

Cazenovia Zoning Board of Appeals

Meeting Minutes

February 25, 2013

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

Members absent: Richard Sheridan

Others present: Wendy Reese, Esq.; Roger Cook; Anne Redfern; Jennifer Basic

C. Fischer called the meeting to order at 7:30 p.m.
The next regularly scheduled meeting is March 25, 2013.

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

Motion by G. Smith, seconded by L. Orbach to approve the January meeting minutes as written was carried unanimously.

Radelich, Richard – #12-864 – Area Variances – 3300 East Road

Jennifer Basic, the applicant's counsel, was present to represent the application.

J. Basic stated, at a previous Zoning Board of Appeals meeting, it was disclosed the existing shed was on the neighbor's property, therefore, the new proposed location is within the setbacks. The structure is behind the hedge line and is about 32' off the side setback line. She stated they are withdrawing their request for the variance on the lot line, but reemphasizing their request for a variance on the second accessory building.

C. Fischer said Jennifer Basic sent the Board a letter dated February 11, 2013 which stated that Mr. Radelich will be back in town and will move the shed from its existing location on or before May 31, 2013.

C. Fischer said the public hearing was closed at the November 26, 2012 meeting.

C. Fischer showed the Board members a photograph of the shed.

Motion by C. Fischer, seconded 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 second accessory building on the property as indicated on the map with the condition the structure should be relocated on or before May 31, 2013 was carried unanimously.

R. Cook stated the applicant would need to come to the next Planning Board meeting.

C. Fischer stated he would sign the map.

Stevens, Thomas & Nancy – #13-880 – Area Variances – 4310 Syracuse Road

No one was present to represent the application.

C. Fischer stated the variance is for a second accessory building. He said last week he reviewed the file and the notification letter submitted by Mr. Stevens did not mention what the variance was for. He stated he called Mr. Stevens to confirm this was the letter that was mailed to the property owners within 500'. He said Mr. Stevens confirmed it was the letter. C. Fischer said he consulted with the Attorney for the Town, and they agreed the letter should state what the project involves. He said Mr. Stevens was fine with redoing the letters but could not do them by the deadline for the meeting tonight. He stated the public hearing will be renoticed in the paper for March and the applicant will renote with revised letters.

G. Smith inquired if the applicant knew he needed to provide a survey showing the location.

The Board Secretary stated the Planning Board advised the applicant he should show the dimensions of the structure in relation to the property boundary lines.

D. Silverman stated he is one of the neighbors and he was interested in the response from the County. He said the applicant took a house that had gone into disrepair, purchased it and renovated it into quite a charming place. He stated he received the letter from Mr. Stevens and he was also unsure what the application was for. He said the shed is all framed. He stated his concern wasn't as a neighbor, but how to legally proceed.

C. Fischer said the G.M.L. back from the County indicated having a second accessory building on a property is a use variance, not an area variance. He said the County gave the same response with Mr. Radelich's application. He said he discussed, several months ago, with the Attorney for the Town, John Langey, and it is their opinion, it is not a use.

R. Cook stated his interpretation is a use variance is a use that is not allowed. He said if it can't be done in that zone, then you are requesting a use variance. He said, in this zone, they do allow an accessory building to be constructed on a parcel. He stated, in this case, the applicant is asking for a numerical request of two accessory buildings. He said it was discussed a while ago and this was also the opinion of the Town's counsel.

R. Cook said he asked the County to specifically contact him regarding The Steven's application because in order for the town to meet the deadline and receive it back within 30 days, it was sent to the County without the dimension of the building in relation to the property line. He stated to the County to rule on the application just as if the structure was sitting on the property line.

C. Fischer said the County's opinion should be taken into consideration.

W. Reese stated if County Planning comes back and imposes conditions, then there would have to be a super majority vote, etc. She further stated these are comments. She stated she spoke with the Attorney for the Town and he agrees with the Code Enforcement Officer's interpretation that it is an allowed use. She stated an area variance goes more with how many and how far.

C. Fischer said the G.M.L. did state it was returned for local determination.

R. Cook stated the County gave their opinion because it is within 500' of a State or County road.

C. Fischer stated the Board Secretary should send the applicant a letter. The letter should include that 1) the matter is rescheduled for the March meeting; 2) remind him of the criteria regarding the letters and the time frame and 3) request a survey map with a specific location with boundary line proximities.

C. Fischer stated there is a training opportunity on February 26, 2013 in Oneida for 1-hour. He said there will be another training opportunity in March.

Motion by C. Fischer, seconded by G. Smith to adjourn the meeting was carried unanimously at 7:48 p.m.

Zoning Board of Appeals Secretary – Connie Sunderman – February 27, 2013