

Cazenovia Zoning Board of Appeals

Meeting Minutes

May 27, 2014

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

Members absent:

Others present: Wendy Reese; Roger Cook; Don Ferlow; Tom Kinslow; Jacob Corlyon; Kathleen Copeletti; John Copeletti; Douglas Miller; Anne Redfern; Graham Egerton;

C. Fischer called the meeting to order at 7:29 p.m.

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

Crawford Farms, LLC – #14-920 – Special Use Permit – 5071 East Lake Road

C. Fischer introduced the file, stating Harmony Architectural Associates is leading the design for Crawford Farms. He asked Tom Kinslow to give a brief presentation of the application.

T. Kinslow stated that there had been a question as to whether this application should be considered as a "public" or "private stable" and that the owners desire this to be a private stable. He said that this is intended to be a turn-out facility for retired horses. He explained that the owner has a facility in Durhamville where they breed and train horses, and this facility would be for the maintenance of retired horses. He went on to address the wetland areas on the property stating that the area in the northern section of the parcel is now being farmed and does not appear to be a problem area according to the New York State Department of Environmental Conservation (DEC). A request for DEC wetland designation has been filed and their crew will stake an area in the southern corner of the property. Because of that wetland area, the applicant has repositioned the site for the proposed barn to avoid being in the 100 foot buffer zone of the wetland. He also stated that the barn is sited 150 feet from the lot lines, and the paddocks are 45 feet from the road noting them on the Aerial Site Plan drawing and the Site Plan S1.0 drawing. This would be well within Town code 165-82 regulations, but primarily is being planned for the safety and comfort of the horses. This repositioning of the barn changed their original plan from 14 proposed paddocks to 12. He then explained the method they used in compliance with the Town Code regarding the number of horses allowed per usable pasture acreage, and showed the diagram of those calculations. He said of the approximate 85 acres of land, 56 acres were usable pastureland which they estimate would support 37 horses.

G. Smith asked if the horses would be pastured on those 56 acres.

T. Kinslow said the horses would actually reside in the paddocks or the stables.

G. Smith explained the reason the code requires a stipulated amount of pastureland is to avoid a high concentration of horses in small areas, so the failure to use that acreage for that purpose is contrary to the intention of the restriction, which addresses the issues of run-off water and erosion.

C. Fischer asked Roger Cook if he had had an interpretation question regarding this issue previously.

R. Cook said he had not. He agreed that the intent of the code was to avoid the problems of having too high a concentration of animals in a small area, however the wording of the actual code does not necessarily convey the requirement as Mr. Smith has interpreted it. He stated it was the prerogative of the Zoning Board of Appeals to set the standards it sees fit since this is a special use permit application. He went on to say that he must determine what "usable pastureland" is, but the code does not state that all the available "usable pastureland" is used as pastureland. He also stated that once the owners achieve agricultural status (ag status), this calculation would no longer be necessary.

D. Silverman asked about the experience the owners have to operate a horse stable, and how the applicant can address the concerns raised by Mr. Smith so as to move this project along.

Jacob Corlyon stated that he is employed at Crawford Farms handling their operational details, and he estimated that the owner has been involved in the horse business for about 30 years. He also stated that the owners recently built a 40 horse training barn in Durhamville which cost approximately \$500,000.00, and they have a professional trainer coming for the spring and summer of this year to work with the race horses.

G. Smith affirmed that the Crawfords know how to run their business and are very professional.

J. Corlyon said currently the Crawfords would like to move six to ten horses to this facility in the near future. He went on to explain the storage and removal of manure, which would be a dumpster that is hauled away, so the manure will not be used or stay on site. He explained what they use for footing for the horses, and said they recently planted grass in the proposed paddock locations, so the horses will have plush paddock areas. Hay feeders will supplement the horses' grazing in those areas in an attempt to keep the grass growing, and they rotate the use of paddocks to maintain them as well.

T. Kinslow said each paddock is about 21,000 square feet, and there are twelve proposed paddocks, so that will total about six acres.

L. Orbach asked if any portion of the proposed paddocks will be in the lake watershed.

He showed the small portion of the property that is in the lake watershed area on the site map and said none of the paddocks will be situated in that portion.

C. Fischer stated that the code is written as it is for a reason and he believes that the applicant needs to incorporate what is now hayfields into usable pasture space. He repeated that another option is to be included in the New York State Agricultural District to avoid this requirement, if the timing would be acceptable.

J. Corlyon said Scott Ingmire thought the timing for that inclusion would be toward the end of the summer. They anticipate there being no issue attaining that status.

C. Fischer said the board does not mean to discourage the applicant, and they are in favor of the project, however they must still comply with the zoning code. He also asked them to elaborate on the manure removal plan as well as its onsite storage plans.

T. Kinslow showed on the site plan map where the dumpster for the manure would be located, saying it would be out of sight from the street and the neighbors. He also showed how the elevator would empty into the bin and then be removed from the site.

G. Smith said that would be the ideal method of elimination.

D. Silverman asked if the application would be open for public hearing, stating he was unsure if he agrees with the board members' interpretation of the code regarding "usable pastureland." He also wondered if the trail is for the owners' pleasure or if it is available to all the horses. He reserved his agreement with the board until he could hear from the public and have those points addressed.

C. Fischer gave Mr. Silverman the code to read and opened the public hearing, asking if anyone present wanted to speak in favor of or against the application.

Kathleen and John Copeletti, residing at 5707 East Lake Road, which is directly across the road from the proposed building, asked to see the site plan maps. Mr. Copeletti expressed his satisfaction with the improvements made to the property thus far and his confidence in the Crawfords' reliability regarding

their future plans. Mr. Kinslow showed them where the barn, paddocks and fencing would be from their vantage point, stating the fences will be six feet high, the proposed barn will not have a tall gambrel roof because hay will not be stored in that barn, and the existing barn will remain on the property.

Doug Miller, residing at 5733 East Lake Road, also approached and viewed the plans. He asked about the placement of the riding trail. Mr. Kinslow stated that the trail would be used to exercise the retired horses and for the owners' riding pleasure. He went on to explain the topography, stating the area considered for the paddocks is flat.

D. Miller asked about a stream that once flowed through the property running north-south which he believed emptied north toward Stanley Road rather than south and into the lake.

T. Kinslow said the DEC believed the hydrology in that northern section of the property had changed, which he said is not unusual.

R. Cook explained how the watershed splits in that area and how some water migrates west under East Lake Road and flows back toward the lake while another section runs north.

D. Miller expressed concern about the water supply for 40 head of horses because in 42 years he originally had a well at 200 feet that he had to replace with a 535 foot well.

T. Kinslow stated that they anticipate having to dig wells for this purpose. The existing well on the property is on the west side of East Lake Road serving the existing house.

It was noted that the previous owner, Edward Weinheimer, had a fire hydrant installed which will remain accessible.

There was more discussion about the storage and removal of manure, the placement of buildings which will allow for a view corridor for the Copelletis facing east, and the riding trail's use.

D. Miller inquired about the placement of wells.

T. Kinslow responded that their exact location has yet to be determined, but expects that they will have to avoid the wetland area, the septic field that will service the bathroom in the barn, and the one or two wash bays.

There was no one else to speak for or against the application, so C. Fischer asked Don Ferlow to discuss the Cazenovia Advisory Conservation Commission (CACC)'s comments.

D. Ferlow mentioned the DEC wetland on the site, stating Madison County also identified it, and also identified potential federal wetlands on the site from the federal map of Cazenovia which is the US Fish and Wildlife Map. He advised speaking to a wetland scientist to locate the federal wetlands on the site which would impact the trail, other elements of run-off, and matters of that nature.

T. Kinslow displayed the map and correspondence he received from Kristen Kornak from the DEC regarding the wetlands.

C. Fischer asked if the map was delineated by the DEC or the Army Corp. of Engineers.

T. Kinslow responded it was from the DEC.

D. Ferlow restated that the federal wetlands should be identified also. The second concern he explained was regarding the muck soils associated with wetlands that are found on the property which he advised avoiding, further stating that trails through those areas may require a federal permit. The third concern was the size of the paddocks, which if too small, can cause the movement of silts and other sediment products associated with manure and urine. Regarding their concern about manure disposal, he asked what the dumpster would sit on and if it would leak, remarking that horses generate about 40 pounds of waste a day including the bedding from stalls, which could become a major issue with the potential of 40 horses, if the waste is not handled properly. In summation he said the three areas of concern were soil and erosion potential, wetland potential, and how the site is cared for.

C. Fischer asked that the letter and map from the DEC be circulated to the board members and included in the applicant's file. He then relayed concerns expressed in a letter from Mark and Gina Zaggar who reside at 5746 East Lake Road written May 27, 2014 which would be site plan approval concerns regarding water drainage on the property during construction and its impact on the Zaggars' pond as well as permanent drainage concerns.

T. Kinslow asked if Cazenovia has a Stormwater Pollution Prevention Plan (SWPP).

R. Cook affirmed that the Town does under certain circumstances.

C. Fischer repeated that the concerns stated in the letter were valid but pertain to the site plan review portion of the application. He then read a letter from the Planning Board dated May 6, 2014 addressed to the Zoning Board of Appeals, giving their conditioned recommendation and counsel regarding wetland delineation and manure management.

T. Kinslow responded that the applicant had written a letter to R. Cook dated May 15, 2014 stating their intent to be in compliance with the Town Ordinance for Private Stables section 165-82. He further stated that they had been in contact with the DEC to isolate and designate the wetlands. Also included in the letter was the general plan for the collection and disposal of manure.

C. Fischer then reviewed the GML Recommendation Report that Madison County sent May 1, 2014. He noted that the zoning code used in the County's report was not the current code that is now applicable. He had hoped they would redo the recommendation based on the updated code. The revised code was sent to them and he contacted them, however, their recommendation was not modified. The practical portion of the GML that was relevant emphasized the importance of wetland delineation.

D. Silverman asked if he understood the applicant's situation saying that the number of horses they desire to house on the property seems to be more than permissible according to the interpretation of the code, which will not be an issue once the applicant attains inclusion in the agricultural district. However the applicant needs to house at least some horses before that status will be granted.

T. Kinslow said they do need to house at least five or six retired horses from Durhamville, so they would like to construct the paddocks for those horses in the interim. They had not intended to build the barn this year. But they would like to construct the paddocks sooner rather than later.

Discussion followed about the acreage needed to accommodate those horses.

W. Reese said they would also need to address the size requirement for the stable.

The board members expressed their desire to help the applicant begin the project with the minimum number of horses stated while still addressing the other areas of concern previously mentioned.

T. Kinslow voiced his need to communicate with the owner regarding an interim plan as well as a long-term plan.

C. Fischer asked the timeframe regarding the DEC's marking of the wetlands.

T. Kinslow was told the DEC was running about three weeks behind and it had been approximately three weeks since he had requested it, so he anticipates their doing it within a week or two.

D. Ferlow informed Mr. Kinslow that the Army Corp. markings needs to be done by the applicant.

T. Kinslow said he has a contact person at the Army Corp. who he can ask about that.

C. Fischer asked that we receive more definitive guidance from the Army Corp regarding those federal wetlands, something we can record and refer to for the file, to close these loopholes.

R. Cook said if the board were to give this the status of a private stable in a residential area, without the potential of being included in a state certified ag district, the code directs them to say this is a residential use, which would allow for an accessory structure for that use, so the board would then need to review a variance for an additional accessory structure. In this case it would be for a fourth structure on the parcel.

It was further clarified that the applicant would not want to subdivide the property if they want to have a private stable because they would then no longer meet the residential requirement if the parcel was divided from the residence. It was also affirmed that there is an occupant in the house.

C. Fischer said the consensus of the board is that they were in favor of the overall proposal, and they were willing to work with applicant, but the current plan as presented did not meet all the requirements previously stated. He advised Mr. Kinslow to discuss how to address those issues with the owner to devise an alternate plan.

T. Kinslow asked if he should develop a short-term plan as well as a long-term plan to present to the board. He was encouraged to do that.

Motion by R. Sheridan, seconded by G. Smith to keep the public meeting open was carried unanimously.

Motion by C. Fischer, seconded by G. Smith, to adjourn the meeting was carried unanimously at 8:34 pm.

Zoning Board of Appeals Secretary - Sue Wightman - May 28, 2014