

# Cazenovia Zoning Board of Appeals

## Meeting Minutes

April 26, 2021

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

Members absent:

Others present: Roger Cook; John Langey; James Scholefield; Anthony (TJ) DiPeso; Grazi Zazzaro; James Knittel; Michael Stanczyk; David Miller; Donald (Sparky) Christakos; Kyle Reger; Gerald Mehlbaum; Greg Cleghorn; Jocelyn Gavett

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T. Pratt called the meeting to order at 7:30 p.m. He stated, “Welcome to the April 26, 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. Thank you.”

Roll was then taken. All members were present with Luke Gianforte arriving at 7:34 P.M.

Motion by V. Koch, seconded by J. Anderson, to approve the March 22, 2021 meeting minutes was carried as follows:

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

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The next regularly scheduled meeting will be Monday, May 24, 2021.

There will be a work session Tuesday, May 18, 2021.

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*Jerabek, Eric - #98-117 – Special Use Permit Renewal – 1639 Delphi Road, Cazenovia*

T. Pratt said Mr. Cook had done a site inspection and he asked him what was being done on the property.

R. Cook explained Mr. Jerabek had gotten a special use permit for farm animals at the time that the minimum size for keeping farm animals had been 15 acres. Since that time, the minimum acreage has been reduced to seven (7) acres. He said Mr. Jerabek leases land for the purpose and remains in compliance.

T. Pratt asked if there were any issues with the inspection.

R. Cook responded there were not, expressing emphatic satisfaction.

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

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

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*Krumsiek, Howard & Virginia - #20-1235 – Special Use Permit – 4023 Rippleton Road, Cazenovia (Joe Anderson)*

No one was present to represent the file.

T. Pratt explained the Applicants were seeking a special use permit for an accessory building. He said it was his understanding that Mr. Krumsiek wished to discontinue the file, but the Board was awaiting an official notification to that effect. He believed until that was received the file should be continued.

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

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

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*Scholefield, James - #21-1339 – Area Variance – 5713 Rathbun Road, Cazenovia  
(Joe Anderson)*

James Scholefield was present to represent the file.

T. Pratt explained the Applicant was seeking an area variance for the creation of an undersized lot as well as an area variance for road frontage relief for its creation. He said the reason for the creation of the lot was for a family cemetery plot which would be .83 acres with 180 feet of road frontage rather than the 3-acre minimum lot size and the 250 feet of required road frontage. He said he had some thoughts and wondered if Mr. Anderson had any additional thoughts since the last meeting.

J. Anderson said with respect to family cemeteries, New York State law limits the size to no more than three (3) acres. One consideration Mr. Scholefield had was to extend the back boundary line of the proposed lot to a distance that would exceed three (3) acres (in response to a request previously suggested by the Board). Mr. Anderson felt the Board should adhere to the maximum size mandated by New York State.

T. Pratt said he had reconsidered his previous thoughts regarding the proposed size being three (3) acres. He now saw the maintenance of the property to be “a stumbling block” for a larger lot and thought perhaps the size should be ½ acre with a condition that the Owner of the lot maintain the property in keeping with the surroundings meaning the adjacent properties. He said another option was to create an easement of any size Mr. Scholefield chose which would not require any Zoning Board of Appeals ruling. The maintenance would then become a responsibility of the property owner in perpetuity. He asked if Mr. Scholefield had considered that option or if he would be interested in exploring that option.

J. Scholefield said he had considered the easement option and questioned whether a potential buyer would find that favorable. He thought a “clean break seemed easier to manage” for himself and others.

T. Pratt asked if he would be interested in giving that more consideration. He said the maintenance part of the proposal would be Mr. Scholefield’s perpetual responsibility and the Board would have to know how to ensure that Mr. Scholefield’s estate would be able to manage the responsibility. He thought that might become a problem after 20 – 30 years. He thought an easement might be better suited to accommodate the issue. He did not want the Board to approve a scenario in which the Town would have to maintain the burial site in the future.

V. Koch thought both the smaller size or the easement options were viable for easier upkeep in the event there would become a time when Mr. Scholefield was unable to maintain the property. He felt any approval would have to include perpetual maintenance so that the Town would not have to assume that responsibility at some point in the future.

J. Anderson asked if the property deed had been annotated with a map that showed the location of the grave.

J. Scholefield said it had not.

J. Anderson thought that was a requirement of New York State law.

J. Langey said he had done additional research and his concern that the Town would have to take over long-term maintenance was satisfied pursuant to a few sections of law. He said the Town would not be burdened by that under these particular circumstances. He felt the Board's concern that there be some level of long-term maintenance was legitimate and was one of the reasons New York State discourages these scenarios. He said whatever the Board decides, whether it be an easement or covenants or what have you, some level of long-term maintenance be addressed in the resolution.

T. Pratt asked for clarification regarding the Town's responsibility for maintenance.

J. Langey said in this specific circumstance the Town would not become responsible in the future by law. He referenced Town Law 291 as it relates to a private burial ground.

T. Pratt asked if that meant the responsibility would always be Mr. Scholefield's into perpetuity.

J. Langey responded it would be Mr. Scholefield's or the property's owner.

T. Pratt repeated his belief that the definition of maintenance be relative to the nearby adjacent properties.

G. Mason commented that the information Mr. Langey provided changed some of his thoughts about the proposal. He asked Mr. Scholefield if an easement would make it more difficult for him to sell the property. He also asked if a new owner would maintain the cemetery.

J. Scholefield said he had considered both those issues and tried to evaluate them by imagining himself as a potential buyer. He felt those conditions might impact interest in as well as the value of the property since it was a large parcel. He felt he would be hesitant if he were the buyer. He said that was the reason he sought to separate it from the rest of the property.

G. Mason felt as time went on, if Mr. Scholefield was unable to take care of the property, it would become abandoned. He felt it would become overgrown in 20 – 30 years.

J. Scholefield said it had been mentioned that the property should be maintained similarly to the two (2) adjacent properties, and one currently was an abandoned field with overgrowth. He said the burial plot was in its nature state now, not groomed and being "literally a farm field."

T. Pratt asked if the field extended to the Rathbun Road on the south side of the burial plot.

J. Scholefield answered, "Yes."

J. Langey said the Department of State has a division that deals with burials, the Division of Cemeteries. He asked if Mr. Scholefield had spoken with that agency.

J. Scholefield responded that he had not.

J. Langey advised Mr. Scholefield speak with them, since this was a unique situation, and Mr. Langey was confident that the Division of Cemeteries has dealt with the issue of “backyard burials,” which are family burials, to see what guidance they could provide regarding the issue of maintenance.

J. Scholefield said he could research that.

T. Pratt commented that he was not discarding the easement option yet.

J. Scholefield said he would research that option as well.

T. Pratt said he appreciated Mr. Scholefield getting the survey done for the Board since the last meeting saying it helped him understand the limitations of the property. He hoped Mr. Scholefield would be able to use it in the future.

J. Langey found a telephone number for the Department of State Division of Cemeteries. It was 518-474-6226.

D. Silverman said he also researched cemeteries and found that even some older traditional cemeteries in the State of New York exceed the financial reserves that were established for their perpetual care and are not properly maintained because they could not keep up with inflation. He felt financial reserves could not be established which would last for 200 years and beyond.

J. Anderson stated the (burial) site was in a natural state now and is near a wooded property line so he questioned how much maintenance would be required in the future to maintain the current natural state. He commented that even if trees were to grow on it, that would not greatly change its condition. He felt the greatest restriction was that it be three (3) acres or less based upon the law. According to his research, the funeral home was supposed to have documented the location of the grave as part of its procedures and process.

T. Pratt thought it would be located on the survey at some point.

J. Scholefield thought it would be on the survey he provided, but when he got it, he noticed it was not, so it was penciled in later. He confirmed the formal survey would include it.

J. Scholefield concurred with Mr. Anderson regarding the assessment of the level of maintenance required. He said he has not done any maintenance during the last ten (10) years, so it was “absolutely natural.”

T. Pratt believed the Board was interested in preventing the site from growing “absolutely wild” and that it should be appropriate to the area. He said if at some time in the future there were to be a subdivision with more homes in the area, there should be provision for the grass to be mowed. He said this case was not a matter of a 10-year consideration, but 20 – 200 years in the future.

D. Vredenburgh favored the idea of an easement as well from a maintenance standpoint for the Town. He spoke about the need for the location of the burial plot to be mapped for the future if the site were to be left natural so that its location would always be known.

T. Pratt clarified that Mr. Scholefield would contact the Department of State for the next meeting.

Motion by J. Anderson, seconded by G. Mason, to continue the file and 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.

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*One Remington Cazenovia, LLC - #21-1329 – Major Special Use Permit – 1 Remington Drive,  
(Thomas Pratt) Cazenovia*

Anthony (TJ) DiPeso, Grazi Zazzaro, James Knittel, and Michael Stanczyk were present to represent the file.

T. Pratt said this project was reviewed and approved by the Planning Board so the Zoning Board of Appeals would be reapproving the State Environmental Quality Review assessment previously performed the Planning Board (which was the Lead Agency). He said there were a couple issues that the Madison County Planning Board had raised in their General Municipal Law Recommendation Report (GML) regarding walking accessibility options. He said the sewer capacity was reviewed by the Town of Cazenovia Wastewater Control Facility Operator, Jim Cunningham, and found to be acceptable. He said a traffic study had been performed which showed residents associated with the proposal would have less impact upon traffic than the employees of the previous business had upon traffic. He said site plan discussion by the Planning Board included:

- 1) impervious surface area
- 2) the creation of 28 – 30 proposed units
- 3) the removal of 58 parking spaces along the north side of the building, leaving 80 spaces
- 4) the addition of plantings to be installed and maintained between the facility and the Marquardt facility
- 5) a review of fire safety, and
- 6) discussion regarding lighting and night-sky compliance when lights are replaced.

T. Pratt said the Zoning Board of Appeals (ZBA) in reviewing the Major Special Use Permit must determine if the proposal was appropriate for the zone and if there would be no (negative) environmental impact in addition to the considerations and conditions mentioned.

T. Pratt said a letter was received today from a resident of Cazenovia which he felt was relevant to the situation in Cazenovia regarding the care for senior citizens, and he hoped the Applicants could accommodate those concerns to some extent. The letter suggested providing cover or shelter for senior parking and access to senior units. He was unsure how easy that would be to incorporate, but hoped it would be possible considering the number of senior citizens in the community.

A. DiPeso introduced himself as the developer of the project at One Remington Drive. He said also in attendance was Grazi Zazzaro, Jim Knittel their architect, and Mike Stanczyk their attorney. He said he grew up and graduated from Cazenovia High School and most of his family still resides here so he visits often, loves the Town, has coached boys' varsity soccer, and has many colleagues here. He wanted to do a project in Cazenovia for some time and he felt this building was the right match. He said the building was in great condition and perfectly fitted their use. Their intention was to renovate the building into approximately 25-market rate apartments. Each unit would be larger in size and have views of the newly remodeled courtyard area, with most having direct access to it.

T. Pratt shared his screen to show the drawings submitted.

Viewing Drawing A100 *1 Remington Park Drive Residential Conversion Existing Site Plan* by In Architects dated 12/15/2020, Mr. Knittel said 60 parking spaces will be removed and converted to grass with some screening between it and the Marquardt factory.

T. Pratt asked if that would still leave 80 spots.

J. Knittel explained the facility would still be “over-parked based on the use,” so there would be 82 remaining on the south entrance, eight (8) more spaces proposed in the front of the building – some providing handicap accessibility, and nine (9) spaces along the west side totally 99 parking spaces. Previously there were 150+.

T. Pratt asked about the landscaping buffering the property between the factory and where the parking would be removed.

J. Knittel said the Owners were committed to providing some landscaping in that area, but there was growth in the area now. He said they needed to strategically plant some trees or shrubs, but he felt that needed further study. He proposed for tonight's discussion it would suffice to say the Developers would work with the Town to provide screening.

T. Pratt asked Mr. Cook if that was something with which the Cazenovia Advisory Conservation Commission (CACC) could help.

R. Cook responded that the Board could certainly ask for their advice.

T. Pratt said he would like the CACC to work with Mr. Knittel to determine what that landscaping would be. He said Mr. Knittel had criteria from the Planning Board for the condition and the ZBA criteria would be the same. He asked if Mr. Knittel had any objection to that.

J. Knittel answered that was fine. He repeated there was a fair amount of screening in place in the parking area already, and he said the grade was lower than the factory parking which also had trees and shrubbery. He felt a lot of landscaping was not needed, but the right properly-placed trees and or shrubs was.

M. Stanczyk reiterated that the Developers are committed to do the screening as the consultants' desire and as agreed, but he hoped that could be a condition of the ZBA approval rather than their having to wait for another meeting.

T. Pratt indicated that was his intention as well. He mentioned he thought that he had read that the Planning Board was seeking review of the landscaping in the future, but he was unsure how that would be accomplished.

J. Langey explained that the site plan resolution stated that, "All proposed landscaping shall be placed and depicted upon the final plans," so presumably before Mr. Cook issued a construction permit or certificate of occupancy, those planting plans should be signed off by somebody; the Applicants would not necessarily have to return to both Boards.

T. Pratt thought the CACC should be the ones to sign off and asked Mr. Stanczyk and Mr. DiPeso to keep that in mind.

T. Pratt then asked about lighting, wondering if additional lighting would be added or if existing lighting would be replaced.

A. DiPeso said they would be doing both. He said a condition of the approval was that it be night-sky compliant and stated everything existing was compliant as well.

T. Pratt asked if the fixtures would be changed or if the lamps would be changed.

A. DiPeso said at this time they would be changing the lamps.

T. Pratt assumed they would be using LED lights and asked that the shielding would be considered in addition to the night-sky compliance.

J. Knittel indicated understanding.

T. Pratt asked if the colors of the building were staying the same or being changed.

A. DiPeso answered the colors would remain as they were for now.

Referring to drawing A301 *1 Remington park Drive Residential Conversion Exterior Elevations* by In Architects dated 12/15/2020 T. Pratt spoke about the location of the operable windows shown in the drawing, asking if they would be sliders or awnings.

J. Knittel answered they were looking at awning windows and spoke about their advantages.

T. Pratt asked about precautions with the sharp edges of awning windows.

J. Knittel did not think the windows would open more than four inches, and he did not think the edges would be a safety issue (here).

D. Silverman talked about the need for senior citizen considerations and provisions, especially with regard to covered parking. He said he judges a community on how youth and seniors are treated.

J. Langey said the Board could not demand that the application include covered parking from a legal standpoint. He said the Applicants have not indicated that the proposal was exclusively or partially for senior housing, asking them to correct him if he was mistaken.

A. DiPeso said that was correct.

J. Langey reiterated the application was not specific for senior housing. Although they would not reject applicants who are seniors who would be welcome to lease the units, the ZBA could not require construction of covered parking because that would change the project entirely. He said if the Developers wanted to offer that change, the Board would absolutely encourage them to do so, but he cautioned the Board to be careful in saying what they would support.

D. Silverman clarified that his input was that the community was in need and he pointed out that those needing handicap parking would benefit from covered parking as well. He wondered if the Applicant had given any thought to the provision especially for the wintertime.

A. DiPeso responded that they recognized the need and they had considered the option, but he said with the result of increased construction costs as a result of COVID, it was not feasible to incorporate that into the project at this time. He said that was not to say that the option would be “ruled out” in the future but it was not viable at this stage, and he expressed his knowledge of the need.

T. Pratt asked what accommodations could be made for those needing handicap parking.

A. DiPeso said they were open to suggestions. He said obviously everything would be plowed and shoveled. He was unsure what other apartment complexes in the area do in this situation.

More discussion followed regarding the need.

T. Pratt advised the Applicants give consideration to where senior/handicap units be located and what could be done to accommodate those needs.

R. Cook believed the site was close to the maximum allowed impervious surface percentages already, so to accommodate open-air spaces as well as covered spaces might encroach more. He said regarding the placement of handicap provision, the Building Code would address that issue to a great degree when the project reached that point.

T. Pratt asked about handicap units.

J. Knittel said all the units were Type B units with at least one bathroom being Type A, and a couple units would be “truly accessible.” He said they would obviously have to meet the Code. He thought the letter received today implied internal garage parking similar to a townhouse-type unit which would not be feasible for this project and the space required for that.

D. Silverman commented that he understood the restrictions of budgets and the increased costs of construction. He asked who the current owners of the property were, wondering if the Applicants have already purchased the property.

A. DiPeso said they have not closed on the property at this time.

D. Silverman said the Applicants then have an opportunity not to proceed if they encounter unanticipated obstacles or if the project becomes unfeasible.

A. DiPeso countered that they do not expect the project to be unfeasible, stating they have already been given Planning Board approval and they were meeting their conditions. He said the letter they received this morning caught them “off-guard.” He said neither the Planning Board nor the Madison County Planning Department raised that issue. He repeated they had thought about the matter, but it did not fit into their planning and budget. He said if the Town was to offer a grant for senior housing, they would be more than happy to explore that option and oblige. He said the plan they have submitted was the best they could do to resurrect a vacant building and to get it back on the tax role at this time.

J. Anderson asked if there was any discussion with the Planning Board with respect to affordable housing in general withing the 25-market-rate units.

A. DiPeso did not believe so.

D. Vredenburg believed the elimination of parking and the creation of screening were a “plus.” He felt trying to retrofit garage space in an existing structure would be impractical at this time. He said relative to the letter written by Mr. Smith, there were no complexes in the Town or the Village providing attached garages, but there was one planned near the (Hampton) hotel. He expressed that he had no problem with the proposal.

V. Koch agreed that retrofitting this property to have an internal garage would be cost-prohibitive and would add to the impervious surface issue. He understood Mr. Smith’s position, but he did not think this was the right project to address the issue. He agreed as Mr. DiPeso mentioned that getting the property back on the tax role would be beneficial to everyone, and he assumed that the rental property would be kept to high standards.

G. Mason agreed with Mr. Vredenburg and Mr. Koch. He felt the letter was received too late for consideration for this project, and the Applicants have agreed to the conditions set forth so far, therefore he was in favor of it. He felt the Applicants were operating in good faith.

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
Val Koch	Voted	Yes
Thomas Pratt	Voted	Yes.

Greg Cleghorn said he and his brother who had grown up outside of Cazenovia and now live in Pompey were the current owners of 1 Remington Park Drive. He said they purchased the property in 2018 with the idea of converting the property to lease to commercial tenants. He said he was a licensed real estate broker. He said they never came close to leasing any portion of the building, so he thought converting it to apartments “was the right move.” He felt Mr. DiPeso and his group “have the experience to do the project extremely well.” He hoped the Board would approve the proposal so that the project could move forward.

Hearing no one else wishing to speak, motion by D. Silverman, 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.

J. Langey explained he created a proposed resolution for tonight’s meeting that included a reaffirmation of the SEQR with a Negative Declaration by the Planning Board.

T. Pratt then listed the conditions for consideration from the resolution created:

- 1) The Applicants shall follow the plans they have submitted which would be reviewed and approved
- 2) Final parking location and sizes shall be confirmed by the Code Enforcement Officer
- 3) Appropriate handicap parking shall be supplied
- 4) Refuse and garbage shall be contained in its dumpster which shall be screened and shielded, as shown in the drawings
- 5) Garbage pick-up shall be approximately every two (2) weeks unless needed sooner
- 6) There shall be no outside storage or display of equipment or store items
- 7) Applicants shall comply with all State and Local Fire and Building codes.

T. Pratt asked if the Planning Board issues were woven into the resolution he was reading.

J. Langey affirmed there was a reference to prior Planning Board approval as well.

V. Koch believed garbage pick-up should occur at least weekly.

A. DiPeso stated that was what they were planning to do .

J. Langey said he would note that change.

T. Pratt said the approval of the planting plan for the ZBA would be done by the CACC and the Code Enforcement Officer.

T. Pratt also said the Applicants would have to meet Code concerning handicap accessibility and that would be relative to the designated units.

T. Pratt said the windows were part of the Planning Board resolution in terms of ventilation. He asked Mr. Knittel if the windows would need to provide exits or if the doors were adequate.

J. Knittel indicated the windows would not need to be used as exits.

No other additional conditions were discussed.

Motion by V. Koch, seconded by J. Anderson, to reaffirm the matter a Type I Action and make a Negative Declaration, based upon the Planning Board’s review of the Full Environmental Assessment Form (FEAF), and to approve the major special use permit for an apartment complex as most recently submitted and as approved by the Cazenovia Town Planning Board and with all the additional conditions stated was carried as follows:

David Silverman	Voted	Yes (indicated by a thumb’s up due to technical difficulties which were quickly resolved)
Gary Mason	Voted	Yes
Joe Anderson	Voted	Yes
Val Koch	Voted	Yes
Thomas Pratt	Voted	Yes.

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*2974 West Lake Rd Realty Trust - #21-1344 – Area Variance – 2974 West Lake Road, Cazenovia (Thomas Pratt)*

*2974 West Lake Rd Realty Trust - #21-1344 – Special Use Permit – 2974 West Lake Road, Cazenovia (Thomas Pratt)*

David Miller was present to represent the application.

T. Pratt said an area variance and a special use permit were being sought for an accessory building to be placed in front of the house. The structure would be 784 square feet, measuring 28’ X 28’. It would be approximately 800 feet from the lake.

V. Koch visited the property last week and viewed the proposed location of the structure which would be three-sided, pole barn style, with an open front in which Mr. Miller plans to store boats. He said the location was favorable, though technically in front of the house, because putting it “behind the house

would put it in the lake view.” He said it would not be completely sheltered from the road since one might catch a glimpse of it as one drove by during the wintertime; and the neighboring properties might also, but he believed it would barely be visible based upon the observations of his visit. He said Mr. Miller stated there would be no power going to the structure, so there would be no lighting concerns. He said Mr. Miller plans to paint it the brown color of the house and it would blend well with the landscape. He said there was a knoll that also helps blocks the overall view from the road.

T. Pratt shared his screen displaying the drawing *S-2/2 Miller Residence Site Plan & Details* created by Gavitt Associates as an overlay on the Original Survey created by David Vredenburg.

T. Pratt asked the name of the hue.

D. Miller said it was technically called *Timber Bark*. He further explained his house was made of a prefabricated cement board whereas a smart trim composite material would be used for the accessory structure, so the color would not be identical, but it would be very close. He said it would be material that would not require frequent painting. According the manufacturer it would last for 20 years or a lifetime. His intent was to camouflage the structure into the forest as much as possible.

T. Pratt asked about access to the structure.

D. Miller responded that one would enter from the driveway to the north of the structure. He said wild grasses exist between the driveway and proposed location, and he would plant sturdier grass in the area. He would back the boats into the structure from the driveway. The boats would be taken from the structure in the spring and launched from his dock and then the boats would be put into winter storage within the structure in the fall, so only requiring storage access a couple times a year.

T. Pratt asked about impervious surface percentages.

D. Miller answered that Jocelyn Gavitt, who was in attendance, calculated the pictures and numbers for him. He said in Zone D, 25,000 square feet of coverage would be allowed, and the proposal was for 12,100 square feet which included the driveway which was 7.1%.

T. Pratt asked the total percentage for the entire site.

D. Miller responded that it would be 8.2% overall. He said when he built the house, a couple swales were required near the driveway to catch runoff. He was careful to ensure that runoff from the shed would go into those existing swales and would not flow to the lake.

T. Pratt asked Mr. Cook if the proposal would have Planning Board site plan review.

It would.

D. Silverman thought the proposal was nicely done with plenty of area to accommodate the building.

G. Mason clarified the Board was considering an area variance and a special use permit.

T. Pratt said the area variance was to locate the structure in front of the house. The special use permit was for having an additional accessory building.

R. Cook clarified it would be the second accessory building.

D. Miller explained he has a shed near the house as well.

G. Mason felt the location on the site was well-planned.

J. Anderson agreed it seemed to be a well-planned project. He noticed a grave site on the property and asked about that.

D. Miller explained the grave site was owned by the Town of Cazenovia so an easement was given to the Town from the driveway.

J. Anderson said the project looked good to him.

D. Vredenburg felt the visual impact was mitigated, being barely visible from the road or by the neighbors. He thought the placement was good.

T. Pratt asked about the roof color.

D. Miller thought he would use a shade of gray.

T. Pratt asked if Ms. Gavitt had any comments.

J. Gavitt said she was there in case there were any questions.

Motion by J. Anderson, seconded by V. Koch, 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 comments, motion by V. Koch, 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 asked if water would be run to the structure.

D. Miller said there would not be water.

J. Langey said the SEQR for both applications would be evaluated together as an Unlisted Action with the ZBA being Lead Agency and he led the Board through the review of the Short Environmental Assessment Form (SEAF).

J. Langey clarified the size and asked if the roofline would be guttered.

D. Miller responded the roofline would not be guttered.

J. Langey asked if it would sheet drain.

D. Miller and T. Pratt said it would.

Motion by V. Koch, seconded by J. Anderson, 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 was carried as follows:

David Silverman	Voted	Yes
Gary Mason	Voted	Yes
Jim Wigge	Voted	Yes
Joe Anderson	Voted	Yes
Thomas Pratt	Voted	Yes.

T. Pratt said the first consideration would be for the special use permit, with the Board evaluating its appropriateness to the neighborhood and having no or minimal impact upon the environment.

Motion by V. Koch, seconded by D. Silverman, to approve the special use permit for a second accessory structure as most recently proposed 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 led discussion regarding the criteria for the granting of the area variance for the location being in front of the house. He said in considering if it would be an undesirable change to the neighborhood, the Board found it would not since it would be well-concealed. He said in considering if there would be an alternate solution there were many available locations on the parcel, but this was a relatively good location. He said in evaluating whether this was a substantial variance, he felt it would be quite far forward of the house, but it would be shielded and the site was very deep. He said regarding physical and environmental impacts, the Board did not find that to be an issue. He said the hardship was self-created.

Motion by V. Koch, seconded by J. Anderson, to approve the area variance to place the accessory structure in the front yard as most recently submitted conditioned upon the colors blending with the setting, and there being no lighting or water associated with its use 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 informed Mr. Miller that his next step was with the Planning Board.

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

Donald (Sparky) Christakos was present to represent the file, but was unable to get his video to function.

T. Pratt said the request was for area variances for approximately seven (7) feet of side yard setback and development within the Critical Environmental Area (CEA). He said the Board needed to discuss if Lead Agency consent must be requested from New York State’s Historic Preservation Office (SHPO).

J. Langey explained that a portion of the site and/or a contiguous parcel was on the State Historic Registry which triggered a Type I SEQR. He did not think this would be “a big deal,” but Lead Agency notice would need to be sent SHPO and the Cazenovia Town Planning Board as Involved or Interested Agencies. He noted the GML referral had already been received from Madison County so no further notification needed to be sent to Madison County.

R. Cook said as a point of clarification the historic site was also listed on the National Registry.

D. Christakos indicated his understanding.

Motion by G. Mason, seconded by J. Anderson, to designate the Town of Cazenovia Zoning Board of Appeals as Lead Agency, and to identify:

- 1) New York State Historic Preservation Office;
- 2) Cazenovia Town Planning Board;

as Involved Agencies, or Interested Agencies for this Type I Action and to continue the file and the public hearing was carried as follows:

David Silverman	Voted	Yes
Gary Mason	Voted	Yes
Joe Anderson	Voted	Yes
Jim Wigge	Voted	Yes
Thomas Pratt	Voted	Yes.

T. Pratt indicated once those responses have been given or the 30-day waiting period has expired the Board would delve into the application.

G. Mason said the Board would review the file at the next meeting, but it was his understanding that 7 ½ feet of relief was actually needed.



Motion by V. Koch, seconded by D. Silverman, to adjourn the meeting at 8:59 p.m. was carried as follows:

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

Sue Wightman, Zoning Board of Appeals Secretary – April 27, 2021