

Cazenovia Zoning Board of Appeals

Meeting Minutes

March 28, 2022

Members present: Thomas Pratt; Gary Mason; David Vredenburg; Michael Palmer, Alternate Member

Members absent: David Silverman; Luke Gianforte

Others present: John Langey; James Golub; Janine Golub

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

Roll was taken.

Michael Palmer was asked to act as a voting member.

Motion by G. Mason seconded by D. Vredenburg, to approve the February 22, 2022 meeting minutes was carried unanimously.

The next regularly scheduled meeting will be Monday April 25, 2022.

There will be a work session Tuesday, April 19, 2022.

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

*Lounsbury, Tucker & Lisa - #21-1393 – Use Variance – Off Cobb Hill Road, Cazenovia
(Thomas Pratt) Blue Sky Towers III, LLC/Verizon*

No one was present to represent the file.

T. Pratt explained the proposal was for a use variance off Cobb Hill Road in the RA Zone. The Applicants were still considering alternatives. He stated the public hearing was open if anyone wished to comment.

There were no comments.

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

*Skanda Farms LLC/ Mahoney, Ingrid - #21-1404 – Area Variance – US Route 20 East, Cazenovia
(David Silverman)*

No one was present to represent the file.

T. Pratt explained the proposal was for an area variance on US Route 20 East. He said the Applicant attended the work session and a reevaluation of the design was being done. He said the public hearing was open and asked for comments at this time.

There were no comments.

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

Our Farm the Golubs LLC/ James & Janine Golub - #22-1411 – Major Special Use Permit – 1590 Peth Road, Cazenovia
(David Vredenburg)

James (Jimmy) and Janine Golub were present to represent the file.

T. Pratt explained the proposal was in the Lake Watershed and a major special use permit was being sought at 1590 Peth Road. He said the General Municipal Law Recommendation Report (GML) from Madison County Planning had been received and it found that no countywide impacts were anticipated. He asked Mr. Golub to give a quick summary of his intentions.

Jimmy Golub said they have been doing agritourism for about forty years. They would now like to be able to offer events such as weddings, showers, graduation parties and the like. He stated they would comply with all the restrictions (associated with the regulations allowing this use). He went on to say they had a nice facility for such events, having parking, bathrooms, plenty of space, and many flower gardens since Janine is a Master Gardener. He said they also have neighbors who support what he and Janine do.

T. Pratt interjected that two (2) letters of support had been received from neighbors.

Jimmy Golub said Al Potter had also intended to express his support but he just returned from being in the hospital.

T. Pratt asked D. Vredenburg to comment.

D. Vredenburg met with Mr. Golub last week to discuss the proposal. He said a Full Environmental Assessment Form (FEAF) had been submitted according to the procedures required for a major special use permit. One of the zoning requirements they discussed was parking. One parking space was required for every 300 square feet of building. They looked at the parking delineated on site. Currently there are 42 marked spots. The issue he found was the size. The requirement was 20' X 9' with 24' - isles between, and the parking did not meet those dimensions. Those marked were 15' – 16' deep and 9' wide with only 16' – 18' between the rows. By eliminating one row of parking, Mr. Golub would be able to size the spacing appropriately.

T. Pratt asked if enlarging the spaces would still result in meeting the required number needed.

D. Vredenburg said it would, estimating that 34 – 36 spaces would remain.

Jimmy Golub explained there were currently four (4) rows of parking and they would eliminate one of the center rows. He commented removing a row was not what he would like to do, but he would comply with the requirement.

D. Vredenburg displayed an aerial photograph of the site which showed the parking. He said about ten (10) spaces would be removed, but with some creative planning, one could design a couple additional spots that would be parallel to the road rather than at right angles to the road.

D. Vredenburg said another issue he investigated was the sight distance for egressing the property from the easterly and the westerly driveways. He found exiting the east side, onto Peth Road, the sight distance was 500 feet which was adequate for the 45-miles-per-hour speed limit. The sight distance using the westerly exit was 650' to the top of the hill.

D. Vredenburg said another issue discussed was the placement and screening of a dumpster, and he noted the Planning Board would attend to those details. He was told there was an existing dumpster which was located east of the house in a vacant field.

Jimmy Golub said the dumpster was there seasonally.

D. Vredenburg commented that the location of the dumpster was not near the site (where the proposed events would take place).

T. Pratt asked if they would use that dumpster.

Jimmy Golub affirmed they would, saying they are able to rent it for four (4) months, June through September, which would be the timeframe they needed it for events. He explained their property was oddly shaped, encapsulating the neighbors' (the Gilberts) home on three sides.

D. Vredenburg said another issue discussed was the sanitary/sewage situation. A new septic system was installed in 2013. He explained the system was designed to meet the needs of the Golubs at the time.

Jimmy Golub elaborated that it was designed for intense use for short periods of time with long intervals between usage, explaining that at times they would have busloads of children using it.

T. Pratt asked the capacity of the system.

Jimmy Golub said they were thinking they wanted it to handle 150 people.

D. Vredenburg believed the engineer, Robert Chevako, took that into consideration when he designed the system. He said it was also designed to allow for a future expansion if it was needed, but he did not believe it had been expanded.

Jimmy Golub said it had not been expanded.

M. Palmer asked if there was a drawing of the design in the permit paperwork that had been referenced.

D. Vredenburg read in the verbal description that chambers were used. He also found a sketch of the design which he passed around.

Jimmy Golub described the stone parking area near the system which was covered in vegetation.

M. Palmer asked if it would be difficult for people to park or drive over the septic area.

Jimmy Golub said they discourage it.

Janine Golub said they could place logs to prevent it.

Jimmy Golub spoke about the need to mark the parking spots to keep people from parking undesirably.

M. Palmer asked how frequently did they pump the system.

Jimmy Golub did not believe they had ever had the system pumped.

Janine Golub thought they had, but Jimmy Golub said the system for their residence was the one they had pumped.

More discussion followed about the optimum timeframe to have the system pumped.

J. Langey said the Board could make an approval contingent upon the septic system being found appropriate for the use proposed by Mr. Cook the Codes Enforcement Officer.

J. Langey asked if Mr. Golub would consider bringing in porta-potties for certain occasions, saying that could always be a back-up plan.

Jimmy Golub shook his head no, but conceded if the system failed, they would have to use something.

J. Langey asked if porta-potties would not be brought in for each event.

Jimmy Golub said that was correct, remarking that they had spent a good deal of money on the system they installed.

Janine Golub said it was only used five (5) months of the year.

M. Palmer also presumed a few days elapsed between usage during the months it was used, thinking it was “weekend to weekend.”

J. Langey suggested the Board then condition that Mr. Cook confirm the adequacy.

T. Pratt asked if the parking requirement was based upon the maximum occupancy of 150 people.

D. Vredenburg answered that the parking requirement was based upon the size of the building.

It was repeated that there are currently 42 spaces, and ten (10) would be removed.

Jimmy Golub said he also has permission for overflow parking to go on his neighbor, Tim Aubertine's field.

The survey in the file was referenced as was the aerial photograph to see the layout of the terrain.

T. Pratt asked if the Golubs have more than 100 acres.

Jimmy Golub answered they have 128 acres.

T. Pratt asked if Mr. Golub would be present at all events.

Jimmy Golub responded that barring an emergency he would, saying that he always has been present in the past.

T. Pratt emphasized the importance of Mr. Golub's presence at each future event.

T. Pratt asked if the Owners would have 15 events per year.

Jimmy Golub clarified that 15 would be the maximum number they would have, if not fewer. He said they do not want to have more than one event per weekend. He stated they will self-limit (the number they intend to host).

M. Palmer asked the months they would be operating.

Jimmy Golub said the events would be June through September. He elaborated that the farm is open to the public in October for pumpkin sales.

G. Mason asked if school trips would be considered "events."

Jimmy Golub said that question was raised by the Health Department as well. He said he does not consider those as events.

J. Langey explained certain activities are being done on the farm that are direct, farm-related activities, such as those involving the pumpkins. The events like weddings and graduations are the ones under consideration and the ones limited to 15.

T. Pratt noted the maximum number of guests was limited to 150. He believed events would close at 9:30 P.M.

Jimmy Golub responded, "That's right." He remarked they did not want events to go later.

M. Palmer asked about amplified music.

Jimmy Golub clarified there would be no live, amplified music. He said they have their own sound system or a DJ could be used. He said the ulterior motive to let people use his sound system was that theirs was smaller than what DJ's (usually) have, so theirs would be quieter.

D. Vredenburgh asked if music would be primarily inside the building.

Jimmy Golub affirmed it would, apart from any music that might be part of an outside wedding ceremony. He said there would be no (amplified, live) drum, bass, or guitar outside or inside.

T. Pratt cautioned that Mr. Golub would be responsible to control any music or noise, limiting it to 50 decibels (dB) at the property lines.

Jimmy Golub said he understood.

T. Pratt then said all lights should be night-sky compliant.

Jimmy Golub stated there was one night-sky compliant light on the outside of the building. He said Mr. Cook insisted upon that and Mr. Golub has been very satisfied with it.

T. Pratt asked about signage.

Jimmy Golub explained currently they use pallets as temporary signs for events. He said the pallet would be up for two (2) days at the most.

T. Pratt asked Mr. Langey if there were specific requirements regarding that.

J. Langey said Mr. Cook would inform the Golubs about the sign restrictions, but he noted the signage to be used would be temporary.

Jimmy Golub relayed Mrs. Golub's desire to have a more professional sign, but indicated cost was a factor.

G. Mason said he wanted to be clear on issues like the number of events, the number of attendees, and number of parking spaces since those were issues the Board has been strict about for other projects in the past.

M. Palmer asked the Board's position about the events being ancillary to the primary occupation of farming.

J. Langey explained that a special law was created as an ability for farmers, outside of distilleries, wineries, and breweries, to use their farms to generate supplemental income. The law was written so these types of events were not to become the primary purpose. Farms (allowed to have events) must be active farm operations, and the events would provide ancillary income. Unlike New York State Department of Agriculture and Markets (Ag & Markets) however, no number was written in the local law defining primary income versus supplemental income, so unlike the standards for wineries, this was a general statement that events are to be secondary to the farm operation. He further explained that

annual inspections would be required and annual renewals would need to be done, so the right to hold these secondary events could be revoked or not renewed if a misuse of land was found. He elaborated that the law was created to help keep active farmland in production and preserved in a time when renewable energy was an incentive to lease farmland, not to say that renewable energy was a bad option, but to give farmers another option if they wanted to keep their farms productive. He said “that was one of the balancing acts this law was trying to do.”

M. Palmer asked if the Board therefore would not ask for documentation showing the supplemental financials.

J. Langey affirmed the Board would not.

M. Palmer said he would define “supplemental” to mean it would not exceed 49% of the income.

J. Langey said it could be interpreted that way, saying no number had been assigned, but if it was felt that might be an issue, the Applicants would have to appear before the Board to address that concern.

G. Mason asked about the future use of the tent (that has been used on site) wondering if it would continue to be used temporarily.

Jimmy Golub said it would. He said they hire someone to set it up and take it down; they did not do that themselves. He said it generally would only be used for a few days at a time, certainly not weeks at a time.

Motion by M. Palmer, seconded by D. Vredenburg, to open the public hearing was carried unanimously.

There was no one present to speak.

Motion by M. Palmer, seconded by G. Mason, to close the public hearing was carried unanimously.

M. Palmer asked about the conditions the Board had mentioned so far.

J. Langey responded that the regulation created the framework for the conditions the Board would want to see for this proposal in addition to the specific conditions stated. He reminded the Board they needed to perform Part 2 of the FEAF for the State Environmental Assessment Quality Review (SEQR) as well.

T. Pratt asked Mr. Langey to guide the Board through that review at this time.

J. Langey explained that the location of the proposal did not trigger the need for the FEAF; every major special use application was required to submit the FEAF as part of the process.

Only the impacts on Energy (Item #14) and on Noise, Odor, and Light (Item #15) were found to be small and all other 16 items (Land, Geological Features, Surface Water, Groundwater, Flooding, Air, Plants and Animals, Agricultural Resources, Aesthetic Resources, Historic and Archeological Resources, Open Space and Recreation, Critical Environmental Areas, Transportation, Human Health,

Consistency with Community Plans, and Consistency with Community Character) were found to have no impacts.

J. Langey instructed the Board to incorporate the SEQR findings into the resolution they will have him create for the potential approval.

T. Pratt then reviewed the conditions he noted thus far. He said the septic adequacy shall be verified by Code Enforcement. The (outside) lighting shall remain night-sky compliant. Signage shall be temporary and only for each current event. Months of operation shall be June – October. The closing time for events shall be 9:30 P.M. Music shall be controlled so as to not exceed 50 dB at the property lines. Annual inspections and renewals shall be performed.

J. Langey informed the Golubs that they must apply for the renewals 60 days prior to the end of each approval to give the Board adequate time to review and schedule a public hearing (if one was necessary).

M. Palmer asked if it would be incumbent upon the Applicants to apply for the renewals; that it was not Mr. Cook's responsibility to initiate.

J. Langey indicated that was the case.

M. Palmer asked about the procedure if the Applicants wanted a permanent sign.

J. Langey said unless it was a sign allowed as-of-right, they would have to reapply with the Zoning Board of Appeals or the Planning Board if they wanted to adjust any of the conditions of the approval.

Jimmy Golub asked if there were signs that would not require subsequent approval.

J. Langey instructed Mr. Golub to contact Mr. Cook about what was allowed.

M. Palmer believed certain sized signs were allowed, but he could not remember the dimensions.

G. Mason believed the dimensions were small.

M. Palmer remarked the dimensions might not suit the Applicants' purpose.

J. Langey said the language of the statute would be "mimicked" in the conditions for the approval as well as the ones just articulated. He believed the request was for up to 15 events, so he would make sure that detail was included in the resolution.

D. Vredenburg wondered if that was necessary since it was stated in the law.

J. Langey said he would reiterate it. He repeated that Mr. Golub could hold fewer than 15 events if he chose, but any given year he could have a maximum of 15 items. He said he would also include the need for the onsite presence of the Owner or a responsible, designated onsite manager if Mr. Golub was unable to be present. Also, the need for a phone number to be listed which would be available at all

times would be included. He said all those items were listed in the law, and he would include them as part of the resolution. He remarked that Chairman Pratt carefully reviews the resolutions once they are created as well.

Motion by M. Palmer, seconded by D. Vredenburg, to appoint the Zoning Board of Appeals as Lead Agency for the purposes of the SEQR, to affirm the matter an Unlisted Action, to make a Negative Declaration, based upon the Board's review of FEAF, and to approve the special use permit for limited and special farm operation events as supplemental income as most recently submitted conditioned upon the above-specified conditions, the submitted business plan, and as regulated within the applicable Code was carried unanimously.

T. Pratt instructed the Applicants to attend the upcoming April 7, 2022 Planning Board meeting for site plan review as the next step.



Motion by M. Palmer, seconded by D. Vredenburg, to adjourn the meeting at 8:15 p.m. was carried unanimously.

Sue Wightman, Zoning Board of Appeals Secretary – March 29, 2022