

Cazenovia Zoning Board of Appeals

Meeting Minutes

October 26, 2020

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

Members absent:

Others present: Roger Cook; John Langey; Michael Basla; Chad Dorrance; Rebecca Sernett; Tim Williams; Karin Bump; David Vredenburg; Jennifer Wong; Larry Tully; Barbara Clarke

T. Pratt called the meeting to order at 7:30 p.m. He stated, “Welcome to the October 26, 2020 Meeting of the Town of Cazenovia Zoning Board of Appeals, which has been legally noticed in the Cazenovia Republican, on the Town Website and outside the Town Offices. This meeting is a virtual meeting as authorized by New York Executive Order 202.1. This meeting is being recorded and will be made available on the Town’s website. Please note: The output of transcribing from an audio/video recording from Zoom, will be fairly accurate, although in some cases will be incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting. If you should need clarification for something said, please contact the Zoning Board of Appeals Secretary. Attendance will be taken, and votes will be conducted by roll call. When possible, the Board members and applicants are asked to state their name each time they speak for audio recording purposes. The public may be participating. When public speaking is allowed, speakers are asked to please state their name and address for the audio recording every time they speak. Please provide statements, please do not ask questions, and please address the Board, not the applicant. Please do not repeat the same ideas if they have been stated once. In an attempt to maintain orderly discussion, participants may be muted until it is their turn to speak and they will need to use the raised hand symbol to be recognized. Other than times allowing for public comment, the public is asked to remain silent during the proceedings.”

Roll was then taken.

Motion by J. Wigge, seconded by J. Anderson, to approve the September 28, 2020 meeting minutes was carried as follows:

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

(The next regularly scheduled meeting will be Monday, November 23, 2020.)

Padgett, William - #00-162 – Special Use Permit Renewal – 2514 Damon Road, New Woodstock

T. Pratt said this was a special use permit for an art studio which Mr. Padgett has had since 2000. He asked Mr. Cook if there had been any complaints and what Mr. Cook had found during his inspection.

R. Cook said there had been no complaints or changes.

Motion by D. Silverman, 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 |
| Jim Wigge | Voted | Yes |
| Joe Anderson | Voted | Yes |

M. Basla expressed his concern that there might be another month's delay.

T. Pratt informed Mr. Basla there probably would be another month's delay. He said it was his understanding that Mr. Basla would like approval for all aspects of his proposal at this time, but before the Board could grant an approval, the Board has expressed the need for an event so they could determine the impact of sound on the associated neighborhood. He elaborated about the need for that part of the process.

M. Basla expressed his belief that scheduling an event this time of year would not be practical, saying his proposal would be for outdoor events during the nicer months of the year. He went on to say he intended to direct the sound away from any populated area, to create a barrier around the sound so it could be directional, and to have hours that would not be obtrusive to community life. He added he would be willing to restrict his events to be weekends and holidays only. He said he wanted to be a good neighbor and he has been a good neighbor. He did not believe he was asking for anything that had not already been approved. He acknowledged many letters of concern from one particular area had been received by the Board but said he had resisted soliciting letters to the contrary, saying he had verbal conversations with many who believed his endeavor would be a wonderful addition to the community and to their experience at the Distillery.

T. Pratt conceded that may be the case, but he repeated the need for the Board to experience the sound impacts before rendering a decision. He explained the same process has been used by the Planning Board in the past to successfully understand the impacts to make informed decisions. He also explained the need for the Board to consider the full proposal in its entirety rather than segmenting pieces of the proposal for separate consideration.

M. Basla repeated he did not intend to conduct an event in this weather. He explained his hesitation in requesting a part of his proposal now and reapplying for other aspects in the future saying the cost and procedure of reapplying made the option undesirable. He said it was unfortunate that the Board could not move forward with any part of the request, and he felt it was punitive. He said the food issue was that the food stipulated in September of 2018 when the resolution was issued was no longer the standard required by the Governor of New York State in October of 2020. He said there were other items in the proposal he would hope the Board could address as well. He said he did not want to be "out of line." He said he understood the process, but he was asking for "reasonableness and fairness during the process."

T. Pratt said the food issue was originally to be reviewed by the Planning Board in the event of any modification and asked Mr. Langey how the Zoning Board of Appeals (ZBA) should address the issue, wondering if this Board needed to take action or if that would be an issue for Mr. Cook, the Codes Enforcement Officer, to address. He understood Mr. Basla was not trying to establish a restaurant, but Mr. Basla was endeavoring to meet the (updated food) requirements to serve alcohol.

J. Langey said "nice" food has been added and presumably have been approved by the New York State Department of Health (DOH). He said Mr. Basla was trying to bring his application in line with what

has been the reality of the practices. He did not believe there had been any complaints about the expanded menu. He said formalizing the expanded menu could be addressed as part of the special use permit process by the Cazenovia Town Zoning Board of Appeals (ZBA).

M. Basla said in order to be in compliance, the food should be able to be eaten with hands rather than utensils, although forks are provided upon request, and food is sharable. He said the Distillery does not have a full kitchen with an open flame and ventilation, but there is a convection oven and a couple of hot plates.

T. Pratt wondered if there was a way to allow Mr. Basla to comply with the standard before the Board could formalize the change (in a new resolution). He said the rest of the proposal needed to be subject to review, but the food issue might not.

J. Langey believed the items being served would be considered to be in compliance with the Governor of New York's standards.

There was more discussion regarding the food on the current menu.

J. Langey said if the Applicant was wishing to expand the offerings to a full menu, he did not have sufficient information.

M. Basla assured Mr. Langey he was not proposing that. He said they have been serving the same menu items since the tasting room opened, not to conflict with the approval they were given but because the laws changed when they were in the construction phase. He repeated that regulations have changed and he was trying to bring the resolution in line with the current situation.

M. Basla said another item in the previous resolution stipulated that deliveries would be received from 8:00 A.M – 11:00 A.M. He said that was unreasonable since he could not control the deliveryman's schedule. He also did not think afternoon deliveries would impact anyone.

M. Basla said the original resolution also restricted production hours. He explained that once one starts producing spirits, there are multiple steps that need to be followed and one has to be in attendance during that process. He said one would not leave this potentially dangerous equipment unattended. He said production does not occur when they host guests because they would not want guests present while they are producing.

He said he is trying to bring these items in the resolution up to date. He wanted the Board to understand that he wanted to be in compliance.

T. Pratt said that was reasonable, as was addressing the whole proposal at one time. He said he had not read through all the information recently submitted, nor has the Board, and Mr. Langey was still working on the ownership piece, so it was going to be necessary that the proposal be discussed in November. He advised Mr. Basla to submit any new information before the November date so that the Board would not be further delayed in the future. He said the main outstanding issue was the music

piece of the proposal and he reemphasized the need for the Board to hear the music before making a determination for the entire proposal. He related how another applicant hired a DJ and had the Planning Board visit their site to experience the amplification at various points on the property and from neighboring properties. He said it will be November and he understood not wanting to plan an event on a rainy, cold day, but depending upon the urgency of the endeavor, either that would have to be done, or the music proposal would have to be addressed as a separate application.

M. Basla asked for clarification that no other documentation was outstanding other than what Mr. Langey required.

T. Pratt affirmed the Board needed to review what has already been submitted.

J. Langey interjected that looking at the upcoming weather predictions for the following week, it appeared there might be a stretch of sunny days reaching into the 50's. He acknowledged that the weather could change, but if Mr. Basla could assemble an event and if the Board could attend, perhaps the opportunity to accomplish the sound experiment could take place before the next meeting.

T. Pratt asked the Board's availability.

J. Anderson said the sound seemed to be a significant issue and he thought this would be the ideal time to make a judgment about it. He asked why Mr. Basla was not willing to do "something like this between now and the November meeting."

M. Basla responded that he would never intend to have live music between the November through April or May timeframe, so doing it now would not be when an event would occur. Also, as part of his proposal he had thought he might try to build a small enclosure that would serve as a protective boundary directing the music toward the porch of the Distillery to further mute the music. If that would not require any additional approval from the Board, he would not have sufficient time to have that built next week. He said if the Board wanted him to hire a DJ to test amplified music however, he would try to make that happen and would post people at various points on the property.

J. Anderson asked if it would be possible to announce the experiment so that the people in the neighboring developments, Atwell Ridge, South Village, etc, could attend. He thought the weather would not be a deterrent to the community members.

D. Silverman felt the issue for the neighbors was the quiet enjoyment of their residences. He said the noise issue would not be their concern if they were to go to the Distillery; it would be their issue if they wanted to enjoy a cookout in their own backyard. He felt the neighbors would want to experience the experiment from their own backyards to see how the music would affect them personally.

V. Koch informed Mr. Basla that before he would approve an enclosure around the stage, he would require design specifications from an acoustical engineer reporting data on reduction of sound which is complex to mitigate from encroaching into other areas.

M. Basla said he did not wish to make the proposal any more complex than it already was, so he would not pursue the enclosure. He went on to recount that the last Sunday in September he hosted an event for Wounded Warriors, First-Responders, and Veterans. Unexpectedly, the Wounded Warrior Project hired a DJ who set up music on the porch of the Distillery.

J. Wigge interjected that he had heard the music (from his home at Atwell Ridge).

M. Basla said he was not aware that the neighbors had heard it. He said he would not face the music (from the porch) and repeated that he would not be asking to have music weekly. In the proposal he requested to be allowed to have music 18 times in a six-month period. He said they would only be having events weekends and holidays, and in reality, he said he would be surprised if he could afford to have more than one (1) event per month.

T. Pratt explained that past experience has taught the Boards to investigate the noise level.

V. Koch addressed Mr. Pratt's original question about availability saying he would not be free during the day any of the days mentioned next week, but he would be available in the evenings after 5:00 P.M.

J. Anderson said he was also available.

G. Mason said he had to work during the day as well, but he too was available evenings.

D. Silverman said he would try to accommodate the Applicant.

T. Pratt remarked that Mr. Wigge will already be in the area.

J. Wigge offered his deck as a meeting place for the Board so the situation for the residents will be replicated for the Board and the Board can know with assurance (the impacts of sound on the neighborhood).

T. Pratt reiterated that Mr. Basla has some items to finalize with Mr. Langey. He asked that Mr. Basla see what he could schedule for the following week (regarding the sound) and that he have the Zoning Secretary distribute the information to the Board.

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

Larry Tully of 33 South Village Drive said he felt the Board was on top of the sound issue. He said his community is quiet and peaceful and comprised mainly of elderly residents, saying that atmosphere was the reason he and his wife moved there. He said the noise was one concern, and that he loved the idea that in a few days they could listen to the decibel level (as an experiment). He said the other concern they had was with the hours of operation for the music. He said he and his neighbors "often are in bed by 9:30 at night" even on Fridays and Saturdays. He thought it would be reasonable to ask that the music even on weekends be "shut down at 9:30." He said the Distillery could do whatever they wanted inside, and athletic activities could be held outside. He said that was what he and his wife would like.

He said he did not speak for all the property owners, but he has spoken to many neighbors who feel the same way.

Barbara Clarke said she was also a resident of South Village, a little farther west than Mr. Tully. She agreed with everything Mr. Tutlly said. She said they chose to move from their Albany Street home of almost 30 years for the peace and quiet of their present home, saying in those 30 years they have heard “a lot of noise,” and they are still able to hear some noise from the Village from their deck, which is almost a mile away. She said they were concerned about the level of noise. She thought the venture was wonderful and they are not at all opposed to that, but there have been many experiences in the community that have not measured up to the community’s expectations of approvals given. She hoped the ZBA would take that into consideration.

J. Wigge did not see the request to “see this through” was abusive or punitive. He believed letters from 20 -24 people had been sent and felt that was no minor consideration. He felt another indication that this was no minor consideration was that the Planning Board as well as the General Municipal Law Recommendation Report from Madison County has spoken about the subject. He said those entities had said, “No,” as they did to Owera.” He said to test the circumstances one must replicate the conditions. He said the neighbors were not concerned about the decibel level at the Distillery, they care about what the level would be “here.” He said that was why he invited the Board to join him at his home and replicate how a band would sound from the sound stage at the Distillery from the perspective of his home. He reasoned that if he can hear music from the Brae Loch which is ½ mile away, he will be able to hear music from the Distillery 1900 feet away across an open field, which happens to be about the same distance North Lake Road is from Owera Vineyards. He said they have all read letters of residents of East Lake Road and North Lake Road saying the amplified music rattles the windows. He said the efficiency of speakers matters. He repeated the need to replicate an event.

M. Basla said he appreciated the feedback. He assured Mr. Tully that his latest proposal requests music just until 9:30 P.M. He said in response to Mr. Wigge, he “will work hard in the next day or two to try to line something up for next Wednesday” believing that was a window of opportunity for the Board members after 5:00 P.M.

M. Basla expressed that he had expected more negotiation to try to reach a compromise that would work with his request. He felt this was more like “an on and off switch.” He hoped as discussion goes forward a resolution that would satisfy all parties could be in view.

T. Pratt explained there were many parts that Mr. Basla seeks within the resolution, the Board will agree to many but some they may feel are not needed, but at the time of decision, the voting will be all-inclusive of the proposal. The modified resolution will be what the Board discusses and when negotiation occurs, but when the Board votes, it will be for the whole package.

D. Silverman explained that the request must originate with the Applicant, and the Board doesn’t negotiate, but the Board tries “to do the right thing for the community.” He said the Board has an open mind and would like to make everyone happy. The process may be slower than Mr. Basla would like it

to be but that was because of the Board’s need to protect all parties, including Mr. Basla. He said it is Mr. Basla’s responsibility to tell the Board what he wants. He hoped once the amplified music has been heard the Board can find “something that works for everyone.” He assured Mr. Basla the Board would try their best.

R. Cook asked to return to the issue of food service. During this discussion he researched what he could find under the New York State Liquor Authority. In July of 2020 New York State mandated that a certain level of food must accompany alcohol sales for this endeavor. He felt the food offered at the Distillery was consistent the Liquor Authority requirements. He said his position was that Mr. Basla was not doing anything illegal because Mr. Basla is trying to comply with State regulations. He said the Board could wrap that up in the resolution so that Mr. Basla would have better guidance going forward, but in the meantime the Town would not stop Mr. Basla from serving the food that he was currently serving.

T. Pratt indicated he felt that was the right position unless Mr. Langey told him otherwise.

J. Langey stated he would not tell him otherwise.

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. |

Caz Groomery/Krumsiek, Adelaide (Cherry Valley Development Inc) – #20-1293 – Special Use Permit – (David Silverman) 2662 US Route 20 East, Cazenovia

(Jim Wigge returned as a Voting Member for the proceedings and Val Koch resumed his position as an Alternate Member.)

No one was present to represent the application.

T. Pratt stated an email was received this afternoon stating Ms. Krumsiek has requested the file to be continued until next month; she was in negotiation and was working out what she intends to do.

T. Pratt said the public hearing was open and asked if there were any comments for or against the proposal.

There were none at this time.

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

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

*Dorrance, Chad & Richards, Jacquelyn – #20-1305 – Area Variances – 3611 Rippleton Road,
Dorrance, Chad – # 20-1297 – Special Use Permit – 3611 Rippleton Road, Cazenovia
(Gary Mason)*

Chad Dorrance was present to represent the application.

T. Pratt said the Applicant has completed a site plan review and the Planning Board has granted their approval contingent upon the special use permit and the area variances being approved.

J. Langey affirmed that was correct explaining the Planning Board had assumed Lead Agency some time ago notifying all Involved and Interested Agencies, of which the ZBA was one, of that status. He said the good news was that the State Environmental Quality Review (SEQR) had been completed, so the ZBA was free to reaffirm the Negative Declaration given by the Planning Board at the time of the ZBA's decision.

J. Langey explained the area variances were for north and south side yard setback relief and the special use permit was for a private stable.

T. Pratt shared his screen showing an aerial view of the property and the sketched survey.

G. Mason questioned one picture he had reviewed which depicted the barn expanded with lean-to extensions beyond the stable doors.

C. Dorrance stated that picture was from the company website and not of the actual barn he will have. His barn will not have the lean-tos.

G. Mason opined that 10 feet of relief on either side of the barn did not seem significant. One of his concerns regarding the special use permit was storage of manure, saying he knew from experience people from the Village would not want to smell manure storage. He expected a manure pit would be needed.

C. Dorrance said his intent was not to store manure on site. He said he has a large trailer that he intended to use to transport waste to his family's dairy farm in Fenner every weekend.

G. Mason said the other concern was fencing for pasturing the horses. He was unsure how many horses would be kept but believed 1 ½ acres was needed per horse.

C. Dorrance said they have one (1) full-size horse and two (2) miniature horses.

G. Mason said the pasture proposed then seems adequate for the number of horses.

T. Pratt believed the Planning Board has already determined the lighting should be dark-sky compliant and shielded. He asked if there would be any issues with water run-off, wondering if there would be any issue with run-off where the manure would be stored for transport, and he asked where the property slopes.

C. Dorrance answered everything slopes directly away from East Road, toward the woods. He said their house and barn would be basically in line with all the other houses on the road, and drainage would run toward the backyard.

T. Pratt asked about pesticide usage.

C. Dorrance responded there would not be because he does not intend to grow crops so there would be no need.

T. Pratt asked if there would be no retail or a riding academy.

C. Dorrance said there would not be.

T. Pratt asked about noise control, thinking there would be very little from horses.

C. Dorrance explained horses typically only make noise if they are upset and usually isolation would be the only cause. His horses have been together for years and will be together on this property, so he anticipated no issue.

T. Pratt said the regulation was for the barn to be 150 feet from property lines for noise and odor issues. He assumed the short side of the barn would face the road allowing Mr. Dorrance to have 140 feet on either side.

C. Dorrance said the barn would be 40 feet from front to back and 30 feet from side to side.

T. Pratt referred to the sketched survey and spoke about the property size and shape, saying it widens to 435 feet as it deepens, and becomes heavily wooded to the west. He asked if there was any reason the barn could not be located farther back where the property widens.

C. Dorrance cited a main reason was he assumed the community, and he himself, would like to keep the wooded lot as natural as possible. He intended to clear the fringe of the wooded area to create adequate pastureland, but the section he would clear in the front portion of the wooded area was predominantly shrubbery, so that clearing would not ruin the integrity of the woods.

There was discussion where the woodlot began on the site plan comparing it to the aerial photograph.

C. Dorrance commented the jog of woods toward the north boundary line was also in a swampy area which would not be a good location for the barn. He said there were financial reasons locating the barn deeper into the property was an issue, requiring a longer driveway, having to extend water and electricity were all considerations. He said the care of the animals would also become more difficult if relocated. He said they would want to be able to see the horses from the back of the house and the back deck in case issues arose.

T. Pratt said the barn location as proposed was 150 feet from the house. He asked how far it would be if it were relocated in the wider location.

C. Dorrance estimated that it would be 250 feet, and he estimated that would require the clearing of another two (2) acres of woods which would be into the heart of the woods where there are large pines. He commented the Cazenovia Preservation Foundation (CPF) has land that borders the property.

J. Wigge believed the regulation was 1 ½ acre per horse and asked if that was correct.

T. Pratt answered three (3) acres were required for the first two (2) horses and 1 ½ acres was required for each additional horse with a little modification for smaller horses, resulting in the need for a total of 4 ½ acres of pastureland.

J. Wigge thought the pasture area was a key issue.

More discussion followed regarding the amount and type of clearing that would need to be done to create adequate pastureland for the proposed location versus the more distant location of the barn.

G. Mason believed some of the property behind the barn was a wetland which would need to be preserved.

T. Pratt believed it was wet land not a designated wetland according to the New York State Department of Environmental Conservation (DEC) and asked if that was correct.

C. Dorrance thought it was.

G. Mason said the stream that crosses Rippleton Cross Road runs through the property. He felt the variances were preferable to destroying acres of trees. He felt there should be language in the resolution addressing the manure management.

T. Pratt agreed manure management should be a condition of the resolution.

C. Dorrance assented to the condition saying he was not opposed to the agreement of keeping it “up to standards.”

D. Silverman questioned if removal once a week was adequate or if more often would be necessary.

C. Dorrance assured the Board he would be agreeable to any standard the Board or the neighbors set whether it was once a week, every two (2) days, or once a day. He said if the agreed number of times needed adjusting, he was willing to transport it more often.

T. Pratt asked if the condition could be stated that it would be a minimum of once a week and more often if required.

J. Langey felt that wording was subjective and thought twice a week was in keeping with other approved manure management plans for the number of livestock proposed with language stating storage of that manure be provided until such time. He asked where the manure could be stored.

C. Dorrance said it could be stored in the barn or he could create a contained storage area.

J. Langey felt an enclosed manure structure was a good plan. He asked Mr. Cook about rules for manure placement and distancing issues.

R. Cook responded any odor-producing waste must be kept a minimum of 150 feet from the sidelines of the property.

C. Dorrance said he was willing to locate it as far away from the neighbors as possible, thinking the back of the pasture area might be the best location.

G. Mason asked if it needed to be enclosed or if it could have three (3) concrete sides. He said his neighbors have open pits without roofs.

R. Cook agreed that typically it would be contained on a concrete pad with a 4’ – 5’ surround on three (3) sides.

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

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

David Vredenburg said he and Betsy (Kennedy) were the neighbors immediately to the north of the proposal. He said the manure was not a concern of his, but it was of Betsy's. He did not see a problem with the plan that had been discussed to manage it. He said the placement of the barn was the other concern they have. He said they currently have a nice, unobstructed view across the field almost to Rippleton Cross Road, and they did not oppose the placement of the barn where it was proposed and actually would be in favor of its being closer to road and closer to the proposed house. He said water run-off does flow into the north corner as Mr. Dorrance stated and he suggested that area not be cleared since the whole field drains to that corner. He commented that Betsy thought that would be good location for a pond. He said they have no objections and they look forward to "having people there."

C. Dorrance interjected that he had considered having a pond in that location as well. He thought he and Mr. Vredenburg could discuss that option in the future.

T. Pratt pointed out that the pond would be a matter between neighbors.

D. Vredenburg expressed his confidence in the ZBA and thanked them for their approval of improvements on his property.

Jennifer Wong of CPF said CPF owns two (2) properties that border the subject property to the north. She said those two (2) properties are preserved for wetland habitat. It was her understanding that a State regulated freshwater wetland exists in the back of the property and she wanted to ensure the Board looks carefully at those wetland boundaries when considering portions for clearing. Looking at the Environmental Resource Mapper, although the Mapper was not entirely accurate, it did appear that some of the clearing would be within the restricted area. She added that manure run-off should not be allowed into the wetland area. She said as a neighbor herself of the proposal at 4003 number Nine Road she appreciates the careful consideration of the manure management plan.

T. Pratt asked Mr. Cook if a certified wetland is located on the property and that the property is not merely land that is wet.

R. Cook consulted the maps and affirmed the wider portion of the certified wetland was toward the Village but extending to the west of the Vredenburg and the Dorrance properties the wetland exists.

T. Pratt asked if the pastureland encroaches into the wetland or the wetland buffer.

R. Cook indicated it was difficult to say accurately.

T. Pratt and C. Dorrance asked if the wetland should be delineated and if adjustments should be made.

R. Cook said to have certainty a representative from the DEC would need to mark the boundaries.

T. Pratt advised Mr. Dorrance have that buffer identified so that Mr. Dorrance could ensure that he was not encroaching into it.

J. Langey further explained it was to Mr. Dorrance's benefit that he be extremely careful not to disturb the wetland or to get into the buffer area to avoid violation of the DEC regulations. He said caution was needed regarding disturbance of the back areas.

C. Dorrance asked if he should contact DEC.

J. Langey answered the DEC might send a wetland biologist to walk the property with Mr. Dorrance. He said the ZBA approval cannot ensure Mr. Dorrance will be "in the clear" with the DEC regulations.

C. Dorrance expressed understanding.

T. Pratt asked that a condition of an approval be that Mr. Dorrance verify the DEC wetland and follow the State regulation regarding that. He said the DEC may help Mr. Dorrance, or Mr. Dorrance may have to hire a (professional) to map it and the 100' buffer while Mr. Dorrance must still provide adequate acreage for pastureland.

C. Dorrance understood.

Karin Bump spoke for herself and Tim Williams of 4016 East Road. She said they were in support of the application, being "delighted to see the land used for an agricultural purpose." She said she was the Executive Director of the Cornell Cooperative Extension (CCE) of Madison County and offered assistance to the Board as well as to Mr. Dorrance in that capacity. She remarked that noise from dogs was a bigger problem than noise from horses, so that was no concern to them. She appreciated the Board's consideration and Mr. Dorrance's willingness to accommodate the manure storage issue, saying an open pit was safer than a covered storage container. She also appreciated Ms. Wong's comments regarding CPF and the wetland protection. She said they appreciated the "commitment to the process and seeing horses down the road."

D. Vredenburgh wanted to clarify that Mr. Dorrance was not responsible for collecting manure in the pasture but that manure from the barn would be collected and stored.

C. Dorrance said he could use equipment to rake the pasture if that was required.

D. Vredenburgh thought that was not typical practice.

T. Pratt thought if a dense area accumulated, pasture collection might be a consideration.

C. Dorrance assented, saying seasonal restoration occurs naturally.

K. Bump said a consideration for the Board was the amount of time horses are pastured versus the amount of time they are stabled. She pointed out the land use and the manure management would differ depending on those practices.

C. Dorrance responded the horses are pastured during the day and stalled at night, and the stall time increases as the weather turns. He said during green months the horses would be pastured 50% of the time.

Motion by J. Wigge, seconded by J. Anderson, to close the public hearing 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 then performed a review of the special use permit. He said the Board must decide if the proposal would be appropriate for the neighborhood without environmental concerns and would be consistent with the land use.

T. Pratt said the considerations for the area variances were:

1) if there would be an undesirable change to the neighborhood; he did not think it would be since it was predominantly a rural area,

2) if there would be an alternate solution for the placement of the barn; he repeated the variances being sought would be 10 feet of relief on either side of the location; Mr. Langey affirmed that was correct; Mr. Pratt said the alternate solution would be to move the barn farther back (from the road),

3) if the variance was substantial; he figured it to be about 6% which he felt was small,

4) if there would be physical or environmental impacts; he said the visibility of the barn would be one, but it appears the barn would be reasonably “nice-looking”, run-off concerns which had been addressed, and manure concerns that had also been addressed,

5) if the hardship was self-created; he said it was.

T. Pratt summarized that there might be two (2) out of five (5) negatives, and the Planning Board had already approved the site plan. He said the conditions discussed were the manure removal off site to be done twice a week with storage in the back of the property, at least 150 feet from each property line; Mr. Dorrance must contact the DEC and must have the wetland area noted/mapped so that he will not enter it or the 100 foot buffer and must adjust the pastureland accordingly; there will be no pesticides; lighting will have to be dark-sky compliant; there will be no related retail or riding academy associated with the stable; Mr. Dorrance will be sensitive to and will address any noise issues that may arise.

Motion by J. Wigge, seconded by J. Anderson to reaffirm the Negative Declaration of the SEQR, based upon the Planning Board’s review of the Full Environmental Assessment Form, and to approve the special use permit for a private stable with the conditions outlined and as most recently submitted carried as follows:

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

Motion by J. Wigge, seconded by J. Anderson reaffirm the Negative Declaration of the SEQR based upon the Planning Board’s review of the FEAF, and to approve the area variances as most recently submitted for 10 feet of north stable building side yard setback relief and 10 feet of south stable building side yard setback relief for the location of the barn with the conditions that: manure removal will be off site and done twice a week with storage in the back of the property, at least 150 feet from each property line; Mr. Dorrance must contact the DEC and must have the wetland area noted/mapped so that he will not enter it or the 100 foot buffer and he must adjust the pastureland accordingly; there will be no pesticides; lighting will have to be dark-sky compliant; there will be no related retail or riding academy associated with the stable; and Mr. Dorrance will be sensitive to and will address any noise issues that may arise carried as follows:

| | | |
|-----------------|-------|-----|
| David Silverman | Voted | Yes |
| Gary Mason | Voted | Yes |

| | | |
|--------------|-------|------|
| Jim Wigge | Voted | Yes |
| Joe Anderson | Voted | Yes |
| Thomas Pratt | Voted | Yes. |

*Sernett, Rebecca - #20-1303 – Area Variances – 3272 West Lake Road, Cazenovia
(Jim Wigge)*

Rebecca Sernett was present to represent the file.

T. Pratt said the proposal was to construct a garage as an accessory building in front of the house. He shared his screen to show the sketch of the existing conditions as well as the site plan drawn to scale and an aerial view of the property.

J. Wigge said the regulation requires structures to be 85 feet from the center line of the road and he believed the proposed location was 60 – 68 feet. He was unable to decipher the footage and asked Ms. Sernett for clarification.

R. Sernett said it would be 66 feet from West Lake Road.

J. Wigge pointed out in addition to the 19 feet of setback relief the garage would be situated in front of the house. He also noted there was an additional outbuilding on the property already, this would in fact be a second accessory structure.

R. Sernett affirmed there was a small shed behind the house.

J. Langey questioned if the proposal was to be addressed as a second accessory building.

It was clarified that no special use permit application had been filed for an additional accessory structure.

J. Wigge pointed out that the property was also in the lake watershed.

Discussion followed as to how the proposal could go forward without the accompanying application for a special use permit and without delaying construction of the garage another month due to the oversight.

R. Cook asked the size of the shed and if she uses it.

R. Sernett responded that she stores her lawnmower in it and thought it was about 16.4' X 14.4'.

J. Langey explained the need for a public hearing for the special use permit required additional time. He suspected no one would object, but that did not negate the requirement.

R. Cook and J. Langey agreed that if a condition of the garage approval was that the shed would be removed within a certain number of days unless she received a special use permit within that specified period of time for the shed. That would allow Ms. Sernett to apply for the special use permit to keep the shed within that stated timeframe while still allowing her to proceed with the construction of the garage and providing adequate time to get the necessary paperwork submitted and approvals in order.

R. Sernett expressed understanding and agreement.

T. Pratt informed Ms. Sernett the application would have to be submitted for the November meeting.

R. Sernett consented.

J. Wigge thought further discussion of the area variances was in order.

R. Cook said the two neighboring property owners to the north both were granted variances for the same issue and those garages sit closer to the road than the proposed garage for this property.

J. Wigge said Mr. Cook's point was that "the precedent gives reasonableness to the offset."

R. Cook explained that the variance may be viewed as considerable, but given the neighborhood, it would not be considered out of character.

J. Wigge understood the proposed placement would not only be logical in regard to the driveway but also because moving it farther from the road would push it over the edge of the drop-off as the ground slopes toward the back. He thought the location chosen was the most logical considering the features of the property. He asked Ms. Sernett if he understood the property correctly.

R. Sernett answered, "Absolutely."

T. Pratt asked about the septic location.

R. Sernett said it was located on the other side of the house.

T. Pratt asked if there were any features in the proposed area that would prevent Ms. Sernett from turning the garage to be more parallel to the road which would reduce the 19-foot variance.

R. Sernett answered there was a hand-dug well covered by a cement slab between the house and the proposed location of the garage.

J. Wigge noted another well sited on the other side of the house.

R. Sernett said the other well was her water supply. She said to relocate the garage nearer the house would be less desirable for her and would require the removal of some “huge, beautiful evergreens” which she did not want to lose.

J. Wigge asked about the scale of the sketched garage because the 24’ X 32’ garage looked almost as large as the house.

R. Sernett said her house was small. She explained the landscape was such that orienting the garage as was shown would nestle the garage right into that landscape.

R. Cook said the aerial photograph illustrated what Ms. Sernett was explaining.

T. Pratt commented that if the garage was attached to the house it would not be an accessory building.

R. Sernett expressed she did not want the garage close to the house. She explained that moving it back from the driveway would bring it over the slope requiring much more foundation work. It would also involve clearing a section of sumac that she wanted to retain.

T. Pratt asked Mr. Cook if the garage would be in scale with the other garages in the area.

R. Cook responded, “Absolutely.” He added this proposal would be better screened and farther from the road than the residence to the north.

G. Mason had also wondered about turning the garage to bring it into greater compliance.

R. Cook commented that the Planning Board typically asks that the garage doors face away from the street.

T. Pratt thought the trees soften the view.

V. Koch agreed that he was in favor of turning the orientation of the garage to lessen the variance.

R. Sernett questioned the reason to turn the garage if it nestles so well into the landscape as proposed.

J. Wigge responded that the variance requested was “huge” – about 30%. He said he agreed with Mr. Cook that the garage would not be incongruous with the other garages in the area, however.

R. Cook remarked a similar variance was granted for a modular building set perpendicular and closer to the road about a mile farther north.

R. Sernett added that her nearest neighbor has accessory structures “right on the road.” She felt she was asking for a significant variance for a good reason.

T. Pratt asked what the garage would look like.

R. Sernett said the color they have chosen was called “Hickory Moss” which she described as being a green-brown, and she held up a drawing of the building showing the long side with doors.

T. Pratt asked if that would be the side facing the driveway.

R. Sernett said it would. She then displayed a drawing of the short side that would be facing the road. She said the color chosen would cause the garage to blend in (with the natural features). She said the roof would be a slate gray.

J. Anderson said he credited the homeowner for siting the garage apropos to the landscape. He thought it would fit in nicely between the two (2) groups of trees.

D. Silveman commented he was fine with the application.

T. Pratt thought Mr. Mason had left the meeting so he asked Mr. Koch to become a voting member.

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

| | | |
|-----------------|-------|------|
| David Silverman | Voted | Yes |
| Jim Wigge | Voted | Yes |
| Joe Anderson | Voted | Yes |
| Val Koch | Voted | Yes |
| Thomas Pratt | Voted | Yes. |

T. Pratt invited comments at this time.

No comments were made.

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

| | | |
|-----------------|-------|------|
| David Silverman | Voted | Yes |
| Jim Wigge | Voted | Yes |
| Joe Anderson | Voted | Yes |
| Val Koch | Voted | Yes |
| Thomas Pratt | Voted | Yes. |

J. Langey said this was a Type II Action in regard to SEQR.

T. Pratt then reviewed the criteria for an area variance asking if it was an undesirable change to the neighborhood. He concluded it was pretty rural and would be similar to other residences in the area. He asked if there would be an alternate solution. He concluded some ideas had been discussed about repositioning. He asked if it was a substantial variance. According to his calculations 19 feet of relief would be approximately 22%. He asked about physical and environmental impacts. Being in the lake watershed, he asked Mr. Langey if the Board should be considering impervious surface percentages.

J. Langey asked if the Planning Board was scheduled to do site plan review.

It was ascertained that the Planning Board would not be.

Discussion followed regarding the impervious percentages.

R. Cook pointed out that the whole property is more than 500 feet from Cazenovia Lake so Ms. Sernett would be allowed to have 20% of impervious surface coverage even though her property is within the lake watershed.

T. Pratt asked the size of the house.

R. Sernett approximate it was 890 square feet.

It was determined she had much less than 20% of impervious surface areas with the addition of the garage.

T. Pratt returned to the criteria for an area variance asking if the proposal was a self-created hardship. He answered that it was. He said the one condition that would need to be included was that the existing shed be removed.

J. Langey suggested the timeframe of 90 days be given to the homeowner to obtain the special use permit to retain the existing shed.

Motion by V. Koch, seconded by J. Anderson to approve the area variances to construct a 24' X 32' garage with 19' of front yard setback relief and to be placed in front of the house as most recently submitted with the condition that the special use permit to retain the existing shed as a second accessory structure be obtained within 90 days was carried as follows:

| | | |
|-----------------|-------|-----|
| David Silverman | Voted | Yes |
| Gary Mason | Voted | Yes |
| Jim Wigge | Voted | Yes |

| | | |
|--------------|-------|------|
| Joe Anderson | Voted | Yes |
| Thomas Pratt | Voted | Yes. |

J. Langey advised Ms. Sernett to submit her special use permit application as soon as possible.

R. Sernett agreed.

Motion by J. Anderson, seconded by J. Wigge, to adjourn the meeting at 9:39 p.m. was carried as follows:

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

Sue Wightman, Zoning Board of Appeals Secretary – October 27, 2020