

Cazenovia Zoning Board of Appeals

Meeting Minutes

January 22, 2024

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

Members absent:

Others present: John Langey; Chuck Ladd; Edward (Ted) Spencer; Jennifer Milligan; Elizabeth Schaefer; Corbin Milligan; Matthew Schaefer; Jennifer Wong; Sheila Fallon; Robert Ridler

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

Roll was taken.

Motion by L. Gianforte seconded by G. Mason, to approve the December 26, 2023 meeting minutes was carried unanimously.

The next regularly scheduled meeting will be Monday, February 26, 2024.

There will be a work session Tuesday, February 20, 2024.

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

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

T. Pratt asked that the rustling of papers, the clicking of pens, and other background noise be limited for the benefit of the recording.

T. Pratt said regarding public speaking, please come forward, provide one's name and address, present to the Board not the Applicant(s), refrain from asking questions but rather make statements, and refrain from repeating items if they have already been stated once during the time for public comment.

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

No one was present to represent the file.

T. Pratt said he would like to hold this file until the other agenda items, thereby giving Mr. Davis time to arrive.

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

No one was present to represent the file.

T. Pratt said this property is in the Lake Watershed Overlay and the area variance and special use permit being sought are for a 10' X 13' greenhouse which is placed between the residence and the road, which is an additional accessory structure and has already been installed. He said this structure also will require site plan review by the Town Planning Board. The Owner has requested that the Board continue the file until the February meeting.

D. Vredenburgh said most of the Zoning Board of Appeals members had visited the site and had discussed the proposal with Ms. Clarke.

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

There were no comments at this time.

T. Pratt said the public hearing would remain open for the February meeting.

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

*Schmidtka, Audra - #23-1509 – Area Variance – 2026 Rippleton Cross Road, Cazenovia
(Luke Gianforte)*

Edward (Ted) Spencer of MacKenzie Hughes, LLP was present to represent the file.

T. Pratt explained the proposal was in the Rural A (RA) District, and the Owner was seeking an area variance. He said the existing lot was approximately 4.5 acres and the intent was to subdivide the property to reduce the parcel to 2.94 acres with the remaining property on the other side of Lane Road to be merged with Hosmer Property, LLC. He said the area variance was to create a property less than three (3) acres, and the proposal would require Town Planning Board approval for the line change.

T. Spencer said his law firm was at 440 South Warren Street Suite 400 in Syracuse. He represented the Schmidtkas, the Schaefers, and Hosmer Properties, LLC. He said they would be reducing the size of one tax parcel and increasing the size of another. He said the subject property was tax map number 106.-1-48 which was physically divided by Lane Road. He explained all the improvements were on the east side of Lane Road, and the west side of Lane Road was undeveloped and would be joined to the parcel owned by Hosmer Properties, LLC, tax map number 106.-1-43.

T. Spencer said parcel 106.-1-48 would become a 2.94-acre lot, slightly less than the 3-acre requirement that was in place.

M. Palmer asked if the remaining parcel would be incorporated to the adjoining property.

T. Spencer answered, “Yes.” He acknowledged if it were a separate parcel, it would also be a non-conforming lot.

T. Pratt asked if the possibility of making the subject lot a 3-acre lot.

T. Spencer replied they had not. He explained that the properties are owned by members of the same family, and through estate planning and financial planning a couple years ago, it was decided to sell Audra Schmidtka the parcel on the east side of Lane Road. At the time Mr. Spencer was involved, he

realized a subdivision would be necessary to convey just that portion of the property. He said because of timing requirements with financing that Ms. Schmidtka had in place, they decided to close on the complete tax parcel. He went on to explain there was a requirement in the deed, subject to appropriate Town approvals, that Ms. Schmidtka would reconvey the western portion. He explained that was how this situation came about.

M. Palmer asked if the Owner would have to purchase land to have three (3) acres (on the east side of Lane Road).

T. Spencer responded, “Correct.”

M. Palmer asked if the family owns other property on the east side of the road.

T. Spencer replied they did not.

L. Gianforte remarked about Lane Road dividing the property and commented that the lot would only be slightly undersized.

G. Mason thought the proposal was “pretty cut and dry the way it was split.”

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

T. Pratt invited comments at this time.

Jennifer Wong of 4003 Number Nine Road said she did not have a comment for or against the proposal but wanted the record to show that Cazenovia Preservation Foundation (CPF) was interested in the property. She said they would like to connect the South Trail property owned by CPF which is immediately to the south of the western portion of the subject property to Lane Road. She said they are pursuing conversations with the property owners.

Hearing no other comments, motion by L. Gianforte, seconded by D. Vredenburg to close the public hearing was carried unanimously.

T. Pratt then reviewed the standard evaluation of area variances. He noted that regarding a negative change to the neighborhood, this would not be since it was very close to being a 3-acre lot, and with the merging of the property on the other side of Lane Road to a larger parcel owned by Hosmer Property, LLC. He found there would be no physical or environmental impacts. He did not feel the relief granted would be substantial; .02 - .06 acre would only be about 2%. He said the hardship was self-created, but did not feel that was a significant consideration. He asked Mr. Langey about the State Environmental Quality Review (SEQR).

J. Langey then led the Board through the Short Environment Assessment Form (SEAF) and found all impacts to be either small or none.

Motion by L. Gianforte, seconded by D. Vredenburgh, to appoint the Zoning Board of Appeals as Lead Agency for the purposes SEQR, to affirm the matter an Unlisted Action and make a Negative Declaration, based upon the Board’s review of the SEAF and to approve the area variance for the creation of an undersized lot as a result of a line change as most recently submitted and conditioned upon the remainder of the lot on the west side of Lane Road to be merged into the lot owned by Hosmer Properties, LLC was carried as follows:

David Silverman	Voted	Yes
Gary Mason	Voted	Yes
David Vredenburgh	Voted	Yes
Luke Gianforte	Voted	Yes
Thomas Pratt	Voted	Yes.

T. Pratt said the Applicants were now approved to advance to the Town Planning Board to follow-up with the line change process.



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

T. Pratt said he still does not see anyone in attendance to represent this proposal which was located in the Lake Watershed requesting a special use permit for a private 2-horse stable and pasture.

T. Pratt asked if there was anyone in attendance to comment on this proposal.

It was determined there was not.

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



Motion by D. Vredenburgh, seconded by G. Mason, to adjourn the meeting at 7:47 p.m. was carried unanimously.

Sue Wightman, Zoning Board of Appeals Secretary – January 22, 2024.