

Cazenovia Zoning Board of Appeals

Special Meeting Minutes

October 6, 2011

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

Members absent:

Others present: John Langey, Esq.; Ralph Monforte; John Dunkle; Roger Cook; Don Ferlow; Mike Palmer, Chairman of the Planning Board; Jennifer Basic; Dale Bowers; Anne Ferguson; Tom Pratt; Hugh Roszel; Anastasia Urtz; Timothy Moore; Bob Frazee; Michael Frazee; Jim Frazee; Rod Ives; James Knittel; Pat Race; Greg Widrick; Robert Germain; Martin Wells; Phillip Cunningham; Tracie Cunningham; Marco Coronado; Terry Stearns; Judy Gianforte; Donald Burdin; David Vredenburg; Joanne Gagliano; Kevin Pole

C. Fischer called the meeting to order at 7:45 pm.

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

C. Fischer reminded the Board that their review is limited to the special use permit for the sale of agricultural equipment.

C. Fischer asked R. Ives to go over the changes from the last ZBA meeting.

R. Ives stated that last week they had a work session with the Planning Board and received additional comments from the CACC.

R. Ives stated they are going to keep the entire area along the western border where the major trees are that consist of a poplar, spruces and maples. He stated they have pulled back the limit of disturbance and fill will not be placed on the trees which should increase their chance of survival.

R. Ives said the foundation in the back will be filled because it is a hazard. There are also some invasive species of vegetation in that area which are non-beneficial. The configuration has

changed to maintain a storage area which will be screened with spruces and pines. This will enhance the area.

R. Ives said additional screening has been placed at the Northerly entrance across from GHD.

The display areas have been modified. There are no longer pods; there will be a larger area which will now be separated vertically with stone walls. The surface will be gravel.

R. Ives stated there will be 8 spaces for employees on the western side. The parking spaces will be accessed from the front.

R. Ives stated the back area will be for deliveries and a turnaround for the delivery trucks. The delivery trucks will come in the Northerly entrance. There is also a corral which will house a dumpster, 2 regular dumpsters and above ground storage tanks.

R. Ives stated they had a meeting with the town engineer and there is just some fine-tuning with the stormwater system.

R. Ives said the status of the site plan is finalizing numbers for the stormwater system. The building has not moved. The larger, more desirable red maple up front will be saved. The grading has been changed and construction fence will be put up.

J. Knittel showed the Board the new elevation from the front. He stated the tree will be a prominent feature as shown in the elevation pictures.

R. Ives stated the stormwater is all through the town engineer. They do not have to submit anything formal to the DEC, other than the notice of intent for coverage under the general permit.

R. Ives said there are clear limits of the display area up front and along the side. There is 27,600 sq. ft. in the front. There is 10,200 sq. ft. along the side.

C. Fischer stated the public hearing was continued for the special use permit and asked if anyone was present to speak for or against the special use permit.

Motion by Chris Fischer, seconded by Gene Smith to close the public hearing was carried unanimously.

C. Fischer stated John Langey prepared a proposed resolution.

J. Langey stated it is a resolution to approve a special use permit to construct and operate a farm equipment sale and repair business on Route 20 with Cazenovia Equipment Company, as the applicant, and Trush Land Company, as the owner, at a special meeting on October 6, 2011.

J. Langey went over the details of the proposed resolution as follows:

A. "Where As" clause describes the project

B. Discusses SEQR determination, which was done earlier tonight and was completed.

C. Set of findings for the ZBA which were taken from the record and are the materials submitted to-date. The findings fall under Chapter 165 of the Zoning ordinance and are as follows:

1. Will comply with all provisions and requirements of Chapter 165 and all of the other local laws and regulations of the Town of Cazenovia and will be consistent with the purposes of the land use district in which it is located, to wit the Rural B district;
2. Will be consistent with the Comprehensive Plan and with the purposes of Chapter 165 because the project, as proposed, meets all parking requirements, setbacks and lot coverage requirements. Further, the agricultural support business proposed is entirely consistent with the land use district and surrounding properties, which have been identified as both active farming and commercial in nature. The Board further acknowledges that the Comprehensive Plan of the Town and Village of Cazenovia, adopted in May 2008 reinforces the need to maintain rural/agricultural character of the community, and in particular those portions of Town east of the Village, along Route 20. Further, the proposed business is agricultural in nature and further supports other agricultural businesses and the agricultural character of the Town of Cazenovia. It is also acknowledged that the proposed use is an allowed use subject to this Special Use Permit and is therefore consistent with the character of the neighborhood if properly sited and operated;
3. Will not result in the release of harmful substances or any other nuisances, nor cause excessive noise, dust, odor, solid waste or glare because the project includes the necessary measures needed to minimize the possibility of the release of harmful substances. While the storage of petroleum based products may occur on the site, they will be fully in compliance with the New York State Department of Environmental Conservation permitted vessels with secondary containment, leak detection and spill prevention systems in place. The applicant has proposed an oil-water separator to be installed on the sanitary sewer line to separate oils, sediments and other hazardous materials from the waste water streams so as to not adversely impact the Madison County Sewer District' wastewater treatment plan. Any impacts of noise or dust will only be temporary and are not expected to be excessive during construction. Once construction is complete and the site is stabilized, the proposed use will generate noise at levels equal to or less than active farming, which has occurred on and near the site itself. Upon completion of construction, the site will not have an increase in bare or exposed soils. Further, the applicant has demonstrated that they will operate the premises in such a way that existing crop fields will be maintained in active production so that, as with any crop field, after the harvest bare soil may be present on the site as would be the case if the project had never occurred. Solid waste will be managed and screened on-site with all waste being placed in dumpsters that will be located away from the public view. Lighting has been designed to meet the standards of Chapter 165 of the Zoning Ordinance as well.

4. The project will not cause undue traffic congestion, unduly impair pedestrian safety or overload existing roads, considering the current width, surfacing and condition because the site is located along US Route 20, an interstate rural highway under the jurisdiction of the New York State Department of Transportation. The proposed project also relocates the applicant's existing agricultural business, which was originally located less than two (2) miles to the east along Route 20 (South) of the proposed project site. The project will not adversely affect the existing traffic conditions, including volume and geometric design. The traffic that can be attributed to the business is already in the existing traffic stream as it travels to the existing site. The oversized loads and gross volume weights that exceed typical vehicle weights already travel along Route 20 and do not impair the current traffic conditions. In addition, the project will have sufficient site distance, as it will utilize the pre-existing driveway cut on Route 20.
5. The project will have appropriate parking and be accessible to fire, police and other emergency vehicles because the site provides parking in order to meet the current Zoning Code minimum requirements. The parking requirement actually exceeds the applicant's requirements for customer and employee parking. The site plan provides for a 360° access to the building to the building for fire, police and other emergency vehicles as demonstrated through the submitted site drawings.
6. The project will not overload any public water, drainage or sewer system or any other municipal facility or service, including schools, because a private on-site well (or wells) will be established and will provide water for this specially permitted use at the site. Therefore, the site will not impact any existing public water supplies. A public water system will not be required and a pump test has been performed. The site includes a stormwater management system designed in accordance with the latest New York State Department of Environmental Conservation requirements. The system will detain runoff temporarily and release it in a controlled manner so that the peak rates of discharge of stormwater runoff from the proposed site during a rainfall that will not exceed existing peak rates of runoff during comparable rainfall events. The wastewater generated at the site will not overload the existing sanitary sewer infrastructure, nor will it exceed the capacity of the wastewater treatment plant as verified by the applicant in writing. Further, the Town's consulting engineer has confirmed conformance with the appropriate stormwater mitigations and the applicant will be required to file paperwork demonstrating same prior to construction.
7. The action will not degrade any natural resource, ecosystem or historic resource, including Cazenovia Lake. Because the project site consists of an existing hayfield in an area of second growth with an understory of grasses and plants, no known significant ecosystems or historic resources exist at the site. The project site is not located within Cazenovia Lake Watershed, nor within a critical environmental area and therefore the site will not impact the Lake or any identified natural resource. Care has been taken to preserve as much of the existing vegetation on the site while accommodating the proposed use. Trees and other natural vegetation will be planted to compliment the project.

8. The project will be suitable to such conditions on operation, design and layout of structures and provision of screening, buffer areas and offsite improvements as may be necessary to ensure compatibility with surrounding uses and to protect the natural historic and scenic resources of the Town because the site has been designed to provide the applicant with a site that balances the compatibility with the surrounding uses and the functionality of the business operations. While agricultural equipment is often large and requires sufficient room for storage and maintenance, existing buffers and screening areas will preserve, existing conditions to the maximum extent practicable, keeping in mind the need for adequate operational space. In addition, the applicant has proposed site improvements, including a berm and plantings that would provide further screening from surrounding properties.
9. The project will be consistent with the community's goal with concentrating retail uses in the Village and the hamlet, avoiding strip commercial developments and locating non-residential uses that are incompatible with residential uses on well buffered properties, because the proposed project and use is, by its nature, the sale of agricultural equipment and repairs of same and is therefore not conventional retail and there are no other commercial uses proposed. Locating the facility on the proposed site is therefore consistent with the community's goals of concentrating retail uses in the Village and the hamlet and does further avoid strip commercial development in this instance. Immediate surrounding properties include office space, manufacturing and agricultural crop fields. The Comprehensive Plan encourages the development of such proposed uses as a compliment to the Town's rich history of agriculture.
10. The project will have no greater overall impact on the site and its surroundings than would full development of uses of the property permitted by right because the proposed project is only developing approximately $11\pm$ % of the property (\pm 7 acres of the available 65 acres). 4.5 of these acres will be impervious. The allowable uses by right include, but are not limited to: business office, nursing home, daycare center, educational facilities, emergency service facilities, funeral home and government facility. Any of these uses could develop up to 20% of the site as impervious areas (13 acres) plus associated grading and other improvements. The proposed project therefore will have a significantly smaller impact on the site and the surroundings and a full development of the property with a use by right; and

J. Langey stated he suggested a few conditions for the approval. The conditions are:

- the applicant will enter into an appropriate stormwater management facility agreement
- the applicant will, as necessary, apply for the establishment of a small drainage district that covers the property
- the Town of Cazenovia Planning Board must grant site plan approval

Motion by Richard Sheridan, seconded by Gene Smith to approve the resolution as outlined by counsel was carried unanimously.

Motion by Chris Fischer, seconded by Gene Smith to adjourn the meeting was carried unanimously.

The meeting ended at 8:05 p.m.

Zoning Board of Appeals Secretary – Connie Sunderman – October 13, 2011