

# Cazenovia Zoning Board of Appeals

## Meeting Minutes

July 25, 2022

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

Members absent:

Others present: Wendy Loughnot; Dale Bowers; Matthew Vredenburg; Steven Smith; Ross Frisbie; Kyle Reger

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T. Pratt called the meeting to order at 7:31 p.m.

Roll was taken.

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Motion by G. Mason seconded by D. Vredenburg, to approve the April 25, 2022 meeting minutes was carried as follows:

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

The next regularly scheduled meeting will be Monday August 22, 2022.

There will be a work session Tuesday, August 16, 2022.

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 been already been stated once during the time for public comment.

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*Peterson, David - #21-1 – Bed & Breakfast Special Use Permit Renewal – 2964 West Lake Road*

T. Pratt said this was a renewal for Bed & Breakfast (B & B) in the lake watershed which was approved in 2021. He noted Mr. Peterson was not present this evening and due to some issues, the Board has asked him to attend the meeting next month.

Motion by D. Silverman, seconded by G. Mason, to continue the file until the next meeting was carried unanimously.

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*Levinson, Darlene - #21-3 – Bed & Breakfast Special Use Permit Renewal – 1560 North Lake Road*

T. Pratt said the special use permit renewal was for a B & B in the lake watershed approved in 2021. He noted Bill Carr inspected the property this morning and the inspection passed. There were no complaints.

Motion by D. Vredenburgh, seconded by L. Gianforte, to renew the special use permit for another year with the original conditions was carried unanimously.

*Skanda Farms LLC/ Mahoney, Ingrid - #21-1404 – Area Variance – 2684 US Route 20 East, Cazenovia*

*Skanda Farms LLC/ Mahoney, Ingrid - #21-1433 – Major Special Use Permit – 2684 US Route 20 East (David Silverman)*

Matthew Vredenburgh was present to represent the file.

David Vredenburgh recused himself for this application.

T. Pratt explained the two (2) files would be considered concurrently. He said the proposal was in the RB (Rural B) Zone. He noted the General Municipal Law Recommendation Report (GML) from Madison County’s Planning Department had not yet been received, so no action can be taken this evening. He explained the project was to extend the storage facility already existing on the adjacent property in the Town of Nelson. He stated the business plan was submitted at the work session (July 20, 2022) as were site plan drawings.

D. Silverman said the project has been discussed for the last several months and asked Mr. Vredenburgh to give a brief overview of the most recent developments.

M. Vredenburgh, displaying drawing L-204 *Cazenovia Self Storage 2685(sic) Route 20 East, Town of Cazenovia, Madison County, New York Site Plan – Town of Cazenovia Site Plan Review* dated 6/22/2022 created by MDVLA, said the site plan eventually would still include the addition of five (5) buildings, two (2) storm water facilities, with the entrance remaining on the Town of Nelson property, with vegetative screening all the way around the property, and with a security fence all the way around connecting to the security fence on the existing property.

T. Pratt believed that was the full plan.

M. Vredenburgh confirmed that was the full plan, with a first phase consisting of the first two (2) buildings and some pavement all draining to the first storm water facility which would be located in the northwest corner of the lot. He explained the reasons for the two (2) storm water facilities was the natural ridge running through the property which sends part of the water to the south and part to the north. He said the Department of Environmental Conservation (DEC) prefers the use of existing watersheds, and the plan would work well with the phasing of development, allowing the installation of the north facility for the first phase, but not requiring the building of the second until needed for later phases. That timing also would allow them to keep the existing vegetation until later development.

Drawing L-204 showed the vegetation that would eventually screen the entire facility. Drawing L-205 entitled *Cazenovia Self Storage 2685(sic) Route 20 East, Town of Cazenovia, Madison County, New York Preliminary Site Plan – Phase 1* dated 6/22/2022 by MDVLA showed the screening that would be implemented along Route 20 and part of Moseley Road to conceal the first two (2) buildings.

M. Vredenburgh then described the storm water facility existing in the Town of Nelson which was small and which would not be changed during Phase 1; during Phase 2 the water would be captured and go into the new storm water facility in the southwest corner of the Cazenovia property.

Drawing L-400 entitled *Cazenovia Self Storage 2685(sic) Route 20 East, Town of Cazenovia, Madison County, New York Stormwater Management Plan* was a more detailed plan. M. Vredenburgh said he had done all the calculations and the infiltration testing was all that was left to do. He wanted to be sure the systems could take ½ inch/hour in the two (2) locations based upon John Dunkle’s recommendation due to the proximity of the Town of Cazenovia aquifer.

T. Pratt asked if Mr. Dunkle has seen the drawings.

M. Vredenburgh responded that Mr. Dunkle has seen them and had commented, and those comments coincided with the approach Mr. Vredenburgh intended to take. He said all the work of sizing the facilities has been done, repeating confirmation of the infiltration was the final detail. He displayed drawing L-500 entitled *Cazenovia Self Storage 2685(sic) Route 20 East, Town of Cazenovia, Madison County, New York Planting Plan* which showed the full screening with the types and location of trees proposed for the full build-out.

G. Mason asked about the plantings for the first phase.

M. Vredenburgh showed the extent of that planting on drawing L-205.

T. Pratt asked if the undeveloped area was “full and thick.”

M. Vredenburgh said there were a lot of old apple trees and scrub with a couple large ash trees and poplars, but generally all the existing growth was 15 – 20 feet tall.

T. Pratt thought most of the growth was deciduous so in the wintertime it was “opened up.”

M. Vredenburgh agreed, but said the growth was “pretty thick in terms of the branching density.”

M. Palmer said Phase 1 would be for two (2) buildings, and when Phase 2 began, the infrastructure would need to be completed.

M. Vredenburgh confirmed that was correct, adding the screening would also need to be completed with Phase 2.

D. Silverman asked about the material between the (first) two (2) buildings.

M. Vredenburgh said that would be asphalt.

T. Pratt asked about the impervious surface calculations.

M. Vredenburgh answered 30%.

T. Pratt pointed out 30% impervious coverage was 50% more than what was allowed.

M. Vredenburg conceded it was 50% more than what was currently allowed in the RB Zone.

T. Pratt clarified that was the variance being sought.

M. Vredenburg said that was correct, adding the special use permit was required for this permitted use in the RB Zone. He said this zone was the only zone in the Town that allowed the use other than the Commercial Overlay Zone.

T. Pratt asked if the existing retention area would be affected where access was planned for the site.

M. Vredenburg answered the capacity may be slightly decreased but the plan was for any overflow to be directed into the proposed storm water facility. He reached out to Mr. Dunkle to see if he could obtain any records about the design of the existing system, but he has not heard from Mr. Dunkle yet.

T. Pratt asked about emergency vehicle access and whether turning radiuses have been taken into consideration.

M. Vredenburg responded that he would love to create more room, however, impervious coverage constrained him, but he has adjusted the design to ensure emergency vehicles could navigate. He showed where he widened the asphalt in one area and decreased it in another for the accommodation.

T. Pratt asked if Mr. Vredenburg had pursued the project with the Town of Nelson.

M. Vredenburg said he had reached out to Mr. Dunkle about that as well.

T. Pratt mentioned Mr. Dunkle was no longer acting in the same capacity as he once was.

M. Vredenburg understood and said he would be appearing before the Town of Nelson Planning Board shortly (for another project) and could ask them about this proposal at that time. He felt the small watershed would be a minor consideration for the Town of Nelson.

T. Pratt reviewed the business plan and noted the lights would be turned off at 12:00 A.M., he wondered if they could be turned off at 10:00 P.M.

M. Vredenburg said that would be a question for Ms. Mahoney and he would ask her.

T. Pratt asked if the fence would be erected around the whole property during the first phase.

M. Vredenburg answered it would be installed entirely during the Phase 1 for security purposes. He said there was an existing split rail fence along the southern edge currently that would be easily replaced. He did not believe any trees would need to be removed for the fencing.

T. Pratt asked about the site lighting.

M. Vredenburg said the lighting would be only on the buildings; they would be wall packs, dark-sky compliant, and intended to only light the area for people coming at night to their storage areas.

T. Pratt asked if the light would be contained on site.

M. Vredenburg indicated the facility's lights would not be cast beyond their site.

T. Pratt asked about traffic impact.

M. Vredenburg expected it to be minimal, saying most people do not visit their storage units on a regular basis.

T. Pratt asked if construction would be completed in a year.

M. Vredenburg believed it was Ms. Mahoney's hope for the first phase. He said she had hoped to begin this fall, but he was unsure if that was possible.

T. Pratt remembered discussion about construction being completed in a year.

M. Vredenburg did not think that would be a problem.

T. Pratt reminded Mr. Vredenburg the proposal was located in the recharge area, so gases and oils from stored Recreational Vehicles (RV's), boats, and cars should not spill or leak on the land.

M. Palmer asked for clarification, wondering how that would be accomplished.

T. Pratt said the Applicants would need to have a system in place to prevent gas or oil from going on the ground, whether that requires drainage of tanks, or some other mechanism to protect the water supply.

M. Vredenburg asked if this would be for construction or for storage.

T. Pratt responded, "Throughout."

M. Vredenburg expressed understanding. He knew of methods used for accidental spills, and believed it was included in the fine print of the Storm Water Pollution Prevention Plan (SWPPP). He said it was part of the erosion sediment control during construction. He said he could clarify that method for the next meeting.

M. Palmer said he was not greatly concerned, but he felt long-term storage of vehicles presented a greater risk, and he wondered how that would be controlled.

M. Vredenburg said they could either require liquids to be drained or a filtering system could be created adjacent to the storage area of boats and vehicles. He said that was another issue he could "look into" for the next meeting.

T. Pratt repeated his concern stemmed from the site being in the aquifer recharge.

M. Vredenburg remarked it was within “the outer reaches of it” but agreed about the importance.

L. Gianforte asked if there should be any concern that the only access to the parcel in question was via the adjacent parcel. He wondered what would happen if in the future the parcel in question was sold separately.

M. Vredenburg believed at that time the owners would have to address that issue, saying it was not landlocked, but could be accessed from Route 20 or Moseley Road.

T. Pratt believed there was an issue with water in the (southwest) corner of the property and wondered how that would be handled.

M. Vredenburg responded he would be sending less water in that direction than what currently goes there with the existing condition. He elaborated in Phase 1 the same amount of water would go that way, but when the site was fully developed, less water would be sent.

Motion by G. Mason, seconded by L. Gianforte, to open the public hearing was carried unanimously.

T. Pratt repeated his instructions regarding public speaking, asking if there were any new letters, since they would be included in the file, that they be summarized rather than read (verbatim).

Steven Smith of 4039 Mosely Road said he was not opposed to having a business “next door.” He believed the Applicants knew how much revenue they would be receiving and how much expansion could be achieved. He felt the second phase of development was concerning. He felt the Applicants would feel they would need the expansion for their business objectives and, regardless of the timing - whether it would be in 20 -30 years, that amount of expansion would change the dynamic of the area, comparing it to the impact if Aldi’s wanted to double in size. He supported the endeavor if it could be kept within the 20% of impervious surface coverage. He also mentioned concern for drainage issues which already concerned his neighbors, indicating he was unsure if the proposed designs would manage the water. He also submitted a letter from Carol Schock which was entered into the record.

T. Pratt said the public hearing would be left open for the next meeting.

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

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*Frisbie, Ross & Debra - #21-1429 –Special Use Permit – 4966 Coe Road, Cazenovia  
(Gary Mason)*

Ross Frisbie was present to represent the file.

T. Pratt explained the proposal was in the Rural A (RA) Zone and the Applicant was requesting a second accessory building for the storage of a mower and a tractor.

G. Mason asked Mr. Frisbie to come forward.

R. Frisbie explained he has a detached, two-car garage and he would like another building for the storage of this utility tractor. He has contacted an Amish building company which could build a 12' X 20' structure which he would locate at the end of his driveway, near the existing garage.

T. Pratt asked that the drawing submitted to the file be displayed.

Referring to the drawing entitled *Part of Lot no. 37 of the 4<sup>th</sup> Allotment of the New Petersburg Tract Town of Cazenovia Madison County, New York* dated November 4, 1997 by Licensed Land Surveyors Ianuzi & Romans P.C., R. Frisbie pointed out where the shed would be located near the center of the property.

R. Frisbie displayed a brochure from Sturdi-Built Sheds, the company he has chosen, to help inform the Board regarding structures they produced. He was told the buildings are constructed in Pennsylvania by the Amish. He spoke to a dealer in Fayetteville. The shed he would be buying was not featured in the pamphlet because he was having it custom built. He stated the roofing and the siding of the proposed shed would match the existing buildings in color “and everything.” He said the roof style would be like the “Cape Cod Garage” in the brochure with eaves like his existing garage. He said it would not resemble a barn. He asked for an overhead garage door in the front with a window on either side and an access door on the side.

T. Pratt asked to keep the brochure.

R. Frisbie said the building specifications were also found in the brochure. He said the studding was done 16” on center, stating the buildings were well-built.

T. Pratt asked if architectural drawings would be provided from the company.

R. Frisbie did not think so. He explained they build the structures for the customers per order as well as on site repeating he was having his customized for his needs.

M. Palmer asked if there would be a floor.

R. Frisbie responded it would be a wood building which would not be installed on a permanent foundation; he said he would not be pouring cement. He stated it would be put on stone. He added that he has very little level area on the property, so the location was chosen where he would not need to level the topography. He wanted to preserve “the look around the house.” He pointed out an area where existing bushes would conceal part of the structure. He felt “it was relatively hidden.”

M. Palmer asked if there was a reason it could not be attached to the garage.

R. Frisbie said he “couldn’t do that.”

G. Mason said he looked at the site and the garage was built into the bank with poured concrete on both ends.

M. Palmer asked if putting it next to the garage would require a lot of excavation.

G. Mason believed it would.

R. Frisbie said cost was also a factor. He said creating a third bay would cost twice as much as the shed.

T. Pratt explained they were wondering about placing the shed on the end of the garage, as part of the garage.

R. Frisbie said that would not work, and it “would not look good.” He said he was “very sensitive to aesthetics.” He asserted the shed would not be “intrusive” or “out of the norm.”

T. Pratt asked about lighting.

R. Frisbie said the building would be 3 – 4 feet from the garage, wanting to be able to walk between the structures, so if he were to put lighting in the new building, he would run electricity from the garage.

T. Pratt clarified the Board needed to know if Mr. Frisbie intended to put lighting on the new building.

R. Frisbie said at this point he did not anticipate having lighting on the shed.

D. Silverman clarified the Board was not concerned about lighting within the structure.

G. Mason added any outside lighting would need to be dark-sky compliant.

R. Frisbie said outside lighting would not be needed.

T. Pratt asked about water.

R. Frisbie answered there would be no water.

D. Vredenburg asked about the proximity of the well.

R. Frisbie answered the well would be about 20 – 25 feet behind the structure toward the west side of the lot.

M. Palmer asked about the location of the septic system.

R. Frisbie responded the septic system was on the other side of the house.

M. Palmer suggested Mr. Frisbie indicate the location of the well and the septic system on the drawing for the file, which he did.

G. Mason explained the proximity of the homes around Mr. Frisbie and said the lot was three (3) acres.

R. Frisbie asserted his neighbor, Tim Brauner, would not be able to see the shed. He said from the location he proposes for the building, he was unable to see Mr. Brauner’s house.

G. Mason asked if the siding and roof of the new building would match the color of the existing structures.

R. Frisbie assured him it would.

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

Hearing no comments, motion by D. Silverman, seconded by L. Gianforte to close the public hearing was carried unanimously.

W. Lougnot then led the Board through Part 2 of the State Environmental Assessment Form (SEAF).

T. Pratt said the consideration before the Board was that the proposal be appropriate to the neighborhood with no environmental impacts. He suggested some conditions if the Board moved to approve.

1) The color and style of the proposed structure will match the existing color and style of the adjacent buildings,

2) if any outside lighting be associated with the proposed structure, it will be dark-sky compliant, shielded, and off by 10:00 P.M., and

3) there will be no water nor sanitary connections for the proposed structure.

T. Pratt asked if the conditions were acceptable.

R. Frisbie indicated the conditions were acceptable to him.

Motion by G. Mason, seconded by D. Vredenburgh, to appoint the Zoning Board of Appeals as Lead Agency for the purposes of the State Environmental Quality Review (SEQR), to affirm the matter an Unlisted Action and make a Negative Declaration, based upon the Board’s review of the SEAF and to approve the special use permit for a second accessory structure as most recently submitted was carried as follows:

Thomas Pratt	Voted	Yes
David Silverman	Voted	Yes
Gary Mason	Voted	Yes

David Vredenburg	Voted	Yes
Luke Gianforte	Voted	Yes.

Upon receiving his approval, Mr. Frisbie expressed a complaint regarding being required to pay a \$350.00 deposit fee in addition to the \$115.00 application fee, alleging he was not given an adequate explanation for the deposit fee. He objected to being required to submit a deposit fee and requested the Board refund him that amount or give an accounting of the expenditures.

Mr. Frisbie was informed that it was customary for every application for refunds to be accompanied by a listing of the funds spent.

R. Frisbie repeated that he strongly objected to the “additional fee” and the Board’s refusal to consider his application without it, and asserted it was not clear to him why the additional \$350.00 was necessary even after the proceedings.

T. Pratt explained those were the fees in place.

M. Palmer elaborated deposit fees cover the engineering and attorney fees associated with the requests. He said if engineering were required, those fees must be paid (by the applicant). He said the attorney must be present and must write a resolution for the application, which also requires money. He said any residual balance is returned to the applicant.

R. Frisbie said he understood the need to pay those fees, but he strongly objected to being charged the \$350.00 (before any fees were assessed). He also expressed objection to how “the rules were written,” and the time it has taken to go through the special use permit process, saying it has taken almost three (3) months.

G. Mason noted Mr. Frisbie was “venting.”

D. Vredenburg said the appropriate place for Mr. Frisbie to do that would be at a Town Board meeting, explaining that is the governing body that sets fees.

M. Palmer explained the Town Board should receive any letters Mr. Frisbie may send expressing his dissatisfaction with the regulations in place.

R. Frisbie asked if that was the Board that would authorize his refund.

The procedure was explained. It was explained that attorney fees would apply to this deposit fee.

D. Silverman pointed out these fees apply to all applicants.

R. Frisbie countered he had listened to a major project and he “did not want to be put in the same category as that.”

He was informed the deposit collected for that project was \$3500.00.

R. Frisbie asserted his project was not worth \$350.00.

The Board concluded by expressing their well wishes for his building.



Motion by D. Vredenburgh, seconded by D. Silverman, to adjourn the meeting at 8:20 p.m. was carried unanimously.

Sue Wightman, Zoning Board of Appeals Secretary – July 26, 2022