

Cazenovia Zoning Board of Appeals

Meeting Minutes

February 22, 2021

Members present: Thomas Pratt; David Silverman; Gary Mason; Joseph Anderson;
Val Koch

Members absent:

Others present: Roger Cook; John Langey; Michael Basla; Matthew Vredenburgh; Peter Donohoe; Howard Krumsiek; Virginia Krumsiek; Kyle Machovec; Stephen McRae; Jonathan Stromer-Galley; Jennifer Stromer-Galley; Matthew Kerwin; Kyle Reger; Kristi Andersen; Kate Hill; Pamela Ryan; Thomas Clarke; Rick & Kathy Stoeckel; Sarah Lorr; Robert Ridler; Sarah Auchincloss MD; Benjamin Lorr; Adam Blumenkrantz

T. Pratt called the meeting to order at 7:30 p.m. He stated, “Welcome to the February 22, 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.

Val Koch has now assumed the position of a full member of the Zoning Board of Appeals.

Motion by V. Koch, seconded by J. Anderson, to approve the January 25, 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.

The next regularly scheduled meeting will be Monday, March 22, 2021.

There will be a work session Tuesday, March 16, 2021.

*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 as was Matthew Vredenburg of MDVLA Landscape Architecture.

T. Pratt said the Applicant was looking to revise his previous resolution to be able to have more activities on the site. He shared his screen to display an aerial view with an updated site plan for the Madison County Distillery.

T. Pratt said the Board had requested comments from John Dunkle, the Engineer for the Town, regarding stormwater and parking.

M. Vredenburg said he was asked to verify with Mr. Dunkle that the proposed parking would be sufficient for the proposed uses. Mr. Dunkle suggested the Federal Highway Administration (FHWA) standard for vehicle occupancy be used as a point of comparison. That standard is 1.7 people/car. Based upon the maximum occupancy in the building of 130 people, using the FHWA formula, 75 spaces would be needed. Using the Town's formula, based on areas and usage, 65 spaces would be needed. The proposed number of spaces was 68. He said the comparison showed that they were "in the ballpark."

T. Pratt asked Mr. Dunkle's response.

M. Vredenburg said Mr. Dunkle agreed with the number.

M. Vredenburg said regarding stormwater management, Mr. Dunkle asked him to ensure that all stormwater from the parking lot drain to existing stormwater facilities. He said the grading intent showed that. He said he would add a couple spot elevations outside the western end of the lot to show all the water will drain to the interior and into the drainage way of the existing facility.

Mr. Dunkle also asked that an as-built survey of the stormwater facility be done to verify its capacity. M. Vredenburg said when he designed the facility originally, he included an expanded area to include multiple buildings and multiple parking lots, so it was over-designed for what was originally built. He said it has the capacity for what they would be adding. The as-built survey will verify that, and they will perform that when they can see the ground (when the snow melts). He was confident it would have adequate capacity and he would certify the capacity.

T. Pratt remarked that would be a contingent item if they were to take action tonight.

M. Vredenburg believed that was fair, adding if the capacity was lacking, they would simply expand the southern end of the stormwater facility.

M. Basla expressed understanding and said he was up-to-date on everything Mr. Vredenburg was reporting.

M. Vredenburg said the next item he was asked to address was with Jim Cunningham, the Town of Cazenovia Water Pollution Control Facility Supervisor. He said he spoke with the engineer who designed the system, Wayne Matteson, who spoke with Mr. Cunningham. He said the letter from Mr. Matteson indicated there was a plan in place to handle an event accommodating a maximum of 200 people. He believed events in excess of 200 people would require additional portable toilets. Reading from Mr. Matteson's letter, M. Vredenburg said, "within 24 hours of the start of the event, the ...septic tank that serves the facility's restrooms is pumped out by a licensed waste hauler." He said there was more detail in the letter which he forwarded to the Town.

T. Pratt remarked it sounded like the proposal was approved by Mr. Dunkle and Mr. Cunningham.

M. Vredenburg affirmed that was the case saying a "game-plan" had been developed and was clear about handling events.

M. Basla said he had spoken to Mr. Matteson on multiple occasions and indicated he was informed and in agreement with the plan.

G. Mason asked if he understood that the septic tank would be pumped prior to events and that events having a maximum of 200 people would not require porta johns.

M. Vredenburg affirmed that was true reading, “that the existing wastewater collection and disposal system is capable of handling the wastewater flows from a 200-person event **provided that** within 24 hours of the start of the event, the 1,000-gallon septic tank that serves the facility’s restrooms is pumped out by a licensed waste hauler.”

T. Pratt asked Mr. Cook if there were toilet rooms to accommodate 200 people.

R. Cook answered he did not believe so.

T. Pratt presumed that even though the system might be designed to handle 200 people, the restrooms were not. He felt porta johns might still be required.

M. Basla indicated his compliance.

T. Pratt then reviewed the draft resolution which he stated was subject to change.

Reading from page 6 T. Pratt said the use of pre-recorded amplified music including the porch during tasting room operating hours would have a decibel (dB) limit of 50 dB at the property line. He said with that music there was a reference to a process that will occur which he summarized. (Schedule “A” Noise Control Procedures for Outdoor Amplified Music/Sound at the Madison County Distillery, LLC).

T. Pratt said potential amplified music events would not exceed 18 (per calendar year). They would occur between May 1st – October 31st. All music would terminate and completely conclude not later than 9:30 PM. Before events, the Distillery management would notify the Police Department and the Code Officer at least three (3) days in advance.

T. Pratt read attendance at the event would not exceed 200. He said that number was still open for discussion. The maximum number would be maintained through the sale of advance tickets and by placing a check point on the distillery driveway to collect and control the number of attendees.

T. Pratt continued reading, “All performances and music shall be set up in the field on the west side of the distillery and utilize a 6” high maximum platform. Speakers and amplifiers will be directed east toward the distillery porch on the west side of the building. At least one (1) hour before the commencement of each event, the distillery on-site manager or owner will perform a pre-test with the performing musician(s) to set amplification levels. The on-site manager/owner shall ensure the predetermined levels are at or below the 50dB levels measured at the MCD property lines. Particular attention shall be made at the southeast property line toward South Village.

“The distillery on-site manager/owner shall again measure noise levels at the property lines 60 minutes into an event. If, at that time (and at any time), the noise level exceeds the pre-determined levels, then

immediate contact will be made with the musician(s) or entertainment to reduce the volume and return to the acceptable level. The distillery on-site manager/owner shall make similar measurements throughout the event on an hourly basis and maintain a log with time, locations, dB readings and actions taken, if any. Additionally, throughout the event, the distillery on-site manager and staff shall ensure crowd noise is not excessive i.e. creating a noise disturbance with neighbors.

“If the distillery management receives a complaint during any event, the manager shall take immediate action to validate the complaint by doing an additional measurement test. If the complaint is valid the manager will make an announcement to all attendees and musician(s) or entertainment that one has occurred, and the noise level must be reduced to the pre-determined acceptable level. If a second complaint is received, the manager shall terminate the event.

“The distillery shall place upon its website an available telephone number that will be answered by the on-site manager or staff (voicemail is not acceptable) to allow direct contact for those who are disturbed by the sound levels. Calls will be recorded in the log, along with the time, location, dB recordings, and corrective action taken, if any, including recontacting the complainant to verify compliance.

“In addition to the above, the Town of Cazenovia may utilize the attached “B” (“Physical Measurement Protocols for Sound Levels”),” which he explained describe how those sounds would be measured if the Town were to have to come forward and proceed regarding complaints.

He resumed reading on page 6, “A proposed maximum of 18 outdoor events with live acoustic or amplified music to be permitted from May 1st through August 31st (which events shall occur between the hours of 12:00 p.m. and 9:30 p.m.). Events shall be limited to two (2) per week and no more than one (1) event per day. The Applicant shall keep a written log of all events held on the site, which logs shall be made available to the Town’s Code Enforcement Office upon request.”

J. Langey noticed a discrepancy in the document regarding the end date for events. As Mr. Pratt read it stated the end date would be August 31st but earlier Mr. Pratt read that it would be October 31st.

M. Basla clarified the request was for the end date to be October 31st. He figured three (3) per month would total 18 events.

J. Langey said he would correct the error.

T. Pratt asked if Mr. Basla was amenable to adhering to the criteria read regarding amplified music.

M. Basla said much of the language coincided with what he had created in a draft control document with the addition of a log which he found to be a fair request. He was agreeable to the conditions.

T. Pratt asked if he was comfortable with having a person available to take phone calls in the event complaints were reported to the Distillery.

M. Basla said whenever they are on premise, the phone is answered by a live person. Calls only go to an answering machine if there are no employees on the premises.

T. Pratt elaborated if complaints were received, either Mr. Basla or the acting manager must speak with the complainants.

M. Basla answered, “Yes, sir.” He believed every person that staffs the facility during events must be part of the control mechanism.

D. Silverman asked the distance between the platform and the property line where readings of sound would be taken. He thought the 50 dB reading should be somewhat near the event center because of the size of the property.

T. Pratt believed the reading was to be done at the property line nearest South Village, which he suspected was not near the event center. He presumed any music would be broadcast from the elevated bandstand which was not to exceed six (6) inches in height on the lawn area and not from the porch.

T. Pratt asked if Mr. Vredenburg could provide the dimensions.

M. Vredenburg asked if they were seeking the dimension to the closest property line.

M. Vredenburg displayed an aerial view and calculated the distance to the property line near South Village was approximately 500 feet and the distance to the nearest property line was approximately 200 feet.

D. Silverman wanted to be sure that was captured in the resolution.

T. Pratt said the sound was not to exceed 50 dB at any property line.

M. Basla asked how many points he would be expected to check. He thought he would be checking at the point where the neighbors potentially would be most affected.

T. Pratt asked the Board their thoughts.

After further discussion, M. Basla said he would check the readings at the property line nearest the apartments toward Aldi’s as well as the property line near South Village before an event, but he would concentrate his efforts at the South Village property line during events.

T. Pratt felt that was wise saying if complaints arise from the Aldi’s area, more readings would need to be done there as well.

M. Vredenburg said those apartments would be 450 feet from the bandstand.

V. Koch believed the Board should be specific in their expectations regarding the music in an attempt to stave off potential complaints.

J. Langey said there were some fail safes in the resolution as well. The Town would be able to measure sound from anywhere on the property where complaints arise. He agreed the Applicant should focus on those points on the property where the sound emanates and the residential uses in the area.

T. Pratt then asked the Board their feelings about allowing 18 events.

The Board felt that number was reasonable.

T. Pratt asked about the decibel level at the property line.

The Board expressed satisfaction with that limit. J. Anderson asked if in the future, due to the level of road noise, if Mr. Basla could request a higher level.

T. Pratt felt that would not be the case since the goal was to protect the neighbors from excessive noise.

T. Pratt said this would be renewed annually however, so Mr. Basla could ask during future reviews.

T. Pratt said the next topic was modification or expansion of the existing driveway and parking area from that which was previously approved to accommodate events. He said the proposal was to expand the parking that was there, cut into the hill to the south, and create permanent parking for 68 spaces, and then supplemental/overflow parking would be created as well. He asked how many overflow spaces there would be.

M. Vredenburg said he designed 40, but he could have as many as the Board felt was necessary.

T. Pratt thought 40 was sufficient. He presumed overflow parking would be for events, not for day-to-day operations.

M. Basla agreed that was a fair statement.

T. Pratt asked Mr. Vredenburg to discuss the associated lighting.

M. Vredenburg said a plan was submitted at the last meeting providing certain light levels and the Board asked if it would be sufficient. In response he talked to the lighting consultant who provided an increased plan, but as the consultant stated, both plans were good, quality jobs due to uniformity. He said uniformity was more important than light levels because hotspots and glare are more disruptive to visual acuity than lower light levels. Mr. Vredenburg pointed out that for the increased foot candle levels the polls would need to be 16 feet rather than the initial height of 12 feet. He thought this might make them more visible from a distance; they would not cast light beyond the parking area, but they would be more noticeable from a distance. He was unsure which plan the Board favored. He said either would provide adequate and even lighting.

T. Pratt asked about a lighting plan for the overflow parking.

M. Basla said he had been asked to investigate solar lighting for the pathway, but he was thinking having staff light the way with flashlights would be better.

T. Pratt talked about safety issues for people during the months when daylight does not last into the evening. He encouraged Mr. Basla to continue investigating temporary lighting options. He suggested

using lights on poles with a separate circuit that would only be lit when needed for the safety and security of patrons.

V. Koch agreed.

T. Pratt said a condition would be for low-level lighting.

M. Basla said he was comfortable supplying provisional lighting.

D. Silverman said that was in keeping with good business sense and expressed confidence in Mr. Basla.

J. Anderson & G. Mason were agreeable with the condition as well.

T. Pratt continued saying additional outdoor usage would include tables, chairs, fire pit, game area, and the platform. He said the platform would be 192 square feet, 12' X 16', directed toward the main distillery building. The platform would be no more than 6" above the adjacent site grade to create a level surface. He asked if that was what Mr. Basla had in mind.

M. Basla affirmed it was.

T. Pratt continued saying there would be the addition of usable square footage for the second floor of the existing building to consist of tables and chairs and to act as additional tasting area and small group area.

T. Pratt said there would be additional outdoor dark-sky compliant lighting in the parking lot, and he asked Mr. Vredenburgh if all the lighting would be dark-sky compliant and shielded.

M. Vredenburgh responded that was correct.

T. Pratt said additional food offerings and preparation to be served onsite, secondary and accessory to the Distillery operation and not as a restaurant. He said that seemed acceptable and reasonable to the Board.

T. Pratt said regarding the proposed allowance of a single mobile food service vehicle/truck (food truck) to be owned or operated by an outside vendor, how often would that occur.

M. Basla thought that would be good to have during large events, but he did not anticipate having that routinely. He has been asked by customers to have a food truck because they like a particular vendor, but he did not anticipate that happening more than a dozen times a year.

T. Pratt asked if they could dictate that to be only during events or if that did not provide the latitude Mr. Basla would like.

M. Basla asked how they would define an event wanting to fulfill requests for food trucks if asked to provide them.

V. Koch asked if the number of times food trucks would be allowed could coincide with the number of allowable events, 18 times.

M. Basla thought that was very fair and thanked him.

T. Pratt clarified that would be 18 times during the summer.

T. Pratt said additional trash receptacles would be situated on the Property and to be appropriately screened in order to minimize litter and visual impacts and he added that the Distillery staff would maintain a clean site at all times.

T. Pratt said they discussed allowances for overflow parking.

T. Pratt said regarding Distillery Operations, the revised hours of operation would include deliveries seven (7) days a week between the hours of 8:00AM – 5:00 PM. Production would be 24 hours per day. He said he has not heard any mention of odors, but asked the Applicant to be sensitive to that during production. The Tasting Room would operate from 10:00AM – 10:00PM Monday – Sunday. He said no outside storage would be permitted.

T. Pratt said stormwater would be a contingent approval based upon the final as-built being provided to Mr. Cook.

T. Pratt said all site lighting would be fully extinguished no later than one (1) hour after closing time.

M. Basla said it was currently on a timer that extinguishes the lights at 11:00 PM.

T. Pratt repeated trash was to be controlled and the site cleaned throughout the business day and that the Applicant shall obtain correspondence from the Town of Cazenovia Water Pollution Control Facility demonstrating sufficiency.

Returning to the topic of 18 events per year, he said the Applicant may make a special request 45 days in advance for an additional event not previously scheduled. The Board would then address the request at a meeting.

The next item for discussion was maximum occupancy.

G. Mason thought 200 patrons would be ample, saying he was hesitant to approve more. He asked if approval was granted would the number of patrons be allowed to exceed the 127 currently allowed inside based upon the size of the building. He asked if Mr. Basla would be allowed 200 people at any time.

T. Pratt was under the impression that the building limitations still preside unless there was a special event.

G. Mason said he was merely asking for clarification.

J. Langey said that was an issue that was virtually impossible to enforce. He said the Board was to set the parameters for an organized event, but the arrival of patrons at their own will was uncontrollable. He said the interior of the building has its own occupancy limits which would be a code issue.

G. Mason asked if that necessitated porta potties all the time.

J. Langey said that was not required at other establishments such as the restaurants in the Village.

Using the 50% capacity allowed during the current COVID pandemic as an example, M. Basla said they have had to turn customers away. He felt that would be a similar situation if an unexpected crowd were to arrive, a tour bus for example. He said there would be the element of practicality involved because they would not necessarily be prepared for a large number of unexpected patrons. He did not anticipate the regular need for having porta potties on site, but only during event-driven expectations. He said unexpected numbers of patrons might necessitate a waiting list for service.

G. Mason just wondered if occupancy would change now that patrons were allowed on the grounds in addition to the building.

R. Cook explained as a regulator, there is an occupancy maximum for the interior of the building. He said the Building Code does not address the outside because they would not need to pass through the building to exit the site in the event of an emergency. He explained that Mr. Basla's occupancy and bathroom facilities remain approximately 130 on any given day, and when events are scheduled, he is to provide porta potties for the additional customers. He said from an enforcement standpoint, the only time he would be alerted to occupancy being exceeded would be if someone notified him, just as it is for any local restaurant.

The Board expressed their satisfaction with the maximum number of event attendees being 200 guests.

T. Pratt said the Distillery would keep accurate records of the number of total guests and would make those records available to the Town upon request. When any event would exceed 130 guests, the Applicant would employ sufficient porta potties to ensure proper waste disposal.

T. Pratt summarized other items previously discussed were amplified music, outside usage, lighting, and noise levels. He said compliance with all prior conditions of the Town Planning Board's Site Plan and Amended Site Plan Approvals not otherwise amended would need to be adhered to. He explained anything that will not be modified by the Special Use Permit would remain in effect.

T. Pratt said regarding the annual Special Use Permit review, the Town of Cazenovia Code Enforcement Officer would submit a written report to the Zoning Board of Appeals (ZBA) for consideration of the continuation of the Special Use Permit. He explained that each year a notification will be sent to Mr. Basla who would then indicate that he wishes to continue then Mr. Cook would inspect. The Board would then ask Mr. Cook about complaints and issues which would then be addressed if need be.

M. Basla nodded in understanding. He commented that the process has been very thorough. He expressed appreciation for those involved and said he has learned a lot. He was happy to see his own words from his draft control document used in the resolution.

J. Langey said the Board would need to complete Part 2 and Part 3 of the Full Environmental Assessment Form (FEAF).

T. Pratt thought they would want to hear any comments before moving to that discussion. He invited comments at this time. There were none.

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

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

J. Langey reminded the Board this was made a Type I Action a number of months ago; they identified the Involved and Interested Agencies and sent the required notices at that time. Sufficient time has elapsed and the Zoning Board of Appeals (ZBA) was indeed the Lead Agency for considering the potential environmental impacts of this project according to the application. He said review of Part 2 was an exercise in which the Board examines the question to determine whether there would be a potential impact given the subject matter of the question. If it was believed to be an impact, they would then classify it as a small impact, a moderate impact, or a large impact. He said the Board should be looking for a significant environmental impacts not otherwise being mitigated by a modification or condition.

J. Langey then guided the Board through the questions listed in Part 2 of the FEAF to complete the State Environmental Quality Review (SEQR) for this Type I Action. Of the eighteen potential environmental impacts, only the Impact on Land (#1) and Noise, Odor and Light (#15) were found to have small impacts with the modifications and conditions imposed upon the project. The Impact on Historic and Archeological Resources (#10) was the item triggering the FEAF, and it was noted SHPO had no concerns other than the need to maintain the trees in the tree line. It was found that there would be no impacts upon the other 15 items.

J. Langey said he would fine tune the findings from this review and incorporate it with the Negative Declaration into the resolution.

T. Pratt said an approval would need to include the conditions previously discussed this evening, and the Board should decide if the proposal would be appropriate, if there would be any environmental concerns, and if it would be consistent with the land use.

Motion by J. Anderson, seconded by G. Mason, to affirm the matter a Type I Action and to make a Negative Declaration, based upon the Board’s review of Part 2 of the FEAF and to approve the special use permit with the conditions outlined previously and as most recently submitted was carried as follows:

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

*Donohoe, Peter - #20-1322 – Area Variances – 4895 East Lake Road, Cazenovia
(Val Koch)*

Matt Vredenburg was present to represent the file for Peter Donohoe who was also in attendance.

T. Pratt said the area variances being sought were for the construction of a new house on the lake.

M. Vredenburg said the original plan had been updated to reflect the comments made at the last meeting. At the following work sessions some additional comments were made regarding side yard setbacks, so he revised the plan again today. He shared his screen to display *Drawing L-201 Donohoe Residence Site Plan – Town of Cazenovia Permitting* dated February 22, 2021.

M. Vredenburg said last month they showed the plan being built in the existing footprint, which was “right on top of the water.” The Board recommended the house be built further from the lake benefitting the quality of the water as well as users of the lake.

T. Pratt asked Mr. Vredenburg to show the original proposed location.

M. Vredenburg displayed that plan which showed construction to be about 1 ½ feet from the lake. The house would now be positioned 36 feet east. He explained the reason they did not propose to move it farther from the lake was because there is a stream to the east and the new septic field would need to be

located between the stream and the house. He said they also did not want to encroach too closely to a 52-inch caliper oak tree to the south. Initially they proposed to build closer to the north property line which was angled, but based upon previous Board comments they now propose to keep the same distance from that line as now exists which is 18 ½ feet.

M. Vredenburgh then explained the impervious surface amounts in each zone. Zone A was 0 – 20 feet from the lake; Zone B was 20 – 100 feet from the lake; Zone C was 100 – 500 feet from the lake. He explained 5% impervious area was allowed in Zone A; 10% impervious was allowed in Zone B; 15% impervious was allowed in Zone C. Currently there is 35% in Zone A with the house located so closely to shore. Moving the house 36 feet away would result in about 5% in Zone A, which he said the Planning Board typically likes to see, was an improvement in the Critical Environmental Area (CEA). He said this however, would result in far greater percentages in Zone B, with almost no change in Zone C. He said there would not be a significant change in the overall impervious surface coverage from what exists.

T. Pratt asked the overall percentage.

M. Vredenburgh said he was still working on some of the details, saying there was a proposed deck over a patio, but he estimated there would be 15% - 16% over what was allowed.

T. Pratt asked if he could keep the amount equal to what now exists.

M. Vredenburgh conceded.

T. Pratt asked about elevations.

M. Vredenburgh said he did have the updated elevations from the architect.

T. Pratt said the Board had asked to have more shoreline available so that the *Cazenovia Lakefront Development Guidelines* could be implemented to “dress up the parameter edge” “creating a filter for any water or runoff.” He felt the change was “all positive.”

V. Koch commented that he felt the Owner and Mr. Vredenburgh had done a great job compromising to meet the Board’s recommendations and improving the site overall.

G. Mason agreed.

D. Silverman indicated agreement.

J. Anderson said he was fine with the proposed solution feeling it was an improvement.

T. Pratt asked Mr. Vredenburgh how the elevation facing the lake would look. He asked if it would be 35 feet high and if it would be well-shielded, noting proposed greenery.

M. Vredenburgh said the vegetation would shield the view to some degree. He thought a tree or two that had been proposed for removal for the construction of the new house on the previous plan could be

kept using the new proposal. He said there were a couple of trees beneath the foundation of the existing house which he was unsure could be saved. He said the last time he spoke with the architect, the height of the house was 33 – 34 feet. He said the northside of the house was not a walk-out condition and would be green. He said it was a 12-foot bank which would all be green.

T. Pratt asked if it would be above the flood plain.

M. Vredenburgh said the water elevation was 96.2 and the basement would be 98 and could be raised 2/10 - 3/10 feet to make it two (2) feet above the water elevation.

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

David Silverman	Voted	Abstained (having technical difficulty)
Gary Mason	Voted	Yes
Joe Anderson	Voted	Yes
Val Koch	Voted	Yes
Thomas Pratt	Voted	Yes.

T. Pratt invited comments at this time.

Hearing none, 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.

J. Langey lead the Board through the SEAF.

J. Langey asked the nature and extent of the variances being sought for the present plan.

T. Pratt said he believes two variances were being requested, one for side yard setback and one for construction within 100 feet of the lake.

M. Vredenburg clarified the amount of side yard setback relief being sought was 6 ½ feet.

T. Pratt reviewed the criteria for an area variance evaluation. In answering if the proposal creates an undesirable change to the neighborhood, he felt it was improving the condition. In answering if there was an alternate solution, he said this was the alternate solution, and he felt it was a good one. In answering if the request was substantial, he felt it was but repeated it was better overall than the existing situation with its being farther from the lake and no closer to the side yard. He said it was substantial in character but not substantial in its affect. In answering if it would have physical and environmental impacts, he said it would improve the lake protection and it would provide filtering, which he considered to be advantageous. In answering if the hardship was self-created, he said it was. He said the Board could consider there were four (4) out of five (5) positives.

T. Pratt said this would be reviewed by the Planning Board. He felt the Planning Board should be understanding regarding the impervious surface situation considering it results in the betterment of the lake. He asked that Mr. Langey capture that observation in the resolution.

J. Langey affirmed he 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, and to approve an area variance for 6’6” of north side yard setback relief and an area variance for construction within 100’ of the lake with the condition that the Cazenovia Town Planning Board be understanding regarding the impervious surface situation, which would not be increasing, and considering that the proposal results in the betterment of the lake was carried as follows:

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

Krumsiek, Howard & Virginia - #20-1325 – Special Use Permit – 4023 Rippleton Road, Cazenovia (Joe Anderson)

Howard & Virginia Krumsiek were present to represent the file.

T. Pratt explained the special use permit was being sought to build an additional 20' X 60' accessory building. He said the Board needs to address Lead Agency, but he had some questions for Mr. Krumsiek.

T. Pratt asked about lighting for the structure.

H. Krumsiek answered that the lighting for the two (2) open sections would be in the trusses. He said there would be no intrusive lighting. He stated there would be lighting over the doors on the 20' X 20' garage portion which would be the most northern section, explaining there were three (3) sections of the building. The lighting over the doorways on the garage section would be downward hanging lights.

T. Pratt said those two (2) lights would need to be dark-sky compliant and shielded. He asked if water would be run to the building and if there would be waste.

H. Krumsiek said there would be no water and no waste.

T. Pratt said part of the parcel was in the lake watershed and that would need to be noted on the site plan.

H. Krumsiek said he was unsure where that overlay was, assuming it was on the northern corner of property. He said the project would be located in the southerly third of the lot. He said the overlay was not shown on any of his maps.

T. Pratt recommended Mr. Krumsiek investigate that.

Motion by D. Silverman, 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.

Matthew Kerwin of Barclay Damon Law Firm which represents Meiers Creek Brewing Company next door to the proposal wanted the Board to know they have no objections to the application as proposed. They said it would allow gatherings and small events, it would be consistent with the character in the surrounding area, and they were supportive of the project.

J. Langey explained this was a Type I Action in terms of SEQR due to its proximity to an historic site. He said the Involved/Interested Agencies would be the Village of Cazenovia, the Town Planning Board, State Department of Transportation (DOT), The State Historic Preservation Office (SHPO), and they would seek a referral from Madison County Planning Department.

T. Pratt asked about an archeological study, wondering if that would be an item from SHPO.

J. Langey affirmed that would be recommended by SHPO if it was felt to be needed.

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

- 1) The Village of Cazenovia;
- 2) The Cazenovia Town Planning Board;
- 3) The New York State Department of Transportation;
- 4) The State Historic Preservation Office; and
- 5) The Madison County Planning Department

as Involved Agencies, or Interested Agencies for this Type I Action was carried as follows:

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

T. Pratt said the agencies will have 30 days to respond to the request for Lead Agency which will be slightly past the next scheduled meeting date. He advised the Applicants to “keep in touch” (regarding those responses).

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

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

T. Pratt said they would either see the Krumsieks at the next meeting or the following while they wait for the 30-day response timeframe.

J. Anderson referred to a letter received by a neighboring property owner asking what the use of the new structure would be.

T. Pratt asked Mr. Krumsiek what he would be doing with the new building.

H. Krumsiek said it would be used strictly for the family and onsite guests. He stated he intends to have no events nor would he have any.

T. Pratt said the Board can ask for more details at the next meeting.

*Machovec, Kyle & Sonia - #21-1331 – Special Use Permit – 3028 East Road, Cazenovia
(Gary Mason)*

Kyle Machovec was present to represent.

T. Pratt explained the Applicant was seeking a special use permit for a 12' X 12' shed as a second accessory building.

G. Mason explained the dimension of the drawing showing the placement of the shed to be 20 feet from a line was actually 20 feet from the build line of the lot, not the actual property line, so after further review with Mr. Cook, he said the location was not an issue; only the special use permit was needed; no area variance would be required. He said unless someone had a better idea regarding the placement, he felt the proposed location was sensible.

T. Pratt asked if the 20 feet was in addition to the 25 feet required.

G. Mason and R. Cook explained the build line for the house on the lot was required to be 150 feet from East Road, and the shed was behind the house an additional 20 from that 150 feet.

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

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

T. Pratt invited comment at this time.

Hearing none, motion by D. Silverman, seconded by G. Mason, to close the public hearing was carried as follows:

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

J. Langey lead the Board through the SEAF.

T. Pratt asked Mr. Machovec if he had any comments.

K. Machovec responded that he did not.

T. Pratt reminded the Board to consider if this proposal was appropriate to the neighborhood and zoning, if there were any environmental concerns, and if this would be consistent with the land use.

Motion by G. Mason, seconded by D. Silverman, to appoint the Zoning Board of Appeals as Lead Agency for the purposes of the SEQR, to affirm the matter an Unlisted Action and make a Negative Declaration, based upon the Board’s review of the SEAF, and to approve the special use permit for an additional accessory structure as most recently submitted was carried as follows:

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

Stromer-Galley, Jonathan & Jennifer - #21-1334 – Area Variance – 3899 Burlingame Road, Cazenovia
Stromer-Galley, Jonathan & Jennifer - #21-1335 – Special Use Permit – 3899 Burlingame Road
(Val Koch)

Jonathan & Jennifer Stromer-Galley were present to represent, as was Stephen McRae of Stephen L McRae Construction, Inc.

T. Pratt explained the Applicants were seeking a special use permit and an area variance for a private stable.

V. Koch said he had a conversation with Mr. McRae and then visited the property. He noted the area was very hilly which was the reason an area variance was being sought. He felt the proximity to the house was consistent (with other properties in the area) and that moving the barn farther from the property line would be a hardship.

T. Pratt explained the 150-foot setback was designed to minimize potential odors at the property line. He asked if the Applicants had any comments regarding that.

V. Koch said he would let them discuss that, but in his opinion the buffer (to the neighboring homeowner) was sufficient.

S. McRae said the property was large, but hilly so the proposed location was ideal. On the application he had shown it to be 105 feet from the property line, but it was actually 112 feet, so the amount of relief

needed was 38 feet. Manure storage would be farther from the property line, the edge of the barn would be 112 feet. Pastureland would be farther from the property line as well.

T. Pratt asked if the manure would be stored 150 feet from the property line.

S. McRae responded, “Absolutely, most likely more.”

T. Pratt asked how often waste would be removed from the area.

Jon Stromer-Galley affirmed manure storage would be farther than 150 feet from the property line. He expected they would remove waste daily or semi-daily.

T. Pratt wondered if there would be run-off issues, for example into a stream, in the event of rain.

S. McRae said that manure would be located at the bottom of a hill where it was relatively flat and it would be spread into a nearby pasture, which was a couple acres, so he felt there would be no issue.

T. Pratt asked if noise would be an issue if the horses were to be uneasy.

S. McRae answered the barn would hold two (2) horses for the “foreseeable future” and the stables would be on the side inset whereas the tack room and storage would be on the other side, the barn having a total of five (5) stables, so the building will offer some buffer.

V. Koch added this would be very consistent with much of the neighborhood where many (people) have horses.

T. Pratt asked about pesticide use.

S. McRae stated there would be no pesticide use.

T. Pratt asked about retail.

S. McRae affirmed there would be no retail.

T. Pratt said regarding any (outside) lighting, it would have to be dark-sky compliant and downward facing.

S. McRae said they were still in the design-phase, based upon whether they would be approved, so that would be fine.

T. Pratt added that the lighting should not be excessive.

T. Pratt noted impervious surface area was within acceptable limits.

T. Pratt asked about there being five (5) stalls but only two (2) horses.

Jon Stromer-Galley said they would have no more than two (2) horses initially, but the barn would be designed for more in case they wanted more horses in the future. He said the amount of fenced field would exceed the Town’s requirement as would be the square footage of the barn.

T. Pratt asked if Mr. Cook saw any issues.

R. Cook answered that he did not. He said he was aware of the potential intent, and the requirements were communicated to the Applicants.

J. Langey asked for better understanding regarding the manure storage. He asked if the manure would be stored in a particular location and the spread across the pasturelands.

Jon Stromer-Galley said that was correct; they would have a concrete containment area west of the proposed location of the barn and down the hill, adjacent to the field, and they would spread manure across 25 acres.

Motion by V. Koch, seconded by J. Anderson, 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.

T. Pratt invited comment at this time.

Hearing none, motion by V. Koch, seconded by G. Mason, to close the public hearing was carried as follows:

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

T. Pratt asked Mr. Koch if the Board had received any letters in favor or opposed to the proposal.

V. Koch said as of this noon there had been none.

J. Langey led the Board through the SEAF.

T. Pratt said there were two (2) items to vote on, one being the special use permit for the stable considering if it would be appropriate to the neighborhood, if there would be environmental concerns, and whether it would be consistent with the land use.

T. Pratt said the second item was the area variance (for the construction of the barn). Reviewing those criteria and whether it would create an undesirable change to the neighborhood, he said it would be similar to other facilities. He said in considering if there was an alternate solution, it could be built down the hill, but the grade steepens and would create greater issues. After some discussion it was determined the amount of relief would be 38 feet of the 150 feet required, so it was somewhat substantial. Regarding physical and environmental impacts, he did not feel there would be issues. It was a self-created hardship.

Motion by D. Silverman, 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, and to approve the special use permit for a private stable as most recently submitted was carried as follows:

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

Motion by V. Koch, seconded by D. Silverman, to approve the area variance for 38 feet of north side yard setback relief for the construction of the barn as most recently submitted and conditioned upon manure storage being 150 feet from that property line, there would be no pesticide use, there would be no retail component for the stable, outside lighting would be dark-sky compliant, and related stable noise would be controlled was carried as follows:

Town of Cazenovia Zoning Board of Appeals - Meeting Minutes – February 22, 2021

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

Motion by G. Mason, seconded by D. Silverman, to adjourn the meeting at 9:36 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 – February 23, 2021