

Cazenovia Zoning Board of Appeals

Meeting Minutes

June 21, 2021

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

Members absent: None

Others present: Roger Cook; John Langey; Donald Christakos; Patricia Christakos; Matthew Vredenburgh; Jack Cushman & Linda Cushman; Nicky Bowman; David Peterson; Alan Braverman & Susan Hodge; Douglas Hillman; Robert & Kathleen Cowan; Aaron La Sala; Andy Breuer; Michael Fogel; Kyle Reger; Kristi Andersen; Shea & Fred Palmer; Mairead & Tim Conan; Susan Baldwin; Zach Titus; Crystal Dwyer; Maudie & Graham Ritchie; 315-436-6801; 315-317-9976; 315-243-2229; 315-447-9555

T. Pratt called the meeting to order at 7:45 p.m. due to technical difficulties for several Zoning Board of Appeals members in joining the meeting. He stated, “Welcome to the June 21, 2021 Meeting of the Town of Cazenovia Zoning Board of Appeals, which has been legally noticed in the Cazenovia Republican, on the Town Website and outside the Town Offices. This meeting is a virtual meeting as authorized by New York Executive Order 202.1. This meeting is being recorded and will be made available on the Town’s website. Please note: The output of transcribing from an audio/video recording from Zoom, will be fairly accurate, although in some cases will be incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting. If you should need clarification for something said, please contact the Zoning Board of Appeals Secretary. Attendance will be taken, and votes will be conducted by roll call. When possible, the Board members and applicants are asked to state their name each time they speak for audio recording purposes. The public may be participating. When public speaking is allowed, speakers are asked to please state their name and address for the audio recording every time they speak. Please provide statements, please do not ask questions, and please address the Board, not the applicant. Please do not repeat the same ideas if they have been stated once. In an attempt to maintain orderly discussion, participants may be muted until it is their turn to speak, and they will need to use the raised hand symbol to be recognized, or they may raise their hand on the screen, and they (the Chairman) will try to

recognize them by that. Other than times allowing for public comment, the public is asked to remain silent during the proceedings.”

T. Pratt informed the attendees that due to the weather, if there were a power failure and connection were to be lost for more than 30 minutes, the meeting would be adjourned. If they were able to reconvene, at least three (3) Board members would need to be present to proceed.

Roll was then taken. All members were eventually present with Val Koch signing on at 7:48 P.M. and losing connection toward the end of the meeting and with Gary Mason phoning in part way through the meeting and eventually being able to join toward the end. David Vredenburgh also had technical difficulties throughout the evening with his internet. All members were called upon to vote during various times throughout the evening.

Motion by J. Anderson, seconded by D. Silverman to approve the May 24, 2021 meeting minutes was carried as follows:

David Silverman	Voted	Yes
Joe Anderson	Voted	Yes
Val Koch	Voted	Yes
David Vredenburgh	Voted	Yes
Thomas Pratt	Voted	Yes.

The next regularly scheduled meeting will be Monday, July 26, 2021.

There will be a work session Tuesday, July 20, 2021.

*Patricia A Christakos Trust - #21-1347 – Area Variance – 4681 East Lake Road, Cazenovia
(Gary Mason)*

Donald (Sparky) and Patricia Christakos were present to represent the file.

D. Silverman suggested the discussion be held later in evening when Mr. Mason was able to join the proceedings.

D. Christakos expressed his agreement.



*Gelman, Mitchell & Melissa - #21-1350 – Special Use Permit – 3937 Number Nine Road, Cazenovia
(Joe Anderson) & Number Nine Road, Cazenovia*

No one was present to represent the file.

V. Koch recused himself for the project.

T. Pratt explained the application was for a private stable. He said a response has not been received from the New York State Historic Preservation Office (SHPO) so the Board was unable to proceed until 30 days have elapsed. Since the last meeting, letters in favor of the project have been received.

The public hearing was open, so Mr. Pratt invited comment but there was no one present wishing to speak.

Motion by J. Anderson, seconded by D. Vredenburgh, to continue the file and the public hearing was carried as follows:

David Silverman	Voted	Yes
Joe Anderson	Voted	Yes
Luke Gianforte	Voted	Yes
David Vredenburgh	Voted	Yes
Thomas Pratt	Voted	Yes.



*Cushman, Jack & Linda - #21-1359 – Area Variances – 4182 Route 92, Cazenovia
(Thomas Pratt)*

Matthew Vredenburgh was present to represent the file as was Jack & Linda Cushman.

T. Pratt said the request was for multiple area variances. He explained the Cushmans were seeking to install a 16' X 20' plunge pool as well as a garage within the 100-foot set back from the lake. The General Municipal Law Recommendation Report (GML) had been received from the Madison County Planning Department which stated there would be no impact to the County but noted construction within the lake set back, as previously stated. The garage also required relief for rear setback relief in addition to the setback from the lake.

David Vredenburg recused himself.

T. Pratt shared his screen showing the site plan. He said since the last meeting the Applicants were asked to relocate the plunge pool, they were asked to find out if they were allowed to build under the power lines near the proposed location of the garage, and they were asked to provide a topographic drawing for the area for the proposed garage. After the last work session, the garage was flagged for the location on the site to help the Board see where it was being proposed. Updated plans were received June 15, 2021 for the work session but he expected the file to be left open for another month to give people an opportunity to see the revisions to the file.

T. Pratt mentioned some concerns he had, saying he felt the proposed garage location was “tight to the road.” He was also concerned about some associated tree removal near the road. He acknowledged the new location of the plunge pool. He explained originally the pool was proposed to be within the Critical Environmental Area (CEA) and now it would be further from the lake, but he commented that it would be tight in that area as well. The current impervious area was 14% - 15%. He said the plunge pool would be a disappearing edge pool, however it would have a 4-inch freeboard. He said that he would recommend the Planning Board determine that the drainage was adequate for the proposal during their site plan review. He felt the impervious surface area overall should be reduced to not exceed what was existing currently, if not lowered. He also said that he would like to see the *Lakefront Development Guidelines* used along the shoreline to offset the sizeable amount of asphalt on the site to improve filtration. He recommended working with the Cazenovia Area Conservation Commission (CACC) in that process.

M. Vredenburg spoke about the alterations made to the plan since the last meeting. He said the size of the proposed garage was reduced from 45' X 24' to 25' X 24'. In response to a letter they received from National Grid requiring a 10'-setback from the power line, they rotated the garage to be cleared ten (10) feet horizontally from the line. They removed the driveway connection to the proposed garage to eliminate some impervious surface area. He said he hoped people were able to see the proposed location (after it was staked).

Regarding the pool, M. Vredenburg said the location was shifted and the size of the pool was also reduced. Originally it was proposed to be 16' X 20' 20 feet from the water, and now it would be 12' X 20' 50 feet from the water.

M. Vredenburg said a small section of walkway that connected the driveway to the steps leading to the water was eliminated to reduce impervious surface area. He said if this advances to the Planning Board,

they would continue to work on whittling away the impervious surface area to not exceed the existing level. He said he has done that in the past.

M. Vredenburg said they would be happy to address any open areas in the bank at the shore using the *Lakefront Development Guidelines*.

J. Anderson asked about the location of the proposed garage not being closer to the house.

M. Vredenburg answered they looked at every possible location. The septic field prevents them from locating it just west of the driveway, in the most logical location. Closer to the house was where the septic tank and septic pump were located. They did not want to put it on the lake side of the driveway which was vegetated naturally, so he concluded there was no other choice.

T. Pratt asked if the garage could be moved south of the power lines (calling the top of the drawing north).

M. Vredenburg responded that was where the steep slope was. At the present proposed location, the grade drops 3 – 4 feet. The drop becomes dramatic from the abandoned railroad line to the water.

T. Pratt asked if they would consider not building the garage.

J. Cushman said he would like to make the garage narrower, perhaps 20' X 30', keeping the same square footage, but thinking perhaps fewer trees would need to be removed if the structure was narrower. He agreed with the reasoning for the location, repeating the steepness of the grade past the power line, saying the proposed location was the flattest and would require the least amount of disturbance.

L. Cushman said regarding not having the building, the reason they want it was because the space under the house was only 5-feet tall and her husband was 6'2" so driving the lawnmower and the snowblower from the space under the house "was difficult at best." Their other garage was only large enough to hold two cars, so there was no storage space available in the existing garage. She explained the reason for the garage was for storage of extra vehicles and motorized equipment.

J. Anderson stated the garage was "a sticking point" to him because "it stands out so obviously" as one goes by the property. He said a fence was there in the past but with its removal, the property was "very obvious." He asked if the garage could be located where the plunge pool was proposed.

M. Vredenburg responded that there would be no access in that location.

J. Cushman said the other option was to locate the garage in Zone C, which he felt would be more visible. He said many garages along Route 92 are nearer the road, but he was trying to hide it among the trees to make it less visible. He said they were willing to plant evergreen trees or whatever the Board recommended to make it less obvious.

M. Vredenburg said there were three (3) oak and one (1) maple tree in a row along that area. He said everything else was small caliper, like buck thorn. He said there was space between the property line

and the existing trees which could be supplemented by evergreens to block the low-level view since the large trees do not block the view with their high canopies.

T. Pratt, to clarify the area variance being sought, believed the proposed distance from the edge of the road was 8'9".

M. Vredenburg clarified the relief was from the highway setback not the edge of the road. He said the garage required three (3) variances – one for the lake setback, the road setback, and for having it between the road and the house.

V. Koch asked if the location was about 25 feet from the shoulder of the road.

M. Vredenburg felt that was a good approximation.

V. Koch asked about elevations thinking that might ease reservations about the appearance of the structure for some of the Board members.

M. Vredenburg answered elevations were submitted a couple months ago.

T. Pratt asked how the structure would look inside the trees.

M. Vredenburg said he could create a drawing to depict that detail.

T. Pratt believed the original plan was to paint the garage the same color as the house, but he wondered if a brownish color might conceal it better.

J. Cushman interjected that he was open to any of the Board's suggestions regarding trees along the shoreline and changing the color of the structure.

V. Koch repeated the suggestion of an elevation drawing with the addition of some evergreens showing the appearance from the road as a means to ease the Board's reservations.

M. Vredenburg replied he could do that. Also, he noted the proposed location would be 27.6 feet from the edge of the pavement (of Route 92).

D. Silverman commented that he was not comfortable with the garage in the proposed location. He felt it was too close to the road. He believed there were other available locations to investigate that he felt would be more desirable. He said he would not call it the gateway to the community, but he felt the property was close to the gateway to Cazenovia with many people traveling along Route 92 every day. He remarked he had no issue with the plunge pool.

M. Vredenburg asked for suggestions for other locations for the garage.

D. Silverman responded Mr. Anderson's suggestion putting it where the plunge pool was proposed was met with the response that there would be no access, but he felt there was access for a snowblower and a

lawnmower. He said he was open to any other ideas presented, but he was not in favor of the location chosen.

More discussion followed regarding locations along the driveway and the location of the leach field and septic features which were developed in 1960, or on the lakeside of the driveway and the related need for fill.

J. Cushman agreed the property was the gateway to Cazenovia and repeated that he did not think moving it into Zone C along Route 92 was aesthetically appealing and fearing it might disturb the 125- year-old trees along the road. He understood the Board could not make recommendations, but those options were the only ones he saw to be able to access the building from the current driveway.

V. Koch asked if pushing the building further into the trees to the west of the proposed location (calling the top of the drawing north) would be more acceptable to Mr. Silverman.

D. Silverman expressed he would be more comfortable with a location farther from the road, preserving more trees, not requiring great amounts of fill, and not being so close to the power lines. He felt the parcel “was pretty good sized.” He remarked that he was only one vote but repeated he would like the Applicant to explore other locations.

L. Gianforte said he was in favor of the new pool location. He acknowledged the reduction in size for the proposed garage but wondered if it could be further reduced since it was going to be used for storage of the lawnmower and snowblower and since vehicles were already stored in an attached garage.

T. Pratt mentioned the garage doors, saying the Planning Board would want to work on them.

M. Vredenburg clarified the structure may be used to store a boat and an additional car so that determined the size.

The public hearing was open but there was no one wishing to speak at this time.

T. Pratt said the minimum amount of time needed for people to see new material was a week and asked Mr. Vredenburg to submit prior the next work session.

Motion by V. Koch, seconded by J. Anderson, to continue the file and the public hearing was carried as follows:

David Silverman	Voted	Yes
Joe Anderson	Voted	Yes
Val Koch	Voted	Yes
Luke Gianforte	Voted	Yes
Thomas Pratt	Voted	Yes.

*New Woodstock Market - #21-1361 – Special Use Permit – 2092 Main Street, New Woodstock
(Thomas Pratt) (Timothy S. Dady – Owner)*

Nicky Bowman was present to represent the file.

T. Pratt said this was a special use permit for a project in the New Woodstock Hamlet Overlay and the New Woodstock Central Business Overlay for a market. He said the GML was received stating there was to Countywide impact but expressed concerned about some existing fuel tanks on the property.

N. Bowman said they were looking to open a convenience grocery store. She said it has been mentioned that the proposal was similar to the operating store down the street, but they have a fryer on site and plan to offer fried food items including home fries as well as offering a bigger variety of grocery items, lottery tickets, and soft-serve ice cream.

T. Pratt shared his screen showing a site plan submitted by Ms. Bowman. He pointed out features of the lot.

T. Pratt asked the plan for the gas tanks.

N. Bowman answered that they were currently looking to cover the dispensers in the front of the store. They contacted Cortland Pump about the procedure to “get them working,” but that was no longer a part of the business plan at this time due to the amount of work that would need to be done involving inspections and repairs since parts can no longer be found for those dispensers which would mean updating them or replacing them. She said a permit for the tanks was given by the New York State Department of Transportation (DOT) and they were in the process of transferring that into their name, so the gas dispensers will be allowed to stay while they investigate what was happening between the fuel system between the tanks and the dispensers.

T. Pratt clarified gas would not be part of the business plan at this time since the equipment was non-operational.

N. Bowman said that was correct.

T. Pratt continued she was looking for the store piece of the special use permit at this time.

N. Bowman affirmed that was correct.

T. Pratt asked Mr. Cook the parking requirements for the project.

R. Cook explained one parking space was required for every 150 square feet of space inside the store. He believed there was 1500 square feet, so ten (10) spaces would need to be provided.

T. Pratt believed ten (10) spaces were shown on the survey and noted the driveway would circle around the building.

N. Bowman said that was correct.

T. Pratt asked if there was any issue with that, other than the tanks that were shown next to the building.

R. Cook responded, “No.” He explained the previous store had propane tanks but had balusters per code to protect them from vehicular traffic.

N. Bowman said they would be placed behind red posts that currently were on site. She further explained that the small propane tanks used for grills will be in the same vicinity and the supplier would provide a cage for those.

T. Pratt remarked that ultimately those items will need to comply with the Building Code.

R. Cook agreed that was correct.

T. Pratt then spoke of the general building condition and asked about the plans for the areas that were in disrepair.

N. Bowman said the awning in the front of the building has been repaired. She believed some flashing needed to be added to complete that repair aesthetically. She said the awning would run the full length of the building next year. They plan to paint the face of the building first. The propane tanks would be covering the west side of the building for now, and then next year they plan to fully paint the building from front to back.

T. Pratt asked about lighting.

N. Bowman has been discussing options with Mr. Cook and he said the first light she proposed would be compliant. She said it could be angled to 15 degrees which would keep the light within the parking lot.

T. Pratt asked if the lights would be located on the front or the building or the sides.

N. Bowman said they would be on the front, over the existing sign, angled downward.

T. Pratt asked Mr. Cook if any additional shielding would be needed.

R. Cook answered if the Applicants used the option submitted, the information page included demonstrated that the light fixture could meet the night-sky compliance requirement.

T. Pratt then asked about signage, asking Mr. Cook if the sign installed meets the signage size requirement or if the sign was grandfathered.

R. Cook said he has not measured the sign. He said it may be slightly larger than what was allowed.

T. Pratt asked if it was the same size as the sign that was previously there.

R. Cook did not think so.

N. Bowman said the sign dimensions were 4'6" X 9'. She said it covered the windows on the attic portion of the building.

T. Pratt thought that was too big.

R. Cook said 24 square feet was the maximum size allowed.

T. Pratt asked how deliveries would be handled.

N. Bowman said talking with her suppliers 18-wheel tractor trailers with trailers could fit in the driveway to the west of the store. She explained they would be able to back into or pull into the driveway off the road and they could either deliver to the front door or the back door. She mentioned she preferred deliveries be made through the front door.

T. Pratt thought there may be an issue with deliveries if cars were parked in the area.

N. Bowman believed deliveries would arrive early in the morning, and she did not foresee a full parking lot at any time. She believed cars would "come and go."

T. Pratt asked about staffing and where they would park.

N. Bowman explained she, her husband and her daughter would be running the store at first. She said after assessing the business, they would consider hiring someone within 6 – 12 months. She hoped to hire two (2) employees and then more as needed. She said employee parking would be in the back toward the west.

T. Pratt about removing food waste and garbage.

N. Bowman said they currently have one dumpster from H R Refuse while they renovate, but once the store was open, they would get a second so that there would be a dumpster for waste and a dumpster for cardboard. She said they will be working with Bakers Commodities, Inc. for removal of fry oil from fryers. They would call when the fry oil dumpster was full for removal of that waste. When the store opens, H R Refuse would empty the dumpsters twice a month.

T. Pratt thought removal should need to be more frequent.

N. Bowman said having more pick-ups should not be a problem.

R. Cook said screening of the dumpsters would be necessary. He was unsure where they would be located on the site, but they needed to be adequately screened from the road.

T. Pratt elaborated that the dumpsters would need to be fenced or enclosed.

N. Bowman said the dumpsters would be located behind the building to the east.

V. Koch asked Mr. Cook if secondary containment, such as a 55-gallon drum, was required.

R. Cook answered, “No.”

N. Bowman explained the fryer oil goes into a dumpster that would be padlocked closed and it would be vacuum sealed. She said it would go directly from the fryers into the dumpster.

T. Pratt remarked that was “something to think about.”

T. Pratt said the Board has received multiple letters and information from some of the neighbors expressing issues with traffic and other concerns. One issue was regarding historic buildings nearby. He felt SHPO should be consulted regarding that concern.

N. Bowman wondered what SHPO would evaluate since the store had been existence since the early 1980’s.

J. Langey explained the initial investigation disclosed that there may be nearby properties that would be eligible for the National Register of Historical Places in New York State. His cautionary recommendation to the Board would be to send the application and some of the materials to SHPO for their comments. He did not think at this time SHPO would be considered an Involved Agency nor would a permit or approval from them be required, but he thought it was appropriate to get their comments.

N. Bowman said they were not considering any major construction on or to the building. She said some shelving was removed, but they wanted to restore it to the way it had been. She said she did update the ventilation system over the cooking area to meet Code. She elaborated they had to replace the fan and hood over the cooking area.

D. Silverman said he was withholding comments until some of the items mentioned were addressed.

L. Gianforte thought the use of the building “in some way, shape, or form” would be beneficial.

Motion by V. Koch, seconded by J. Anderson, to open the public hearing was carried as follows:

David Silverman	Voted	Yes
Joe Anderson	Voted	Yes
Val Koch	Voted	Yes
Luke Gianforte	Voted	Yes
Thomas Pratt	Voted	Yes.

Shea Palmer of 2606 Pearl Street said she and Fred were located behind and somewhat adjacent to the proposed store. She said they were both pleased to hear the depth of the review involved in the consideration of the project. She said they have been pleased to see work being done on the building and feared that the structure would fall into disrepair if the work were to stop, which would create an issue with rodents which had been a problem in the past. Garbage and trash were their biggest concerns in regard to the operation of the store. She asked that dumpsters be in a location and be maintained so that animals could not get into them, repeating that was an issue in the past. Another issue from the previous operation was that customers would park on the sidewalk while “running in quickly” to the store, and during busy times. She said entering and leaving the establishment, as well as walking in front of it, “got a little hairy.” She wanted to ensure there was something in place to keep customers following the rules, realizing the store would not have great control over the public. She said overall they were in favor of the proposal and would like to see it move forward.

Fred Palmer reported he too was pleased to see the proposal, stating that was not to say anything negative about the current store operating in the hamlet. He repeated that they implore that the rules be followed regarding parking. He said people daily ignore the prohibition of parking along the building of the current store. Loading and unloading was allowed for people who live and work in that building, but in the past cars have been left in that area for hours. He repeated that he implored the people for this new project to keep customers from parking in front of the building and on the nearby sidewalk in the front. He thought perhaps the diagonal parking along the west side could be converted to parallel parking and more parking spaces could be designated toward the back of the property if space for deliveries were an issue, hoping those truck drivers would be cognizant not to block sidewalks as well. He said the barn at the back of the property was another issue, citing rodent infestation as a long-time problem after the closing of the previous store. He said dumpsters would need to be emptied at least weekly, not only for the rodent issue but because of the odor. He said regarding the historical nature, the existing store was allowed to operate next-door to the (New Woodstock Free) Library (which was formerly a historic church). He said the rest of the area was homes, some in good repair and some in disrepair. He stated this was not in a “pristine area.” He said just around the corner of the property across the street 5 – 6 paving trucks were parked (on the historic site). His last item was snow removal. In the past snowed was plowed east of the building toward Pearl Street blocking the sidewalk in that location. He believed snow removal arrangements should be made to prevent that. He repeated that they were supportive of the project, but just wanted rules to be followed. As a side note, he suggested the store stock hardware items, since there was no longer a hardware store in the Hamlet.

T. Pratt asked if Ms. Bowman cared to respond to any of the comments.

N. Bowman asked if her husband could respond.

T. Pratt answered, “Sure.”

He said he definitely understands the concerns with the traffic and the plowing and they “are on top of that” and there was no reason snow could not be moved to the back, east corner of the lot; he stated he saw no reason snow should ever have been moved onto the sidewalk.

T. Pratt asked the Applicants to review the comments and the letters that have been received and to prepare comments and responses for next month. He said the Board would contact SHPO for their comments. He asked Mr. Langey if he anticipated a response from SHPO.

J. Langey reiterated the reason for sending the letter would be to give SHPO an opportunity to comment. He suspected there would be no issue, but he wanted “to cover that base.”

Motion by D. Silverman, seconded by J. Anderson, to continue the file and the public hearing was carried as follows:

David Silverman	Voted	Yes
Joe Anderson	Voted	Yes
Val Koch	Voted	Yes
Luke Gianforte	Voted	Yes
Thomas Pratt	Voted	Yes.

T. Pratt noticed Mr. Mason was listening to the discussion by phone but was unable to sign in with his computer at this time.

Peterson, David - #21-1362 – Special Use Permit – 2964 West Lake Road, Cazenovia (Val Koch)

David Peterson was present to represent the file.

T. Pratt said the special use permit was for a Bed & Breakfast (B&B).

V. Koch said Mr. & Mrs. Peterson would like to operate a B&B from their property and recently the Board has received communications from neighbors offering some insight regarding current operations and he asked Mr. Peterson if he could respond to those communications.

V. Koch said in the business plan, Mr. Peterson stated no more than six (6) tenants would be accommodated, but screen shots were provided from the Airbnb website advertising the listing could accommodate ten (10) occupants. He asked Mr. Peterson to address that.

D. Peterson said until a month ago he did not know about the need for a permit, so the Airbnb was what they had offered. He said most of their guests were relatives or friends. He said he did not change his listing on the website because he did not want to appear “sneaky” in any sense. He said his business plan now stated six (6) guests that he knows that was the maximum number of people he was allowed to have. Another item he did not know was that he had to stay on the premises. He added that usually if they have more than six (6) guests, the guests were their relatives and friends.

V. Koch said for clarity, the intent was to change the listing to reflect the new business plan.

D. Peterson responded, “Correct.” He said he did not want to do it before this discussion because he did not want to appear as though he was hiding anything.

V. Koch said there was reference to instances in the past involving loud parties and amplified music being broadcast across the lake and said those were the reasons for having the homeowner stay on site. He said if the proposal were to move forward there would be scrutiny to ensure those things no longer happen.

D. Peterson indicated understanding and said he was “mortified” when he read the comments from his two (2) neighbors because he had no “earthly idea that had happened.” Whether the guests were family, friends, or renters, he said he wished he had known they were too loud because he values his privacy, and he likes his neighbors. He repeated he had not known the regulation that required him to be present and he felt the forum to receive that information was a personal phone call or a call to the police department.

T. Pratt cautioned that it was his personal view that it would be Mr. Peterson’s responsibility to oversee and control his guests; he said the granting of the special use permit would come with the understanding that the host would be the first stop, warning the police or Code Enforcement should not be needed and if they were that indicated the host was not managing the facility. He felt that was important to bear in mind.

D. Peterson responded that he was in total agreement. He said he completely understood the need for a business plan and his goal was to manage the endeavor with his attendance. He said regarding the most recent encounter, he was in attendance working on the addition to the house, knowing he needed to be on the premises, and he stated he never met a woman in the group of four (4) young men who were “off doing their own thing more than they were here.”

T. Pratt, to that point, said Mr. Peterson was to provide for guests, not for their parties, events, or the guests' guests.

D. Peterson replied, "Agreed."

V. Koch agreed it was also his personal opinion that the rules of the B&B were to be enforced by the host and not by anyone other than the owner.

T. Pratt reviewed the regulations saying Mr. Peterson now knows he must have no more than six (6) guests at any one time; he must be on site from 7:00 P.M. to 7:00 A.M; he must control the activities; parking was to be controlled as well and located as depicted; stays should be unobtrusive with no events and controlled by the host; and septic and well should be adequate for occupancy. He asked Mr. Peterson to speak to that topic.

D. Peterson answered they get their water from the lake. He said they never rent both sides of the house but block them alternatively. He said they have never stayed in the large suite "off to the side," which is not yet finished. He said they have three (3) septic tanks, one 1500-gallon tank was at a higher level than the walk-out basement which has a shower and a bathroom which were installed in the 1970's and a second septic tank was installed deeper in the ground to service that in a gravity fashion. The third tank was a small one for gray water. He said he has spoken with Mr. Cook about his next project being a septic system in his buildable back lot to pump away from the lake.

T. Pratt commented that the septic system would need to meet the Building Code requirements for the number of bedrooms being utilized.

D. Peterson expressed understanding

T. Pratt said a register of guests needed to be maintained; no one was to stay above the second floor; there were to be no RV's and no large vehicles were to be parked on the premises. He said these stipulations were all part of the (B&B) regulations.

D. Peterson affirmed his understanding.

T. Pratt said an annual renewal would be part of an approval so that the Board can notify the Applicant of any issues or items that need to be addressed through a similar process used for the initial approval.

D. Silverman expressed disappointment that the Applicant did not immediately correct his advertisement once he was made aware of the law. He understood the reasoning the Applicant stated earlier, but felt it was a sign of poor judgment. He noted that if this endeavor has been operating for an extended period of time, Mr. Peterson must have "some amazing, great neighbors" to have had no complaints (before now).

D. Vredenburgh was participating by telephone, having trouble with his internet, and was unable to follow the entire discourse.

Motion by V. Koch, seconded by J. Anderson, to open the public hearing was carried as follows:

David Silverman	Voted	Yes
Joe Anderson	Voted	Yes
Val Koch	Voted	Yes
David Vredenburg	Voted	Yes
Thomas Pratt	Voted	Yes.

Mairead Conan said she and her husband were the closest neighbors to this Applicant and they opposed the application as they have previously stated in their (written) submission to the Board. She said that she has not seen in the application whether what was referred to as the house with the dock, or the lodge will be open to guests. She did not see how offering both structures even alternately would comply with Town Law since one was only to operate a B&B from an existing one-family dwelling. Her letter to the Board discussed various abuses they have seen. As of the day before, the maximum offering in the house was lowered to six (6) guests, but the lodge still offered ten (10) listed separately and described in a link that the facility had appropriate lodging for events having 25 or more attendees. She felt this showed “a complete disregard for his neighbors” as well as the previous behavior of his guests having shown complete disregard for his neighbors. She spoke of her concerns about a lockbox used for self-check-in fearing that was an indication that Mr. Peterson would not be on the premises. She also questioned which rooms would be rented. In the application it stated “certain rooms” but did not indicate which rooms, or in what part of the house, or in which dwelling. She said the two-bedroom house was connected by a breezeway which she thought qualified as a 2-unit dwelling. She repeated they were very opposed to the use since they live approximately 52’ – 55’ from the premises. She said this totally affected the enjoyment of their lake home during the summer. She said they have not complained in an effort to get along with the neighbor. When they received notification of the project, they became very concerned because they did not want the Board to approve a B&B at this location, believing it could not comply with Town Law, and with the history of the Applicant, who has not complied with Town Law. She questioned Mr. Peterson’s ignorance of the Town Regulations. She believed Mr. Peterson disregarded the regulations and the well-being of the neighborhood. She said for these reasons and the reasons set forth in the letter, they opposed this proposal. In addition to pictures of the Airbnb listing, she supplied pictures of the firepit which was only a few feet from her property line. She said smoke from the firepit wafted into her bedroom and when people sat around the firepit their chairs were a foot from her property line with their conversations clearly audible late into the night. She concluded there was disregard in the way the property has been developed and disregard in the intended use.

T. Pratt asked if Mr. Peterson cared to respond to the comments.

D. Peterson conceded the firepit was close and said he was willing to move it. He said he could also change it to burn natural gas. He said he has never thought of the addition space as a second home. He said it was designed to be one home and was connected by a breezeway at the top. His plan was to make that a mother-in-law suite where they would stay (when hosting guests).

T. Pratt asked about the lockbox and spoke of the need for a register.

D. Peterson said they now have a register. He said his daughter set up the lockbox “on a whim.” He said he would change that. He said he would meet guests as they “come in” and he would “tell them the rules and what not.”

T. Pratt asked about the lodge.

D. Peterson addressed the comment about not knowing the rules. He said he did not think that the rules even existed until 2019. He said they had rented their house but stated 90% of the time it had been for family, and stating this was not what he does for a living. He said while they were getting the other part of the house “set up”, they decided to rent the part with two (2) bedrooms, thinking people who wanted to spend less money could stay there. They would use a bedroom in another part of the house to accommodate that use, but said his wife was no longer in favor of doing that.

T. Pratt asked if the two-building reference was connected by a breezeway.

D. Peterson explained the two wings were connected on the first floor with a breezeway with an archway, with all the second floor connected. He described it as a mezzanine.

R. Cook said when Mr. Peterson was given permission to do work on his house, the Planning Board approved it as an addition to a one-family house. He said the connection was more substantial than a typical breezeway, but it would still be considered a one-family house at this point. He said construction was not yet complete, so he has not found it to be set up as a complete separate residence thus far. He said a two-family house must have complete separation between the two living spaces, which this would not have, so by the very definition, it would not meet the standard of a two-family residence.

T. Pratt asked the Board if there were any considerations that would cause them to want to hold this over for another month.

No one had any further questions or needed any additional information.

Motion by V. Koch, seconded by D. Silverman, to close the public hearing was carries as follows

David Silverman	Voted	Yes
Joe Anderson	Voted	Yes

Val Koch	Voted	Yes
Luke Gianforte	Voted	Yes
Thomas Pratt	Voted	Yes.

J. Langey led the Board through the SEAF.

J. Langey then reviewed the section of Code dealing with B&B, saying the Board has used this section of Code as the basis for conditions of the approval, but the Board also in the past has added conditions based upon what they have heard from the Applicant and the public. He said review of these conditions was no reflection on how the Board would vote. See the section of Code in quotation marks below for the items discussed by Mr. Langey.

“165-69 Bed-and-Breakfast establishments/owner occupied transient occupancy lodging Bed-and-breakfast establishments/owner occupied transient occupancy lodgings (hereinafter “bed-and-breakfasts”), shall be allowed as elsewhere provided in this Chapter, but in all instances shall only be allowed upon the issuance of a Special Use Permit by the Zoning Board of Appeals and shall be subject to the following additional requirements: A. The title owner shall live on the premises of the bed-and-breakfast establishment and shall be physically present on the premises during the night-time hours (7:30 p.m. - 7:30 a.m.) of said transient occupancy.”

In reviewing the condition, T. Pratt asked Mr. Peterson if he acknowledged and understood that if there was a problem at the establishment, Mr. Peterson would be the person contacted who would address the issue.

D. Peterson affirmed he understood, saying, “That’s how it’s always been.”

“B. No alteration to either the exterior or the interior of any principal or accessory structure shall be made which changes the character or appearance of the residential premises.”

J. Langey did not believe there was a request for any alterations with this application.

“C. One attached or detached sign of not more than two square feet in area shall be permitted, subject to the regulations of this chapter.”

J. Langey asked if any signage was requested.

T. Pratt said Mr. Peterson had not, so no signage would be a condition of an approval.

“D. The maximum number of overnight guests shall not exceed two per bedroom. In no case shall more than a total of six (6) overnight guests be permitted at any bed-and-breakfast establishment.

J. Langey asked if the application was consistent with that number.

T. Pratt answered, “Yes.”

“E. Breakfast only shall be offered and only to overnight guests, subject to appropriate Health Code and Fire Code regulations.”

J. Langey clarified only breakfast could be offered and it could not be offered to outside guests – only those staying over.

D. Peterson understood.

V. Koch said the application stated the Applicants would not be serving food, but the kitchen was available.

R. Cook believed the Code stated breakfast shall be offered.

“F. No events, meetings or other activities for people who are not overnight guests shall be permitted.”

D. Peterson agreed to that.

“G. Any Special Use Permit granted pursuant to this Section shall be issued on an annual basis with a renewal required for the continued approved use. Applicant(s) shall submit a renewal request at least sixty (60) days prior to the expiration of the current Special Use Permit.”

J. Langey explained that the reasoning was for the Board to have a chance to hear from neighbors to be sure the Applicant was complying with the regulations and was addressing any issues.

D. Peterson said he understood.

“H. Applicant(s) must demonstrate appropriate available on-premises parking for the proposed bed-and-breakfast use. Parking shall demonstrate one (1) space for each vehicle used by the owner occupant(s) of the premises plus a minimum of one (1) space for each proposed transient occupant. Additional spaces may be required by the Zoning Board of Appeals based upon site characteristics and maximum number of persons permitted to occupy the dwelling unit per the terms of the Special Use Permit DOS-0239-f-1 (Rev. 04/14) Page 4 issues to the applicant. Parking shall not be permitted on lawns. On street parking is prohibited.”

“I. No recreational vehicles, campers, trailers or motor vehicles larger than a 1-ton pick-up truck associated with the bed-and-breakfast use may be parked upon the premises during any bed-and-breakfast occupancy. The number of automobiles and/or light-duty pick-up trucks that may be parked on-site in association with any bed-and breakfast lodging shall be limited to the number of off-street parking spaces designated on the site plan approved by the Zoning Board of Appeals. The Zoning Board of Appeals shall review all applications in relation to the physical limitations of the subject premises, as well as proximity to adjoining uses in the surrounding neighborhoods in order to determine appropriate parking requirements and occupancy limits.”

D. Peterson said he understood.

“J. No bed-and-breakfast lodging facility shall be located above the second floor of any building unless such floor has a fire sprinkler system or has otherwise been constructed in accordance with the requirements of the applicable New York State Code requirements for residential occupancy of such floors.”

J. Langey said that was a fire code issue; the Board does not have the power to allow stays above the second floor without a sprinkler system.

“K. The operator of the bed-and-breakfast facility shall maintain a register of all guests staying at the facility, their permanent addresses and the date(s) of their stay. This register shall be immediately made available to the Town of Cazenovia Code Enforcement Officer as part of any investigation of any complaints regarding guest’s behavior and/or to determine compliance with the requirements of any Special Use Permit issued.”

“L. No person may be the owner operator of more than one (1) bed-and breakfast facility within the Town of Cazenovia at any one time.”

“M. The operator of the bed-and-breakfast facility must at all times be current in the payment of all real property taxes and special assessments and shall be responsible for compliance with all other applicable legal and regulatory requirements, including but not necessarily limited to compliance with New York State Building, Property Maintenance and Safety Codes and registration and collection of state and local sales taxes and county occupancy taxes. When available, applicant(s) shall register to have applicable taxes and fees collected or remitted by any associated internet host platform.”

D. Peterson indicated he was registered and current.

“N. The operator of the bed-and-breakfast facility shall provide to the Town proof of general liability insurance against claims for personal injury, death or property damage occurring on, in or about the subject premises in an amount not less than \$1,000,000 in respect to personal injury or death, and in an amount of not less than \$100,000 in response to property damage. DOS-0239-f-1 (Rev. 04/14) Page 5

T. Pratt said an umbrella policy and the Airbnb policy have been provided, still subject to Mr. Cook’s review as being acceptable.

“O. All proposed bed-and-breakfast facilities shall be physically inspected for appropriate physical condition and Code compliance prior to the issuance of a final Certificate for the proposed use by the Code Enforcement Office. Such Certificate shall be issued on an annual basis.”

J. Langey commented that would be done regularly since renewals would be done on an annual basis.

“P. A Special Use Permit issued pursuant to these regulations may be revoked by the Zoning Board of Appeals upon instances where it has been demonstrated that the operator of said bed-and-breakfast facility has failed to comply with these regulations and/or any conditions set by the Town of Cazenovia Zoning Board of Appeals in its approval of the proposed bed-and-breakfast facility.”

J. Langey asked Mr. Pratt if there were any other conditions.

V. Koch asked if the approval should document the moving of the firepit.

T. Pratt said it should, adding the relocation should be far from Mr. Peterson’s neighbor.

D. Peterson said he would like to relocate it straight from the breezeway, moving it from 8 – 10 feet from the property line to about 70 feet from the property line, to be about in the middle of the lot.

T. Pratt instructed Mr. Peterson to make sure it would no longer cause a disturbance.

V. Koch asked if Mr. Peterson will make that a gas firepit going forward.

D. Peterson affirmed he would.

J. Langey asked about smoke.

D. Peterson replied, “No smoke.”

J. Langey asked Mr. Cook to make sure the septic system would be properly sized for the use.

R. Cook believed the size of the system should currently meet that, but considering the age of the system, he believed Mr. Peterson was looking to install a new system farther up on the property.

T. Pratt said two other conditions he would like to be included was that the listing should be changed (on the Airbnb website) to comply with the Code, and that the lockbox be removed.

D. Peterson expressed agreement.

Motion by V. Koch, seconded by T. Pratt, 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 Board’s review of the SEAF and to approve the special use permit for a Bed & Breakfast establishment per the code and with the conditions mentioned above, to be reviewed annually as most recently submitted was carried as follows:

David Silverman	Voted	No
J. Anderson	Voted	No
Val Koch	Voted	Yes
Luke Gianforte	Voted	Yes
Thomas Pratt	Voted	Yes.

T. Pratt reminded Mr. Peterson to bear in mind he would be the first stop in controlling what takes place on his property.



T. Pratt asked if the Zoning Clerk showed Mr. Mason in attendance by telephone.

G. Mason answered that he was.

V. Koch explained how Mr. Mason could join through Google, saying he and Mr. Pratt had the same problem joining.

T. Pratt asked if they could proceed with Mr. Mason via the telephone.

Mr. Mason assented.

The Board returned to the Christakos application.

Patricia A Christakos Trust - #21-1347 – Area Variance – 4681 East Lake Road, Cazenovia, (Gary Mason)

T. Pratt said this was a request for an area variance. He said the 30-day wait period for the response from SHPO had expired so the Board may now take action. The request was for a small addition to an existing accessory structure. Seven (7) feet of relief was needed from the 25-foot setback requirement for the south side yard. He reported the GML was returned, and it was found to have no impact. He advised the Board to consider impervious surface area.

G. Mason noted Mr. Christakos sent impervious surface information which he hoped everyone had seen. The overall percentage was just under 15% which he felt was acceptable. Beneath the deck would be stone and soil which he believed to be pervious. He visited the site today and he felt the roof of the structure would not greatly obstruct the from the neighbor's vantage point, saying two (2) fences already exist on each side (of the property line). He said regarding the amount of relief needed, it would be approximately 30% which was not significantly substantial in his opinion. He thought Mr. Christakos was endeavoring to keep the project from negatively affecting the neighborhood. He saw no harm in the proposal and believed the County agreed.

T. Pratt thought there was a considerable amount of asphalt on the site which was quite close to the lake. With the addition the impervious percentage would be 14.3%. He asked if the asphalt was included in the calculation.

D. Christakos responded the asphalt, the driveway, the buildings, the bluestone patios, and the poured concrete footing around the boathouse were all included. Not included was #2 round stone landscaping on top of dirt.

T. Pratt asked if Mr. Christakos could do some development along the lakeshore.

D. Christakos answered, “No,” believing he was asked if he had done development along the lakeshore.

T. Pratt clarified that he was asking if vegetative development could be done at the lakeshore to help filtration of water into the lake. He wanted to make a recommendation to the Planning Board to consider that in the (site plan) process of the addition.

D. Christakos thought that could be implemented on the north side of the lot by the house near the parking area. He thought a retention area could be created at the end of the driveway.

T. Pratt elaborated that the *Guidelines* utilize grasses and plantings to create a root system to help runoff and drainage. He said Mr. Christakos could discuss options with the Planning Board and or the Cazenovia Advisory Conservation Commission (CACC) if he was willing.

D. Christakos said they would be willing to discuss it.

P. Christakos commented that she loved plantings.

T. Pratt said that would be a condition of the ZBA approval along with a review of the impervious surface area.

D. Silverman said when he visited the site, he was easily able to see what would occur, and he thought it would be an improvement.

D. Vredenburgh was experiencing technical difficulties. He said he had no problem with the proposal.

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

David Silverman	Voted	Yes
Gary Mason	Voted	Yes
Joe Anderson	Voted	Yes
Val Koch	Voted	Yes
Thomas Pratt	Voted	Yes.

Hearing no one wishing to speak, motion by G. Mason, seconded by J. Anderson, to close the public hearing was carried as follows:

David Silverman	Voted	Yes
Gary Mason	Voted	Yes
Joe Anderson	Voted	Yes
Val Koch	Voted	Yes
Thomas Pratt	Voted	Yes.

T. Pratt then reviewed the five (5) criteria for the issuing of area variances. He clarified seven (7) feet of relief was needed from the 25-foot side yard setback for additional space being constructed (on an accessory structure). He said the Board was to consider if this would be an undesirable change to the neighborhood; if there was an alternate solution; if the variance would be considered substantial – this would be 28% relief; if this would have a physical or environmental impact – it would contribute to more impervious surface area, but the Applicants were willing to make accommodations along the lakeshore; and if the hardship was self-created – which it was.

J. Langey then took the Board through Part 2 of the Full Environmental Assessment Form (FEAF). He reminded the Board they were looking to identify any significant environmental impacts. In the review of the categories, Items #1 Impact on Land, #10 Impact on Historic and Archeological Resources, and #12 Impact on Critical Environmental Areas were reviewed using the sub-questions to determine “No, or small impact may occur.”

Motion by G. Mason, seconded by V. Koch, to affirm the matter a Type I Action and make a Negative Declaration, based upon the Planning Board’s review of the FEAF, and to approve the area variance for seven (7) feet of south side yard setback relief as most recently proposed and conditioned upon review of impervious surface percentages by the Planning Board as part of site plan review and integration of the *Lakefront Guidelines* at the lakeshore was carried as follows:

David Silverman	Voted	Yes
Gary Mason	Voted	Yes
Joe Anderson	Voted	Yes
Val Koch	Voted	Yes
Thomas Pratt	Voted	Yes.

T. Pratt said the next step was for the Applicants to meet with the Planning Board.

Braverman, Alan & Hodge, Susan - #21-1366 – Area Variance – 1510 Owahgena Terrace, Cazenovia (Gary Mason)

Alan Braverman and Susan Hodge were present to represent the file, as was their builder, Doug Hillman.

T. Pratt said the request was for an area variance in the lake watershed. The GML indicated there was no impact for the proposal (from a County standpoint). He said the Applicants were seeking to put a 12' X 19' carport next to the existing garage/outbuilding. It would be situated 14' 8" from the side yard, and 2 ½ feet of from the road (the right of way also known as Owahgena Terrace).

G. Mason explained three (3) variances were being sought: the minimum front yard setback; the minimum rear yard setback; and the minimum side yard setback. He noticed the properties were very close to each other in the neighborhood. There was stone currently where the carport would be, so it was already an impervious surface. He felt there would be no change to the neighborhood because there was a lot of development close to the private road throughout the neighborhood. Being a private road, he was unsure the part neighbors play regarding the request, but he had seen no comments to indicate disapproval. His only question was about the amount of impervious surface area. He believed in that neighborhood one would need a variance for anything they proposed to do on their property.

T. Pratt noted the closeness to the private road but conceded that was common on that right of way. He asked Mr. Cook if there were any fire issues with the closeness to the property line.

R. Cook responded, "No."

T. Pratt asked if the colors would match the house and garage.

A. Braverman and S. Hodge were having audio difficulties.

D. Hillman, their General Contractor asked if he could answer for the Owners.

T. Pratt affirmed he could.

D. Hillman said the carport would match the garage, the same color, the same trim, the same siding and roof.

T. Pratt asked if the garage roof would be extended or if the carport would be a separate, independent structure.

D. Hillman answered that the carport would be attached to the garage, but the carport roof would be raised six (6) inches over the garage roofline.

T. Pratt asked the reason.

D. Hillman explained the garage roof was put on two (2) years ago and said this will avoid their having to replace the entire roof, and it gives more headroom since the grade increases as does the grade of the road.

T. Pratt asked about impervious surface percentages.

D. Hillman did not have the information with him. He said Mr. Braverman calculated the percentages when he completed the application.

T. Pratt recalled it was 5.5% increasing to 6.19%.

D. Hillman said the property was large and the proposal was quite a distance from the lake.

T. Pratt thought it would be about 75 feet away from the lake. He asked Mr. Cook what the maximum impervious percentage was for that property.

R. Cook answered, “10%.”

T. Pratt shared his screen showing two (2) photographs and a site plan drawing.

V. Koch asked if it was possible to move the structure slightly back from the road.

D. Hillman answered that it would be possible, but he said the ground drops significantly behind the garage. He said it was quite a steep hill so a lot of fill would be needed to be brought in whereas the chosen location required minimal fill.

T. Pratt asked the reason it could not be constructed on the other side of the garage.

D. Hillman said there was a large tree on the other side by the road that was not shown in the photograph. He added there was a dramatic drop off on that side as well.

D. Vredenburgh said he was trying to calculate the numbers. The map was not to scale so he was unable to verify the calculations provided. He thought putting it down the grade would be impractical.

G. Mason commented that the drop off was “pretty extreme.”

Motion by T. Pratt, seconded by G. Mason, to open the public hearing was carried as follows:

David Silverman	Voted	Yes
Gary Mason	Voted	Yes
Joe Anderson	Voted	Yes
Val Koch	Voted	Yes
Thomas Pratt	Voted	Yes.

Hearing no one wishing to speak, motion by T. Pratt, seconded by G. Mason, to close the public hearing was carried as follows:

David Silverman	Voted	Yes
Gary Mason	Voted	Yes
Joe Anderson	Voted	Yes
Val Koch	Voted	Yes
Thomas Pratt	Voted	Yes.

T. Pratt then reviewed the criteria for granting an area variance. Regarding an undesirable change to the neighborhood, he commented that it was congested in that area, so it could be seen as undesirable. Regarding an alternate solution, he noted the grade on either side would cause it to be a more extensive project, but there was an alternative. Regarding the variance being substantial he felt 95% of relief from the private road was needed and 41% for the side yard was needed. Regarding physical and environmental impacts, more impervious surface area was being created, however the overall was less than allowed. Regarding being self-created, he would say it was.

J. Langey then led the Board through the SEAF.

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 Board’s review of the SEAF and to approve the area variances as most recently submitted was carried as follows:

David Silverman	Voted	Yes
Gary Mason	Voted	Yes
Joe Anderson	Voted	Yes
Val Koch	Voted	Yes
Thomas Pratt	Voted	No.

T. Pratt said the Applicants will now go to the Planning Board.

D. Vredenburgh asked to clarify the amount of relief being given believing the relief for the variance from the side yard would actually be 13 feet.

T. Pratt then asked Mr. Cook the amount of relief being sought for the proximity to the right of way, Owahgena Terrace.

R. Cook said it was not a Town dedicated or County/State highway, so the amount of relief was debatable. One could consider that to be another side yard.

T. Pratt then calculated that amount of relief to be 22.5 feet of relief.

J. Langey said he and Mr. Cook would clarify the amounts of relief, but the approval was for relief for the proposed location of the carport as shown on the submitted plans.

*Cowan, Robert & Kathleen - #21-1368 – Area Variance – 5329 East Lake Road, Cazenovia
(Joe Anderson)*

Robert and Kathleen Cowan were present to represent the file, as was Aaron LaSala of Aras Design and Construction.

T. Pratt said they were seeking area variances in the lake watershed to build a master bedroom and a garage needing relief in the front yard and the side yard. The GML noted there would be no impact.

J. Anderson said he visited the site and said he believed canting the addition caused the need for 10 feet of front yard setback relief. He said looking at the drawing the structure will appear as two houses “plugged together.” He expected it “to look better in real life.” He said the roof line would be three (3) different levels looking south to north, and “the house would fill the lot.”

T. Pratt said in his opinion the house was “too long and rambling.” He said he would also prefer to see the garage entry from the side rather than from the front. He noted the impervious surface area was 14% and would increase to over 18% with the addition. He asked Mr. Cook what the maximum percentage was allowed for this lot.

R. Cook explained the lot was more than 500 feet from the lake so 20% was allowed.

T. Pratt shared his screen to show the site plan, a rendition of the house with the addition, and photographs of the house.

J. Anderson said his biggest objection was the “homely” appearance of the design. He said it was a one-story building that would stretch across the whole lot.

A. LaSala said he did the drawings for the application, and he represented the builder. He explained the change in the roof line was designed to help the house appear less monolithic, conceding it was an “admittedly long building.” Canting the garage was necessary for the access. He said referring to the A 01 drawing one would see the difficulty of entering from the side. He said the grade and the location of the septic made pushing the addition back from the road difficult. He said the entire existing house was less than 85 feet from the center line of East Lake Road. It was 81.6 feet away. A good share of the addition was designed to be six (6) feet back with a portion angled forward to create depth in the front. They did not want to create an addition adjacent to the existing house that would look “nonrelated.”

B. Cowan confirmed working with the length was a challenge aesthetically. He said they did not want it to look like a Motel 6 so canting the garage was also for aesthetic appeal, and it would only be 1 foot 10 inches closer to the road than the house was already, and one foot closer to the back. The relief from the road would be 9 feet 2 inches and 6 feet of relief was needed for the back. He mentioned the existing deck was closer to the back lot line than the addition would be.

T. Pratt asked what was located behind the house.

B. Cowan said the challenge was there were two (2) septic tanks and two (2) leach fields, with one leach field which was newly created right behind where the proposed new addition would be built. He also said Cazenovia Preservation Foundation property would be encroached if they were to build closer to the rear.

T. Pratt asked about the other end of the house.

A. LaSala said the south end would be difficult to develop due to the interior layout of the house. He said trees and utilities were also located there.

B. Cowan said they have some nice 150-year-old trees at the south end of the house. He said to respond to the comment that the house would take up the whole property, past the proposed addition to the north there was still 150 feet of property. He said the problem was the lot was “a thinner property.”

D. Silverman did not think the proposal was ideal, thinking it was not appealing in appearance, but he understood there was not another option for the location.

G. Mason agreed and asked where the new entry would be located for the addition.

A. LaSala said there would not be a new entry since the existing entry was near the addition. He explained there would be an interior entry but not an exterior.

G. Mason mentioned the grade drops behind the house as well.

D. Vredenburgh said he understood why they angled the garage, saying if they added the new construction straight across it would resemble “a big long cigar.”

More discussion followed regarding the amount of relief being sought from the road and the amount already given for the entry.

A. LaSala suggested that the portion of the addition connecting the garage and the existing house “could easily be dressed up and filled in with some landscaping and some trees.”

T. Pratt remarked that it was just “such a long building.” He asked that they “go back and take another look at it.” He commented that if the Board was going to grant a variance, he would prefer that the structure look nicer.

A. LaSala conceded they could, but he said much of the design was driven by “the program requirements of that suite,” which was “pretty large.” He said they were constrained from moving it back because of the septic and they wanted to keep it on one floor. He thought “bumping it above the house” would look silly. He said he would be happy to rethink it though.

T. Pratt encouraged Mr. LaSala to take another look at it and to perhaps attend the next work session. He did not feel the Board was in favor of the proposal.

Motion by J. Anderson, seconded by G. Mason, to open the public hearing was carried as follows:

David Silverman	Voted	Yes
Gary Mason	Voted	Yes
Joe Anderson	Voted	Yes
David Vredenburgh	Voted	Yes
Thomas Pratt	Voted	Yes.

There was no one present wishing to speak at this time.

Motion by T. Pratt, seconded by J. Anderson, to continue the file and the public hearing was carried as follows:

David Silverman	Voted	Yes
Gary Mason	Voted	Yes
Joe Anderson	Voted	Yes
David Vredenburg	Voted	Yes
Thomas Pratt	Voted	Yes.

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

John (Andy) Breuer was present to represent the file, as was Aaron La Sala of Aras Design and Construction and Michael Fogel Esq. of Brown Duke & Fogel, P.C.

T. Pratt said an area variance was being sought to build within the 100-foot setback of the lake. He explained there was an existing house which would be replaced by a new, larger house. Letters have been submitted in support as well as letters in opposition to the proposal.

D. Silverman apologized to the Board saying when a letter was received on behalf of the Breuers today from Brown Duke & Fogel, P.C. he realized he had a conflict of interest because the same firm represents him for another matter, so he recused himself from this file.

T. Pratt said the new house will be almost twice the size as the existing home, and he thought that was stretching the allowance of building in the original footprint of a pre-existing, nonconforming structure since it was significantly expanding upon what was there.

T. Pratt conceded there was a hill behind the house, and it was more level toward the lake, but he thought perhaps they should try to align with the adjacent house and have more setback from the lake. He also said he would like to see the *Lakefront Development Guidelines* instituted for filtration at the lake. He understood that the utility line “was also in the way,” and needed “looking at.” He saw that the impervious was 4.2% and 5.9%, but he was unsure if that included the driveway. He noted it was a gravel driveway and asked Mr. Cook if gravel was considered impervious.

R. Cook answered, “It would be.”

T. Pratt said another question he had was regarding the colors of the proposed new building.

G. Mason agreed that he was concerned about the grandfathering of a significantly larger footprint. He noted the power line as well and said an option would be to bury them. He suggested considering alternatives rather than just expanding that close to the lake, commenting 23 feet from the water was “pretty close.”

D. Vredenburgh agreed, remarking that it was an attractive house, but wondering if other houses along Tunnel Lane were that close to the water. He was interested in hearing the comments from the Applicants.

A. LaSala said the house to the north was recently built and although he was not sure how close it was to the shore, he felt it was very near. He said as one moves away from the lake, and up the hill, the power lines were 28 feet off the camp presently. He said Mr. Breuer gave part of the property to a neighbor for the driveway, so there was a “choke point there with the side yard setback.” He said the grade change away from the lake was “pretty steep.” The new house was designed to be 21 feet from the power line.

J. Breuer said when he and Amy bought the property, they anticipated that it would need some investment and they have already done many improvements to the property. He stated they were very appreciative of the *Lakefront Guidelines* and the lakeside ecology, saying they have done a significant amount of replanting with upward of 70 trees when the new driveway was installed. He talked about their work with the Shayre Skinner and her late husband Dick Tuttle to have two driveways providing the neighbors with their own access. He understood that it was not ideal to have the house so close to the lake, but he hoped the Board would consider the nature of the dynamic. He said he has neighbors who have waited all this time to speak on his behalf. He also hoped the Board would consider the factors to weigh legally and said Mr. Fogel was in attendance to speak to that on his behalf. He said it would be very challenging to move up the hill with the pinch point of the driveway and the existing septic which had just been installed “after the fall out of the system last year.” He said there was a significant slope just to the west of their driveway and at the top of the slope was a significant stand of evergreen trees that were not to be disturbed other than managed by sound forestry practices. His second choice for a location would be “way up the hill,” but he did not wish to disturb the significant stand of trees throughout the site. He said he truly believes the location of least disturbance would be to expand where the house exists. He said Mr. Pratt was correct in saying the footprint would be nearly doubled.

M. Fogel introduced himself as the attorney for the Applicant. He submitted a letter earlier today addressing the factors that the ZBA was required to apply reviewing the Applicants’ area variance request. He covered excerpts from that letter which has been recreated below.

1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance: There will not be an undesirable change in the character of the neighborhood or a detriment to nearby properties resulting from the area variance requested as to the 100-foot lake setback in Zoning Code § 165-19(G). As the site plan and

concept drawings show, this would essentially be a renovation and improvement of a lake house that already exists on the property with the addition of square footage that would be consistent with size requirements in the code (i.e., a minimum building area of 1,100 sf for a one-story dwelling or 900 sf for more than one story). See Zoning Code § 165-19(D). The existing house (like many other lake houses in the neighborhood, particularly the row of eight homes on Tunnel Lane just north of the property) is less than 100 feet from the lake. The nicer looking, improved house would be set back the same distance from the lake as the existing house so it will not create any undesirable change to the neighborhood or a detriment to nearby properties. The existing house is an inferior, substandard structure and does not accommodate my clients' family. The proposed improved house would be more comfortable, have better construction and be more aesthetically pleasing, including to other neighboring lake houses. Overall, the improved house would be a benefit, not a detriment, to the neighborhood.

2) Whether the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance: As shown in the site plan, there are significant site limitations that necessitate keeping the improved house in the location of the existing house. There are existing overhead powerlines (and associated communications cables) that run between the home site and the garage, and which is the primary reason my clients are pursuing the variance. My clients considered moving the home further back on the property, but then the overhead powerlines would create an obstruction of their view of the lake, and the alternative of building further west on the property would result in removal of significantly more mature trees than the proposed design. In addition, the house cannot be moved further back because the rear of the property has significantly steeper grades that would significantly impact the construction of the improved home. Other considerations, including the location of existing infrastructure such as the driveway and the location of neighboring houses, further dictates that the improved home should be constructed as proposed within the same general footprint of the existing house.

3) Whether the requested area variance is substantial: The requested area variance is not substantial. As shown in the site plan, the improved house would be in the same approximate location as the existing house set back the same approximate distance from the lake. Moreover, New York State courts have held that whether an area variance is substantial is relative and cannot simply be based on a mathematical calculation. The potential substantiality of an area variance request only becomes relevant if it relates to an adverse effect in the neighborhood. Here, there are no adverse effects to the neighborhood, which further supports that the requested area variance is not substantial.

4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district: As shown in the application, including the SEQRA Environmental Assessment Form, the area variance will not have a significant adverse effect on the environment. The improved house would be in the same approximate location as the existing house set back the same approximate distance from the lake. The alternative to building at this existing location as proposed, building west of the proposed site at the top of the hill, would surely result in more adverse effect to the environment, in that the new site would require significantly more clearing and deforestation of mature trees to allow for the new driveway, new utilities, and new home footprint. As discussed above, the improved home will have an overall positive impact on the neighborhood because it will be more aesthetically pleasing and in keeping with the overall viewscape of the lake.

5) Whether the alleged difficulty was self-created: The difficulty my clients are attempting to address through the area variance was not self-created. As explained above, the difficulty is created by the

topography and steep grades to the rear of the proposed home location and the powerlines that run through the property. Further, it is provided for in Town Law § 267-b(5) that this is just a factor to be weighed by the Board and does not preclude the granting of an area variance even if it is determined by this Board that the difficulty is self-created. Pursuant to Town Law § 267-b, the ZBA shall consider the above factors when weighing the benefit to the Breuer’s if the variance is granted against the detriment to the community. The above demonstrates that there is no significant detriment while the benefit to the Breuer’s of granting the variance is substantial. For all of these reasons, we respectfully request that the ZBA grant the area variance application so that the Breuer’s can move forward with plans to construct the improved home on their property that will better accommodate their family.

V. Koch was no longer signed into the meeting for the remainder of the discussions.

Motion by G. Mason, seconded by J. Anderson, to open the public hearing was carried as follows:

Gary Mason	Voted	Yes
Joe Anderson	Voted	Yes
David Vredenburg	Voted	Yes
Luke Gianforte	Voted	Yes
Thomas Pratt	Voted	Yes.

Maudie Ritchie of 1090 Tunnel Lane read the comments below:

“My husband, Graham, and I have lived at 1090 Tunnel Lane in Cazenovia for 31 years for 5 to 6 months of each year. We love Cazenovia. We love Cazenovia Lake. We love Cazenovia people.

On Tunnel Lane we have seen changes occur over the 31 years. The Tunnel Lane Association helps each other. This Association is comprised of the Tunnel Lane homeowners who pay dues each year mainly for the purpose of maintaining our private road. We have gone from an oil and stone rutted road to a paved road—and no longer need wheel alignments at the end of each summer. We have also seen many of the old camps and old homes renovated or rebuilt. Everyone has honored the Cazenovia ethos and we have what is called, ‘lakeside eye appeal’, along with compliance to what keeps Cazenovia Lake healthy.

Mr. and Mrs. Breuer bought Chuck Gordon’s old camp at 1130 Tunnel Lane. They immediately attended our annual Association meeting to introduce themselves and to acquaint themselves with the neighborhood. They joined the Association that evening, paid the dues, and volunteered to help on a project. They rebuilt the potholed, unsafe driveway to their camp making it not only safe but beautiful. Now they would like to create a safe, useable home, with necessary amenities, for their young family in which they can stay year-round regardless of the weather.

Their plans are perfect for Cazenovia Lake and the Tunnel Lane neighborhood. The architecture fits beautifully with the woods and lake.

The Breuers and we also live in next-door neighborhoods in the winter months. The Breuers built a home there several years ago and are excellent neighbors. They care for and are environmentally aware and responsible for their property. They keep their home well maintained; the neighbors like and respect them, and they add to the value of the neighborhood.

We heartily recommend the Zoning Board grant the Breuers' the variance they request. They are responsible, honorable, community-minded people who will only make Cazenovia proud and Tunnel Lane that much prettier. Thank you."

Susan Baldwin of 1110 Tunnel Lane said she and the Schepps had probably the newest developments along this road. As a commercial real estate appraiser, she looks at conformity within the neighborhood and the property that is going to be built. She believed the proposal would conform nicely with the homes along Tunnel Lane. She said Tunnel Lane was a unique, private road and she thought the development they were going to be doing fitted perfectly well with the neighborhood. She liked the fact that it was "a little bit more of a ranch" and "therefore does not maximize the height" as some of the homes do along the lake. She repeated that it would fit in nicely with the properties around it. She said looking from the lake, she liked that the home will be built in the proposed area with the overhead lines to the rear of the property. She felt the location was perfectly situated for that site and could not imagine "it going anywhere else." She felt like the power line situation was unique to Tunnel Lane unlike others around the lake on other roads, and she felt very few lots had the situation found on the Breuer property. She concluded by saying she was in favor of the proposal, thought it was "a nice development," and welcomed their new home to the neighborhood.

T. Pratt asked the Board if they felt like they needed more information or if they were comfortable with what has been provided. He said he would prefer to take another look at the proposal and consider some alternatives. He said he was not comfortable with it being so close to the lake, and he understood what the issues were.

J. Anderson said the recommendations by the neighbors were compelling, however he felt the health of the lake warranted taking another look.

G. Mason commented that he does not feel they have to move it 100 feet from the lake – he was willing to allow some relief, but he wished they would consider doing something with the power lines. He wondered if the power lines could be relocated. He understood there would be a cost for that, but he said the project was a substantial anyhow. He said he would "feel more comfortable if there was some compromise."

L. Gianforte said he echoed Mr. Mason's concern.

D. Vredenburg commented that he would like to see the property in person to get a better overview of the conditions. He thought it would be quite expensive to move a power line. He was unsure if it was a major or a secondary power line. He repeated that he would like to take a look and discuss the project again at the next meeting.

Graham Ritchie asked to make a comment. He said the distance from the lake has been discussed, but he thought Tunnel Lane was a unique area which at one time was all camps which have now all been rebuilt into "regular" homes. He said each one of them was close to the lake. He did not think the

property in question would be any closer than any of the other homes in the area. He thought there were 6 – 7 that were along this strip of property. He thought a number of them were even closer to the lake than the Breuer proposal. He wanted to make that point as setback from the lake was considered, saying he understood the concern.

Motion by J. Anderson, seconded by G. Mason, to continue the file and the public hearing was carried as follows:

Gary Mason	Voted	Yes
Joe Anderson	Voted	Yes
David Vredenburg	Voted	Yes
Luke Gianforte	Voted	Yes
Thomas Pratt	Voted	Yes.

T. Pratt asked the Applicants to consider the comments that have been made and to see what they can pull from them to help the Board find a better solution. He said the Board members would try to take a closer look as well.

J. Breuer said if he could help facilitate anything he would be happy to lead the tour.

M. Fogel asked if the public hearing would remain open.

T. Pratt affirmed it would.



Motion by J. Anderson, seconded by G. Mason, to adjourn the meeting at 10:56 p.m. was carried as follows:

David Silverman	Voted	Yes
Gary Mason	Voted	Yes
Joe Anderson	Voted	Yes
David Vredenburg	Voted	Yes
Thomas Pratt	Voted	Yes.

T. Pratt thanked everyone for their patience.

Sue Wightman, Zoning Board of Appeals Secretary – June 22, 2021