

Cazenovia Zoning Board of Appeals

Meeting Minutes

August 26, 2013

Members present: Chris Fischer; Chairman; Louis Orbach (delayed in arriving); Richard Sheridan; Gene Smith

Members absent: David Silverman

Others present: Wendy Reese, Esq.; Roger Cook; Anne Redfern; Graham Egerton; Sam Shotzberger; Julie Shotzberger; Scott Clements; Alison Barnes

C. Fischer called the meeting to order at 7:30 p.m.
The next regularly scheduled meeting is September 23, 2013.

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

Motion by C. Fischer, seconded by D. Sheridan to approve the July meeting minutes as circulated by the Board Secretary was carried unanimously.

Sovik, Charles – #08-565 – Special Use Permit Renewal – 3813 Number Nine Road

C. Fischer stated that the special use permit is to allow the Soviks to raise turkeys, ducks, goats - a variety of farm animals.

C. Fischer stated that R. Cook inspected the property on August 9, 2013 and found no items of non-compliance.

R. Cook stated the types of animals the Soviks keep have, basically stayed the same. He further stated, as far as he is aware of, there have been no complaints from neighbors.

Motion by C. Fischer, seconded R. Sheridan 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 approved was carried unanimously.

Shotzberger, Samuel & Julia – #13-900 – Area Variance – 3738 Burlingame Road

Samuel and Julia Shotzberger were present to represent the application.

C. Fischer stated the application is for the construction of an accessory building that will be located in front of the house, which would require an area variance.

At 7:34 p.m., L. Orbach, Zoning Board of Appeals member, joined the meeting.

S. Shotzberger displayed a current survey of the lot, including the newly built house. He said the house is over 400' off the road and they want to put the shed approximately 230' from the road and about 260' from the nearest property line. He showed the Board a picture from Google® maps to show the lay-of-the-land. He pointed out the house location, driveway and the proposed shed location.

G. Smith said he did not think it would be visible from Burlingame Road.

S. Shotzberger stated the house could be seen in the winter when the trees do not have any leaves.

C. Fischer asked if there was any location behind the house to place the shed?

S. Shotzberger said there is a steep hillside behind the house. He said the area proposed is the only part of the property that is easily accessible without doing something more extreme, than just building the barn.

R. Cook stated that due to the topography of the property the septic system is located in the area where the barn is going.

S. Shotzberger said the barn will be 24'x24' and would be approximately 17' tall.

C. Fischer showed the Board a picture of the specifications for the barn.

S. Shotzberger showed the Board various photographs with different lines-of-sight.

J. Shotzberger said anyone seeing the entrance to the driveway will not see the shed.

S. Shotzberger stated they will use the shed to store kayaks, a sailboat, lawnmower, snowblower, and lawn tractor.

S. Shotzberger said the property is 30.019 acres on the survey.

C. Fischer said that at the August 1, 2013 the Town of Cazenovia Planning Board meeting; they voted on a positive recommendation for the area variance.

C. Fischer stated the application had been noticed for a public hearing, it was properly noticed, and the applicant circulated the required letters. He asked if anyone was present to speak for or against the application.

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.

Motion by G. Smith, seconded R. Sheridan 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 an accessory building to be placed in front of the principle structure was carried unanimously.

C. Fischer signed the map in the file which had the dimensions on the drawing.

R. Cook stated the applicants did not need to go back to the Planning Board.

R. Cook said the next step would be for the applicants to get a building permit.

Barnes, Alison – #13-901 – Area Variances (2) – 2062 Main Street, New Woodstock

Alison Barnes and Scott Clements, contractor, were present to represent the application.

C. Fischer said the existing house is on a very narrow lot and the applicant is proposing to add a small addition on the east side of the house which would actually fill-out and make it even on the west side. He said they also want to connect an existing garage to the house.

A. Barnes confirmed.

S. Clements stated the current sidelines of the house are already not within compliance. He provided a sketch to the Board. He said currently they are 6' on the west corner of the existing structure to the property line. He pointed out the location where they want to "square off" the area. He stated they would be at 4' from the property line with the addition. He further stated with the garage on the east side they will be approximately a foot from the property line. He showed the line for the existing garage and said the addition would come forward to the north, approximately 22'3" which will place the structure roughly within a foot of the property line in the front corner. He stated currently the structure is at 2.4' off the property line. He stated they are asking to be a foot from the property line, but it could be a little further away than a foot. He said they are just not sure until they do a string-line run.

S. Clements said they were asked to provide stormwater mitigation because of the water that would run off the east side onto the neighbor's property. He provided a sketch of a dry well. He said they plan on putting a 4" or 5" gutter on the new structure and dig a dry well in the center of the new garage which will be approximately 10' from the property line. He stated the dry well will be filled with runner-crush and the water will be piped into the dry well.

C. Fischer stated the applicant was referring to the August 1, 2013 Town of Cazenovia Planning Board meeting; they voted on a positive recommendation for the variances. He further stated the recommendation was based on the applicant mitigating the stormwater to the east side of the property with sufficient sub-surface stormwater disposal.

R. Cook said almost 30 years ago there was a variance to build on the rear section of this property which created the U-section.

A. Barnes said the addition will follow the house line and which will get rid of the “U.”

S. Clements confirmed it will go from 6’ to 4’, based on the way the house sits and/or the way the existing property line is. He said they will put in a new foundation and put a new foundation under an existing portion because it is currently just on posts.

C. Fischer asked for more details on the east side addition.

S. Clements confirmed there was an existing, detached garage structure. He said they want to connect it to the house by a breezeway. He pointed to the sketch and said they will come out 22’ off the existing garage and they will keep the same 20’ width. He said the roof line will change, but only for the addition. He stated currently it runs to the driveway.

A. Barnes said her fence is right on the property line and it is about 2’ from the garage.

R. Cook said the property on the west is the neighbor’s driveway and to the east is the neighbor’s yard which is over 30’ to the east neighbor’s house.

C. Fischer stated his concern with the east side being so close to the property line is to make sure it stays on the applicant’s property. He said the survey provided is 30+ years old.

R. Cook said, in the past, the Board grants what they are comfortable with, but then the applicant has it surveyed to make sure the foundation goes in the right place.

C. Fischer stated surveys change over the years and surveying equipment gets more sophisticated.

C. Fischer asked the Board if they needed an updated survey or if they wanted the property line staked by a surveyor for the builder and the Code Enforcement Officer’s use?

R. Cook said if the concern is the easterly line. They could have that surveyed and set and the corner of the building to be set.

C. Fischer stated due to the location the application was referred to the Madison County Planning Department. He read the GML to the Board which stated, *“The addition of a master bathroom and closet on the west side of an existing single-family located at 2062 Main Street, New Woodstock so as to encroach 6’ into the 10’ side yard setback established for principal structure in the New Woodstock Hamlet Overlay (NWHO) District and the New Woodstock Central Business Overlay (NWCBO) District would have no adverse county-wide impact.”*

That said, we would like to call attention to the Town that the Town’s zoning may need to be clarified. The legend of the Town’s Zoning Map depicts the area of New Woodstock as the “RB-NW” Zone yet no such zone exists in the Town’s codes (see Article II Section 165-3). We believe this should be changed to the New Woodstock Hamlet Overlay (NWHO) District to reflect the proper zoning classification given to

this area. Madison County Planning Department is available and happy to update the Town's Zoning Map using ArcGIS at any point for the Town."

C. Fischer stated it had been noticed for a public hearing, it was properly noticed and the applicant circulated the required letters. He asked if anyone was present to speak for or against the application.

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

C. Fischer asked the Board their thoughts.

The Board members all agreed the surveyor should survey the east property line.

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

W. Reese said the sideyard setback is 10'. She further stated it would be 9' of relief for the garage side and 6' for the house addition side.

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 an area variance for 9' of relief on the east sideline of the property and 6' of relief to the west sideline of the property contingent upon the east side of the property being staked by a surveyor prior to construction and the construction of a drywell as recommended by the Town Planning Board and proposed by the applicant was carried unanimously.

R. Cook stated the applicant does not need to go back to the Planning Board for site plan review. He said the area should be staked out prior to his issuance of the building permit.

C. Fischer signed the map in the file which had the dimensions on the drawing.

C. Fischer mentioned the October 29, 2013 training opportunity. He said the Town Clerk needs an RSVP by October 9, 2013. The training seminar is 4 hours and a dinner is included.

C. Fischer asked the Board Secretary for an updated training schedule after the event.

Motion by R. Sheridan, seconded by C. Fischer to adjourn the meeting was carried unanimously at 8:09 p.m.

Zoning Board of Appeals Secretary – Connie Sunderman – August 31, 2013