

Cazenovia Zoning Board of Appeals

Meeting Minutes

August 23, 2021

Members present: Thomas Pratt; David Silverman; Gary Mason; Val Koch; David Vredenburg,
Alternate Member; Luke Gianforte, Alternate Member

Members absent:

Others present: Roger Cook; John Langey; Christine Petrone; Joseph Rogers; Michael Jauch;
Jason Law; Karen Trush; Karl Stinson

T. Pratt called the meeting to order at 7:30 p.m.

Roll was then taken.

The next regularly scheduled meeting will be Monday, September 27, 2021.

There will be a work session Tuesday, September 21, 2021.

Motion by V. Koch, seconded by G. Mason, to approve the July 26, 2021 meeting minutes was carried unanimously.

David Vredenburg was welcomed as a voting member of the Board.

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

T. Pratt explained this was a special use permit renewal for the keeping of farm animals since 2008. He asked Roger Cook if there had been any record of complaints or issues with the inspection.

R. Cook responded there had been no complaints and no issues.

Motion by D. Silverman, seconded by G. Mason, to renew the special use permit with the same terms and conditions as previously approved was carried unanimously.

*Breuer, John (Andy) & Amy - #21-1370 – Area Variance – 1130 Tunnel Lane, Cazenovia
(David Silverman)*

No one was present to represent the file.

T. Pratt said the property was in the lake watershed and the Applicants were seeking an area variance. He understood the Applicants have asked to be continued until the September meeting.

T. Pratt said the public hearing had been left open and asked if there was anyone wishing to comment at this time.

There were no comments.

Motion by D. Vredenburg, seconded by V. Koch, to continue the file and the public hearing was carried unanimously.

Petrone, Christine & Rogers, Joseph - #21-1374 – Area Variance – 1956 Delphi Road, New Woodstock
Petrone, Christine & Rogers, Joseph - #21-1375 – Special Use Permit – 1956 Delphi Road
(Gary Mason)

Christine Petrone and Joseph Rogers were present to represent the file.

T. Pratt explained the area variance was for relief from the 150-foot side property line setback requirement and the special use permit was for a private horse stable.

Referring to the new site plan submitted showing the revised location of the barn, T. Pratt asked the Applicants to explain their amended proposal.

C. Petrone explained the original location was to the west of the leach field (about 25 feet from the lot line shared with Laura Jungkind), thinking that if they needed to change a couple of the pipes to the leach field, they could do that. Since that time, they had been advised not to disrupt the leach field, so now they propose to move the location of the barn to the south, 25 feet behind the leach field, and to angle the structure to make it more accessible to the driveway, which would result in one corner of the barn being 50 feet from the shared line with Ms. Jungkind.

G. Mason said Ms. Petrone already answered the question he was going to ask about the positioning of the doors. He noted the distance between the opposite corner of the building to the neighbor to the east, Jennette Ball, was 140'. He asked if 25 feet of separation between the leach field and the structure was adequate.

C. Petrone said she believed Mr. Cook had instructed her to have 25 feet of separation.

R. Cook said 20 feet was the minimum standard required.

C. Petrone added that she had been told if she were to extend her pasture area, having the horses' pasture over the leach field would not be a problem.

T. Pratt asked if the drawing accurately showed the configuration of the fence (since it did not show the pasture extending over the leach field area).

C. Petrone clarified the pasture area would be as shown, but if in the future she wanted to enlarge it, the leach field would not be impacted.

G. Mason said the three (3) acres of pasture area was the approved size for two (2) horses.

C. Petrone explained that she did not want the horses to congregate at the entrances to the barn, so that was the reason she configured the pasture area as she had.

G. Mason asked about the location and details of the manure pit.

C. Petrone said the original plan was for a 3-sided concrete structure, but considering they will now be removing the manure weekly, they propose to have a dump trailer which would be more cost-effective

and easier for them to remove the waste themselves. She stated the trailer would be kept in the same location that the pit would have been.

T. Pratt asked if a trailer would be acceptable.

R. Cook clarified that the Applicants were required to have a manure removal plan.

C. Petrone added that the trailer would be a multipurpose piece of equipment for the farm as well.

T. Pratt stated it would have to be 150 feet from the lot lines (for manure storage).

C. Petrone expressed understanding.

J. Rogers asked Mr. Cook if the trailer would have to be covered.

R. Cook said concrete pits were not required to be covered, so if the trailer had fairly high sides, he thought the situation would be similar.

C. Petrone did not think two (2) horses would fill the trailer if the trailer were emptied once per week.

T. Pratt summarized the considerations associated with private stables:

- 1) manure storage would need to be 150 feet from the boundaries'
- 2) manure would need to be removed weekly,
- 3) associated noise would need to be controlled,
- 4) fencing for the pasture would need to be 8 feet from the property lines,
- 5) outdoor lighting would need to be dark-sky compliant and shielded,

C. Petrone interjected that she was hoping to have one light on a timer for times when it would be dark earlier in the evening.

T. Pratt instructed her to make sure what she wanted to install was approved by Mr. Cook.

T. Pratt said a sixth item was that no pesticides would be used.

G. Mason remarked that the Board members had visited the site and he did not have any other questions.

D. Vredenburg said he was away when the Board visited, but he had been by the site and asked what the flagged area represented.

C. Petrone responded that the flags represented the area where the barn would be located according to the most recent drawing. She explained the flags to the east showed where the barn would be if it were 150 feet from the west property line.

G. Mason realized the 150-foot setback was desirable, but said after having seen the contour of the land he understood the difficulty of that location for this property.

T. Pratt asked Mr. Mason if he thought the Board could give less relief.

G. Mason indicated he did not think so, but said he would have to walk the site to know.

L. Gianforte said after having visited the site, he thought the location now proposed was a better location and he approved of the angling of the structure which allowed the structure to have only one corner so close to the neighboring property. He remarked the first proposal had been “pretty tight.” He said it would be difficult to put the structure 150 feet from the boundary because of the elevation and slope of the land. He agreed with Mr. Mason that if they walked the site again, they might be able to adjust the location 15 - 20 feet farther from the property line, but he did not think it was possible to relocate the barn 150 feet from the property lines.

D. Silverman agreed the second proposal was much better. He too liked the angling of the structure. He said both neighbors approved, so he felt that indicated the proposal would not be a detriment, but would actually “better the neighborhood.” He acknowledged it was a sizable amount of relief, but as the other members had pointed out, because of the “severe limitation,” he had no problem granting the relief.

V. Koch agreed the relief was substantial, but believed it was warranted.

T. Pratt said the public hearing was open and asked if there were any present wishing to speak in favor of or in opposition to the proposal.

No one spoke.

Motion by G. Mason, seconded by D. Silverman, to close the public hearing was carried unanimously.

T. Pratt wanted to note that letters had been received which were in favor of the project and were in the file.

J. Langey recommended that the State Environmental Quality Review (SEQR) be completed and then each application be voted upon separately with the area variance being considered first.

J. Langey led the Board through Part 2 of the Short Environmental Assessment Form (SEAF).

T. Pratt then reviewed the area variance analysis. He said regarding an undesirable change to the neighborhood, he thought it would not affect a tremendous change, saying it would be in character with the neighborhood. He said regarding alternate solutions, they have discussed alternate locations, but landscape issues make the proposal a better option. He noted it would be a substantial variance with 100 feet of relief being sought, which was approximately 67%. Regarding physical and environmental impacts, he did not see either. He stated it was a self-created hardship.

Motion by G. Mason, seconded by D. Vredenburg, to appoint the Zoning Board of Appeals as Lead Agency for the purposes of the SEQR, to affirm the matter an Unlisted Action and make a Negative Declaration, based upon the Zoning Board's review of the SEAF, and to approve the area variance for 100 feet of west side yard setback relief as most recently proposed was approved as follows:

David Silverman	Voted	Yes
Gary Mason	Voted	Yes
David Vredenburg	Voted	Yes
Val Koch	Voted	Yes
Thomas Pratt	Voted	Yes.

J. Langey then listed the conditions he heard mentioned regarding the special use permit.

- 1) the manure management plan will consist of removing waste on a weekly basis,
- 2) the location of the manure storage will be 150 feet from the property lines at all times,
- 3) the maximum number of horses being kept will be two (2) horses,
- 4) no rentals or riding academies will be operated on site,
- 5) no retail sales associated with the private stable will be operated on site,
- 6) no pesticides will be used,
- 7) any immediate noise impacts or issues associated with the use will be addressed,
- 8) all operation will be in specific accordance with the submitted application and plans,
- 9) all outside lighting will be dark-sky compliant, and
- 10) the size of the barn will be 36' X 40'.

G. Mason asked if any set hours should be stated in regard to the timer for the outside lights.

R. Cook said it was not mandatory, and thought since the lights would be night-sky compliant and only over the doors, it would not be necessary in this case.

C. Petrone did not think the lights would be on later than 10:00 P.M.

T. Pratt asked if the access to the barn would be gravel, stone, dirt or grass.

C. Petrone believed it would be the same gravel material that was used for the driveway.

Motion by G. Mason, seconded by V. Koch, to appoint the Zoning Board of Appeals as Lead Agency for the purposes of the SEQR, to affirm the matter an Unlisted Action and make a Negative Declaration, based upon the Zoning Board’s review of the SEAF, and to approve the special use permit for a private stable with the stated conditions as most recently proposed was approved as follows:

David Silverman	Voted	Yes
Gary Mason	Voted	Yes
Val Koch	Voted	Yes
David Vredenburg	Voted	Yes
Thomas Pratt	Voted	Yes.

Jauch, Michael & Weaver-Jauch, Kelly - #21-1377 – Area Variance – 5200 Ridge Road, Cazenovia (David Vredenburg)

Michael Jauch was present to represent the file.

D. Vredenburg explained the Applicants were seeking to position a new barn in the front of the existing house. He said he drove by the property and saw where the location of the garage was staked but said there was only “one small place” where the proposed structure would be visible from the road. He said the location was heavily vegetated and did not believe the barn would impact the neighbors visually. He noted that of the six (6) lots in the general area of the home on that section of Ridge Road, four (4) had approved structures in their front yards, so he concluded the proposal was in keeping with the character of the neighborhood. He asked how the 40’ X 30’ structure would be positioned and the orientation of the doors.

Referring to an aerial photograph of the property, M. Jauch showed the Board the proposed location and he showed them the floor plan and elevation drawing of the structure entitled *New Pole Barn For: Michael Jauch 5200 Ridge Road Cazenovia New York 13035* created by Donohoe Group dated June 2021. He said the three (3) overhead doors would be facing the house.

T. Pratt asked the primary use for the barn.

M. Jauch answered the primary use was for storage. He said he would store his tractor in it and other items that were now stored in the garage.

T. Pratt asked if livestock would be sheltered in the barn.

M. Jauch said he would not have livestock. He said he might have a boat in the future.

T. Pratt asked about plumbing, lighting, and electrical service.

M. Jauch responded there would be not plumbing, and that there would be no lighting or electrical service at this time.

T. Pratt asked how much of the property was in the lake watershed overlay zone.

R. Cook estimated it was not more than 15%.

T. Pratt asked if all the development was out of the lake watershed.

R. Cook believed the house was in the lake watershed.

T. Pratt asked if the proposed structure would be out of the lake watershed.

R. Cook believed it would be in the lake watershed overlay.

T. Pratt asked if the impervious surface area was close to 20%.

R. Cook answered emphatically no.

T. Pratt asked about finishes.

M. Jauch responded the structure would have a metal roof with board and batten siding to match the color of the house.

T. Pratt asked the color of the house.

M. Jauch described it as “grayish.”

T. Pratt asked about the special conditions of the lot that prevented the house from being moved farther from the road.

M. Jauch cited the grade which he said drops “quite a bit” and the location of his septic system/leach field as reasons.

Referring once again to the aerial depiction, M. Jauch showed the proposed location saying it would be about 30 feet in front of the house. He mentioned moving the barn back would also put it in a depressed area where water ponds after heavy rains.

G. Mason commented that ideally the barn would be behind the house, but he understood the constraints of the drop and the septic location. He agreed that it would certainly fit the neighborhood.

L. Gianforte was familiar with the area and the grade saying if it were put behind the leach field it would be on the edge of the cliff.

T. Pratt asked if Mr. Gianforte thought the proposed location was best.

L. Gianforte believed it was.

V. Koch noted electricity and lighting were not part of the plan at this time. He elaborated if those items were to be added in the future, he would want it stipulated that any exterior lighting would be dark-sky compliant.

T. Pratt asked if the roof slope would also match the house.

M. Jauch said he was endeavoring to make it match as much as he could.

Motion by V. Koch, seconded by D. Silverman, to open the public hearing was carried unanimously.

T. Pratt invited comments.

Hearing none, motion by V. Koch, seconded by D. Silverman, to close the public hearing was carried unanimously.

T. Pratt then reviewed the area variance criteria. Regarding an undesirable change to the neighborhood, he said Mr. Vredenburg pointed out the proposal would be similar to many others in the neighborhood which was in a rural configuration. Regarding an alternate solution, relocating it behind the house was prevented by the grade and the septic system location, so there does not appear to be an alternate solution. Regarding whether the variance would be substantial, he considered it to be 100% since it would be in front of the house by 30 feet. He clarified if the variance was granted, Mr. Jauch could move the location closer to the house, but not closer to the road. Regarding physical and environmental impacts, he did not think there would be any. He noted the hardship was self-created.

G. Mason asked the color of the roof.

M. Jauch answered it would be ash gray to match the shingles on the house.

R. Cook said rather than stating the location as being 30 feet from the house, he would prefer the location be given as the distance from the road.

It was noted that a drawing was included in the file that showed distances from an aerial perspective. (The distance from Ridge Road to the proposed location of the structure was shown as 400' – 405'.)

J. Langey instructed Mr. Pratt to initial the drawing showing those distances. He said this would be a Type II Action regarding the SEQR process.

J. Langey said the conditions he heard included:

- 1) the setbacks discussed,
- 2) any exterior lighting would be night-sky compliant,

- 3) there may be electrical service in the future,
- 4) there would be no plumbing associated with the structure, and
- 5) colors would match the house.

Motion by D. Vredenburg, seconded by V. Koch, to approve the area variance for the construction of a 30' X 40' pole barn to be placed 30 feet in front of the house as most recently proposed and with the stated conditions was approved as follows:

David Silverman	Voted	Yes
Gary Mason	Voted	Yes
Val Koch	Voted	Yes
David Vredenburg	Voted	Yes
Thomas Pratt	Voted	Yes.

*Levinson, Darlene - #21-1378 – Special Use Permit (B&B) – 1560 North Lake Road, Cazenovia
(Thomas Pratt)*

No one was present to represent the file.

T. Pratt said the special use permit was to operate a Bed and Breakfast. He said she was asked to submit a business plan and a survey. She has asked that the file be continued until next month.

Motion by G. Mason, seconded by D. Vredenburg, to continue the file was carried unanimously.

*Law, Jason - #21-1379 – Area Variance – 2388 Ballina Road, Cazenovia
(David Silverman)*

Jason Law was present to represent the file.

T. Pratt said the Applicant was seeking to build a 10' X 10' gazebo on the hill in his backyard requiring 29 feet 6 inches of rear yard setback relief.

D. Silverman recently visited the site which he called unusual and beautiful. He said the photographs in the file did not do the site justice, indicating that the photos did not accurately depict the incline of the hill. He noted the neighbors have supported the project and the rear property owner was a farmer who pastures cows behind the proposed location of the gazebo. He felt there were few options for the location of the structure on the hill.

T. Pratt circulated the drawing entitled *Step 10 – Install Eave Boards* page 17 of 22 saying that was the illustration of the roof which would look like the colored sketch minus the solid walls that was submitted with the file. He also displayed an aerial photograph of the site showing the proposed location and the wooded areas in the yard. He then showed the survey where the location was pinpointed in the northeast corner. He said the requirement was 50 feet from the rear property line and asked Mr. Law to give his reasons why that the requirement could not be met.

J. Law said the topography was the reason. He explained the hillside peaks and then flattens with a natural opening (in the chosen location). He said for each foot one would descend in elevation, the structure would have to be heightened a foot to attain the same view from the top of the hill. No disturbance beyond the setting of posts would need to be done in the proposed location. He spoke of the historical practice of man to put “important structures on hilltops” enabling the viewing of the sky and stars which he found beautiful and uplifting to the spirit.

T. Pratt asked about lighting, electrical service, and plumbing.

J. Law responded that the gazebo would have none of those features.

T. Pratt asked about the finishes.

J. Law answered he believed he would paint it white, and the roof would have grayish architectural shingles which would match the house.

T. Pratt asked about protected viewsheds in the area.

R. Cook said there were not any.

T. Pratt remarked there would be a tremendous view over the pasture behind the structure.

L. Gianforte viewed the property from the road and saw the challenge of the slope. He asked if there would be a floor.

J. Law answered there would; the gazebo would have a deck.

L. Gianforte said he saw the constraints of the land.

G. Mason asked if the construction would 6” X 6” posts in the corners.

J. Law said the structure would have longer corbels on each side than depicted in the drawing, and it would have the eyebrow roof vent, but the columns would essentially be the 6" X 6" posts.

G. Mason did not anticipate great development in the area (that would make the encroachment a problem for the future). He also felt the structure would be fairly transparent since the sides would be open, so his concerns were allayed.

D. Vredenburg agreed with the comments made. He saw the challenge of the grade and the amount of disturbance required to meet the Code. He also felt the structure was not substantial, saying it would be "see through" and would not be very visible from the road. He said he had no issues with the application.

V. Koch asked the use, wondering if a hot tub would be in it as was mentioned in the drawings.

J. Law answered the plans were taken from hot tub plans, but he had no intention of having a hot tub.

V. Koch asked if there were any plans for any commercial endeavors such as weddings.

J. Law responded that it would be strictly for personal use.

V. Koch said he drives by the property frequently and called it "a great location."

Motion by G. Mason, seconded by D. Vredenburg, to open the public hearing was carried unanimously.

Hearing no comments, motion by D. Silverman, seconded by G. Mason, to close the public hearing was carried unanimously.

T. Pratt reviewed the area variance criteria. The response to the question if the proposal would create an undesirable change to the neighborhood, he said was that it was a rural area and it would seem to make a positive change to the neighborhood. Regarding an alternate solution, he said it could be moved down the hill but there would be terrain issues and it would result in a diminished view. The response to the question if the proposal would be substantial, he calculated the amount of relief to be 59%. Regarding physical and environmental impacts, he did not see any. He said it would be a self-created issue.

T. Pratt asked Mr. Langey about the SEQR.

J. Langey said this would be a Type II Action.

Motion by D. Silverman seconded by G. Mason, to approve the area variance for the construction of a 10' X 10' gazebo requiring 29' 6" of rear yard setback relief as most recently proposed and conditioned upon:

- 1) there being no plumbing,
- 2) there being no lighting,

3) the color being white, and

4) it being for personal use only

was approved as follows:

David Silverman	Voted	Yes
Gary Mason	Voted	Yes
Val Koch	Voted	Yes
David Vredenburg	Voted	Yes
Thomas Pratt	Voted	Yes.

Trush, Karen & Stinson, Karl - #21-1377 – Area Variance – 3179 West Lake Road, Cazenovia (Val Koch)

Karl Stinson and Karen Trush were present to represent the file.

T. Pratt said the proposal was for a new garage requiring an area variance to place it in front of the house.

V. Koch said he visited the Applicants today at the site and said the site was wet and the grade drops substantially if they were to locate the garage behind the house so that would require “quite a bit of fill.”

K. Stinson displayed an aerial color photo he had created today showing a creek that flows around his property from a farmer’s pond to the northwest which he showed in red. He explained there is also slow-moving drainage in the area which he suspected was sump from the house which was gravity-drained.

K. Stinson stated putting the garage behind or in-line with the house would put it in a wet area and where the grade drops requiring “a fair amount of fill.”

V. Koch added it would also require additional drainage. He said he paced the property which he said was very wet; he said there might be 10 feet of lawn before a wet wooded area where he saw standing water. He understood there has been a great amount of rain, but the water in that area was very deep.

R. Cook explained there were a couple other building lots in the area and all those lots were wet but none were New York State Department of Environmental Conservation (DEC) certified wetlands.

T. Pratt asked if the structure could be moved closer to the pond.

K. Stinson said additional trees would need to be removed if they were to relocate the garage farther from the road.

R. Cook explained when he met with the Applicants on site, he noticed the area chosen had several dead trees that would need to be removed with or without the addition of a structure. That tree removal would provide adequate space to build. He said any other location would require the removal of other trees in addition to the dead ones in the proposed area.

T. Pratt remarked saving trees was good.

T. Pratt said it was very wet when he visited Saturday. He asked if the area ever dries.

K. Stinson and K. Trush answered they have lived on the property since November of 2020 and the wet area has remained wet since they have been there.

K. Stinson said the proposed location of the barn however, does “dry out.”

R. Cook said when he visited a couple months ago, the proposed location was dry.

L. Gianforte knew it was wet in the area and after hearing from Mr. Cook that trees would need to be removed if the structure was put elsewhere, he thought if the garage was tucked into the trees, he was “OK with it.”

G. Mason had wondered if there were any DEC wetlands to consider, since the length of West Lake Road along that area was wet. He said ideally the house would be in front of the garage.

It was reiterated that the land was wet, but it was not a DEC wetland.

G. Mason noted one could not put fill in (certified) wetland.

D. Vredenburg noticed there were flags where the structure was proposed. He agreed it appeared to be an area that was already clear. He noticed the vegetation and the trees beyond it and said a wet area would not be conducive for building. He felt being a drier area, the proposed location was good.

D. Silverman spoke about his understanding the Applicants’ need for covered parking with our winters, and with the items needing storage. He also spoke about the value of trees. He concluded by saying he “liked the site very much.”

T. Pratt asked about paving (for the access for the proposed structure).

K. Stinson answered it would be tarvia like the driveway.

T. Pratt asked if it was asphalt.

V. Koch thought it was millings rather than fresh asphalt.

T. Pratt asked Mr. Cook if the property was in a zone allowing 20% impervious.

R. Cook responded that it was.

V. Koch believed there was an opportunity to lessen the visual impact by pushing it closer to the side yard setback. He said it was proposed to be 32 feet from the boundary but thought if it were adjusted to be between that location and 25 feet from the line it would not disrupt mature trees, just some smaller ones, and tucking it in a bit deeper would make it less visible from the driveway. He also said the Applicants were planning to match the color of the house, but he thought a darker color would help it blend into the background.

K. Stinson expressed agreement.

T. Pratt concluded a dimension would not be needed, but the Owners would be able to work with seven (7) feet.

R. Cook said if it was stated that it would not be any closer than the required setback, that would be sufficient.

Motion by V. Koch, seconded by D. Vredenburg, to open the public hearing was carried unanimously.

T. Pratt asked for comments from the public.

There was no one present wishing to speak.

Motion by V. Koch, seconded by D. Vredenburg, to close the public hearing was carried unanimously.

T. Pratt then reviewed the area variance criteria. He said regarding an undesirable change to the neighborhood, he believed the structure would be encircled by trees so he did not expect it would have a significant impact on the neighborhood. Regarding an alternate solution, he felt the proposed location was the most viable due to the presence of water and trees. Regarding a substantial variance, he asked if there was a dimension given.

K. Stinson said he only calculated the dimension from the north side property line.

G. Mason asked if the distance from the road was the measurement needed.

T. Pratt affirmed it was. He asked if Mr. Cook needed that clarified.

R. Cook said from having been on the site, he knew where it was intended.

T. Pratt said regarding the physical and environmental impact, he was aware of none, remarking the chosen location was drier than others and affected fewer trees. He noted it was a self-created hardship.

J. Langey said this was a Type II Action.

Motion by V. Koch seconded by D. Silverman, to approve the area variance for the construction of a 2-car garage as most recently proposed to be placed in the front yard (subsequently determined to be approximately 77 feet from West Lake Road), conditioned upon:

- 1) there being no plumbing,
- 2) any exterior lighting being dark-sky compliant,
- 3) its being a dark color, and
- 4) its being tucked into the trees between 25' – 32' from the south property line,

was approved as follows:

David Silverman	Voted	Yes
Gary Mason	Voted	Yes
David Vredenburg	Voted	Yes
Thomas Pratt	Voted	Yes
Val Koch	Voted	Yes.

R. Cook requested the Applicants supply the measurement from the center of West Lake Road to the proposed location of the garage for the upcoming Planning Board meeting.

Motion by V. Koch, seconded by G. Mason, to adjourn the meeting at 8:42 p.m. was carried unanimously.

Sue Wightman, Zoning Board of Appeals Secretary – July 27, 2021