

Cazenovia Zoning Board of Appeals

Meeting Minutes

May 20, 2013

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

Members absent:

Others present: Wendy Reese, Esq.; Roger Cook; Graham Egerton; Anne Redfern; Douglas Falso;
Jerry Dennis, Jr.

C. Fischer called the meeting to order at 7:30 p.m.
The next regularly scheduled meeting is June 24, 2013.

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

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

Cazenovia Ski Club – #13-883 – Special Use Permit – 5251 Rathbun Road

C. Fischer said there was an issue in notifying the neighbors of the public hearing. He stated the Board will put off the official public hearing until next month and it will be republished and renoticed. He stated he suggested to the Cazenovia Ski Club that they come in to discuss the event.

Doug Falso was present for the Cazenovia Ski Club to represent the application. He said this was the sixth or seventh year for the event.

C. Fischer said the Board has always approved the event in the past and there has only been slight changes in the footprint of the event. He stated he did not think there had ever been any major issues or concerns. He asked the applicant to go over the proposal for this year.

D. Falso said he apologized that he did not send the letters to notify the neighbors of the public hearing. He further stated he will be out of town for the next meeting, but he will have someone come to the meeting in his absence. He stated the only major change is they moved the event from September to July in hope of

having better weather. He said there will be three bands, as opposed, to the normal four or five bands which will make for a shorter venue. He said the event will be exactly the same as the past; beer and food for sale and the parking situation with Dave Southwick.

D. Falso said the limit is 1,000 participants and he does not think they have ever got close to 800. He said they sell tickets and there is a ticket taker. He mentioned there is quite an incentive to buy presale tickets.

C. Fischer asked if people under 18 were allowed at the event?

D. Falso said they are allowed in, but there is a wristband situation. He said the promoter owns the Westcott Theater and the club used to volunteer a lot more, but now the club lets the professionals do it. The promoter has the liquor liability, insurance and various other things. He said there are also one or two security people.

C. Fischer inquired if there was a site plan?

D. Falso said he thought he submitted a site plan but it is the same as last year.

C. Fischer said at the May 6, 2013 Town of Cazenovia Planning Board meeting; they voted on a positive recommendation for the special use permit.

C. Fischer stated the matter was referred to the Madison County Planning Department and they returned it with the comment that the proposed outdoor music concert/fundraiser event to benefit the Cazenovia Ski Club will have no adverse county-wide impact.

C. Fischer asked the Board if they wanted the applicant to submit any additional information for next month.

The Board looked at the layout from the site plan that was submitted with the 2012 file.

The Board Secretary said she would put a copy of the site plan in the 2013 file.

Roger Cook said no one has ever called his office. He said he goes up prior to the event when they are setting up and he has been by when the event is going on. He said traffic is directed and he has not seen any issues.

C. Fischer said the applicant should get his letters out during the correct time and a letter and list should be provided to the Board Secretary prior to the meeting next month. He further explained the applicant has to come back to the Zoning Board of Appeals meeting on June 24, 2013 and to the Planning Board meeting on July 3, 2013.

C. Fischer said the applicant will need to have a representative in his absence.

Dennis, Jr., Jerry & Yeates-Dennis, Nancy – #13-885 – Area Variance – 2094 Reservoir Road

Jerry Dennis was present to represent his application.

C. Fischer stated the applicants owns four different parcels, one large parcel and three smaller parcels. He said the applicants are proposing to combine all four parcels into one parcel. He said they are before the Zoning Board because they want to build on an existing foundation. He stated if they use the existing foundation the garage will be closer to the road than the house which is a violation of the Town of Cazenovia zoning code.

J. Dennis showed the Board a map and pointed out the various lots. He said the large lot is approximately 55 acres, there are two-4 ½ acre building lots, and a smaller corner lot. He pointed out a “white” 60’ trailer on the map which he said he scraped out and disposed. He stated next to the trailer is the camp which is where they stay when they are at the property. He pointed out a “brown” structure on the map and said it was a slab that used to have a doublewide on it which was involved in a fire and only the slab remains. He said they would like to build a storage barn on the slab. He stated Mike Palmer is the neighbor across the street. He showed a site map and said it is about 400’ from the structure to the slab, and the front of the slab to the road is about 180’. He showed pictures to the Board and said in front of the slab is a row of pine trees. He summarized the photos by stating the slab is bordered by 3-story tall pine trees. He said you would not be able to see the structure from the road unless you were at a certain angle. He stated the entrance road traverses and there is a little parking area next to the structure.

C. Fischer asked about the proposal for the barn?

J. Dennis said the slab is 56’x30’. He said he wants it to look like a barn with a gambrel roof. He said it will be a two-story structure and it would partially be used for storage, a tractor and a snow blower. He said the slab is a floating slab and he thinks they can use the same footprint and build off of that. He stated if it does not structurally hold the weight, they will put in a footer system.

R. Cook inquired if it would be the floor of the barn and then there would be a mud sill with blocks and build off the top of that with board-n-batten on the outside?

J. Dennis said that is what they will build on unless there is a structural problem with the slab.

R. Cook said when you drive by the property, there is a gate and you can get a glimpse of the back corner of the slab.

C. Fischer said at the May 6, 2013 Town of Cazenovia Planning Board meeting; they voted on a positive recommendation for the area variance.

C. Fischer said the corner property owned by Mr. Dennis is on the Town of De Ruyter town line. He said the matter was referred to the Madison County Planning Department because of the location and the Planning Department returned it for local determination. He stated the County sent the following recommendation which he read to the Board...

It is our understanding that this area variance is being requested in tandem with the applicant's request to combine four parcels, which falls under the Town's Subdivision laws. The Town should be aware that to encourage the coordination of land use and development among adjacent municipalities, New York State requires, through GML 239-nn, that notice be given to any adjacent municipality when a hearing is held relating to a subdivision review and approval on property that is within five hundred feet of a municipal boundary. As the proposed subdivision is directly adjacent to the Town of De Ruyter, GML 239-nn would apply. The Town of Cazenovia should provide notice to the Town of De Ruyter when a hearing is held and

"such notice shall be given by mail or electronic transmission to the clerk of the adjacent municipality at least ten days prior to any such hearing." While subdivisions are not subject to County-review, we must say that the combining of these lots would be favorable and seems to promote the intent of the Town's RA district which is to "protect the agrarian, rural character of the Town."

C. Fischer said the County returned it for local determination but gave a positive recommendation.

C. Fischer informed the Board that the Board Secretary notified the Town of De Ruyter of the public hearing.

C. Fischer stated it had been noticed for a public hearing and asked if anyone was present to speak for or against the application. He confirmed the applicant sent out notices to neighbors within 500'.

No one was present to speak for or against the application.

Motion by C. Fischer, seconded by G. Smith to close the public hearing was carried unanimously.

C. Fischer said his concerns were: 1) any approval given would have to be contingent upon the Planning Board approving the combination of all four properties and 2) properly identifying the location of the barn since there is not a survey showing the exact location and it should be referred to as the existing concrete slab that is 180' off the road.

R. Cook confirmed there were no setback issues. He said, it was before his time, but there was a building permit at one time, which would probably show the distance.

C. Fischer asked the Board their thoughts.

G. Smith said he had no problem with the application considering the setback.

R. Cook inquired, in the event that the contractor gets to the site and the slab is not sound enough to be built on for some reason, does the Board have an issue if they were to take up the slab and rebuild in the same footprint with new construction?

C. Fischer said the location would still be the same.

C. Fischer suggested the resolution could say location of the existing slab or no greater than 5' around it on each side.

W. Reese advised the resolution could read 66'x40' centered on the existing concrete slab.

R. Cook said with a footprint that size, it would allow for a new wall if the slab does not work.

Motion by R. Sheridan, 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 area variance to allow for an accessory structure to be located in front of the primary structure with the accessory structure footprint being no larger than 66'x40' centered on the existing concrete slab contingent upon the Planning Board combining the lots was carried unanimously.

J. Dennis submitted photos to be added to the file.

The Board Secretary told the applicant he needs to go the Planning Board meeting on June 6, 2013.

C. Fischer told the Board members if they can't make a meeting to notify the Board Secretary or the Chairman.

C. Fischer mentioned an upcoming training session in Cortland County.

Motion by C. Fischer, seconded by D. Silverman to adjourn the meeting was carried unanimously at 8:08 p.m.

Zoning Board of Appeals Secretary – Connie Sunderman – May 22, 2013