

Cazenovia Zoning Board of Appeals

Meeting Minutes

September 28, 2020

Members present: Thomas Pratt; Gary Mason; Joseph Anderson; James Wigge;
Val Koch, Alternate Member

Members absent: David Silverman

Others present: Roger Cook; John Langey; Michael Basla; Gregory Alton; Kyle Reger; David

T. Pratt called the meeting to order at 7:30 p.m. He stated, “Welcome to the September 28, 2020 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. Other than times allowing for public comment, the public is asked to remain silent during the proceedings.”

Roll was then taken. David Silverman and Joe Anderson were absent when roll was taken. Val Koch was asked to take part in Mr. Silverman’s absence.

Joe Anderson joined at 7:37 P.M.

Motion by J. Wigge, seconded by G. Mason, to approve the August 24, 2020 meeting minutes and the was carried as follows:

Jim Wigge	Voted	Yes
Gary Mason	Voted	Yes
Val Koch	Voted	Yes
Thomas Pratt	Voted	Yes.

The next regularly scheduled meeting will be Monday, October 26, 2020.

Stearns, Melvin - #05-250 – Special Use Permit Renewal – 2639 Mill Street, New Woodstock

T. Pratt said this was a special use permit for maintaining goats. He asked Mr. Cook if there had been any complaints and if an inspection had taken place.

R. Cook affirmed an inspection had been done. He said Mr. Stearns was not keeping goats at this time, but Mr. Stearns renews the special use permit in case he would like to do so in the future. Mr. Cook said, “everything is fine.”

T. Pratt said Mr. Stearns reported there were no changes to his permit.

R. Cook said that was correct.

Motion by G. Mason, seconded by J. Wigge to renew the special use permit with the same terms and conditions as originally approved was carried as follows:

Jim Wigge	Voted	Yes
Gary Mason	Voted	Yes
Val Koch	Voted	Yes
Thomas Pratt	Voted	Yes.

Madison County Distillery, LLC – DBA Maples of Madison County - #20-1276 – Special Use Permit – (Thomas Pratt) 3868 Stone Quarry Road, Cazenovia

Michael Basla was present to represent the file.

T. Pratt said the first issue that needed to be addressed was regarding the secondary signature for the organization. He asked Mr. Basla if he had spoken with John Langey, the Attorney for the Town, to resolve the issue.

M. Basla said he had not. He said he was currently working on getting the necessary documentation.

T. Pratt asked if Mr. Basla had any questions for Mr. Langey.

M. Basla asked if the matter pertained to the property on which Madison County Distillery, LLC resides.

J. Langey responded that he was looking for confirmation from both Madison County Distillery, LLC, the Applicant, and the Maples of Madison County, LLC, the Owner. He explained that he was seeking confirmation that the applicant entity was forwarding the application with the authority of the LLC and similarly that the owner of the property consents to the application through the LLC entity. He said ideally a corporate resolution would be submitted from each entity voting to move forward. He said some feedback had been received that indicated that “perhaps not everyone involved with the entities was 100% on board with the entirety of the application.” He said no position was being taken, he just wanted to ensure the Board was following the proper procedures.

M. Basla said the corporate resolution helped him understand what was being requested. He said he understands that Mr. Langey was seeking two items, one from the Madison County Distillery, LLC and one from the Maples of Madison County, LLC.

J. Langey said he did not know the background or the ownership of each of those LLC’s. He thought there were three (3) participants involved in the ownership of the Madison County Distillery LLC.

M. Basla said now there are two (2), himself and Adam Basla.

J. Langey asked that documentation be provided to the Town Office showing the ownership interest as well as a corporate resolution stating the entity is in agreement with the application as presented or modified depending on what Mr. Basla proposes. He said he would need similar verification and confirmation from the other entity, the Maples of Madison County, LLC.

The three owners of the Maples of Madison County, LLC (the Maples) are Patrick and Sarah Ruddy, in addition to Mr. Basla.

J. Langey explained that he would need documentation that the majority of the individual owners of the Maples approves the application.

M. Basla asked if a corporate resolution was a document any attorney could prepare on his behalf.

J. Langey explained entities were to have regular meetings with minutes recording the meetings, and regular filings would need to be done. He suggested Mr. Basla consult his corporate book or consult with an attorney to see how the meeting should be conducted.

T. Pratt informed Mr. Basla that these issues needed to be addressed before the application could be advanced any further.

M. Basla expressed understanding and asked if there were any other items he could be addressing in the interim.

T. Pratt verified that a revised resolution had been submitted with annotations and a revised drawing has been received. He said if any modifications to the application would be made, the Board would need to know what the modifications were before the next meeting.

R. Cook said he and Mr. Basla had a recent conversation and he was under the impression that Mr. Basla might seek approval for the firepit first.

T. Pratt said if that was the case, the Board could consider that at the next meeting (if the previous stated entity concerns were met). He said that type of modification of the application was what he would like to be sent to the Board prior to the next meeting.

M. Basla asked if the application could be “pieced out” since some items will take longer to discuss. He wondered if portions of the special use permit could be granted as they work through other requests. For example, he was hoping for approval for the firepit for the fall season.

T. Pratt asked Mr. Langey if authorization of parts of an application could be given.

J. Langey said that becomes difficult when doing the environmental review. He said segmenting an application was not allowed. If Mr. Basla was not planning on pursuing other aspects of the special use permit until sometime in the more distant future, he may want to revise his application, but if he would like to add the 4 – 5 other elements to his current operation relatively soon, the accumulative impacts on the environment should be considered at this time.

M. Basla asked if the environmental impacts were determined by the Zoning Board of Appeals (ZBA) or by another agency.

M. Langey explained the ZBA would assess the impacts.

M. Basla explained that he understood at the last meeting that a test event would be a good idea regarding the impact of noise, however, he would not be in a position to host that event until after this winter, but he would like to have a fire pit before winter.

J. Langey suggested Mr. Basla withdraw all other elements of his proposal except for the firepit, if that was Mr. Basla's desire.

M. Basla said he understood the advice, believed it to be sound, and that would probably be how he would proceed.

T. Pratt said the public hearing was still open and he asked if there was anyone present wishing to speak for or against the proposal.

J. Wigge said he recused himself, but he would save his comments, which pertained to noise, until October.

M. Basla said there was an item in the current resolution that conflicts with requirements from New York State. He said the State mandates that food should be served with distillery products. He asked for help with that to move forward as well.

T. Pratt said that would be an item for further discussion once the organizational structure issue has been resolved. He suggested that food item be included in the revised application.

G. Mason asked how the amended application would address the number of people allowed. He recalled 150 people would be accommodated in the prior application, but if only the firepit was being sought, how would that number change.

M. Basla understood the question. He spoke about the difficulty of establishing a maximum number for the future.

T. Pratt advised him to have plans regarding how he would control the number of people and the related noise of any size gathering or anything else happening on the property.

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

Joe Anderson	Voted	Yes
Val Koch	Voted	Yes
Gary Mason	Voted	Yes

the location. He then shared his screen to display photographs and an updated site plan drawing. He said the Board had requested that Mr. Alton reposition the antenna in the woods to allow for the height of the tower plus six feet (as a fall zone) to be between the antenna and any boundary lines. The site plan drawing showed the location and those distances. He then explained the photograph of the antennas, and the balloons. He said the antenna would be shielded in the trees during the “leafy seasons” but not so much in the winter season. He then spoke about the photograph taken from New York State Route 13 which showed the location as viewed from the road.

G. Alton clarified that the photograph of the antennas was of a temporary, portable antenna in the foreground which was not part of the application. The second antenna was the one that would be affixed to the workshop. Regarding the balloons, he arranged them to be 15 feet in height, 40 feet off the ground. He felt the picture taken from the road was a good representation of what one would see. He said the two trees in the center of the photograph, one an elm, sit directly in front of his workshop. A larger oak tree would also block the view.

J. Anderson felt the tower in the trees would have relatively insignificant impact on the viewshed as the trees are now, but wondered if the elm tree was to die, how significant the impact might become.

G. Alton said he was not bothered by the visual impact of the antenna, but his wife wanted there to be as much tree screening as possible. He thought the tower would still have adequate screening from the road if one tree were to die since it would be viewed uphill from the road and one would have to look past the house and a second building to see it from 500 feet away. Referring to the aerial photograph, he was very confident that it would not be visible from the north – the village side of his property. As one traveled farther south on Route 13, one would have no view of it. He felt the view would be limited to less than 500 feet of a west-northwest view along the road.

R. Cook commented that cars travel 60 mph along that stretch of Route 13.

G. Alton added that the antennas would be metal rods that are long, but the thickest diameter would be two inches. He felt viewed from 500 feet away, at a speed of 60 mph, the slender rods would have a minimal visual impact. He believed the trees are currently healthy. He said there was also a third tree a little to the south of the location that was 60 feet tall that would be in front of the antenna as well.

T. Pratt asked Mr. Alton to elaborate about the site plan.

G. Alton said he had been asked to have a minimum of six feet plus the height of the proposed tower in every direction including from buildings, structures, and property lines, so this drawing shows to scale the distances from the existing garage and the property line based upon the pre-approved survey.

T. Pratt believed the new location was closer to a tree than the original proposal.

G. Alton said that was correct. He said the location would be a little closer, but he would be able to accommodate that. He said if he found during construction, he had issues and needed to adjust the location he could move it to the north toward a grove of birch trees and still have proper clearance.

G. Mason noted during his visit to the property he thought the only neighbors that would be impacted would be the neighbors to the north when the trees lose their leaves, and he did not think that neighbor had an issue with the proposal. G. Mason thought it would be well-hidden and he had no issue with it.

J. Wigge said from his visit he did not think the antenna would be seen at all unless it was put in a markedly different location. He said he was “okay with it.”

V. Koch agreed saying he saw no issue.

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

Joe Anderson	Voted	Yes
Jim Wigge	Voted	Yes
Gary Mason	Voted	Yes
Val Koch	Voted	Yes
Thomas Pratt	Voted	Yes.

No one spoke at this time.

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

Joe Anderson	Voted	Yes
Jim Wigge	Voted	Yes
Gary Mason	Voted	Yes
Val Koch	Voted	Yes
Thomas Pratt	Voted	Yes.

T. Pratt said the General Municipal Law (GML) Recommendation report from Madison County expressed concern about the antenna and its location to the property line. That issue seemed to have been resolved. He asked Mr. Langey about the State Environmental Quality Review (SEQR).

J. Langey said this was an Unlisted Action in the SEQR process with the Board being Lead Agency and he guided the Board through Part 2 of the Short Environmental Assessment Form SEAF).

T. Pratt reminded the Board the primary concern was whether the proposal would be appropriate for the neighborhood and the environment and it would not cause any environmental issues that the Board would be uncomfortable approving.

Motion by J. Anderson, seconded by J. Wigge to appoint the Zoning Board 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 to erect two (2) amateur radio towers on the site as most recently submitted carried as follows:

Joe Anderson	Voted	Yes
Jim Wigge	Voted	Yes
Gary Mason	Voted	Yes
Val Koch	Voted	Yes
Thomas Pratt	Voted	Yes.

*Dorrance, Chad - #20-1297 – Special Use Permit – 3985 East Road, Cazenovia
(Gary Mason)*

No one was present to represent the file.

T. Pratt said the Applicant was seeking a special use permit and there was a barn Mr. Dorrance would like to locate 140 feet from the property lines, but the requirement was 150 feet. He said at this point. Mr. Dorrance was meeting with the Planning Board for review and he believed that involved SEQR issues.

J. Langey said because this was a Type I Action, a coordinated review was being done. The Planning Board needed to complete the environmental review before the Zoning Board can make its final determination for the (area variances and special use permit) applications. He expected the Planning Board would be able to complete their review later this week so the Applicant would be in a position to appear before the Zoning Board for final determination for the Zoning Board portions of the project at the next meeting.

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

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Joe Anderson	Voted	Yes
Jim Wigge	Voted	Yes
Gary Mason	Voted	Yes
Val Koch	Voted	Yes
Thomas Pratt	Voted	Yes.

Motion by G. Mason, seconded by J. Anderson, to adjourn the meeting at 8:15 p.m. was carried as follows:

Joe Anderson	Voted	Yes
Jim Wigge	Voted	Yes
Gary Mason	Voted	Yes
Val Koch	Voted	Yes
Thomas Pratt	Voted	Yes.

Sue Wightman, Zoning Board of Appeals Secretary – September 29, 2020