</sup> floor was removed. It is now a 6-bedroom house. He further stated he thinks the house is a "bell-ringer" for the community. He feels the Osborne's will continue to maintain the house and the grandeur.

L. Osborne confirmed the 5 bed and breakfast bedrooms are on the 2<sup>nd</sup> floor and they would reside on the 3<sup>rd</sup> floor.

K. Curtis said he appreciated the Osborne's effort in addressing the lighting, parking and greenspace for adjoining properties.

J. McDonald, a neighbor at 4593 Ridge Road, inquired if the application was submitted as a major or minor project permit and the requirement for a long form EAF since the major special use permit box was checked. She further inquired about the water and sewer capacity with the bed and breakfast.

A friend of the Osborne's and a resident of Cazenovia expressed her support of the Osborne's and stated they are hard workers and the bed and breakfast will be tastefully maintained.

T. Gunerman, a neighbor on East Lake Road, stated he has no objections to the bed and breakfast. He expressed to the Board to consider the proposed application because it would be hard to maintain as a private residence and the Board should determine what is good for the community and the future of the Jephson estate in evaluating the application.

C. Fischer inquired if the applicant filled-out the long EAF, part 1.

L. Osborne stated she filled-out to the best of her ability.

C. Fischer stated in all the actions that the ZBA takes there is an environmental review component that is the State Environmental Quality Review Act (SEQR). The Board has to

consider the environmental impact of every application presented. The SEQR divides actions into three types: Type I, Type II and Unlisted Actions. He stated in reviewing with town attorney the lead agency has to be determined since there is more than one agency involved. He further stated that the long EAF is required because the activity is occurring at a location on the national historic registry making it a Type I action.

C. Fischer stated he conversed with the town attorney and they agreed it was a Type I action and the lead agency has to be determined including if it is the Zoning Board of Appeals, Planning Board, County Health Department, or State Historic Preservation. The various agencies need to give an approval except for the State Historic Preservation which gives a comment.

C. Fischer stated to the Osborne's they will be delayed for a month because a formal action cannot be taken at the meeting. He stated if the Board is not challenged by the other agencies as the lead agency they should be able to take a formal vote on the application at the September meeting.

W. Reese stated that the involved agencies will have thirty days to respond if they want to take the role of lead agency which she does not suspect to happen but the procedures need to be followed. The letters will be sent to the involved agencies by the end of the week.

Motion by C. Fischer, seconded by R. Sheridan to declare the Osborne's application a Type I action and to appoint the Zoning Board of Appeals as Lead Agency for purposes of the State Environmental Quality Review Act (SEQRA) and request the town attorney to issue letters to the other involved agencies which include the Town of Cazenovia Planning Board, the Madison County Health Department and State Historic notifying them of the Zoning Board of Appeals intent to be lead agency was carried unanimously.

C. Fischer requested the ZBA Secretary send the pertinent water/sewer information and SEQR long form to the town engineer.

C. Fischer stated the public hearing will remain open until next month.

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*Sunderman, Shayne - #11-752 – Special Use Permit – 2683 Ballina Road*

C. Fischer stated the Town Board recently adopted a law, known as the Low Impact Service Business law to allow a special use home occupation in an accessory outbuilding.

S. Sunderman stated he has an outbuilding and he wants to detail approx. 1-2 cars/day in the structure. The applicant showed photographs to the Board of his property and indicated the structure can't be seen from the road. He stated if a vehicle was kept overnight it would be stored in the outbuilding.

C. Fischer stated on August 4, 2011 the Planning Board voted unanimously on a positive recommendation.

C. Fischer stated that the application was published for a public hearing and asked if anyone was present to speak for or against the application.

As no one was present, motion by C. Fischer, seconded by G. Smith to close the public hearing was carried unanimously.

S. Sunderman stated there is a drain that runs outside to daylight. He further stated the majority of autos he has detailed have been interiors and at this point, he has only done a few exteriors.

R. Cook stated the distance of the building meets or exceeds the setback requirements. He further stated there are a number of properties with existing buildings on existing lots. The new law allows for certain businesses in existing buildings to run a business in them which will help keep the structures maintained.

C. Fischer stated to the Board there were letters in the file that the neighbors were noticed.

Motion by C. Fischer, seconded by G. Smith to appoint the Zoning Board of Appeals as Lead Agency for purposes of the State Environmental Quality Review Act (SEQRA), to declare the matter an Unlisted Action and to make a Negative Declaration of environmental significance, all based upon the Board's review of the Short EAF, and approve the special use permit as applied for.

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*Cazenovia Ski Club - #11-775 – Special Use Permit – 5251 Rathbun Road*

M. Willis stated they are going to host an outdoor concert event know as Ski Jam V. He further stated it is a family event and there will be blues and folk music, a magic act, a face painter and a magician. The event will go from 3:00 pm – 11:00 pm. The gates will open at 2:00 pm. They are estimating 500-700 people. The layout will be the same as the past four years: staging, lighting, sound, bathroom facilities, wash facilities, parking, handicap access and crowd control.

M. Willis confirmed the proceeds will go the Cazenovia Ski Club this year, not Two Smiles One Hope, as they did last year.

R. Cook confirmed no complaints had been registered with the town in the past. He inspected the event in the past and never had any issues.

C. Fischer stated on August 4, 2011 the Planning Board voted unanimously on a positive recommendation.

C. Fischer stated that the application was published for a public hearing and notification letters were mailed to the neighbors and asked if anyone was present to speak for or against the application.

As no one was present, motion by C. Fischer, seconded by G. Smith to close the public hearing was carried unanimously.

R. Cook stated the health department does not have a standard for the number of porta-potties.

M. Willis stated they have not had a porta-potty issue in the past.

Motion by D. Sheridan, seconded by D. Silverman to appoint the Zoning Board of Appeals as Lead Agency for purposes of the State Environmental Quality Review Act (SEQRA), to declare the matter an Unlisted Action and to make a Negative Declaration of environmental significance, all based upon the Board's review of the Short EAF, and approve the special use permit.

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*Wells, Martin & Steven - #11-784 – Area Variance – 5007 East Lake Road*

C. Fischer stated the application is still before the Planning Board because the application was not complete and the file will be adjourned until they make it through the Planning Board.

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At 9:12 pm, a motion by C. Fischer, seconded by D. Sheridan to close the meeting was carried unanimously.

Zoning Board of Appeals Secretary – Connie Sunderman – August 22, 2011