

Cazenovia Zoning Board of Appeals

Special Meeting Minutes

August 29, 2011

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

Members absent: David Silverman; Lou Orbach

Others present: John Langey, Esq.; Roger Cook; Bob Frazee; Jim Frazee; Mike Frazee;
Rod Ives of Napierala Consulting; Tom Cooney of Patriot Enterprises

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

Cazenovia Equipment – #11-752 - Special Use – Route 20 East (north side)

C. Fischer stated the meeting was published as a special meeting and will be a work session.

C. Fischer outlined the purpose of the meeting: the project should be discussed; the design; the Board's responsibilities; and make sure no other approvals will be required except for special use permit or any area variances. He said he wanted to develop a game plan/schedule.

C. Fischer further stated he wanted to do the preliminary details on who will be the lead agency for the SEQR review.

J. Langey stated to the Board that he represented Patriot Enterprises in the past and his firm continues to represent them. J. Langey was willing to step aside at the Board's request. He further stated T. Cooney is going to build the building and he has never represented B. Frazee or Napierala Consulting.

C. Fischer asked the Board if they had any concerns about the representation. The Board had no concerns.

B. Frazee, the owner of Cazenovia Equipment, introduced his sons, who are also owners, Jim & Mike. He also introduced Rod Ives of Napierala Consulting and Tom Cooney of Patriot Enterprises; at which point, he turned the presentation over to R. Ives.

R. Ives handed out a "render plan" and "overall existing condition" map to the Board. He stated they are before the Board for a special use permit for an allowed use once the new zoning gets

approved by the Town Board in September. The zoning revision is that a business, such as Cazenovia Equipment, will be an allowed use with a special use permit.

He stated the parcel is owned by the Trush Land Group, west of GHD (Stearns & Wheler). He further stated that Remington Way is part of the parcel. Stearns & Wheler has a 144' wide easement for the Remington Way road and it has been built to specifications so if it became a town road, in the future. Stearns & Wheler will continue to be able to have access through the easement.

They are proposing to access site through existing crossover on Route 20 through Remington Way. Customers will enter from the Southside. The tractor trailers will enter on Northside.

Frazees are working with the architect. The building plans are still very fluid. The proposed building will be +/- 25,000 square feet. The T-shaped building will consist of 50% showroom/parts and 50% service in the back.

The town code requirement is parking spaces for 80 cars. They will provide 24 parking spaces up front on asphalt.

The parking will be along the front and side for customers. Employee parking/equipment storage will be in the back.

There will be 4 gravel display areas for the equipment and an additional grass area upfront for smaller equipment. The display areas will be broken up with landscaping and it will help maintain a line of sight for people traveling on Route 20.

A portion of the existing tree line to the West will remain and will be an existing screen.

The stormwater system will be up front. They will connect to the public sewer.

The well was worked on today. B. Frazee confirmed no results on the flow.

R. Ives stated they will use a well and not public water supply. The threshold for a public water supply that would require a Dept. of Health permit is 25 employees working 4 or more hours per day, 5 days per week.

B. Frazee confirmed there are currently 22 employees that would fall under that threshold.

R. Ives confirmed he spoke with A. Lazzaro of the Madison County Health and he is aware of the employee count/water. He further confirmed no approval from County Health. Also, he stated since they will be on public sewer-no approvals from County Health.

They need County planning referral for site plan. DEC: general permit for stormwater. Stormwater can and will be reviewed through J. Dunkle, town engineer. R. Ives will meet with J. Dunkle on 8/31/2011 to review and meet the new regulations.

R. Ives stated they have to discuss with DOT on the access and what they require. There is an existing grass/gravel access area that he pointed out on the map. The Planning Board stated they would have to remove that or do traffic studies. The applicant decided to eliminate the area. The tractor trailers will have to still use the crossover.

R. Ives stated the setbacks are fine. 213' from center line of westbound on Route 20. 164' +/- from the property line.

R. Ives confirmed designated customer parking is 24'.

R. Ives stated the intent is not to stripe the gravel outback and the gravel is considered impervious.

J. Langey stated for R. Ives to review parking regulations including delineation of spaces and make sure required items are addressed.

R. Ives stated they are still working out the smaller details and will make a formal submission to the Planning Board on Thursday.

R. Ives confirmed to the Board he did the long form EAF and it was submitted to the Planning Board.

J. Langey stated that all the involved agencies have to be identified and that should be established at the meeting tonight.

R. Ives stated they do not need a DOT permit because the intent is to leave the right of way. He further stated, "Obviously, it is in such a state that nobody would mistake it for a commercial entry." Further, there is no permit for the stormwater but the DOT will have to review the stormwater report to make sure DOT right-of-way is not being impacted.

J. Langey stated he could make them an interested agency and not an involved agency. If someone is an involved agency, they are allowed 30 days to respond.

C. Fischer stated the Planning Board should be lead agency because they will be dealing with a larger part of the application.

J. Langey stated there is a form that has to be signed giving permission from the ZBA for the Planning Board to be lead agency.

R. Ives stated they would not be allowed to get coverage under the stormwater general permit if they were going to increase the run-off. The applicants are looking at a dry well to capture run-off, they will have wells basically going around the whole site to capture run-off. The goal is to capture the run-off from impervious areas and take care of it on site.

There will be minimal lighting up front for parking lot and wall packs around the building for security purposes.

The 4 displays will be out front, each will be 20' x 30'. The grass areas and the grass along the side of the building would also be utilized for displays. B. Frazee stated it is difficult to give an exact number of equipment to be displayed. The equipment will be displayed in clusters depending on the type of equipment (gators together, tractors together, etc.)

J. Langey stated, under the new law, in this zoning district, it is a special classification to agriculture sales/service-type businesses which will now be allowed on the North side of Route 20. This law will allow for a brand new use but it is subject to special use and site plan approval.

B. Frazee stated the height of the building will be in the low 30's, under 35'. The colors have not been determined yet, but probably earth tones.

T. Cooney stated the service area and back portion will be pre-engineered. It has not been determined if the front will be pre-engineered or conventional.

C. Fischer requested a property owner sign-off for the special use permit application from the applicant. He stated a letter allowing the sign-off would be sufficient. B. Frazee stated he would get a letter.

C. Fischer inquired about the signage.

R. Ives stated a variance will be needed. The sign will be a monument sign upfront in the southeast corner of the property. The building signage still needs to be determined.

J. Langey stated to the applicant to review the code and the restrictions.

R. Ives stated that John Deere has requirements for franchisees in regards to the signs. The sign will be 13' high monument. The sign is 64.9 sq. ft. (main panel is 49'). The sign will be green/yellow/grey. The sign itself will be the same size as the sign they currently have.

C. Fischer stated he would want the variance application to be reviewed at the same time as the special use application.

B. Frazee stated the building signage would most likely go on the tower portion. The John Deere logo may not go on the building sign. They may do a 4x4 sign, 24" lettering with their name which would go proportionally well with the building size.

C. Fischer stated to the applicants to determine there are no sign issues on the size of the building sign. If a variance is required; include it with the monument sign.

The time line was discussed with the applicants. They will formally be before the Planning Board on 9/1/11 and they will either get a positive or negative recommendation and they will go to the Zoning Board of Appeals on 9/26/11.

J. Langey recommended to the applicant to get the finalized drawings to the ZBA before their next meeting.

C. Fischer reiterated the Zoning Board of Appeals review is limited to the special use of the displays.

R. Cook stated from an enforcement stand point, he would like to see a boxed out area for the displays.

B. Frazee stated the 4 areas are "highlight displays." They would be very visible from the road and display clusters of equipment. He stated for used equipment the area to the West which is shielded by vegetation will possibly be used.

B. Frazee stated that he wants to preserve as much land as he can.

C. Fischer stated they need to have a solid plan so the Board knows what is being requested and what is being approved. There has to be definitiveness for the areas of display items.

The public hearing will be next month for neighboring landowners. C. Fischer stated to the applicant to make sure letters are mailed to neighboring landowners and we receive a copy of the letter and who was notified.

R. Cook will place the public hearing sign on the property.

T. Cooney stated the a/c units will not be on the roof. They may be placed in the mezzanine with the other mechanicals.

J. Langey stated they need to put the dumpster locations on the site plan.

The applicant will send various display layouts to the ZBA secretary who will then disperse to the ZBA members. The layouts will show equipment displays at some of their other locations.

B. Frazee inquired about the lighting signage requirements.

The town has provisions for external lighting.

R. Ives stated, from the code, he understands that the individual letters can be backlit.

The applicants stated the outline of the deer will be illuminated and the letters. The dealership letters will be yellow backlit by a soft light.

J. Langey stated the town allows for 24 square feet which includes only one-side for a double faced sign. The sign must be 15' from the nearest street right of way.

J. Langey suggested the applicant and engineer review section 165-95 on signage.

J. Langey stated there are general criteria for attached signage which states the building cannot be overshadowed by the signage. The variance will be for the detached sign unless the town attorney advises otherwise.

J. Langey stated no “GML” is required for the sign variance.

J. Langey suggested the applicant do the narrative for the special use permit which will become part of the findings in the resolution.

J. Langey suggested the Board to vote to sign consent to lead agency to the Planning Board.

Motion by G. Smith, seconded by R. Sheridan to refer the lead agency responsibilities for the purposes of the State Environmental Quality Review Act (SEQRA) to the Cazenovia Planning Board and designate them as Lead Agency was carried unanimously.

Zoning Board of Appeals Secretary – Connie Sunderman – August 29, 2011