

Cazenovia Zoning Board of Appeals

Meeting Minutes

December 16, 2024

Members present: Thomas Pratt; Gary Mason; David Vredenburg; Luke Gianforte; Joseph Juskiewicz, Alternate Member;

Members absent: David Silverman; Michael Palmer, Alternate Member

Others present: Barbara Roach; Chris Roach

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

Roll was taken. All were present except David Silverman and Michael Palmer. Joseph Juskiewicz acted as a voting member for the proceedings.

Motion by G. Mason, seconded by D. Vredenburg, to approve the November 25, 2024 meeting minutes was carried unanimously.

The next regularly scheduled meeting will be Wednesday, January 22, 2025.

The next work session will be Tuesday, January 14, 2025.

T. Pratt stated all requested information must be received prior to the work sessions for consideration.

T. Pratt asked that the rustling of papers, the clicking of pens, and other background noise be limited for the benefit of the recording.

T. Pratt said regarding public speaking, please come forward, provide one's name and address, present to the Board not the Applicant(s), refrain from asking questions but rather make statements, and refrain from repeating items if they have already been stated once during the time for public comment.

Sparks, Cheryl - #20-1 – B&B Special Use Permit Renewal – 1995 Stanley Road, Cazenovia

T. Pratt explained this was a Bed & Breakfast (B&B) Special Use Permit Renewal for a property in the Rural A Zone originally issued in 2020. He understood Chuck Ladd, the Codes Enforcement Officer, had not been able to coordinate a meeting to conduct an inspection, so he asked for a motion to continue the file.

Motion by L. Gianforte seconded by G. Mason, to continue the file until the next meeting was carried unanimously.

Henneberg, Shirley - #04-234 –Special Use Permit Renewal –2001 – B Delphi Road, New Woodstock

T. Pratt explained this was a special use permit in the Rural A District in New Woodstock for the sale of furnishings and collectables. He said Mr. Ladd had inspected it and reported there were no complaints

Motion by D. Vredenburgh, seconded by J. Juskiewicz, to approve the Special Use Permit for another year with the same terms and conditions as the original approval was carried unanimously.

*Roach, Barbara & Chris - #24-1564 – Area Variance –1006 Overlook Terrace, Cazenovia
(David Vredenburgh)*

Barbara and Chris Roach were present to represent the file.

T. Pratt explained this was a request for an area variance for 25 feet of rear yard setback relief from the required 50-foot setback required in the Town Code 165-19 (g), to build a 12' X 18' shed on 1.79 acres in the Lake Watershed Zone. He believed a site plan review would follow this review since the property was located in the Lake Watershed.

D. Vredenburgh thought the application was self-explanatory if one read the submission. He said the Owners propose to put a shed in the back yard.

Referring to the aerial drawings with notes submitted with the application, an aerial shot Mr. Vredenburgh had of the area, and a section of the map drawn by Michael J. McCully Land Surveying PLLC, dated 11-17-17 entitled *Location Survey on Lots 15,29, and 32 Of Overlook, Revised. Known as No.1006 Owahgena Drive South(sic), Town of Cazenovia, County of Madison, State of New York*, D. Vredenburgh explained the Owners originally proposed to place the shed in the back yard in a location that conformed to the zoning requirement of 50 feet from the rear property line, but when the shed was delivered, it was determined that the original location would be too wet for the placement. The new location would be about 50 feet to the east of the original location and 28 feet from the property line.

D. Vredenburgh said the Owners had considered a couple other choices for the placement, but those were not deemed acceptable, either being too far for the shed to have practical use, or in the front yard, which would also require area variances and would be more noticeable, or in other locations in the back yard which were also wet.

B. Roach added a neighbor had told them the previous owner had a shed in the location they were now hoping to put it. She stated that location was the only dry area in their yard that was not in the front yard, or by the road, or too far from the house.

T. Pratt asked what was causing the water.

B. Roach said after they received an approval from the Planning Board to install the shed, they discovered that was where their sump pump drains.

C. Roach added that they were on “the downhill taper” of Overlook Terrace so the water from the road as well as the neighboring properties runs into a ditch and then into their back yard as it makes its way to the lake. He said Mr. Ladd had cautioned them not to disturb the ditch.

T. Pratt was curious about some lines on the survey. He presumed they represented property lines that existed before the property was merged into one (1) parcel.

C. Roach responded that was his understanding from what neighbors who had lived there from the beginning of the development had told him.

D. Vredenburgh explained that originally three (3) lots had existed before being merged into the present lot.

B. Roach elaborated saying the Rubins own the 7-acre lot to the south of their lot and they located their septic system right behind where she would like to put her shed. She said the forested area that had separated their lots had been removed by the Rubins for their septic system. She said the shed would help with reestablishing some privacy and in addition she plans to plant a row of pine trees as well.

T. Pratt looked at the aerial shots and asked if what was pictured in the photographs had been removed.

C. Roach affirmed the trees had been removed in the section where he proposes to put the shed.

D. Vredenburgh asked about the color and style of the shed, and he was told it would be gray/black with wood trim. He said a photo was submitted to the file of the shed as well. He said there would be no electricity or plumbing associated with the shed. He concluded it “was a basic storage shed.”

B. Roach said when they had been given approval for the shed (originally by the Planning Board), they were approved for it to be dropped in the yard, so now it was sitting next to their garage.

T. Pratt asked about the Applicants’ septic system.

D. Vredenburgh remarked it was a raised bed septic system.

T. Pratt clarified that the location for the shed would not impact the septic system.

C. Roach responded, “Not at all.”

T. Pratt asked about impervious surface area.

C. Roach and B. Roach believed with the shed as well as the approval for putting a roof over their back deck the total would be 5.7%.

T. Pratt stated for the record that a previous approval from the Planning Board was given for the location of the shed to be 50 feet from the rear yard, but the request now was to put the shed in a better location (28 feet from the rear property line).

C. & B. Roach affirmed that was the situation.

T. Pratt asked if the gray/black color matched the house.

B. Roach answered they plan to change the siding (of the house) in the future. She said the shed matches the trim on the house.

T. Pratt asked if they anticipate having any exterior lighting.

C. Roach answered, “No, it would be difficult to get power down there.”

T. Pratt said he would still place a requirement that if there were any exterior lighting in the future, it would be low-level and dark-sky compliant.

C. Roach responded, “Okay – fair enough.”

In discussing other options for locations, C. Roach said where they propose to put the shed, it would not be seen; if they were to put it in the front yard it would be seen by them and their neighbors.

T. Pratt agreed he would not want it in the front yard either.

T. Pratt believed he had heard that the Applicants would have plantings between themselves and the neighbors (Rubins). He asked what they would plant.

C. Roach answered. “Some sort of fir tree.” He said they were communicating with Aspinall’s (Tree Nursery & Landscaping, LLC) regarding what would grow best.

There was some discussion regarding how the site plan approval would be amended.

T. Pratt did not see any environmental impacts related to the proposed location.

T. Pratt explained that he would want the Owners’ surveyor to locate the rear property line – it was determined there was not a need to locate the side yard property line – and he would locate the point at which the corner of the building would be placed. That would be done in Mr. Ladd’s presence for the sake of verification. He then explained that when the shed was placed, a new survey would be created showing the exact locations of all structures.

C. Roach expressed understanding.

T. Pratt asked the Board if they had any comments. No one did.

Motion by L. Gianforte, seconded by G. Mason, to open the public hearing was carried unanimously.

T. Pratt invited comments at this time.

Hearing no comments, motion by D. Vredenburg, seconded by J. Juszkiwicz, to close the public hearing was carried unanimously.

T. Pratt said this would be a Type II Action regarding the State Environmental Quality Review (SEQR)

T. Pratt then reviewed the criteria for granting an area variance. He asked Mr. Vredenburg if it would result in an undesirable change to the neighborhood.

D. Vredenburg responded it would not.

T. Pratt said regarding alternate solutions, various other locations had been discussed and none seem to work.

T. Pratt then raised the question of whether the variance would be substantial.

G. Mason calculated it to be 44%.

T. Pratt did not think that would be considered substantial in this particular situation, repeating the Board did not foresee an environmental impact.

T. Pratt noted the situation was self-created.

T. Pratt asked the Board if they had any comments regarding the evaluation.

The Board had no additional comments.

Motion by T. Pratt, seconded by G. Mason to approve this Type II Action and the area variance for 22 feet of rear yard setback relief from the 50-foot requirement as found in the Town Code 165-19 (g) as most recently submitted and with the following conditions:

- 1) construction shall comply with the New York State Building Code, and the Town Code;
- 2) any exterior lighting must be low-level, shielded and dark-sky compliant;
- 3) a surveyor will mark the rear property line, and the setback point to locate the shed, to be confirmed with Code Enforcement;
- 4) a new survey will be created and provided to the Town of Cazenovia showing the locations of all structures on the property;
- 5) the surveyor shall also correct the name of the road on the survey (from Owahgena Drive South to Overlook Terrace).

was carried as follows:

Gary Mason	Voted	Yes
David Vredenburgh	Voted	Yes
Luke Gianforte	Voted	Yes
Joseph Juskiewicz	Voted	Yes
Thomas Pratt	Voted	Yes.

T. Pratt informed the Applicants they will be advised as to how to amend their initial site plan review approval.

G. Mason believed the Applicants would install trees as they had discussed for their own privacy. He was not concerned that plantings be a condition for this Board’s approval.

J. Juskiewicz suggested they consider planting cypress trees since the location was wet.

T. Pratt instructed the Applicants to contact Mr. Ladd for their next steps. He was unsure if the Applicants will have to attend another Planning Board meeting.



Motion by G. Mason, seconded by L. Gianforte, to adjourn the meeting at 7:56 p.m. was carried unanimously.

Sue Wightman, Zoning Board of Appeals Secretary – December 16, 2024.