

# Cazenovia Zoning Board of Appeals

## Meeting Minutes

December 23, 2013

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

Members absent: David Silverman

Others present: John Langey; Roger Cook; Anne Redfern; Graham Egerton

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C. Fischer called the meeting to order at 7:35 p.m.

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Motion by G. Smith, seconded by R. Sheridan to approve the November meeting minutes as circulated was carried unanimously.

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*Henneberg, Werner & Shirley – #04-234 – Special Use Permit Renewal – 3104 Thompson Road*

C. Fischer stated this is a special use permit for the sale of rustic furniture and local arts and crafts.

C. Fischer said R. Cook did an inspection of the site November 2, 2013 and found no items of non-compliance and added that the business seems inactive at this time.

R. Cook explained though they are not actively promoting their business at this time, they want to have the option for the future.

C. Fischer verified with R. Cook that this business has not had any complaints

Motion by C. Fischer, seconded by G. Smith to renew the special use permit under the same terms and conditions as the original approval was carried unanimously.

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*Basic, Jennifer/New Venture Assets – #13-909 – Special Use Permit – 2363 Route 20 East*

C. Fischer stated that the applicant mistakenly forgot to send the required mailing to the neighbors. Because J. Basic is working out some other details, she has asked that her application and public hearing be adjourned a month.

Motion by C. Fischer, seconded by G. Smith to adjourn the file and the public hearing until the January meeting was carried unanimously. A re-notice will be issued to advise the public of this date.

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C. Fischer said the last item before the board is the appeal of Bryan Wendel regarding the site plan application of Oweria Vineyards at 5276 East Lake Road. The Planning Board asked R. Cook his opinion on the code specific to this project. After issuing his opinion, B. Wendel submitted an appeal request to this board for its review. The formal appeal was filed December 20, 2013 so the public hearing for this appeal needs to be scheduled for the January 27, 2014 meeting.

Motion by C. Fischer, seconded by G. Smith to schedule the public hearing for the Wendel/Oweria Vineyards appeal for January 27, 2014 was carried unanimously.

Because this type of appeal has not occurred in a very long time, C. Fischer asked J. Langey about the procedure going forward.

J. Langey informed the board that because he represents the Planning Bboard, and because he assisted R. Cook with the very opinion being appealed, he cannot be counsel for this board, but special counsel will be retained. The Town Board will be asked to authorize that representation during their January 13, 2014 meeting. He gave a brief history of the developments of the Oweria Vineyard file, explaining they will be reviewing R. Cook's determination of the code and making a decision if they agree or disagree with his interpretation. He told the board that its new counsel will advise them regarding that decision and inform them about the time constraints involved, and the various scenarios that may result from their determination. He also informed the board that R. Cook's decision was written as the Town Code relates to the NYS Ag & Market law.

It was further clarified that because this is a public hearing, Oweria Vineyards can submit information even though the two parties involved are the Town of Cazenovia and B. Wendel.

J. Langey stated that this should be a Type 2 action under SEQRA. The Basic/New Ventures file will require the Type 1(long form) which he said he would assist them with.

L. Orbach asked what the precise issue is before this board regarding the Wendel appeal, whether the permanent structure being applied for is a permitted use on this property under the Town code.

J. Langey clarified that it is whether the permanent structure being applied for is a permitted use on this property under the Town Code subject to site plan review.

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The board will need to review the site plan application and most of the file. Because of the size of this application, it was decided a special meeting/work session would be beneficial.

Motion to by C. Fischer, seconded by G. Smith to schedule a special meeting/work session on Wednesday, January 15, 2014 at 7:30pm to conduct work on the Wendel/Owera Vineyards appeal and any other business which may come before the board was carried unanimously.

Motion by C. Fischer, seconded by G. Smith to adjourn the meeting was carried unanimously at 7:57pm.

Town of Cazenovia Office Clerk - Sue Wightman - December 23, 2013