

Cazenovia Zoning Board of Appeals

Meeting Minutes

September 26, 2011

Members present: Chris Fischer, Chairman; Louis Orbach; David Silverman; Gene Smith

Members absent: Richard Sheridan

Others present: John Langey, Esq.; Roger Cook; Don Ferlow; Ann Redfern; Richard Merrill; Penny Hazer; David Hazer; Robert Frazee; Michael Frazee; James Frazee; Rod Ives; Tom Cooney; Dennis Gregg

C. Fischer called the meeting to order at 7:30 pm.
The next regularly scheduled meeting is October 24, 2011.

C. Fischer asked if there were any corrections or comments for the regular August 22, 2011 meeting minutes.

Motion by C. Fischer, seconded by G. Smith to approve the August 22, 2011 meeting minutes as amended were approved as follows:

Chris Fischer:	yes
Gene Smith:	yes
Louis Orbach:	abstain
David Silverman:	yes
Dick Sheridan:	absent

C. Fischer asked if there were any corrections or comments for the August 29, 2011 special meeting minutes.

Motion by C. Fischer, seconded by G. Smith to accept the August 29, 2011 meeting minutes as amended:

Chris Fischer:	yes
Gene Smith:	yes
Louis Orbach:	abstain
David Silverman:	abstain
Dick Sheridan:	absent

Padgett, William - #00-162 – Special Use Permit Renewal – 2514 Damon Road, New Woodstock

C. Fischer stated that the special use permit is to have an art and design studio in an accessory building.

C. Fischer stated that R. Cook inspected the property on September 17, 2011 and found no items of non-compliance. He further stated that there have been no changes since previous years.

Motion by G. Smith, 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 to approve the Special Use Permit Renewal under the same terms and conditions as originally granted by the Board was carried unanimously.

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

C. Fischer reminded the Board the application is for a use variance to allow for a commercial riding facility.

C. Fischer stated it was on for a public hearing last month and there was some public comment; and the Board continued the public hearing, since the Hazer's couldn't make it last month.

P. Hazer stated she sent a response to the Board in regards to the neighbor's letter. She addressed the items in the letter paragraph by paragraph, in a submitted response. At the meeting, she commented on the highlights of what they felt to be the most egregious errors. Item #7 stated they had not paid their taxes and that they had not been taxed or assessed properly. She referred to the 2011 tax rolls for the Town of Cazenovia and the Town of Sullivan and stated that the house and the existing structures were properly assessed at full market value. The barn which resides in the town of Sullivan was assessed at \$ 33,300. She further stated, ever since they they've owned it, they have always paid their taxes on the property.

She further stated that the property across the street (5858 East Lake Road) has three structures and online at Madison County Image Mate it only shows one detached structure and one extra structure.

P. Hazer talked about the environmental issues associated with odors, dust and water quality. She stated they disagree and they do not feel there is a dust issue. The neighbor's house has a perimeter of 30'-35' evergreens around the property. P Hazer said they are installing trees on their property to help with wind control. She further stated that they disagree with the issue of water source contamination. She said that the property is well beyond the Health Department's recommendations for proximity to a barn. She feels that the neighbor's well across the street is in excess of 100 feet.

P. Hazer said they have been working with Madison County on the redistricting of their property to be included in the agricultural district. She stated that Madison County says this is a lengthy process. She asked the Board to adjourn her application for a couple more months to see what Madison County does.

R. Cook stated if they do get the agricultural redistricting then they would probably need to move forward with the special use permit application.

D. Hazer stated they are planting 15' Norway spruces on the west and north side of the arena because their winds are predominantly from the Northwest. He feels this will shield the arena and help with the dust. He said the worst dust situation was when the arena was being constructed. In regards to the manure odors, he said they have done everything that the code has asked them to do. He said they do not move the manure when the wind is blowing and he says they put it in the area behind the spruces. He stated that the manure is piled at least 175'-200' feet from the centerline of the road.

C. Fischer stated it was for a continuation of a public hearing that had remained open from the August 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 stated that in the last 4-6 weeks the situation has improved across the road. The odors have not been as bad and the horse manure location has been moved. He voiced his concerns whether this improvement is permanent or if the conditions will revert to the past.

C. Fischer explained that any variance or special use permit that is granted by the Board is very specific. He further stated that if there is a violation or anything outside the realm that has been approved, it can and will be addressed. He further stated that on a variance they try to give as little as possible and on a special use permit the Board tries to be as specific as possible as to what is allowed for enforcement reasons.

Motion by C. Fischer, seconded by G. Smith to adjourn the file and keep the public hearing open for another month was carried unanimously.

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

J. Langey stated he spoke to the Osborne's attorney and he got a message from Jana McDonald, who is opposed to the application, and they both requested that the Board adjourn for one month while they continue discussions. J. Langey encouraged the Board to accept the request. He further stated they are trying to resolve the private covenant issues. Once the issues are resolved, then the applicant will come back to the Zoning Board of Appeals.

C. Fischer stated the public hearing remained open and asked if anyone was present to speak for or against the pending Osborne bed and breakfast application.

Motion by C. Fischer, seconded by D. Silverman to adjourn until next month and keep the public hearing open until next month was carried unanimously.

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

J. Langey stated a letter came today from Robert Germain and he asked the Planning Board for a positive recommendation.

C. Fischer stated that the application is for an area variance for a fence between two properties. It was discovered that the Wells started to construct the fence on the property line. Therefore, they filed an application for an area variance. He further stated there are some issues in regards to where the property line is located.

R. Cook stated that the owners of the parcel to the North claim that the fence is on their property. R. Cook asked the Board at the time of a resolution, if and when they decide to approve a variance, that it is asked that the fence be surveyed in as a condition. R. Cook stated that the posts are installed but no fencing.

Cazenovia Equipment Company - #11-792 – Special Use Permit – Route 20 East

C. Fischer reminded the Board that the application is for a special use permit for retail sales of farm equipment.

J. Langey confirmed to the Board that this is now a local law. He stated it is now an allowed use subject to a special use permit in the Town of Cazenovia in that district.

C. Fischer stated that the Town of Cazenovia Planning Board made a request to be lead agency for the SEQR review and he signed off on, on behalf of the Zoning Board of Appeals. He further stated that the review is still ongoing and there has not been a SEQR determination.

J. Langey stated that he anticipates the SEQR determination will be at the October 6th Planning Board meeting.

C. Fischer stated that the ZBA cannot take a definitive action on the special use permit application until the Planning Board does their final SEQR determination.

R. Ives stated they will be asking the ZBA for a special meeting.

J. Langey stated if the SEQR gets approved at the next Planning Board meeting which would involve J. Dunkle signing off on what has been provided and he is comfortable with it. Once that decision has been made, the Zoning Board can convene and take action on the special use permit. Lastly, then the Planning Board can take action on the overall project.

R. Ives of Napierela Consulting introduced Bob, Jim, and Mike Frazee, the owners of Cazenovia Equipment.

He stated that the building has not moved from the plans that were shown at the special ZBA meeting. They are going to leave as much of an existing cornfield in active production as they can. The storm water system will be in the Southwest corner so some of the cornfield will be converted into a storm water management system.

Based on the Planning Board and CACC input, the display areas have changed. In the front, there will be a 27,000 sq. ft. gravel lot area. This will have a different appearance than it did before. It will be broken up with stone walls with a vertical break. You will not be able to get from one pad to the other pads because there will be a 2'-3' drop in grade. Each of the areas will have a driveway to get into the separate display areas.

R. Ives stated they are working with the Planning Board to see what trees should be saved on the site. There is a large Maple out in front that they are working around and will put a wall there to protect the root structure of the tree.

There will also be a gravel display area along the side and they will look at grading in that area.

R. Ives stated in regards to the storm water, they want to incorporate the green infrastructure into storm water management. There will be swales going across a portion of the site. On the west side of one of the swales will be another gravel display area that will be approx. 10,000 sq. ft.

R. Frazee stated that in the West back corner of the site will be a storage area. He said that all the equipment will be outside and therefore will all be on display for sale. He mentioned the displays up front will demonstrate a good sampling of what they sell as a retailer.

R. Ives stated that the trees on the East side will be new plantings. He reiterated that Remington Park Drive is part of this parcel and is a private drive. There is a 100' swath for an easement for GHD.

R. Ives confirmed they are not going to do any improvements to the existing drive and are not proposing a public road.

R. Ives stated that the CACC recommended that they build a berm on the right side of the property to give GHD a little more of a screen. They will plant three hardwoods and two evergreens on that side.

R. Ives said that the discussion with the Planning Board and CACC has focused on the trees to the West side. He stated the concern is that there are some larger trees in the area that are important to the view. He mentioned that they walked the site with D. Ferlow on Friday and the trees of concern were in the front half of the area. They will stay 1 ½ times outside the diameter of the trees canopy as to not disturb the root structure. He further stated that there is an old foundation in the back area that needs to be filled in.

R. Ives stated, if it is cost-effective, they will use the stone from the foundation to build walls up on the site in an effort to use on site material.

R. Ives stated they have drilled a well, did the flow test and they have plenty of water. He stated that he has talked to Madison County sewer district and they will probably be voting tonight and then will be able to provide a letter to make sure they have sufficient capacity.

R. Ives stated that they have an oil and water separator in the works to be on the plan.

C. Fischer stated since the last meeting they received a letter from Trush Park and the Lincklaen House which expressed support of the application.

C. Fischer stated the public hearing remained open and asked if anyone was present to speak for or against the pending application.

Dennis Gregg stated he was in favor of the application and hoped that a compromise can be made on the trees, and they are allowed to move their business to Cazenovia.

R. Ives stated they are going to the work session on Thursday. He is hoping with the proposed changes that this is the plan they can go forward with for the public hearing on October 6, 2011.

The Board inquired about the sign.

B. Frazee stated it is a separate application and it will be a smaller sign than 96 sq. ft; but they will still need a variance.

J. Langey stated there will be a separate recommendation on the sign but the focus is on site plan.

R. Ives stated the Planning Board did give a positive recommendation on the special use permit for retail sales of farm equipment.

B. Frazee said, in regards to signage, they have obligations to their main supplier, John Deere Company and their requirement is to have a sign.

J. Langey stated they are entitled to a sign.

C. Fischer asked the Zoning Board of Appeals if they would do a special meeting after October 6, 2011 but before October 24, 2011.

J. Langey stated in regards to publishing a special meeting, you have to give as much notice as possible once you know the meeting. He stated 5-6 days is sufficient.

R. Ives and B. Frazee both agreed without the special meetings they would not be able to do anything until spring so they feel they are important.

Motion by C. Fischer to have a special meeting on Tuesday, October 11, 2011 at 7:00 pm.

T. Cooney asked the Board about doing a joint meeting between the Planning Board and Zoning Board of Appeals.

J. Langey stated he could not speak for the Planning Board but that could be an option. He said both Boards would open their meetings. The Cazenovia Equipment matter could be taken up first jointly. The Planning Board would conduct their business on the SEQR and then the ZBA could do their vote once the SEQR was finished.

C. Fischer said he has the ability to call a special meeting, himself. Once he talks with Mike Palmer (Planning Board chairman) to see if he is amenable and R. Sheridan to see if he is available, if both agree, he will call a special meeting on October 6, 2011.

Motion by C. Fischer, seconded by G. Smith to keep the public hearing open until the next time the Zoning Board of Appeals meets on this application was carried unanimously.

At 8:39 pm, the meeting ended.

Zoning Board of Appeals Secretary – Connie Sunderman – September 26, 2011