

Cazenovia Zoning Board of Appeals

Meeting Minutes

December 27, 2021

Members present: Thomas Pratt; Gary Mason; David Vredenburg; Luke Gianforte, Alternate Member

Members absent: David Silverman; Val Koch; Michael Palmer, Alternate Member

Others present: Roger Cook; John Langey; Neal Zinsmeyer; Tara Taylor; L. Andrew Nash; Gregory Alton; Danielle Langey; Benjamin Langey; Gregory Alton; Kim Speer; Emmajean Speer

T. Pratt called the meeting to order at 7:32 p.m.

Roll was taken. Luke Gianforte acted as a voting member in David Silverman's absence.

Motion by G. Mason seconded by D. Vredenburg, to approve the November 22, 2021 meeting minutes was carried unanimously.

The next regularly scheduled meeting will be Monday, January 24, 2022.

There will be a work session Tuesday, January 18, 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.

T. Pratt advised the public to provide their name and address and to come forward when speaking during the public hearing. He asked that they make statements, not ask questions, address the Board, not the Applicants, and they not repeat previously stated comments.



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

T. Pratt explained this was a special use permit renewal for the operation of a Bed & Breakfast (B & B) approved in 2019 in the Rural A (RA) district. He noted Mr. Cook had inspected the site and asked if there were any complaints.

R. Cook answered there were no complaints from the neighbors. He said the endeavor complied with the Town and State regulations for the structure.

Motion by G. Mason seconded by L. Gianforte, to renew the special use permit with the same terms and conditions as the original approval was carried unanimously.



Henneberg, Shirley - #04-234 – Special Use Permit Renewal – 3104 Thompson Road, Cazenovia

T. Pratt explained the special use permit was issued in 2004 for cedar furniture and collectibles at 2001-B Delphi Road, in the RA district. He asked if Mr. Cook had an opportunity to inspect and if there had been any complaints.

R. Cook said there were no complaints or violations. He explained it was not actively operating at this time, but the Owner maintained the facility and kept the renewals current.

Motion by D. Vredenburg, seconded by G. Mason, to renew the special use permit with the same terms and conditions as previously approved was carried unanimously.



Romagnoli, MaryBeth/Red Barn 20, LLC - #21-1398 – Special Use Permit – 2527 Route 20, Cazenovia (Gary Mason)

Neal Zinsmeyer of Napierala Consulting was present to represent the file.

T. Pratt explained the special use permit was for a 40' X 40' pavilion.

N. Zinsmeyer explained his firm was the site engineer for the original project and they have returned for the small additional building. He apologized for the Romagnolis who were out of town with family at this time. He confirmed the application was for a 40' X 40' permanent pavilion to replace the temporary event tents that have been used. He displayed drawing C-1 *Layout Plan Red Barn 20 Town of Cazenovia Madison County, New York Jack & Marybeth Romagnoli* by Napierala Consulting dated 16 November 2021 and A-1 *Pavilion Plan & Elevations Red Barb 20 - Event Pavilion 2555 US 20 Cazenovia, NY 13035* by Daniel Manning – Architect PLLC dated 11/15/21. He said the structure would be an open-air pavilion tucked into the tree line to the northeast of the main barn preserving the spectacular view.

G. Mason said he had visited the site and had a general idea of where the pavilion would be sited. He asked if music would be played in the pavilion.

N. Zinsmeyer answered the only amenities inside the building would be lighting for the interior. He stated there would be no sewer or water, and the only power would be for the lights within the structure. He had noticed that Madison County commented about the music component and he had an email from the Owner stating the intent was not to operate a dance floor or any such use; the pavilion's purpose was to replace the temporary tent use.

G. Mason believed he understood that the pavilion was not to allow multiple events, but for overflow.

N. Zinsmeyer described the use as an amenity for those who might want an outdoor setting while it was raining.

J. Langey asked if there would be no amplified music at all.

N. Zinsmeyer did not believe there would be any music, amplified or acoustic.

D. Vredenburgh asked about lighting.

N. Zinsmeyer said the associated lighting would all be within the structure.

J. Langey asked if the all lighting would be downcast and contained inside the building.

N. Zinsmeyer said there might be pathway lights from the barn to the pavilion. What exists now was post lights, pedestrian height - 4-foot. (No lights would be installed on the exterior of the pavilion.)

G. Mason asked if additional parking would be needed.

N. Zinsmeyer said there would not be, elaborating that this would be for accessory use; the intention was not to draw more people to an event, but to accommodate those already there.

D. Vredenburg asked about height, estimating the top or the cupola to be about 27 feet.

N. Zinsmeyer affirmed that was the height and said it was noted on the site plan.

J. Langey said a prior approval was given by the Cazenovia Town Planning Board in 2016, and one of the conditions of the approval was a maximum occupancy of 200 guests. He asked if the owner anticipated any need for greater occupancy due to the addition of the proposed feature.

N. Zinsmeyer said they did not, repeating the pavilion was not to be an attraction for more guests but an accommodation for those already in attendance.

G. Mason said some of the details would be addressed by the Planning Board, but he did not see the mention of colors for the pavilion.

N. Zinsmeyer said colors had not been specified but he could not imagine them being anything other than red or white, to match the existing structures. The larger barn was red and the accessory barn was white. He mentioned the same architect was being used for the pavilion who did the other design of the site.

T. Pratt asked about the electrical aspect of the pavilion, asking if only service for lighting would be used.

N. Zinsmeyer thought some receptacle would be used.

T. Pratt indicated his concern was regarding music.

N. Zinsmeyer looked for the email he had received from Jack Romagnoli addressing that issue.

T. Pratt asked about the floor of the pavilion.

N. Zinsmeyer thought it would be concrete or an epoxy.

T. Pratt asked if the path to the pavilion would be an accessible path.

N. Zinsmeyer answered it was noted on the site plan that the path would be. He indicated on the site plan where there was gravel and said the path would be stone dust.

T. Pratt said he had some questions about the answers provided in Part One of the Short Environmental Assessment Form (SEAF) which was completed as part of the State Environmental Quality Review (SEQR). He saw that the answer to question # 2 was checked “No” but the Town Planning Board was another government Agency from which an approval would be needed.

T. Pratt noted on the SEAF that it was answered that there would be no increase in traffic anticipated, and he presumed that was because the pavilion would have an ancillary function; there would be no increase in capacity.

N. Zinsmeyer responded that was correct.

Continuing in the SEQR review, T. Pratt confirmed there would be no water or waste associated with the pavilion.

T. Pratt asked about a discrepancy he found regarding the answers to question # 12 relating to archeological sites.

N. Zinsmeyer explained the site was in the check zone, so in 2016 an archeologist was hired. The archaeologist cleared the site from any further action at that time.

T. Pratt then asked about a discrepancy he found in regard to the wetlands. He noted the answer to question # 13 was “Yes, a portion of the site of the proposed action, or lands adjoining the proposed action contains wetlands”, but in question # 14 the box for wetland habitat was not checked.

N. Zinsmeyer explained when the EAF is completed the answers are generated by the geographic information system (GIS), so the answer for question 13 was “Yes” because a wetland area exists in the southeast corner of the (6.9) acre property, however the answer to question #14 was indicating that there was no wetland where the proposed pavilion would be located.

T. Pratt thought before the Applicants appear before the Planning Board, question # 14 should be answered to state there were wetlands on the property even though the wetlands were not located where the construction would take place.

N. Zinsmeyer expressed understanding. He asked if he could read the Owner’s email regarding the intent for the building.

T. Pratt agreed.

N. Zinsmeyer said the new structure would not be used “as a platform for any type of loud music, only for a wedding ceremony option in rainy weather.” He said a small microphone might be used as part of the wedding ceremony, to help the audiences hear, but not for (unrelated) music.

J. Langey said if the wedding service were amplified, it would only be a temporary impact, which he felt was fine from an environmental aspect.

R. Cook commented it would be similar to what was approved for Owera Vineyards where there was an outside structure as well.

L. Gianforte asked if there were any plans to enclose the structure.

N. Zinsmeyer answered he knew of no intent to enclose the structure at this point. He said the plans show it to be open-air with just a roof overhead.

D. Vredenburgh asked if the tent had been used in the same location.

N. Zinsmeyer said a tent had been used in the same general location.

D. Vredenburgh clarified that what would be done in the pavilion was the same as what was done in the tent previously.

N. Zinsmeyer affirmed that was correct. He explained other areas they had considered for the pavilion, but indicated the location chosen was the best option

T. Pratt asked if the location was 50 feet from the rear property line and 25 feet from the side yard property line.

N. Zinsmeyer said it would be 50 feet from the rear and 53 feet from the side.

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

T. Pratt asked if anyone had comments in favor of or in opposition to the proposal.

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

J. Langey then lead the Board through the questions on Part 2 of the SEAF.

T. Pratt reminded the Board to bear in mind the test used for special use permits which was to ask if the proposed use would be appropriate to the neighborhood zoning and if it would cause no environmental concerns.

The Board then discussed potential conditions.

G. Mason said his major concern was that there should be no music.

R. Cook asked about the wording, “no music.”

T. Pratt wondered about limited music.

J. Langey asked if the Owner thought non-amplified music, such as a guitar, as part of a wedding ceremony was what they intended.

N. Zinsmeyer indicated guests tastes may vary. He thought some might want a violin or some other instrument to be part of the wedding ceremony.

R. Cook said he would not want to “hand cuff” the facility with wording that was too restrictive.

J. Langey recounted a sound test performed at the site about five (5) years ago. As a result, the approval given by the Planning Board at that time specified a limitation of the decibel level. He felt the restriction of no amplified music for this structure, as well as the making the conditions consistent with the prior Planning Board approval would be advisable.

T. Pratt asked that other conditions include lighting be only in the pavilion.

N. Zinsmeyer responded some pathway lighting might be needed as well.

T. Pratt said it should be minor pathway lighting, equal to what was already existing.

N. Zinsmeyer said it would be similar to what was there now.

T. Pratt said it should be dark-sky compliant and it should not flood the area.

T. Pratt said there should be no additional parking, no increase in the maximum number of guests, and the color of the pavilion should be red or white.

N. Zinsmeyer asked if they would be bound by the color. He said he did not want to speak for the architect.

T. Pratt said the color would be determined and agreed upon by the Planning Board.

N. Zinsmeyer responded that would give the representatives time to decide the color.

J. Langey agreed that was acceptable.

T. Pratt said the pavilion would not be enclosed.

N. Zinsmeyer agreed.

Motion by G. Mason, seconded by L. Gianforte, to appoint the Zoning Board of Appeals as Lead Agency for the purposes of the SEQRA, to affirm the matter an Unlisted Action and make a Negative Declaration, based upon the Board's review of SEAF and to approve the special use permit for a 40' X 40' pavilion for outside event space and as an accessory structure as most recently submitted conditioned upon the above-referenced conditions was carried as follows:

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

The Applicants were instructed to attend the upcoming Planning Board meeting for site plan approval on January 6, 2022.

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

T. Pratt explained the representatives from Blue Sky Towers/Verizon were not present this evening and have asked that the file be continued until next month. He said the proposal was for a use variance in the RA Zone off Cobb Hill Road. He repeated there was no one present from the organization, so although the public hearing was open, he suggested comments be held until the Applicants can hear them at the next meeting, but he said if there was a reason comments needed to be provided this evening, the Board was happy to listen, and those comments would be recorded.

Tara Taylor of 59 Chase Hill in Albany, New Hampshire said she grew up on Cobb Hill; Fred Taylor was her father and her mother is Eleanor Chard. She said her father spent many hours developing zoning regulation for the Town of Cazenovia and she said “he would be so opposed to this.” She spoke about the tower that was near her home in NH and about the development of the facility with the addition of buildings, roads, lighting, and generators as the facility has expanded. She said her mother was approached by the Developers of this proposal a year or so ago, and she spent hours dissuading her mother. She said the tower would not be small and easily concealed; people will “know that it is there.”

Gregg Alton of 3611 Rippleton Road said the tower would be less than 1000 feet from his house, and he believed he was one of the few people in favor of the proposal. He said he was aware of the void in cell phone service in the area. He explained that he travels frequently on the eastern front of Cobb Hill Road outward toward Nelson and spoke of the dropped calls he’s experienced. He said if one looked at the field test mode on the cell phone one would see the signal level. He has been tracking his level and spoke about the deficient levels provided, saying in this area it was significantly diminished from what it should be to provide reliable service, and that the Federal Communications Commission (FCC) requires.

T. Pratt asked who was Mr. Alton’s provider.

G. Alton answered, “Verizon.”

G. Alton said because of the inadequate service, he was generally in support of the proposal. He said he did not disagree with others’ concerns about the sight lines and the impact upon the environment, but in terms of providing service, he felt it would be a valuable service to the community.

G. Alton said he looked at the advice given by the Radio Frequency (RF) Engineer (hired by the Town). He said the application suggested was for Android only phones, which limited the set of people who could participate (in the collection of information). He suggested the use of a roving spectrum analyzer to obtain the same data, and he offered to assist the RF Engineer if needed.

T. Pratt thanked Mr. Alton for his comments.

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



Motion by G. Mason, seconded by L. Gianforte, to adjourn the meeting at 8:07 p.m. was carried unanimously.

Sue Wightman, Zoning Board of Appeals Secretary – December 27, 2021