

Cazenovia Zoning Board of Appeals

Meeting Minutes

January 27, 2014

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

Members absent: Richard Sheridan

Others present: Wendy Reese; Roger Cook; Jennifer Basic; Anne Redfern; Graham Egerton

C. Fischer called the meeting to order at 7:31 p.m.

The first item of business was the appointment of L. Orbach as the Vice-Chairman by C. Fischer.

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

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

J. Basic was present to represent the application. She reviewed the file stating her intent is to open a consignment shop/home goods store and to move her law practice into what is known as the Enders building. She stated that the shop would be similar to the consignment shop known as The Barn at 2009 Ballina Road. She clarified that home specialty goods refers to hostess gifts, furniture and items of that nature. She believes that the businesses would utilize the entire space, thinking her practice would use about 25% and the shop would use the remaining space. When asked what her role would be in the shop, she stated that she would basically be a buyer for, but not managing the shop. She did not submit a copy of the letter she sent to the neighbors within 500 feet of the property, but Roger Cook stated that he had read a copy of the letter, and that it met the specifications required to notify them.

C. Fischer asked about the parking available at the site.

R. Cook said he would have to check the requirements, but as he recalls there is space for approximately ten cars because the driveway is circular.

J. Basic informed the board that during the antique show in Bouckville, they intend to have a tent erected for a special sale. Also, once a month, during the nice weather, they would use the tent. At that time they would be serving food, and they would be open from 4pm - 8pm, so they would anticipate twenty or more cars parking on the lawn as well as in the driveway at those events also. She said this is similar to Jean Dally's current events at The Barn and this shop would be "The Barn-Too!" She plans to discuss this with the Town Planning Board.

C. Fischer stated that would be a site plan issue rather than a special use issue, and is comfortable deferring that back to the Planning Board as long as it gets addressed there.

C. Fischer said this was referred to the County planning board and read aloud the recommendation from them, concluding that this is a positive recommendation.

J. Basic affirmed that she would not be making any changes to this historical site.

C. Fischer stated that the Village was notified about this proposal, and stated that the Mayor discussed this with him and the Mayor is strongly in favor of its proposed commercial use.

This special use permit was noticed in the newspaper, and by the applicants to the adjoining land-owners. There was no one present to speak for or against the special use permit application.

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

R. Cook further explained the requirement to have one parking space for every 150 square feet of gross floor area of office or retail space. He believes would not pose a problem for this application. He also stated that whatever the Town Board may pass regarding events type law in the future would address the special functions that were mentioned by J. Basic.

C. Fischer asked about her time frame, and about "The Barn Too!" 's time frame for moving into this location.

J. Basic stated that she was thinking sometime between March 1, 2014 and April 1, 2014.

Regarding the SEQRA review, W. Reese clarified that this is a type one action because it is a historically designated site.

J. Basic said she had not completed the long form SEQRA, thinking it was not required for this board.

W. Reese also stated that because no alterations will be done, the State Historic Preservation Office (SHPO) would be an Interested Agency but would not have to be contacted to approve this proposal.

J. Basic said she would not object to deferring this and postponing her move to address the SEQRA issue at the next meeting.

R. Cook also stated that there will be some building code issues that will have to be addressed converting this from a residence to a business to acquire an operating permit.

W. Reese gave J. Basic another copy of the long form SEQRA.

C. Fischer stated that she can continue her process with the Planning Board, saying the Zoning Board of Appeals is giving favorable indication of approval of the special use permit subject to SEQRA review.

More discussion about the parking ensued.

Motion by C. Fischer, seconded by G. Smith, to adjourn this file until the February meeting was carried unanimously.

Wendel, Bryan T. (Owera Vineyards) – #13-910 – Interpretation – 5276 East Lake Road

C. Fischer informed the board that the appeal was regarding the interpretation of a site plan application of Owera Vineyards at 5276 East Lake Road which has since been withdrawn. That withdrawal does not automatically impact the pending appeal from a legal basis. The Town Board has hired Germain & Germain as legal counsel to represent the Town in this matter. The current status is that the attorney from Germain & Germain, John Langey, and the attorney for B. Wendel are looking at the issue of the potential preservation of this appeal going forward. At the request of the applicant, they have asked to adjourn the appeal and the public hearing of the appeal until the February meeting.

Motion by C. Fischer, seconded by G. Smith to formally adjourn the pending appeal until the February meeting, was carried unanimously.

C. Fischer asked S. Wightman to advise himself, J. Langey, and Mr. Germain as to the timing requirements of publishing the public hearing again for the Wendel/Owera Vineyards appeal in the newspaper for February 24, 2014 stating that will initially be the deadline to urge all parties concerned to come to a resolution.

C. Fischer then discussed the upcoming training available at SUNY Morrisville by the Planning and Zoning Institute, Tuesday February 11, 2014. The first session from 5:00pm -7:30pm will be regarding the new SEQRA, and the second session from 7:30pm - 9:00pm will be regarding a Planning Board overview. He encouraged those interested to enroll.

C. Fischer reminded the board that R. Sheridan had asked that the March meeting be postponed until the fifth Monday so he could attend. It was decided that this topic should be addressed at the February meeting to determine the importance of the March meeting and the need for a full board.

C. Fischer informed the board that Owera Vineyards has indicated that if the Wendel appeal goes forward, they would request a stenographer to be present recording the proceedings.

Motion by C. Fischer, seconded by G. Smith, to adjourn the meeting was carried unanimously at 7:44pm.

Town of Cazenovia Deputy Clerk - Sue Wightman - January 27, 2014