

Cazenovia Zoning Board of Appeals

Meeting Minutes

February 26, 2024

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

Members absent: Michael Palmer, Alternate Member

Others present: John Langey; Chuck Ladd; Valerie Clarke, Matthew Vredenburg; Aaron LaSala; Sandy Holmes; John Holmes; Sheila Fallon

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

Roll was taken. All were present except for Alternate Member, Michael Palmer.

Motion by L. Gianforte seconded by G. Mason, to approve the January 22, 2024 meeting minutes was carried unanimously.

The next regularly scheduled meeting will be Monday, March 25, 2024.

There will be a work session Tuesday, March 19, 2024.

T. Pratt asked everyone in attendance to sign in on the sheet provided.

All requested information must be received prior to the work session.

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.

Maples of Madison County, LLC - #20-1291 – Special Use Permit Renewal – 2412 Route 20 East

T. Pratt said this was a special use permit renewal for outdoor activities and music issued in 2020. He asked if Mr. Ladd had completed an inspection and if he knew of any complaints.

C. Ladd responded he had completed an inspection and he had no complaints.

T. Pratt asked if the site had passed the inspection.

C. Ladd answered it had.

Motion by D. Vredenburgh, seconded by D. Silverman, to approve the special use permit renewal for another year with the original and subsequent terms and conditions, was carried unanimously.

Our Farm the Golubs, LLC - #22-1411 – Special Use Permit Renewal – 1590 Peth Road

T. Pratt said this was a special use permit for social events in the Lake Watershed Zone. He asked Mr. Ladd if he had completed a site inspection and if there had been any complaints.

C. Ladd replied he had completed the site inspection and there were no complaints.

Motion by D. Silverman, seconded by D. Vredenburgh, to approve the special use permit renewal for another year with the same terms and conditions as the original approval, was carried unanimously.

*Davis, Brian & Melissa - #23-1500 – Special Use Permits – 4580 Fox Lane, Cazenovia
(Thomas Pratt)*

No one was present to represent the file.

T. Pratt said the proposal was for a private horse stable in the Lake Watershed for two (2) horses and pastureland with site plan review to follow. He said the General Municipal Recommendation Report (GML) from Madison County Planning Department had been received November 21, 2023. He said the Board would return to this file at the end of the other agenda items to give Mr. Davis time to appear.

*The Glen at Lakewood, LLC/Valerie Clarke - #23-1505– Area Variance – 5114 Lakewood Way
(David Vredenburgh) #23-1506 – Special Use Permit – 5114 Lakewood Way*

Valerie Clarke was present to represent the file.

T. Pratt explained the request was for a special use permit and an area variance; the special use permit was for an additional accessory structure which was a 10' X 13' greenhouse that was already built, and the area variance was for its placement in front of the house. He noted this proposal would also require site plan review by the Town Planning Board. He said some Zoning Board of Appeals members had visited the site. He explained there would be two votes for this proposal – one for the special use permit and a second for the area variance.

D. Vredenburgh elaborated that the area variance was needed because the structure was situated between the house and the road, and he repeated the special use permit was needed because there was already an accessory structure on the site. He said the Applicant has stated the reason for the location of the greenhouse was because it was the best location for sunlight which was needed for its purpose.

T. Pratt believed the distance from the road was 160 feet and he repeated the size of the greenhouse was 10' X 13'. He also believed the greenhouse was 140 feet from the house.

V. Clarke confirmed the dimensions of the unit.

D. Vredenburgh confirmed the distance from Lakewood Way.

T. Pratt asked if the function of the building was for growing (plants).

V. Clarke confirmed it was.

T. Pratt asked if there was any plumbing or electric associated with the greenhouse.

V. Clarke answered, “No.”

T. Pratt asked if there was any heating associated with the structure.

V. Clarke responded, “No.”

T. Pratt believed the material was a plastic mesh and wood framing.

V. Clarke clarified it has a metal frame anchored to a wooden platform.

T. Pratt asked the height.

V. Clarke answered it was eight (8) feet at the peak.

T. Pratt believed there was no foundation; that it was built on the ground.

V. Clarke affirmed that was the case.

D. Silverman asked if this was the second or third accessory structure. He knew of a garage and he believed there was also a henhouse, so he thought this would be the third building.

T. Pratt asked Mr. Ladd to enlighten the Board.

C. Ladd answered he was in communication with Ms. Clarke regarding the structure for chickens.

T. Pratt said the Board would then consider this the second accessory structure for this file.

D. Silverman asked Mr. Ladd to repeat his answer. After hearing Mr. Ladd’s answer, D. Silverman repeated that at this time there were three accessory structures including the greenhouse.

G. Mason mentioned that this property, being on the lake, has two (2) front yards. He commented that this (situation) may have been avoided if Ms. Clarke had consulted the Town regarding any confusion she may have had about the Code. He had no questions for the Applicant.

J. Juskiewicz said he had nothing to add, nor did D. Vredenburgh, or L. Gianforte.

T. Pratt said the public hearing was held open and invited comments at this time.

There were no comments.

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

J. Langey then led the Board through Part 2 of the Short Environmental Assessment Form (SEAF) for the State Environmental Quality Review (SEQR)

T. Pratt explained there would be two steps for the Board’s consideration. The Board would vote regarding the Special Use Permit for an additional accessory building, and then they would vote regarding the area variance. He suggested the Board consider the request to place the greenhouse in front of the house, but that the greenhouse’s specific location be part of the Planning Board’s review.

T. Pratt said in considering the special use permit for an additional accessory structure, the Board must determine if the greenhouse is appropriate to the neighborhood and if there would any adverse physical or environmental effects.

Motion by G. Mason, seconded by D. Vredenburg, to appoint the Zoning Board of Appeals as Lead Agency for the purposes SEQR, to affirm the matter an Unlisted Action and make a Negative Declaration, based upon the Board’s review of the SEAF and to approve the Special Use Permit for the already erected greenhouse as an additional accessory structure, was carried as follows:

David Silverman	Voted	No
Gary Mason	Voted	Yes
David Vredenburg	Voted	Yes
Luke Gianforte	Voted	Yes
Thomas Pratt	Voted	Yes.

T. Pratt reiterated that the Board will be voting that the greenhouse may or may not be placed in front of the house, but it will be up to the Planning Board to review the site location.

V. Clarke asked if that would be at the other meeting that she will need to attend.

T. Pratt answered that was correct.

T. Pratt then reviewed the area variance criteria. He asked if it would be an undesirable change to the neighborhood. He felt it does have some affect on the neighborhood as far as overall appearance, but he also felt it was not a significant amount.

T. Pratt asked if there were alternate solutions. He believed it could be located elsewhere but he noted the Applicant has stated this was the best location for sunlight. He recommended the Planning Board “take a look at that.”

T. Pratt asked about physical and environmental impacts. He felt there were some physical impacts on the neighborhood, but he again believed they were not significant.

T. Pratt asked if the variance was significant. He believed it was, but he felt there was adequate shielding by the trees to offset the significance.

T. Pratt asked if it was a self-created hardship. He believed it was.

T. Pratt said the only condition he thought was necessary was that once the Planning Board determines the final location for the greenhouse, that the location become permanent, and the greenhouse would not be a mobile unit.

V. Clarke responded that the greenhouse was not a mobile building.

T. Pratt understood, but he wanted to ensure that once the location was set, the greenhouse would remain in that location.

Motion by D. Vredenburgh, seconded by G. Mason, to approve the Area Variance for the placement of the greenhouse to be between the primary residence and the road with the Planning Board to review the final location and conditioned upon the final location being made permanent was carried as follows:

David Silverman	Voted	No
Gary Mason	Voted	Yes
David Vredenburgh	Voted	Yes
Luke Gianforte	Voted	Yes
Thomas Pratt	Voted	Yes.

T. Pratt instructed Ms. Clarke to proceed to the Planning Board for site plan review as the next step in the process.

*Hugo, Aaron - #24-1515 – Area Variance – 1050 Tunnel Lane, Cazenovia
(Thomas Pratt)*

Matthew Vredenburgh of MDVLA as well as Aaron LaSala of ARAS Luxury Residences were present to represent the file.

T. Pratt explained the proposal was for a new house in the Lake Watershed and for area variances for the new house that would be built after the existing house is demolished. He said there would 56 feet between the new house and Tunnel Lane where 85 feet was needed and the new house would be 58 feet from the Lake in lieu of the 100 feet needed.

M. Vredenburgh clarified they had altered the plan so now the proposed house would be 67.6 feet from the lake. He said the existing house was 23 feet from the lake. He said the existing house encroached four (4) feet into a side yard setback, and the proposed house would need no side yard setback relief.

M. Vredenburgh said the road setback should not be an issue because the driveway is not directly onto Tunnel Lane so no one can look down the driveway and see the house, and there is a 13-foot bank between Tunnel Lane and the house which is wooded, so visibility of the new house will be limited regardless of the proximity to Tunnel Lane.

D. Silverman asked about the current configuration of the driveway.

M. Vredenburgh showed the current driveway which will be reduced significantly with the proposed placement of the house farther from the lake. He also explained that the driveway crosses the property owned by the deCordovas before entering the subject property. He maintained the removal of the impervious driveway near the lake will greatly improve the infiltration of water. He said they would regrade and improve the infiltration of water along the side yards as well.

T. Pratt noted there was no perc however.

M. Vredenburgh responded they could install drywells and swales.

T. Pratt looked forward to hearing about those measures, fearing the water would run into the lake since there was no perc on one side noting there was a retention basin on the other side.

C. Ladd believed there was 18 inches of good soil before hitting the clay beneath.

T. Pratt spoke about conditions if there were a storm.

M. Vredenburgh said the existing condition was worse (than what was being proposed).

J. Juskiewicz commented the soils would be disturbed with the construction of a new house so they would have to create the situation anyway.

M. Vredenburgh agreed saying they would be able to replace the soils with better materials to absorb more water.

T. Pratt noted the size of the lot was .64 acres, which he said was “a very tight site.”

T. Pratt noted the garage would be 56 feet from Tunnel Lane.

M. Vredenburg explained they could not move the garage any closer to the road because of an existing right-of-way.

T. Pratt asked how the Applicants would feel about having a driveway cut across the property directly to Tunnel Lane.

A. LaSala said that would involve 13 feet of grade change. He commented that would be “a lot of dirt to move.”

M. Vredenburg added it would “be pretty steep.”

M. Vredenburg saw maintaining the existing access as a good thing.

T. Pratt countered there would be less impervious surface area if the driveway was more direct.

A. LaSala thought it would almost result in the same amount, stating not only was there a right-of-way to avoid but a power line as well.

M. Vredenburg added they would need to “blow a hole through the trees” and move “a lot of earth.” He said that would also open visibility to the house from Tunnel Lane.

A. LaSala said they explored that option “early on,” and said it was an interesting idea, but the amount of earth that would have to be removed would be “massive” and that dirt would need to be trucked off site.

M. Vredenburg indicated they have already decreased the overall impervious surface area and did not feel they would lose enough additional impervious surface area to warrant the change.

T. Pratt retorted the percentage was still nearly 25%.

M. Vredenburg and A. LaSala said it would be 22%.

T. Pratt countered that was more than the 10% allowed.

M. Vredenburg responded the current amount is 23%.

T. Pratt suggested the Applicants should see how they could reduce it further from 22%.

T. Pratt said the height was shown to be 35 feet. He believed it was higher than 35 feet. Referring to the drawing entitled *Proposed Elevations Z-6 Hugo Proposed New Custom Home 10 (sic) Tunnel Lane Cazenovia, NY* by ARAS Luxury Residences looking at the Proposed East Exterior Elevation, he pointed out the dimension was taken from the peak of the roof to the mean depth, but he said the Code states the dimension should be measured from the roof to the lowest point on the lakeside. He said it should not be based upon an average.

M. Vredenburgh believed the Code has allowed for an average in the past.

T. Pratt said they could “look into it”, but he asserted that is not how the Code reads. He asked that they check the Code, and he thought they could reduce the height to be 35 foot “clean.”

T. Pratt said the septic system was proposed to be 35 feet from the lake and the requirement was 100 feet from the lake. He said he would really like it to be farther from the lake, repeating there was 0 perc. He said that caused them count “a lot on a septic system that was really close to the lake.”

M. Vredenburgh said they did not want to “put it right on top of the well.”

T. Pratt thought there might be another solution.

D. Silverman visited the site and saw where the well was located. He asked if it was a good well.

It was indicated that it was.

M. Vredenburgh said they would need 100 feet of separation between the well and the septic system.

D. Silverman commented that 35 feet was very near the lake.

A. LaSala said Wayne Matteson had designed the septic system.

M. Vredenburgh added the Madison County Department of Health would be the entity to ultimately approve the system.

T. Pratt responded the Town could still take exception to the location, finding it too close to the lake.

M. Vredenburgh asked that they note the current system was “not all that good.” He said the proposed system “would be a vast improvement.”

T. Pratt indicated a poor existing situation was not a reason for not making the best situation possible.

M. Vredenburgh responded they were “trying to improve everything.”

T. Pratt asked about the steepness of the proposed driveway to the proposed garage. Based upon his site visit he thought it would have to be quite a steep decline.

A. LaSala said he had not had time to rework the figures based upon the revised plan they developed for this evening.

M. Vredenburgh described it as being level, then there was a decline, and then it leveled again. He concluded, “It should be fine.”

T. Pratt asked if the garage was ½ – 1 ½ stories up because of the height of the rendition.

A. LaSala said it was “about a foot down from the house.”

T. Pratt asked about compelling reasons for the variances besides the design of the structure.

M. Vredenburg answered the Code instructs making a noncompliant condition more compliant.

A. LaSala showed the buildable area on the site if no variances were needed.

G. Mason suggested buying more land.

A. LaSala said the neighbors have built a new home, so he did not think they would be willing to sell.

T. Pratt repeated the Board needed compelling reasons to approve the variances other than the design of that particular house.

A. LaSala responded the Owners have an existing camp that was old and inadequate that they would like to replace to meet their family's needs and be used year-round.

T. Pratt replied he was not disputing the need, nor the benefit of replacing the existing camp. However, there were requirements regarding where building can be on the lot.

M. Vredenburg said they could rebuild in the footprint 23 feet from the lake and just build a 3-story home in that location.

A. LaSala felt the proposed structure was “a vast improvement.”

T. Pratt conceded it was an improvement, but he still needed a compelling reason for the location and the design of the new house.

M. Vredenburg countered that the proposed house was the size that meets the Owners' needs.

A. LaSala said it was as far from the lake and the road as they could locate it, with the sides conforming to side yard setbacks. He added they would be happy to address any height issues.

M. Vredenburg added it would be almost three (3) times farther from the lake as the current structure.

A. LaSala said they could reduce the size of the house by eliminating the mudroom, but to gain ten (10) more feet from the lake they would lose a side entry to the house. He said they have explored the design “seventeen different ways.” He felt they have done the best job they could, given the Owners' requirements for this challenging site.

T. Pratt responded the Town also has requirements.

A. LaSala replied they have taken the existing (lakefront condition) and they have improved it by 40 feet.

T. Pratt countered the requirement is 100 feet from the lake.

A. LaSala responded it was a preexisting, nonconforming lot, so they have tried to make it as conforming as possible.

T. Pratt remarked they were seeking to build a new home a lot.

C. Ladd asked about an alternate design that would meet the Town's requirements.

A. LaSala did not think a structure that would fit in the buildable setbacks would meet the family's needs. He stated it would be an unusable space.

T. Pratt alleged the space could be usable, if designed differently.

M. Vredenburg said some part of any proposal would extend beyond the setbacks because it would not be rectangular or square; he alleged it would be impractical and inefficient.

T. Pratt retorted designers know how to solve problems, so the Applicants need to make it practical and efficient.

L. Gianforte asked the square footage of the envelope.

A. LaSala believed it was 2800 – 3000 square feet including the garage.

L. Gianforte clarified he was wondering what the square footage of the building envelope, not the proposed house footprint, would be.

A. LaSala was unsure.

C. Ladd asked about the use for the basement.

A. LaSala said the basement would be a walkout. He said there would be mechanicals in it.

C. Ladd asked if that could be used for living space, for bedrooms perhaps.

A. LaSala did not think the Owners would want the kids' bedrooms in the basement. He explained they were able to create the most recent design they brought this evening because they relocated home office space in the basement.

T. Pratt asked about the use of the *Cazenovia Lakefront Development Guidelines*.

A. LaSala said the Owners would like to keep the lakefront as natural and conforming as possible.

M. Vredenburg said they would be compliant with the *Cazenovia Lakefront Development Guidelines*.

A. LaSala added there would be no seawalls.

T. Pratt asked that they show a rough rendition of how that would look.

D. Silverman was interested in hearing public comment before he commented.

T. Pratt wanted to hear Board member comments before opening the public hearing.

D. Silverman agreed with two (2) points that were made. He expressed concern about the nearness of the septic system to the lake and minimizing the runoff. He endorsed pulling the new house farther from the lake, calling it “a great plan.” He felt it not only improved a nonconforming condition, but it was also in character with two (2) homes in the neighborhood to the north. He remarked that it was a tricky lot, and that reducing the footprint marginally was not important to him. He felt addressing the septic location and the runoff issues were the two (2) items needed. He was satisfied with the distance from the lake and the road, and felt the plan proposed was a good one. He thought the height issue could be addressed as well. He understood the challenges of finding a good water source in this area of the lake and the importance of the well. He expressed confidence in the Applicants’ ability to address the outstanding items.

G. Mason felt the height issue needed to be corrected, expressing concern about the house’s appearance from the lake. He felt if the Applicants could not design the house to be more conforming than it currently was, perhaps this was not the right lot for the Owners. He did not feel the improvements justified the design that has been submitted. He felt a reduction in the size of the house to better fit the size of the lot was a reasonable requirement, and one that others have had to meet. He felt the impervious surface area was “terrible,” and there were other issues that needed to be addressed.

J. Juskiewicz thought the size of the driveway and parking area might be excessive impervious surface area.

A. LaSala responded the parking area was designed to accommodate the turning radius needed to back out of the driveway. He elaborated that the parking area was designed to be the minimum size needed for an SUV. He said the area was “quite small.”

M. Vredenburg said they could perhaps massage that by redesigning the shape.

J. Juskiewicz mentioned the Board reviewed the advanced treatment septic design. He asked about the size of the tub in the master bathroom.

A. LaSala replied it was a standard tub.

J. Juskiewicz asked about the total square footage of the house.

A. LaSala said the second floor was much smaller than the first floor. He approximated there to be 2800 square feet on the first floor and 2400 square feet on the second floor.

C. Ladd said the basement would count as living space as well.

A. LaSala said the Owners would finish the basement space in the future, but the plan was to finish the first two (2) floors at this time.

C. Ladd explained he would issue the building permit as the basement having habitable space.

T. Pratt concluded there would be a lot of area, with the first and second floor totaling 5200 square feet with a lot of space on the second floor being void.

D. Vredenburgh agreed with Mr. Silverman, and felt many issues were valid but would be addressed by the Planning Board. He felt the relief for setbacks in the front yard and the lakeside being requested were not uncommon, and they were moving the structure as far from the lake as could be reasonably achieved. He noted they were making a nonconforming situation less nonconforming by removing the old house which is 23 feet from the lake and four (4) feet from a side yard setback.

L. Gianforte asked if the Applicants had been able to calculate the square footage of the approved buildable area.

M. Vredenburgh answered it was approximately 2600 square feet.

A. LaSala added it was an oddly shaped 2600-square-foot area. It was a trapezoid-shaped space.

M. Vredenburgh showed some of the design challenges of staying within the setbacks.

G. Mason thought something could be designed since the structure including the basement would be almost 8000 square feet.

M. Vredenburgh thought some credence should be given for designing “a decent looking house.”

G. Mason said it was the only design he had seen so far, and, having no alternatives with which to compare it, he was not sure of the aesthetics.

A. LaSala responded he felt the proposed design was “very befitting of Cazenovia Lake.” He felt working just within the allowable footprint would not only be just a challenge, but problematic.

G. Mason countered that there were many smaller homes around the lake. He wondered how all small camps around the lake could be replaced by large homes.

D. Silverman said the reality was this old camp has many issues, as do many old camps with inadequate septic systems, and this was an opportunity to “clean some of these things up.” He felt it was reasonable that the Owner would want to make the property as functional for his benefit as possible, as well as for the lake. He said the situation now was not good; the proposed house would be moved farther from the lake, and he believed the Applicants would do all they could to address the Chairman’s comments. He repeated the new builds to the north are similar to this proposal, and have been well-built with no corner-cutting and with outstanding workmanship. He again expressed his confidence that the Applicants will address the concerns.

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

T. Pratt invited comments at this time.

Sandy Holmes of 1070 Tunnel Lane, two properties to the south of this proposal, stated she (and her husband) support the proposal. She said the property is “a camp that is not in great condition and is close to the water.” They approve of the plan to move the house back, “building something beautiful which isn’t an obstruction to any neighbor.” She said if she walks down Tunnel Lane, she will “hardly see what this new piece will be.” She repeated they support the proposal. She asked how far the deCordova’s moved their new structure from the lake. They were allowed to remove the existing structure that was close to the lake and rebuild farther from the lake. She concluded by saying it was “a grand idea, and it improves Cazenovia.”

T. Pratt said the public hearing would be kept open. He asked that the Applicants “take another look” at the proposal and develop alternatives. In the meantime, he encouraged all the Board members to visit the site as it is now.

D. Silverman asked Chair Pratt if staking the corners would be helpful in giving perspective, especially along the lake side.

M. Vredenburg responded, “Absolutely.”

T. Pratt answered, “That would be great.”

M. Vredenburg concluded by saying they are seeking relief, but they will be implementing storm water management facilities and improving the septic, and those measures will be a real benefit to the lake, and he felt those measures should not be underestimated.

D. Silverman agreed with Ms. Holmes comments that it will be great for the community and be an improvement to the neighborhood.

T. Pratt said, “All of that would be required anyway.”

A. LaSala said there were no intentions on anyone’s part to cut corners.

T. Pratt and G. Mason assured the Applicants no one thinks they would.

A. LaSala continued saying their intention was to build something “the neighborhood would be proud of, the community could be proud of, and that fits in with the context of the lake.” He said it might seem like the space is large, but this was the 17th iteration of the plan. He said there was no family room; there was a living room, a kitchen, a kitchenette, a master, closet, bathroom, laundry room, and side entry (on the first floor). He was unsure where to reduce “the square footage to make a dramatic impact.” He could potentially reduce some area to make it 70 feet from the lake, but he did not know how he could make it 90 – 100 feet from the lake.

T. Pratt responded, “See what you can do.”

A. LaSala repeated they were happy to work with the height.

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

*Davis, Brian & Melissa - #23-1500 – Special Use Permits – 4580 Fox Lane, Cazenovia
(Thomas Pratt)*

T. Pratt noted Mr. Davis was still not in attendance.

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

Motion by G. Mason, seconded by L. Gianforte, to adjourn the meeting at 8:29 p.m. was carried unanimously.

Sue Wightman, Zoning Board of Appeals Secretary – February 27, 2024.