

Cazenovia Zoning Board of Appeals

Meeting Minutes

November 28, 2022

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

Members absent:

Others present: John Langey; Chuck Ladd; Robert Cowherd; Michael Basla; Matthew Vredeburch; Paul Hoagland; Robert Ridler

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

Roll was taken.

Motion by L. Gianforte seconded by M. Palmer, to approve the October 24, 2022 meeting minutes was carried unanimously.

The next regularly scheduled meeting will be Tuesday, December 27, 2022.

There will be a work session Tuesday, December 20, 2022.

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.

Peterson, David - #21-1 – Bed & Breakfast Special Use Permit Renewal – 2964 West Lake Road

No one was present to represent the file.

T. Pratt said the special use permit was issued for a Bed & Breakfast (B & B) in the Lake Watershed Overlay Zone that has been operating since 2021. He asked Mr. Ladd the status.

C. Ladd responded the progress has been going well. He said he has not done a final inspection for the Building Code items because he is waiting for National Grid to change a service wire. He said once those Building Code violations have been corrected, he will then perform the B&B inspection.

T. Pratt stated the B&B special use permit remains unrenewed at this time.

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

Hoagland, Paul - #19-1 – Bed & Breakfast Special Use Permit Renewal – 5099 Rathbun Road

No one was present to represent the file.

T. Pratt said the special use permit renewal was a B & B in the Rural A District which was issued in 2019. He asked Mr. Ladd the status on this project.

C. Ladd believed the Board had received Mr. Hoagland's letter after the follow-up inspection. He said the deck balcony was found to need further correction after viewing it a second time, saying it needed to be done before moving forward with the B&B.

T. Pratt stated that at this point the renewal for this B&B permit has not been approved by the Board.

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

Cowherd, Robert C. Jr. - #01-73 – Special Use Permit Renewal – 2350 Route 20 East, Cazenovia

Robert Cowherd was present to represent the file.

T. Pratt said this renewal was located in the Rural A (RA) District with the Village Overlay and the special use permit was originally issued in 2001. He asked Mr. Ladd if he had an opportunity to inspect the site and if any complaints had been received.

C. Ladd answered he had inspected the site and there were no complaints.

Motion by G. Mason, seconded by D. Vredenburg, to renew the special use permit for another year with the original terms and conditions was carried unanimously.

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

T. Pratt explained the B & B Special Use Permit renewal was in the RA District. He asked Mr. Ladd if he had done an inspection and if he was aware of any complaints.

C. Ladd responded that he had done an inspection and he was not aware of any complaints.

Motion by D. Silverman, seconded by L. Gianforte, to approve the B & B special use permit with the same terms and conditions for another year was carried unanimously.

*Maples of Madison County, LLC/Madison County Distillery LLC - #22-1444 – Area Variance – 2410 US
(Thomas Pratt) Route 20 East, Cazenovia*

*Maples of Madison County, LLC/Madison County Distillery LLC - #22-1445 – Special Use Permit -
(Thomas Pratt) 2415 US Route 20 East, Cazenovia*

Luke Gianforte recused himself for this file, so Michael Palmer assumed the role of a Voting Member.

No one was initially present to represent the file.

Matthew Vredenburgh who was in the audience to represent another file was asked if Mr. Basla was expected to attend this meeting.

M. Vredenburgh responded that he had informed Mr. Basla what he had been told during the last work session.

T. Pratt believed the Board was still waiting for the drainage and the storm water information.

M. Vredenburgh said that was correct.

T. Pratt thought the best choice was to move the file to the end of the meeting to see if Mr. Basla was coming. He was just about to move to the next item when Mr. Basla arrived.

T. Pratt said Mr. Basla was revising his special use permit for a storage building and for an area variance to place the building in front of the existing, main building. He said the New York State Historic Preservation Office had responded, which Mr. Basla had also received, and their main concern was protecting the vegetative edge shielding The Maples.

M. Basla understood that to mean the tree line along the east side of the (proposed) building.

T. Pratt responded, “Yes.”

M. Basla said they “have no intention of destroying any of that.”

T. Pratt asked to see the floor plan submitted November 22, 2022 and the site plan drawing created by MDVLA entitled *L-100 Madison County Distillery Route 20 East, Town of Cazenovia, Madison County, New York Site Plan – Special Use Permit* dated 1/18/2021.

M. Basla said he received a note from Matt Vredenburgh that he was still working on the updates and expects to have them completed early next week. He was instructed to submit those for John Dunkle, the Engineer for the Town’s, review once he has received them from Matt. Vredenburgh.

T. Pratt commented the floor plan was not exactly what he was looking for, but he said they would work with it. Looking at the site plan he explained the orientation of the features already on the property. He said he noticed a thick section of vegetation (between Route 20 and the proposed location of the building), but heading west on Route 20 he noticed an area that lacked vegetation where the visibility of the new building would be very noticeable. He wondered if something could be done to shield that section.

M. Basla said Matt Vredenburgh intended to show where trees would be added on the site plan, but he and Matt Vredenburgh had not discussed how far to the east new trees should be added, being more concerned about the frontal view from Route 20.

T. Pratt noted there were power lines in the area and acknowledged there may be restrictions near those.

M. Basla had suggested installing more trees across the stream on the north side rather than on the south side of the bridge as was discussed with the Board. Matt. Vredenburg had believed more of a barrier would be created by placing them on the north side.

T. Pratt said when he viewed it, the area in question “has a soft feel.” He felt evergreens would detract from that feel and still preferred planting trees south of the creek. He asked that the view from the westbound side of Route 20 be considered however, believing the new structure would have a strong presence from that angle.

M. Basla responded that he would take a look at that and he would mention it to Matt. Vredenburg.

T. Pratt asked if the new building would be on the access road to the back field.

M. Basla did not want it on the access road.

T. Pratt asked if the access road would need changing.

M. Basla was hoping the building would fit in without moving the access road. He said he should probably plot it to be sure.

T. Pratt approved of plotting it to see how it would fit into the landscape. He thought the topography dropped 2-3 feet near the location.

M. Basla relayed a conversation he had with Mr. Vredenburg about the elevations. He said Matt. Vredenburg also suggested a catch basin made of concrete to channel the water under the drive and into the drainage.

It was clarified that the water would be going under the access road.

M. Basla believed water would have to be directed to the storm water protection pond.

T. Pratt noted the location chosen was believed to be a better location than an area behind the main building, but he noticed one will have to go through a door at the south end of the main building and then around the main building to get into the storage building. He wondered about the efficiency of that configuration.

M. Basla said he does not plow the southern section of his property during the winter because he has not needed to in the past and because of the expense, so that makes the location proposed more practical for him. He said the distance between the two buildings would not be very long, and it would certainly be shorter than the distance he currently drives next door where he now has storage in his daughter’s garage.

T. Pratt asked if product would be moved between the two buildings.

M. Basla said product would not be stored in the new building at this time. He would be storing bottles and barrels. He said to store product would require it to be a bonded area with the New York State Liquor Authority.

T. Pratt asked if Mr. Basla anticipated any increase in traffic because of the storage building.

M. Basla answered it would sadly not.

M. Palmer asked to see a footprint of the barn.

The drawing was displayed.

M. Basla said it would be a pole barn.

G. Mason explained the document submitted lacked dimensions typically shown on a floor plan.

M. Basla responded the garage doors would be ten (10) feet and he said he could show that on the drawing.

G. Mason said they would like the dimensions of the windows as well.

M. Palmer asked that the building show orientation by showing where north was in relation to the floor plan.

M. Basla said he could provide that information.

D. Silverman said he felt all the questions had been answered. He said when he and Mr. Mason visited the site Mr. Basla answered those questions as well. He thought it was a great location, hoped it would help Mr. Basla's operation, and was pleased with the work that has been put into the site.

G. Mason said he did not have a problem with the location if the (vegetative) coverage was addressed and was not close the power lines. He advised that Mr. Palmer's advice from the last meeting be followed which was that Mr. Basla put power and water lines under the driveway while the drainage details were being implemented.

M. Basla indicated agreement. He said Clay Coleman would be the excavator and he had discussed doing that with Mr. Coleman.

M. Palmer said they "were headed in the right direction."

D. Vredenburg thought it looked good and that the questions had been answered.

T. Pratt said the public hearing had been left open since last month and invited comments at this time.

There were no comments.

T. Pratt said since the Board was awaiting drainage details, they would continue the file and the public hearing until December.

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

*Silberberg, Michael - #22-1446 –Area Variance – 4577 East Lake Road, Cazenovia
(David Silverman)*

David Vredenburgh recused himself for this project. Michael Palmer assumed the role of a Voting Member.

Matt Vredenburgh was present to represent the file.

T. Pratt said the project was in the lake watershed and an area variance was being sought. He said the General Municipal Recommendation Report (GML) from Madison County Planning Department had been received November 21, 2022. He said the proposal was to move an existing storage shed out of the Critical Environmental Area (CEA) into another location.

He asked Matt Vredenburgh to elaborate.

Matt Vredenburgh explained Mr. & Mrs. Silberberg propose to shift the foundation of an existing shed about nine (9) feet to the east-southeast to improve the safety of the circulation around the shed which will be used for water recreational equipment. The existing shed currently sits about 12 feet from the water's edge, inside the CEA. Moving it nine (9) feet would move it out of the CEA. He said the footprint would stay the same, approximately 12' X 12'. He recalculated the impervious surface area using the existing number as the approved amount by the Planning Board (for the previous site plan for the new home). Since that approval, a sports court has been eliminated from the plan. By shifting the shed location, the impervious surface area in the first 20 feet of the lake would be reduced from 4.7% to 3.4%. By removing the sports court, the impervious surface area between 20 – 100 feet of the lake will be reduced from 4.6% to 2.8%. The overall reduction on the site will be from 11.2% to 10.6%.

T. Pratt responded favorably.

M. Palmer asked the height of the new structure compared to the existing structure.

Matt Vredenburgh said it appeared the new structure would be a few feet higher.

T. Pratt asked if a few was three (3).

M. Palmer asked if the increase was due to the grade or to the design.

Matt Vredenburgh answered from viewing the sketch created by MDVLA October 19, 2022 entitled *L-210 Silberberg Residence 4577 East Lake Road, Town of Cazenovia, Madison County, New York Site Plan*, it looked like the peak of the roof would be steeper than the existing roof. He believed the roof would be a 6/12 roof pitch. He said looking at the sketch it looks like the doorway would be eight (8) feet tall; the eave of the roof would be ten (10) feet; and the roof would have a 6/12 pitch.

M. Palmer asked the existing measurements.

Matt Vredenburgh did not have the existing height.

T. Pratt guessed the height to be about eight (8) feet with a 6 ½ foot door.

T. Pratt also thought the elevation of the proposed site for the shed was at least four (4) feet (below the hill behind the shed to the east.)

Matt Vredenburgh believed if one was at the house, the grade down to the site was 8 – 9 feet.

T. Pratt commented that the slope was not gradual (and may require a retaining wall).

(No retaining wall will be provided.)

M. Palmer asked if the area would be mowed.

T. Pratt said there was fill there now creating a steep grade.

Matt Vredenburgh said the area would be mowed after some fill was removed and the grade was tempered. He said the base of the shed would be approximately 11 feet below the grade of the pool patio (and would be the same as existing shed).

M. Palmer said his concern was the view from the lake.

Referring to the drawing created by MDVLA October 19, 2022 entitled *L-210 Silberberg Residence 4577 East Lake Road, Town of Cazenovia, Madison County, New York Site Plan* it was determined that the view from the lake would not be an issue.

Matt Vredenburgh also said the site will have vegetative screening from the lake.

M. Palmer asked if the existing structure was a boathouse at one time.

Matt Vredenburgh reported it was not.

T. Pratt explained the water was about a 6-foot drop from the existing shed.

Matt Vredenburgh said that was one of the reasons the Owners wish to move it farther from the edge.

T. Pratt asked why not move it back 100 feet from the lake.

Matt Vredenburgh responded that the use for the structure was for water-related recreational equipment, so locating it close to the house was too inconvenient.

T. Pratt noted the amount of relief needed was 80 feet which would be 80% of relief.

T. Pratt asked about power and lights for the new structure.

Matt Vredenburgh answered there would be power and lights inside the shed. He said there would be one window on the lake side with a door on the south side, but there would be no windows or doors on the other two (2) sides to maximize storage.

M. Palmer asked about outside lighting.

Matt Vredenburgh responded there would be no outside lighting on the structure. He believed the patio would have low-level path lighting, but he knew of no overhead lighting for this area.

T. Pratt asked if the patio area to the side of the shed was included in the impervious calculations.

Matt Vredenburgh affirmed it was. He said moving the shed out of the CEA was a reason the impervious was reduced because it would now be placed where more patio space had been planned.

M. Palmer asked about the material for the patio.

Matt Vredenburgh responded that it would be travertine.

T. Pratt asked if the Board would like to see the patio area removed from the CEA.

M. Palmer asked how far the patio would extend into the CEA.

T. Pratt thought 8 - 12 feet.

Matt Vredenburgh pointed out the Owners were allowed 5% and they had reduced it to 3.4%.

T. Pratt noted they were within their limit as proposed. He advised it be well-maintained due to the grade in that area.

M. Palmer asked if it would be stabilized with a retaining wall or any other method.

Matt Vredenburgh answered, "No."

M. Palmer asked if the patio would need shoring because it was a steep slope.

Matt Vredenburgh said the bank would be stabilized with vegetation, explaining that was an agreement they had with the Planning Board (during the initial approval for the home). He said there had been some discussion of elongating the impervious surface (of the patio) and reducing the width, but no

decision had been reached. He said in the end they may move more impervious surface out of the CEA. They would only be at 2.8% in the next zone where they would be allowed 10%, so that modification would not exceed that limit.

M. Palmer noted overall the Applicants have reduced the impervious surface area and pulled the structure away from the lake.

Matt Vredenburgh said the goal was to make the area safer and more convenient, so if elongating the patio makes is safer and makes more sense, that was what would be done.

T. Pratt asked if the Planning Board had already required the Owners to naturalize the shore using the *Lakefront Development Guidelines*.

Matt Vredenburgh answered, “Yes.”

T. Pratt asked if the peak was about 12 feet.

Matt Vredenburgh thought it would be more like 13. More discussion followed about the calculations.

M. Palmer asked if the Board was moving in the direction of approving the application.

T. Pratt affirmed they were.

M. Palmer asked if the Board should then know the height of the peak. He said he wanted to be told what the height would be when built.

T. Pratt responded the application will also receive site plan review. He said they could require it be at a certain level and that the height “be looked at.”

G. Mason said his only concern after meeting with Matt Vredenburgh was the height.

Matt Vredenburgh said if the Board wanted to cap the height, he “would be perfectly fine with that.” He thought it would be fair to require it not be over 14 feet.

G. Mason expressed satisfaction with the rest of the proposal.

Matt Vredenburgh said the proposal beats the alternative of rebuilding the shed where it was, which could be built higher.

M. Palmer commented that he “was good with it.”

L. Gianforte agreed with Mr. Mason.

T. Pratt asked for a specific dimension.

Matt Vredenburgh asked if Mr. Pratt was seeking the dimension for the height or for the variance.

T. Pratt answered the dimension of the variance.

Matt said the relief would be 80 feet to the nearest corner toward the lake.

Motion by M. Palmer, seconded by L. Gianforte, to open the public hearing was carried unanimously.

Tom Gunerman of 4576 East Lake Road said he was “the guy across the street with the view.” He said he was not concerned about the view. He said replacing the shed the previous owners had “was a major step forward.” He said he saw “pulling it off the lake as a positive.” He was unsure about impervious details and placement details, but as a neighbor he thought it should go forward.

Hearing no other comments, motion by M. Palmer, seconded by G. Mason, to close the public hearing was carried unanimously.

T. Pratt reminded the Board that this project will receive site plan review.

J. Langey then led the Board through the State Environmental Quality Assessment Review (SEQR) noting this would be an Unlisted Action.

T. Pratt then reviewed the criteria to grant an area variance. He said regarding the proposal being an undesirable change to the neighborhood, he thought it would be in character with the adjacent buildings. Regarding there being an alternate solution, he said it certainly could be placed farther back (from the lake), but the new location would be a benefit because the shed would be removed from the CEA. He said regarding physical and environmental impacts, the impervious surface area percentage would be improved, and again moving it out of the CEA would be an improvement. Regarding the amount of request being sought, 80% of relief was substantial, however under the circumstances, with the removal from the CEA, the location benefits the project in general. Regarding the request being a self-created hardship, he said it was.

After asking for a motion, T. Pratt listed the conditions he would like to accompany an approval.

- 1) The shed should match the character of the existing house,
- 2) *Lakefront Development Guidelines* should continue to be followed,
- 3) impervious surface calculations should be thoroughly reviewed by the Planning Board,
- 4) no retaining wall will be part of this project and the Planning Board should also note that,
- 5) any lighting, inside or outside, should be shielded and low-intensity,
- 6) there will be no water or sanitary associated with this building,
- 7) the limited height should be 13 feet.

Matt Vredenburg suggested the roofline of the shed match the roof line of the house.

M. Palmer said the Board did not know what that was.

T. Pratt thought it was higher than 6/12.

More discussion followed.

Matt Vredenburg thought lower than 14 feet would be better than lower than 13 feet.

J. Langey asked if Matt Vredenburg was confident 14 feet would be the maximum needed.

Matt Vredenburg responded that more than 14 feet might look unnatural.

L. Gianforte asked if the drawing showed the height to be 14 feet.

It was clarified the design was for a hip roof.

It was decided the limited height should be 14 feet,

8) the overall size would be 12' X 12'.

Motion by G. Mason, seconded by L. Gianforte, 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 Short Environmental Assessment Form and to approve the area variance for the replacement of an existing 12' X 12' shed requiring 80 feet of lake front setback relief as most recently submitted and with the listed conditions was carried as follows:

David Silverman	Voted	Yes
Gary Mason	Voted	Yes
Michael Palmer	Voted	Yes
David Vredenburg	Voted	Recused
Luke Gianforte	Voted	Yes
Thomas Pratt	Voted	Yes.

The Applicant was instructed to attend the December 8, 2022 Planning Board meeting for site plan review for this project.

Hoagland, Paul - #19-1 – Bed & Breakfast Special Use Permit Renewal – 5099 Rathbun Road

Paul Hoagland apologized for arriving late saying he had just arrived from out-of-state.

T. Pratt invited him to come to the table for discussion at this time.

T. Pratt said he believed there were items Mr. Hoagland was working on at this time for his B&B.

P. Hoagland said it was just a bed, they did not serve breakfast. He said due to a misunderstanding they had “lost the whole month of October related to the repairs he (Chuck Ladd) is requesting to be done to the balcony.” He stated those repairs will not be done until May. He said because the permit is for six (6) overnight guests, he would like to use the house for that until May when he can repair the balcony and be approved to operate from the unit inspected.

T. Pratt responded the (Building) Code issue would still be there. It was his understanding that the deck does not meet the Code.

P. Hoagland responded that was his understanding too. He understood he had until May to fix it, but upon the last inspection, “that changed very suddenly.” He said he has completed the other work and he has spent “over \$1000 to address the three (3) urgent issues,” knowing they would have until May to address the balcony repairs. He said he “would not try to get up there in the snow to try to fix the balcony.” He asserted if he had been told the balcony was an urgent issue, he “would have fixed it like everything else was fixed.” He said he was asking the Board to “pivot” and to allow him to use his house for the B&B.

T. Pratt stated he was not in favor of that.

P. Hoagland asked, “Why?”

T. Pratt said Mr. Hoagland needed to meet the Code. He understood it was not a safe condition at this point.

P. Hoagland responded, “The balcony will be off-limits to any guests.” He said it was part of a different building. He recalled he had been asked for a floor plan. He said he found the document entitled “*B&B Usage Diagram: 5099 Rathbun Road, Cazenovia, NY 13035*.” He explained there were several buildings and pointed out the area labeled 3-car Garage & Studio Apt. which had the unsafe balcony. He showed where the house, which also has a balcony, was in relation to that. He repeated he would like to apply the permit to the house.

T. Pratt asked what the permit applied to now.

P. Hoagland responded, “You tell me.” He said, “Right now it applies to the property.”

T. Pratt answered, “It sounds like you need to fix the balcony.”

J. Langey and M. Palmer said the permit applies to a specific area, not the whole property.

Looking at the drawing, T. Pratt said the section with the balcony in question was the one identified for B&B use.

P. Hoagland conceded that was where it “happened before.” He said if the Board “looked closely at the paperwork that was submitted originally,” the Town granted him “the right to operate a B&B on that property. They never stipulated which unit it should be in.”

J. Langey responded, “it was presented that way, though.”

P. Hoagland said when Roger Cook inspected the property, he told him that was where he “was putting people now.” He repeated he would “like to put them in the house.”

J. Langey advised researching the original file to see how the prior approval was given and how it relates to this. He recommended the Board “hold off.”

M. Palmer said he wanted to know why Mr. Hoagland cannot fix the balcony.

P. Hoagland said he was originally told he would not have to fix the balcony now.

M. Palmer interjected that he did not want to hear about that again, he wanted to know why. Mr. Hoagland could not fix the balcony tomorrow.

P. Hoagland answered, “Because of the weather, because of the working conditions, and because of the holiday, and because of my travels.” He said none of that came into play in October when he was making the other repairs that were requested. He said now his “life is different, the weather is different, the temperature is different; getting up on a ladder with a couple guys in the rain and snow is different, and the cold weather – it’s a whole different ball game.” So, he alleged he must defer the repair until May when the weather is better.

M. Palmer said that was a choice Mr. Hoagland was making.

P. Hoagland responded, “It was a wise choice,” saying he did not want to have an unsafe issue.

M. Palmer pointed out that “people build all winter long.”

P. Hoagland said, “Not me.”

M. Palmer pointed out again that was Mr. Hoagland’s choice.

P. Hoagland said that was why he was “pivoting away from that unit and asking that we use the house for the B&B until that unit is repaired.” He believed it was a fair request considering what should be repaired and when (it should be completed) has changed.

C. Ladd asked if Mr. Hoagland had received the rebuttal email that he had sent (in response to Mr. Hoagland's complaint).

P. Hoagland answered, "I don't think I did,"

C. Ladd said he responded to Mr. Hoagland's email and asked again if Mr. Hoagland had received it.

P. Hoagland replied he had gotten "an email." He said if there were more than one, he "did not get another one."

C. Ladd responded he had only sent one.

P. Hoagland verified he had gotten it. He said he agreed with it (the response), but he could not "get at it now that the weather has turned bad."

M. Palmer asked if the issue was the height of the railing for the balcony.

C. Ladd explained it was the deck ledger attached to the structure that needed repair.

P. Hoagland alleged "it was as strong as it's ever been."

C. Ladd explained floor joists attach to the ledger board. He said the ledger board predominantly carries the bulk of the weight. He said there was a large section especially underneath the operating panels of the door where one can see where the fasteners were sheared off that were there before. He clarified he had not changed his opinion "out of the blue." He explained when Mr. Hoagland stepped on it during the second inspection, Mr. Ladd noticed a depression which made Mr. Ladd aware of the situation and he investigated it further.

M. Palmer asked, "What is the fix?"

C. Ladd answered that should be determined by a qualified contractor or an engineer.

P. Hoagland said he had in writing what Mr. Ladd had recommended, saying, "everywhere there was originally a lag bolt, you've got to insert another one, so you end up doubling the lag bolts." The second recommendation was "to add flashing under the T1-11plywood to come out and then over the deck so no further snow or ice could permeate that gap...". He said he was "fine doing that, but not in the weather this time of year."

C. Ladd elaborated that one does not know "the status of the rim joists behind the ledger." He said one could put 4-inch lags in and they would not "grab a hold of anything."

P. Hoagland said he wanted to "do a good job."

C. Ladd continued that was the reason he suggested using a qualified contractor, thinking this might be beyond Mr. Hoagland's "scope of work."

P. Hoagland responded he does not do “the work at all; he writes checks.”

C. Ladd repeated the need for a qualified contractor or an engineer.

P. Hoagland responded he “didn’t want to rush it.”

T. Pratt stated contractors work now. “They don’t have an issue.”

M. Palmer asked about through bolting.

C. Ladd said inside the garage was sheetrock.

P. Hoagland said some sheetrock would have to be removed. He repeated he wanted to do it the right way, not quickly. He said Mr. Ladd was right, and he could live with his recommendations. He said it was the sense of urgency that shifted.

C. Ladd countered the urgency had not changed.

T. Pratt said he had informed Mr. Hoagland (at the previous meeting) that there may be more items added to the list as inspections were done. He said Mr. Ladd came back, told Mr. Hoagland there was another item, and Mr. Hoagland does not want to fix it.

P. Hoagland said he does want to fix it but there wasn’t time.

T. Pratt responded, “Then go fix it. You’ve got time.”

P. Hoagland asked to go on record as saying he “feels he’s being targeted.”

T. Pratt assured Mr. Hoagland he was not being targeted.

P. Hoagland continued saying he would make any repairs requested.

T. Pratt interjected that he then should go make the repairs.

D. Silverman asserted “nobody’s ever targeted anybody here.”

Mr. Hoagland was asked why he would be targeted.

P. Hoagland responded because he was trying to run a B&B in Cazenovia.

D. Silverman replied, “No, no, no.”

T. Pratt asserted, “That’s not true.”

D. Silverman said the Board could be accused of caring for their Town and for health and safety issues, and he thanked Mr. Ladd for finding an unsafe condition. He continued that health and safety were paramount.

P. Hoagland said Mr. Ladd found it twice and changed his mind. He said, “I can live with that.”

D. Silverman assured Mr. Hoagland that no one “has anything against you.”

P. Hoagland said he would fix it “but not in the dead of winter, up on an icy ladder, doing a quick cobb job.”

G. Mason believed Mr. Hoagland was going to get a contractor to do the repair.

P. Hoagland asked to defer his permit to run a different unit as the B&B.

G. Mason reasoned Mr. Hoagland would not be on the ladder doing work if he hired a contractor.

P. Hoagland said he did not want anyone on the ladder with ice and snow.

G. Mason countered houses are being built right now.

P. Hoagland said he wants to put the B&B guests in the house.

It was pointed out that Mr. Ladd would need to inspect the house (for safety).

P. Hoagland said he knew that. He said when the unit was deemed sufficiently safe, the operation would then return to the original space.

J. Langey said the answer was for Mr. Hoagland to apply for an amendment to his original approval for the B&B and to fill out an application, submit it, and it would be readied for a public hearing just like the Board would do “with everybody else” when a change is requested. He likened it to the Distillery (which currently has an application being considered for a special use permit for an additional building). He said making changes requires one to “go through a process.” The Board would consider the amendment for the B&B. He believed the deadline to get the paperwork in for the December meeting had passed.

P. Hoagland countered it would not be an amendment. He responded the Board should “look back at the original paperwork.” He said, “it was not stipulated that this be the unit.”

J. Langey rejoined, “Mr. Hoagland, it doesn’t work that way. You don’t get to characterize it that way.... You’re running it in that spot now. I’m telling you right now, you’re going to have to apply for an amendment or you simply won’t get it, Sir.”

P. Hoagland interjected that an amendment made sense, but “a whole brand-new permit doesn’t make as much sense.”

J. Langey explained, “That’s how we do all of these.”

P. Hoagland said the request was merely a renewal, not an amendment.

J. Langey countered “it is not a renewal; it is a change.”

P. Hoagland said it asks what has changed right on the renewal form.

T. Pratt said the proposal makes the business “different.”

J. Langey said he appreciated what Mr. Hoagland was saying, but the discussion had reached a point of ineffectiveness.

M. Palmer thought if Mr. Hoagland hoped to renew his B&B, he would find someone to make the repairs.

P. Hoagland said he would apply to move the business to the house. He said he would submit the paperwork and whatever he was told to submit, and in May he would fix the balcony.

J. Langey felt everyone was in agreement.

P. Hoagland said he did not want to “feel targeted for trying to run a good B&B in the Town of Cazenovia.” He said he “wanted to be safe”; that was why he was “switching over to the house instead of that unit until it’s fixed.”

J. Langey and T. Pratt stated Mr. Hoagland would need to get the house approved for the B&B use before using it in that manner.

P. Hoagland expressed understanding.

M. Palmer clarified Mr. Hoagland would need to file a new application, like “starting over.”

T. Pratt elaborated it would be “brand new.”

J. Langey added, “Just like everybody else.”

P. Hoagland felt it was still a renewal.

T. Pratt responded, “No, it’s not.”

P. Hoagland said, “Same address.”

D. Silverman responded, “It doesn’t matter.”

P. Hoagland said, “I’m not moving it.” He said, “I was approved to run a B& B on that property.”

G. Mason recalled the Board saw the floor plan that showed the area was separate from the house and recalled the neighbors objecting to the endeavor.

P. Hoagland asked the Board to review “the notes.”

G. Mason said they would.

P. Hoagland said he “would keep plugging away.”



Motion by L. Gianforte, seconded by D. Vredenburgh, to adjourn the meeting at 8:32 p.m. was carried unanimously.

Sue Wightman, Zoning Board of Appeals Secretary – November 29, 2022