

# Cazenovia Zoning Board of Appeals

## Meeting Minutes

November 25, 2013

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

Members absent:

Others present: Anne Redfern; Graham Egerton; Robert Cowherd; Wendy Reese, Esq.; Roger Cook

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C. Fischer called the meeting to order at 7:30 p.m.

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Motion by C. Fischer, seconded by Gene Smith to approve the revised October meeting minutes was carried unanimously.

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*Cowherd, Jr., Robert – #01-73 – Special Use Permit Renewal – 2350 Route 20 East*

Robert Cowherd was present for his special use permit renewal.

C. Fischer stated this is a special use permit for the sale and service of automobiles.

R. Cook did an inspection of the site November 1, 2013 and November 19, 2013. Prior to the inspection dates, in September of 2013, Mr. Cook had requested the removal of some vehicles in front of the garage and Mr. Cowherd complied immediately.

R. Cook explained the purpose of his second inspection was to check the rear markers.

C. Fischer asked Mr. Cowherd if there were any change in his activities.

R. Cowherd stated that there were no changes.

C. Fischer asked about the condition of the fence.

R. Cook stated because the fence is no longer in the Town of Cazenovia but is now within the Village of Cazenovia, the Town just needs to make sure that the fence screens the operation from view from the

front to the back. He noted that one section of fence was temporarily down so Mr. Cowherd could do some roof work.

L. Orbach noticed the application states that the sales and services are provided 24 hours a day, seven days a week, 365 days a year.

R. Cowherd clarified that he is not open 24 hours a day.

C. Fischer reviewed the noise limitations that were put in place.

R. Cook stated the hours of noise limitation are prior to 8:00a.m. and after 9:00p.m.

C. Fischer said that his only concern was the number of vehicles on the right-hand side, in front of the house, which he realizes is an ever changing number based on customers and employees.

Further discussion clarified that there were no specified hours of operation, but a noise provision was included at the time when the adjoining motel was in business and it might have been an issue for the guests.

Motion by R. Sheridan, seconded L. Orbach 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.

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C. Fischer said at the December meeting there will be one special use permit renewal, and a new special use permit application involving retail sales.

R. Cook briefly explained the special use permit application is for Jennifer Basic. She is planning on leasing the Enders' house for at least a year and moving her office to that location in conjunction with Jean Dally, the owner of "The Barn" on Ballina Road, who would like to have a second location there to sell product. He further stated J. Basic's ultimate goal would be to purchase the house from the current owner, David Muraco.

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C. Fischer mentioned that D. Silverman will not be at the December 23, 2013 meeting, and if anyone else is unavailable, to let the Board know for the purposes of a quorum.

Motion by C. Fischer, seconded by G. Smith to adjourn the meeting was carried unanimously at 7:42p.m.

Town of Cazenovia Office Clerk – Sue Wightman – November 26, 2013