

Cazenovia Zoning Board of Appeals

Meeting Minutes

October 28, 2024

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

Members absent:

Others present: John Langey; Chuck Ladd; Matthew Vredenburgh; Dan Bargabos; Elizabeth
Bargabos; Keenan Underriner; Sheila Fallon

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

Roll was taken. All were present.

Motion by G. Mason, seconded by L. Gianforte, to approve the September 23, 2024 meeting minutes was carried unanimously.

The next regularly scheduled meeting will be Monday, November 25, 2024.

There will be a work session Tuesday, November 19, 2024.

T. Pratt stated all requested information must be received prior to the work session for consideration.

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.

Hoagland, Paul - #19-1 – B&B Special Use Permit Renewal – 5099 Rathbun Road, Cazenovia

T. Pratt explained this was a Bed & Breakfast (B&B) Special Use Permit Renewal for a property in the Rural A Zone originally issued in 2019. He asked Chuck Ladd, the Codes Enforcement Officer, if he had done an inspection.

C. Ladd said he had inspected the property and there were no complaints and no issues, and everything passed.

Motion by D. Vredenburg seconded by D. Silverman, to approve the B&B Special Use Permit renewal for another year with the same terms and conditions was carried unanimously.

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

T. Pratt explained this was a special use permit for an art studio within an accessory structure in the Rural A Zone initially approved in 2000. He asked Mr. Ladd if he had completed an inspection and if there had been any complaints.

C. Ladd affirmed he had completed his inspection and there were no complaints, and no changes.

Motion by G. Mason, seconded by D. Vredenburg, to approve the Special Use Permit for another year with the same terms and conditions as the original approval was carried unanimously.

Bargabos, Dan & Elizabeth - #24-1549 – Area Variances – 1080 Marlyn Park Drive, Cazenovia (Luke Gianforte)

Matthew Vredenburg was present to represent the file, and Dan and Elizabeth Bargabos were in the audience.

T. Pratt explained area variances were being requested for a property in the lake watershed for a new house on an existing site. He said the variances being sought were for 165-19 (E) and they would have *54 feet in lieu of 85 feet for front yard setback, which would be approximately 36% relief. He said 165-19 (F) they would have 18 feet 11 inches on one side and 19 feet on the other in lieu of the 25 feet required for side yard setbacks. He said 165-19 (G) they would have 79 feet of setback from the lake in lieu of 100 feet. He reported the property is .39 acres. He said the Board had received responses October 21, 2024 via email from the last meeting, and the location of the building had been staked on site. He said the Board had also received comparisons of adjacent houses. The General Municipal Recommendation Report (GML) from the Madison County Planning Department was received September 23, 2024.

M. Vredenburg said at the previous meeting the Board had been interested in the septic design. Since then, the Applicants have received the septic design from Wayne Matteson. There was also discussion regarding moving the house location closer to Marlyn Park Drive, but after a comparison of the other homes in the neighborhood, it seemed more appropriate to keep in more in line with the other houses which were 80 feet or closer to the lake. He said they also found that the size of the proposed house was in keeping with the other homes in the neighborhood as well. He repeated the footprint of the proposed house had been staked and described where the stakes were placed.

T. Pratt noted that the proposed house would be comparable to the other houses in the neighborhood and asked if it would be approximately 2000 square feet.

M. Vredenburg answered it would be 2500 square feet. He explained some of the other properties have accessory structures, so he included that in the comparison, since the proposed house would have an attached garage rather than an accessory structure.

T. Pratt believed the variances were substantial because relief was needed on all sides. He asked about the septic location.

M. Vredenburg said the septic system would be located “across the way.” The tank would be behind the house, away from the lake and there would be a pump that would pump it to the other side of Marlyn Park Drive.

T. Pratt noted that would put the tank on the west side of the house.

M. Vredenburg said the well would be on the other side of the house, closer to the lake.

T. Pratt noted the well would be on the east side of the house.

T. Pratt also noted there were no lake shore plantings indicated on the drawing yet.

M. Vredenburg responded that those plans have not been finalized, but they would be discussing that with the Cazenovia Town Planning Board as the next step in the process.

T. Pratt then addressed run-off as an environmental impact. He recalled the site was quite flat.

M. Vredenburg affirmed it was flat and said the water isn't "channelized." He explained there were some low points between the side property lines and that was where the water naturally drained and "then slowly makes its way to the lake."

T. Pratt noted the impervious was 13.4% in Zone A where 5% was allowed; 17% in lieu of 10% in Zone B; 39% in lieu of 15% in Zone C; with an overall of 28% instead of 10%.

M. Vredenburg said a slight improvement would be achieved, much like the variances that were being requested. He said they currently have five (5) noncompliant conditions with the existing structure: both side yards, the lake, the road, and there is an accessory structure in the front yard. They have eliminated the noncompliant condition of having an accessory structure in front of the house, and they have reduced the other four (4) nonconformities, in addition to reducing some impervious surface coverage (21 square feet).

T. Pratt asked the width of the site.

J. Langey believed the tax map shows 76 feet of width.

M. Vredenburg thought there was 78 feet.

T. Pratt's point was that there was not a lot of space for a house.

T. Pratt asked about the style and color.

D. Bargabos thought they would make the new house white with a black windows and a black roof.

T. Pratt remarked they may "want to tone that down a bit," but said they could discuss that with the Planning Board.

T. Pratt asked about building height compatibility.

M. Vredenburg responded it would be compatible with the adjacent buildings.

T. Pratt asked the height of the proposal.

M. Vredenburg said it would be a 2-story house, and approximated it would be around 30 feet high.

T. Pratt said exterior lighting should be dark-sky compliant, low-level, and shielded.

M. Vredenburg responded, "Yes."

T. Pratt believed the lake setback aligns with other residences.

M. Vredenburg answered, “Correct.” He stated theirs would be the farthest from the lake.

D. Silverman thanked Mr. Vredenburg for the proposal.

G. Mason commented that it had been difficult to find the stakes, but had no questions.

M. Palmer expressed his approval of the project.

J. Juskiewicz had no comments.

D. Vredenburg visited the site and was able to see the staked area.

L. Gianforte had no comments.

T. Pratt invited public comments at this time.

Hearing none, motion by L. Gianforte, seconded by G. Mason, to close the public hearing was carried unanimously.

J. Langey lead the Board through the Short Environmental Assessment Form (SEAF) for the State Environmental Quality Review (SEQR).

T. Pratt noted the Applicants have chosen to align the house with the adjacent residences; the site is limited and the size of the site made it difficult to achieve adequate setbacks; the septic would be away from the lake and would be pumped to the other side of the road. He said there was discussion regarding a hybrid system, which the Board should keep in mind when considering conditions. The site is generally flat, so runoff is generally controlled by the site itself. The impervious surface area and plantings will be reviewed by the Planning Board. The height of the proposed house will be equal to or lower than the adjacent houses. He saw no harm to the community.

T. Pratt said regarding the criteria for an area variance, he saw no undesirable change to the neighborhood. He said it was a substantial variance, needing relief on all sides, but it would be an improvement over the existing building. Height and area would be similar to the adjacent houses. He said regarding an alternate solution, a smaller house would still not comply with the setbacks, and the proposal meets the character of the site. He said regarding physical and environmental impacts, *The Lakefront Development Guidelines*, runoff mitigation, and setback from the lake reduce those impacts. He repeated there would be variances on all four (4) sides, so that was significant, however, a significant improvement over the existing conditions would result, and the proposal would be in keeping with the neighborhood. He said it was a self-created hardship, but did not feel that was significant considering the site conditions.

Motion by D. Silverman, seconded by L. Gianforte , to appoint the Zoning Board as Lead Agency for the purposes of SEQR, to affirm the Matter an Unlisted Action, and to make a Negative Declaration

based upon the Board’s review of the SEAF, and to approve the area variance for *31 feet of front yard setback relief, 6.1 feet and 6 feet of side yard setback relief, and 21 feet of lake front setback relief, for the construction of a new house as most recently submitted and conditioned upon:

- 1) impervious surface area must be agreed upon by the Planning Board;
- 2) compliance with the Town and New York State Building Codes;
- 3) exterior lighting will be dark-sky compliant, low-level, and shielded;
- 4) compliance with *The Lakefront Development Guidelines*;

5) property lines and setbacks will be marked by a surveyor and witnessed by the Codes Enforcement Officer, this will be repeated with the laying of the foundation, and an as-built survey shall be provided after construction;

- 6) recommendation to the Planning Board to consider an advanced treatment septic system; and
- 7) color and style should be similar to the neighborhood,

was carried as follows:

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

The Applicants were informed to attend the December 5, 2024 Planning Board meeting for site plan review.

(*Upon review of the submitted drawings, it was noted that only nine (9) feet of relief from Marlyn Park Drive was needed, where 31 feet was approved.)

Light, Jeffrey - #24-1553 – Special Use Permit – 2362 Fairbanks Road, New Woodstock

*Light, Jeffrey – #24-1554 – Area Variances – 2362 Fairbanks Road, New Woodstock
(Michael Palmer)*

Keenan Underriner was present to represent the file.

T. Pratt explained the proposal was for the construction of a new home on a property already having two (2) existing accessory structures, in the Rural A Zone, with 4.86 acres of predominantly wooded land on a sloped area. He explained a special use permit was being sought for the second accessory structure. Also, area variances were being sought because the accessory structures would be 78 and 79 feet from the center line of the road, and they would be between the newly built primary structure and Fairbanks Road if the proposal was approved.

K. Underriner supplied five (5) sets of photographs taken of the site.

M. Palmer met with Mr. Underriner and the Owners and discussed some options given the situation that the Board was being asked to accommodate. After speaking with him, the Applicants were going to discuss if they could modify the original application.

K. Underrinder said the existing condition was there were two (2) accessory structures which were both too close to the road. He said both structures were 50 feet from the edge of the road, but neither was 85 feet from the centerline of Fairbanks Road. He explained the Lights have owned the property for about 30 years and the structures have been there for 16 years, at least. The Lights would like to downsize and build the proposed single-family ranch house. Referring to the photograph taken from Fairbanks Road, he showed the tan shed which would be in front of the proposed house. The Applicants now propose to attach the two existing buildings so that there would only be one accessory structure, eliminating the need for the special use permit. He said they also propose to rotate the house so it would be more parallel to the road. He explained the topography of the lot, and said rotating the house would make the long side of the house seen from the road rather than the gable-end of the house. The photo of the steep bank from the road showed the grade and topography that was a consideration.

T. Pratt noted they would “really be digging into the hill.”

K. Underriner concurred saying they would be “doing a substantial amount of carving on the back side.” He explained the house would be 80 feet long and 28 feet wide, with half of the area being garage. He said they would be doing approximately seven (7) feet of digging. He also said they would create a swale behind the house.

K. Underriner repeated these changes would negate the need for a special use permit and one of the area variances for front yard setback relief. He said the view from the road would be shielded by the large bank, so it would only be seen at the access point of the driveway. He explained Fairbanks was a seasonal use road.

M. Palmer remarked it “would be a big cut and fill job,” but he thought moving the combined accessory structures 7 – 8 more feet from the road was worthwhile. He was less concerned about the accessory

structures being in front of the house than he was about the distance from the road. He felt the regulation regarding the accessory structure being in the front yard was less important in this location where there was minimal traffic.

T. Pratt commented that if the structures are combined and moved 85 feet from the road, the structures would be in compliance.

M. Palmer stressed the only remaining variance would be that the accessory structure would be between the house and the road.

L. Gianforte thought the angle of the driveway would not make it seem like the shed was in front of the house.

M. Palmer remarked it was a unique situation, being on a seasonal road. He believed even if there were more development on the road, the aesthetics of the shed location would not be an issue. He spoke about the steepness of the site as another unique challenge.

T. Pratt asked the location of the septic system.

K. Underriner said it would be in the northeast side of the house.

T. Pratt asked about water runoff, and how that would be kept from going into the road.

K. Underriner explained the current swale runs above the property and runs “parallel across the hillside, coming from the neighboring property, above the house.”

T. Pratt wanted to make sure no runoff would run into the road.

T. Pratt asked about the outhouse building and double-door building.

K. Underriner replied they would be teardowns.

T. Pratt asked about the electrical connection.

K. Underriner answered there was an electric pole near the property line, and they would add another pole for the new construction.

T. Pratt presumed the view to the north was the reason for the placement of the house.

K. Underriner responded it was.

T. Pratt stated exterior lighting needed to be dark-sky compliant, low-level, and shielded.

K. Underriner responded, “Okay.”

D. Silverman had no comments at this point.

G. Mason asked if the shed was moved back from the road would it crowd the house.

K. Underriner explained it would not.

J. Juszkiwicz requested a revised site plan be submitted to correspond to the changes being made.

K. Underriner replied he could provide that.

T. Pratt commented the Board would make that one of the conditions.

D. Vredenburgh said he was good with the compromises.

L. Gianforte agreed.

Motion by D. Silverman, seconded by D. Vredenburgh, to open the public hearing was carried unanimously.

T. Pratt invited comments at this time.

Hearing none, motion by L. Gianforte, seconded by G. Mason, to close the public hearing was carried unanimously.

J. Langey used the SEAF for this Unlisted Action for SEQR.

T. Pratt led the Board through the area variance review asking if this would be an undesirable change to the neighborhood. He felt the location was considerably isolated, the proposal would not be out of character, and it would be largely shielded. He said regarding an alternate solution, the Applicants have found one; moving the sheds was a good idea, and other adjustments to the proposal have been made. He said the Board was now only dealing with one variance for placement of an accessory structure in the front yard, so he did not believe that to be a substantial request. He observed it was a self-created situation.

T. Pratt then reviewed the conditions for this area variance. He listed:

- 1) runoff shall be reviewed and controlled to keep it out of the road;
- 2) construction shall be in compliance of the Town and New York State Building Code;
- 3) exterior lighting shall be dark-sky compliant, low-level, and shielded;
- 4) subtle colors shall be used to blend with the site;
- 5) a revised site plan will be submitted before a permit is issued and work can commence; and
- 6) a final survey shall be submitted upon completion of the work.

K. Underriner expressed understanding and compliance.

Motion by L. Gianforte, seconded by D. Vredenburgh, to approve the area variance for the placement of the existing structures in the front yard resulting from the construction of the new home with the related improvements, and conditioned upon the aforementioned conditions was carried as follows:

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

Love-Fraze Assoc with Pushlar, Paul (Quantum DPI Group Inc) - #23-1498 – Solar Major Special Use (Thomas Pratt) Permit Modification – Route 20 East with Fenner Road & Route 20 East, Cazenovia

T. Pratt explained the Solar Major Special Use Permit in the Rural B Zone was being modified to increase the height of the poles on which the panels are to be mounted and the panels to be used will now be smaller, so additional panels will be installed. He said the Planning Board has reviewed these changes and has determined there will be no visual impact or other related issues.

J. Langey clarified that the height of the panels was always intended to be ten feet, but when it was discussed, the height was mistakenly stated to be eight (8) feet.

Motion by D. Vredenburgh, seconded by G. Mason, to approve the modifications requested and as approved by the Planning Board, and to send a letter to that effect to the Applicants was carried unanimously.

Motion by L. Gianforte, seconded by G. Mason, to adjourn the meeting at 8:10 p.m. was carried unanimously.

Sue Wightman, Zoning Board of Appeals Secretary – October 28, 2024.