

Cazenovia Zoning Board of Appeals

Meeting Minutes

February 27, 2023

Members present: Thomas Pratt; David Silverman; Gary Mason; David Vredenburg; Luke Gianforte

Members absent: Michael Palmer, Alternate Member

Others present: John Langey; Chuck Ladd; Michael Basla; Stephanie Niewieroski; Nancy Sagar Loffredo; Lawrence Loffredo; Kyle Reger; Robert Ridler

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

Roll was taken. All were present except for Michael Palmer

Motion by G. Mason seconded by David Vredenburg, to approve the January 23, 2023 meeting minutes was carried unanimously.

The next regularly scheduled meeting will be Monday, March 27, 2023.

There will be a work session Tuesday, March 21, 2023.

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

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

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

*Maples of Madison County, LLC/Madison County Distillery LLC - #20-1291 – Special Use Permit
(Thomas Pratt) Renewal - 2415 US Route 20 East, Cazenovia*

Michael Basla was present to represent the file.

L. Gianforte was recused for this file.

T. Pratt explained this was a special use permit renewal in the Rural A Zone. He said the renewal was for outdoor activities, a fire pit, and a bandstand. He asked Mr. Ladd if he had inspected the property regarding those items.

C. Ladd affirmed he had.

T. Pratt asked what Mr. Ladd found.

C. Ladd said, as he had stated in his report, that the bandstand was out of compliance from what approved according to the original resolution.

T. Pratt asked if only the bandstand was different than what was originally approved.

C. Ladd affirmed only the bandstand was different.

T. Pratt stated the that (the non-conforming bandstand) was a consideration for the renewal. According the drawings he saw, the bandstand now had walls, a roof, was almost double the size of the approved bandstand, and was not just six inches above grade. He said the bandstand, as it was now built, would require review and sound information would be part of that review as well as sound remediation, and it would require a special use permit amendment.

T. Pratt asked the Board for their thoughts regarding renewing the special use permit with the baseline, original conditions.

G. Mason was interested in hearing why Mr. Basla constructed the bandstand so differently from what was allowed.

M. Basla reminded the Board the biggest issue with the proposal had been music to be performed outside. He said tests were done and the Board agreed that at the levels cited (50 decibels) outdoor music would be acceptable. He said at the time he knew he had to have a platform so he “threw something out there.” He said he “did not have the specs at that time” that he needed, just as this Board does not always have what it needs and asks him for subsequent information. He explained as he researched the construction, he was told the platform was not large enough, and was advised to have a roof due to this climate. He said he also placed it “a little offset from the original site.” He said all the changes were a result of research. He said he informed Mr. Cook of the changes last May when they were talking about the storage building, and he said Mr. Cook “gave me a thumb’s up.” He focused on the storage building before he focused on the platform. He explained that with Mr. Cook’s approval he had the resources and the manpower, so he “moved out.” He admitted he formally requested the permit “late-to-need,” and expressed understanding regarding the necessity for the permit. He concluded the changes resulted from “getting smarter, and making sure that it met the needs.” He said regarding sound, he felt the changes would improve the issue for the people originally expressing concern. He felt the back wall and the half-walls on the sides would prevent sound from traveling behind the structure, as well as providing protection for the musicians and their equipment.

G. Mason said he understood Mr. Basla’s thinking and indicated that his concern was Mr. Basla’s proceeding contrary the Board’s knowledge.

D. Silverman commented that it was a pleasure to work with Mr. Basla. He agreed the walls and roof should help the sound control, and complimented Mr. Basla regarding his other projects at the Distillery. He said Mr. Basla ran “a nice business,” and commented he had no other issues at this time, saying he believed if issues arose in the future, Mr. Basla would mitigate them. He remarked that unfortunate issues had arisen in the community, but he did not want to penalize Mr. Basla for those, repeating his confidence that if a situation arose, Mr. Basla would work with the Board, while acknowledging Mr. Basla would not always own the property.

M. Basla was aware other venues had caused the scrutiny of his outside music proposal. He was also aware that the placement of his approved storage building would need to be pinned on a survey due to other issues within the Town, and he affirmed, “I get that.”

M. Basla said his two (2) strategic goals were to make something in America and to create jobs. His goals when he bought the farm were to make it more beautiful than when they found it, and to make it self-sustaining. He understood from a prior meeting that Counsel said an amendment would be required for this particular issue and he was hoping to do that and to “move on.”

D. Vredenburg commented he did not have a big issue with what Mr. Basla was doing, but since the original approval required some sound verification, he thought the adjustments might require that again. He agreed the roof and the back would project the sound in a different direction.

M. Basla interjected that the sound would be projected to the porch area (of the main building).

D. Vredenburgh had suspected it would. He said other than that, he had no other issues.

T. Pratt felt the issue was that the roof and walls would amplify the music.

M. Basla disagreed, saying it would deaden the music behind the bandstand.

T. Pratt stated he did not know if that would be true. He said secondly, the music would be pointed toward the building and he thought it might bounce off the building.

M. Basla said the music was initially directed toward the building and Mr. Pratt had taken part in that.

T. Pratt countered when he took part in it, the bandstand was to be open.

M. Basla questioned the need for the renewal at all if there were no violations or complaints.

C. Ladd interjected that he should have sent a violation for the structure because it was built without approval or permit.

M. Basla felt that was a different issue. He said the special use permit had to be renewed last year as well when “I haven’t done anything wrong.”

T. Pratt countered Mr. Basla has not done what the special use permit allowed.

M. Basla repeated that was a different issue.

T. Pratt replied it was part of the special use permit renewal. He said the Board defined what Mr. Basla was permitted to do for the stage and Mr. Basla had not done it; he did something different.

M. Basla asked to move forward at a pace it needed to move.

T. Pratt indicated the Board needed to follow the regular process and do their due diligence for the review (of the new proposal).

M. Basla expressed understanding.

J. Langey explained some special use permits were renewed on an annual basis, especially the most sensitive ones. He elaborated that the Board does not always know how approvals will “work out” and the Board has learned some lessons with other properties and approvals. This one is one that Chuck will check to ensure there are no issues. He said when there are no issues, the renewals “go extremely smoothly.” He added Mr. Basla would not have to attend annually if there were no issues. He explained the annual renewal was “a safety valve for the Board in case something comes up, to address an issue typically for the neighborhood.” He assured Mr. Basla that Mr. Basla has been a good neighbor and the Board knows that. He said there have been some changes to the bandstand other than what was

approved, so there was a process in place for that and Mr. Basla was now submitting himself to that process.

T. Pratt said one alternative was renewing the existing special use permit with the contingency and understanding that the bandstand erected must be subject to “a whole review”, and the special use permit will be amended once that review is satisfactory. The original conditions of the initial approval could be approved at this time. He asked Mr. Basla if he understood.

M. Basla asked what was meant by the full process. He heard Counsel refer to an amendment.

J. Langey explained that Chair Pratt was talking about the same thing; all the necessary agencies must be contacted, and environmental impacts of the change must be evaluated just as Mr. Basla has had to do before.

M. Basla asked what would have happened if Mr. Cook had not had an accident. He said the Board had empowered Mr. Cook.

J. Langey interjected that he appreciated what Mr. Basla was saying. He praised Mr. Cook as one of the best Code Enforcement Officers he had known, but he wanted it to be clear the Code Officer was not the Planning Board or the Zoning Board. The only power the Code Enforcement Officers have is “to issue building permits and do those certifications - they do not have the power to approve changes to an application.”

M. Basla expressed understanding. He said he was not disrespecting Mr. Cook; he had a conversation and thought he was “good to go.”

T. Pratt explained the process needed for the bandstand would be like the process Mr. Basla just completed for his storage building approval.

M. Basla said he would hope that could be accomplished in one meeting.

T. Pratt expressed doubt and said he could not promise that.

M. Basla said, “I know you can’t.” He said they would “move through the gates,” adding he hoped they would move “as expeditiously as possible and as reasonably as possible.”

D. Silverman asked when the season starts.

M. Basla said the approval was for May through October. He explained that was “bookended because of weather.” He was unsure if there were a sunny April day if he would have to wait until May without referring the minutes of the approval.

C. Ladd said a stop work order would be issued at this time (for the bandstand) because it was under violation currently. He said nothing could proceed on that, and explained that he needed verification of

what has been done on the construction, the footers for example, because Mr. Ladd had not been present to inspect it at the time it was installed.

M. Basla said, “Okay, and I got you on the stop work.”

T. Pratt asked if everything was understood and if Mr. Basla was prepared to “go through the rest of it.”

M. Basla responded, “What we have to do, we have to do, yeah.” He asked what he should do next.

T. Pratt answered the Board needed the drawings and the site plan.

M. Basla stated Matthew Vredenburgh had adjusted the site plan to show the current location of the bandstand when he created the drawing for the storage building.

T. Pratt continued saying that the Board needed to understand the construction and anticipated the Board would need to know how sound would be mitigated.

M. Basla believed the same thing would be done as approved initially; the Board had told him he would have to control sound or the Code Enforcement Officer or the police would come.

T. Pratt said Mr. Basla was responsible for the noise.

M. Basla understood and said, “that doesn’t change.”

J. Langey asked if a decibel (dB) limit had been set.

M. Basla replied it was not to exceed 50 dB at the property lines.

J. Langey felt the same conditions would be used. He was unsure if a sound engineer would be needed to predict how it would work. He said when the music test had been done before, the music was played on the ground, and everyone walked around gauging the sound from different vantage points, and it was deemed to be acceptable at those levels. He was unsure about its being built prior to testing if they then tested it and found it to be “terrible.” He said the decibel level would have to be the gauge. He was unsure if the Town had a sound meter.

G. Mason recalled the sound at the boundaries being only 30 dB when they tested it and doubted it would become an issue with the changes.

M. Basla agreed it was his responsibility to enforce the sound issue.

J. Langey asked if a public hearing would be part of the review.

T. Pratt responded, “Oh yes.”

J. Langey explained parts of the process would include a public hearing, a General Municipal Law Recommendation (GML) from Madison County, a formal application, and the State Environmental Assessment Review. He explained the jurisdictional requirements.

M. Basla expressed his willingness to work with the Board.

T. Pratt stressed that a special use permit application would need to be submitted.

Motion by D. Silverman, seconded by G. Mason, to approve the special use permit with the original terms and conditions was carried as follows:

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

T. Pratt emphasized the original approval renewal was approved - not what Mr. Basla was building.

M. Basla responded, “I got it.”

Mr. Basla was instructed to send a new site plan review drawing and the dimensions of the proposed bandstand with his application.

It was clarified that the new construction details had been submitted and scanned already.

He thanked the Board.

Our Farm the Golubs, LLC - #22-1411 – Special Use Permit Renewal – 1590 Peth Road, Cazenovia

T. Pratt said this renewal was located in the Lake Watershed District and was for a special use permit to have wedding and social events and was issued in 2022. He asked Mr. Ladd if he had a chance to inspect the property.

C. Ladd responded he had saying, “It was quite a facility.”

T. Pratt asked if it passed inspection and if there were any complaints.

C. Ladd indicated that it passed and he was aware of no complaints.

Motion by D. Vredenburg seconded by D. Silverman, to renew the special use permit with the original conditions was carried unanimously.

*Packard, Marc - #22-1451 –Area Variance – East Road, Cazenovia
(Michael Palmer)*

T. Pratt said this project was in the Rural A Zone and was seeking an area variance. He said the Board understands the building has been or is in the process of being removed. He believes the electrical panel remains.

C. Ladd said that was correct; there was one pole standing with the electrical service meter attached.

J. Langey said he spoke with Mr. Packard’s attorney a few days ago and was told the building would possibly be “reestablished” elsewhere. He said permit applications would be needed if it were to be placed on the property and proper setbacks would be verified if it was reinstalled at that location.

D. Silverman understood that a residence would need to be built first.

J. Langey said that was made very clear to the Applicant and they understand.

T. Pratt said at this point the file would be removed from the agenda “unless something comes up.” He asked Mr. Langey if a motion was needed to do that.

J. Langey did not feel that was necessary.

S. Niewerosky (of 3128 East Road) asked about the concrete slab that remains. She said she did not know the Applicants intended to rebuild.

J. Langey clarified the Applicants had spoken about building elsewhere.

S. Niewieroski asked if the slab could be left without the building and said she had spoken to Mr. Ladd about that. She asked about run-off concerns or if leaving it would draw a similar location for construction in the future.

C. Ladd said he and Mr. Pratt had discussed the removal of the slab as well and felt pressing the issue at this time was unnecessary. He intended to talk to Mr. Packard in the future and would ask his intention at that time.

J. Langey asked the concerns about leaving the slab.

S. Niewieroski was concerned that if the property were sold in the future, construction might go back in the same place.

J. Langey assured Ms. Niewieroski future owners “would not be able to do that.”

J. Langey asked the size of the slab.

S. Niewieroski said it was 60’ X 40’.

J. Langey did not believe from an engineering point of view that run-off would be an issue.

C. Ladd said the parcel was eight (8) acres, so he felt the impact of the impervious surface was minimal.

J. Langey said he was not an engineer but said he would be “shocked if it created any kind of an issue whatsoever,” repeating he was not an engineer.

S. Niewieroski said her last question was whether the well was usable being only two (2) feet from the property line.

She was told there were no property line setback limitations pertaining to the well. The Health Department mandated distance between the well and the septic system.

S. Niewieroski said she was interested in purchasing the property but was unsure how that “would shake out,” so she was just seeking understanding for the future.

Motion by G. Mason, seconded by L. Gianforte, to adjourn the meeting at 8:02 p.m. was carried unanimously.

Sue Wightman, Zoning Board of Appeals Secretary – February 28, 2023.