

# Cazenovia Zoning Board of Appeals

## Meeting Minutes

April 22, 2024

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

Members absent: Michael Palmer, Alternate Member

Others present: John Langey; Chuck Ladd; Charlene Lawrence; David Vaccaro; Kathleen Vaccaro; Sheila Fallon

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

Roll was taken. All were present except Michael Palmer.

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The next regularly scheduled meeting will be Tuesday, May 28, 2024.

There will be a work session Tuesday, May 21, 2024.

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T. Pratt asked everyone in attendance to sign in on the sheet provided.

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.

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*Hugo, Aaron - #24-1515 – Area Variances – 1050 Tunnel Lane, Cazenovia  
(Thomas Pratt)*

No one was present to represent the file.

T. Pratt explained the application was for a property in the Lake Watershed requiring area variances.

T. Pratt said nothing has been submitted in the past month

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

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*Lawrence, Charlene - #24-1525 – Special Use Permit – B&B – 2545 Stanton Road, New Woodstock  
(Luke Gianforte)*

Charlene Lawrence was present to represent the file.

T. Pratt stated the proposal was in the Rural A District, and the Applicants were seeking a special use permit for a Bed and Breakfast (B&B).

L. Gianforte explained the Owners are hoping to use an apartment on the side of their house as a B&B. He said the necessary details were submitted with photographs of the parking area provided today. He noted the business plan had been submitted, and he felt it was a “pretty straightforward” proposal.

Referring to the floor plan entitled *Heritage Ranch Cust 1<sup>st</sup> Floor Plan #8382 BC* for G & I Homes, T. Pratt believed the Applicants were using the highlighted area which was the part of the house having a separate apartment with a separate entrance as the designated area for the B&B.

C. Lawrence responded, “Yes.”

T. Pratt saw that was a 600 square foot apartment, and the property was 17.72 acres.

The survey entitled *Map Of Lands of Dusty & Charlene Lawrence (2545 Stanton Road) Part of Lot 75 Town Of Cazenovia, Madison County, New York* dated August 2, 2010 by David A. Vredenburgh was referenced.

T. Pratt said the parking area was shown on the drawing accompanied by photographs of the area. He asked how much room was in the parking area.

C. Lawrence answered there was room for at least two (2) cars (in addition to the two-car garage for their vehicles). She elaborated that four (4) cars could actually fit on the paved parking area.

T. Pratt asked the maximum number of guests that would be hosted (at any one time).

C. Lawrence responded four (4) guests would be the maximum.

T. Pratt commented that the maximum allowed in the Town Code was six (6) but he thought four (4) was the right number for this space.

T. Pratt believed there would be no events, no signs, and no noise. He presumed the Applicants would control their guests, since they were responsible to be the primary control of the premises.

C. Lawrence expressed understanding.

T. Pratt said the Owners would need to maintain a register which must be available for Town review at any time.

C. Lawrence responded, “Okay.”

T. Pratt said the Owners needed to be on the site at all times, clarifying he meant any evening when guests were present.

C. Lawrence again expressed understanding.

T. Pratt did not anticipate there would be any impact upon traffic or any environmental impacts for this use.

T. Pratt asked if there was a second floor.

C. Lawrence answered, “No.”

T. Pratt asked if they would be using the B&B for any particular seasons or times.

C. Lawrence answered they would be present year-round so the B&B would be available 365 days per year.

T. Pratt asked if there would be any special lighting.

C. Lawrence explained there was existing outside lighting by the driveway and there were porch lights.

T. Pratt informed Mrs. Lawrence that any changes to those lights would need to be dark-sky compliant.

T. Pratt also informed Mrs. Lawrence an inspection by the Code Enforcement Officer, Chuck Ladd, would need to be performed and any repairs needed to comply with the Town Code would need to be done (prior to hosting).

C. Lawrence replied, “Okay.”

T. Pratt said they had checked into the septic system. He noted there were two bedrooms in the house currently and the use of the apartment living room as another required them to make sure the septic system was adequate. He saw there was a 1000-gallon tank, so that was sufficient.

T. Pratt asked about wetlands in the area.

C. Lawrence explained they owned the 63 acres behind their 17-acre property. The 63-acre parcel was a ravine property that was part of a conservation easement. She wondered if that was what Mr. Pratt was questioning. She said it is a separately deeded property, but it abuts the house property.

T. Pratt thought he saw a note about wetlands, but it may have been just a reference to land that was wet.

D. Silverman commented that it sounded like a great plan for a beautiful property. He said it would be a full-time job, but called it “very, very nice.”

G. Mason thought the proposal looked good as long as the maximum number of people would be four (4).

J. Juskiewicz had no issues.

D. Vredenburg thought everything was in order.

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

T. Pratt asked if there was any one present wishing to speak in favor of or in opposition to this file.

Hearing no comments, motion by G. Mason, seconded by D. Vredenburg to close the public hearing was carried unanimously.

J. Langey then led the Board through the Short Environmental Assessment Form (SEAF) to review the State Environmental Quality Review (SEQR). The Board ascertained any impacts would either be small or none at all in reviewing the criteria.

T. Pratt reminded the Board they must determine that there would be no physical or environmental impacts to the neighborhood.

T. Pratt listed his conditions. He said the space was to be the 600-square foot apartment with a maximum of four (4) guests at any one time. He said parking space would be provided for two (2) cars. He said there would be no recreational vehicles (RV's)/campers. There would be no events and no signs. A register would be maintained for review by the Town. The hosts would be on site at all times and they would control the people being hosted. Inspections will be performed by the Code Enforcement Officer and any repairs will be done to his approval. Town Code and New York State Building Code will be followed. Applicable taxes will be collected and paid to Madison County. Operation will be 365 days per year.

T. Pratt asked if Mr. Langey had any other conditions.

J. Langey added that renewal will be done annually. He also said there shall be no alteration to the exterior of the building shall be done to change its appearance as a residential premises. He asked about there being no signage.

C. Lawrence asked if she could have a sign no larger than two (2) square feet.

J. Langey answered the Code allowed for a sign of that size. He thought the proposal had mentioned no signage.

C. Lawrence said the proposal included a 2-square foot sign.

T. Pratt changed his conditions to reflect that.

J. Langey said the Code also requires insurance, and the Board reserves the right to revoke the special use permit if there is failure to comply with the regulations.

C. Lawrence replied, "Okay."

Motion by G. Mason, seconded by L. Gianforte, to appoint the Zoning Board of Appeals as Lead Agency for the purposes 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 B & B was carried as follows:

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

T. Pratt informed Mrs. Lawrence to contact the Town Office for the remaining procedure to finalize her B&B and to schedule her inspection by Mr. Ladd.

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*Vaccaro, David - #24-1527 – Area Variance – 4485 East Lake Road, Cazenovia  
(David Vredenburgh)*

David Vaccaro was present to represent the file.

T. Pratt said the proposal was in the Lake Watershed and was a request for an area variance to demolish the existing house and build a new home that required 40 feet of front yard setback from East Lake Road. He calculated that to be 47% relief needed. He explained there was a sewer line between the existing house and the lake, and that site plan review by the Town of Cazenovia Planning Board would be needed for this project as well. He stated the Village of Cazenovia had been notified regarding this project (since the Village line was within 500 feet of the subject property). He noted the General Municipal Recommendation Report (GML) had been requested 3/21/2024 from Madison County Planning Department had been received 4/8/2024 and was returned for local determination.

Drawing A 108 *Vaccaro Town of Cazenovia Site Plan Overlay* drawn by Jacob Vaccaro was referenced.

D. Vredenburgh said along with the application the other paperwork had been submitted, including maps that show where the existing structure was located, the map showing the proposed structure superimposed over the existing structure, and floor plans. He noted the existing structure encroaches the side yards on both the north and the south sides whereas the proposed structure will have adequate setbacks from those property lines – 25 feet on the north and 30 feet on the south. He said the proposed house will be about the same distance from East Lake Road as the existing house, but that would be the only area variance needed.

D. Vaccaro said he had tried to incorporate all the suggestions he had received from the Board during previous informal discussions. He said he had changed the proposal from a 2-family house to a single-family house. He had eliminated as many of the variances as possible. He felt he could not move the house any farther from East Lake Road due to the landscape and the constraints of the lot. He also thought the location of the proposed house kept the house out of the view of the neighbors. He believed the permeability of the proposal would be similar to the existing coverage. He said the square footage of the house would be larger than the existing, being a two-story house. He said they endeavor to make it as attractive as possible with a garage, and the location of the structures will be ten (10) feet from the angled sewer line (that bisects the property). He said they would use the same driveway cut, but they would angle it to the front of the proposed structure. He also stated they would run gutters to the back of

the property for drainage. He anticipated needing some fill to make the driveway more level. He concluded they endeavored to design a practical, attractive house for himself and for the community.

T. Pratt believed the proposed house would be in line with the other houses in that area.

D. Vaccaro replied that was correct.

T. Pratt asked if there would be a septic system or if the house would connect to the sewer line.

D. Vaccaro answered it was sewer now and it would be sewer for the proposed home.

T. Pratt stated the impervious coverage would be an issue for the Planning Board, but he thought water control would be important. He recalled there was a wet area in the back of the property, so the Applicants would not want to send more water into that area. He presumed less water would be running from the side where the pavement would be removed.

D. Vaccaro said water from the road also runs past the house rather than down the driveway. He thought perhaps improvements were made to the road because at one time it looked like water did discharge down the driveway, but he noted it no longer does. He understood he needed to make sure the runoff from the house will be discharged to the back correctly.

D. Vaccaro believed the coverage for the .79-acre parcel could be 3441 square feet of impervious area. He thought there was currently about 3035 square feet. He believed he would have 3034 square feet. He explained the relocation of the driveway to the front of the house will reduce the impervious surface total, so even though the square footage of the house will increase, being a two-story house, the coverages will be comparable.

T. Pratt believed that was less than the 10% allowed.

D. Vaccaro said that was right.

T. Pratt commented, "That's good."

T. Pratt asked about the driveway grade. He thought it was going from the grade at the road to the first-floor level of the proposed house.

D. Vaccaro responded that was correct.

T. Pratt thought that was about 10 feet.

D. Vaccaro said the driveway was at the lower end of the property too. He said it would be a decent, but curving it from that location made it less severe, which was a consideration for the wintertime.

T. Pratt asked about the maximum height.

D. Vaccaro said it would be (slightly) less than 35 feet from the road. It would be one (1) foot off the front and 33 feet 8 inches to the top.

T. Pratt stated the compelling reason for the variance was that the parcel was land-locked.

T. Pratt asked the square footage of the footprint.

D. Vaccaro answered the house was 3800 square feet and the garage was 420 square feet.

T. Pratt asked if that was the total square footage or the footprint.

D. Vredenburgh asked if that included the decking on the back of the proposed house.

D. Vaccaro said it did not include the deck, but there would be spacing so the deck would not be part of the impervious surface area.

T. Pratt said if the deck was to be permeable, the surface below the deck needed to be pervious as well.

D. Silverman felt the proposal would be a great improvement, and spoke about the constraints of the sewer line.

G. Mason said his concern had been the distance between the sewer line and the proposed deck. He said the height from the back side of the house had been another issue.

T. Pratt explained the Code addressed the height from the front of the house.

D. Silverman cautioned that 10 feet between the sewer line and the deck would not allow for a great deal of clearance if the sewer line needed accessing.

D. Vaccaro responded, "Understood."

J. Juskiewicz commented that Mr. Vaccaro did a good job working with his constraints. He did not believe the view of the house from the road would be that considerable since the bank would conceal much of it. He had no issue with the proposal.

T. Pratt believed the second floor and the roof would be visible from the road.

L. Gianforte noted there were trees between the house and the road now and wondered if those could be preserved, or if plantings could be added to soften the view from the road.

D. Vaccaro responded he would like to preserve as much as he could. He explained there was a large nut tree there that he was unsure if he could save. He repeated he would like to ultimately leave as much as he could, and if he needed to, he could add trees for privacy. He said there were cedars on the south side, but there were fewer trees to the north.

D. Vredenburgh said the sewer line location was his concern. He also asked the difference in elevation from the garage floor to the road.

D. Vaccaro thought it was 8-9 feet, but he was unsure.

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

T. Pratt invited comments at this time.

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

J. Langey said this was a Type II Action regarding SEQR.

T. Pratt then led the Board through the criteria for an area variance asking if it would be an undesirable change to the neighborhood. T. Pratt did not think it would be, saying he felt it would be similar to the surrounding homes.

T. Pratt asked if there was an alternate solution. He thought the buildable space was landlocked between the road and the sewer line.

T. Pratt asked if there would be physical or environmental impacts. He said they have discussed the driveway slope, and believed the impervious surface percentage was under the 10% maximum.

T. Pratt asked if it would be a substantial impact. He noted it was 47% or 40 feet, however, the limited site and sewer were offsets.

T. Pratt asked if it was a self-created issue. He admitted it was, but repeated it was a limited site.

T. Pratt reviewed conditions. He said:

- 1) they would have to comply with the Town Code, and New York State Building Code;
- 2) they would have to connect to the public sewer system;
- 3) they would have to meet the impervious surface requirements set forth by the Planning Board;
- 4) any exterior lighting would have to be dark-sky compliant, low-level, and shielded,
- 5) as many planting as possible shall be conserved as a vegetative buffer between the house and the road;
- 6) the setback from the sewer line shall be maintained;
- 7) a surveyor shall locate and flag the 10-foot setback from the sewer line, which shall be witnessed by the Code Enforcement Officer, Chuck Ladd;
- 8) the 40-foot setback from East Lake Road shall be flagged by a surveyor; and

9) an as-built survey shall be provided upon completion of the project.

Motion by D. Vredenburgh, seconded by G. Mason, to approve the area variances conditioned upon the above-stated requirements was carried as follows:

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

T. Pratt instructed the Applicants to appear before the Planning Board for site plan review.

D. Vaccaro expressed appreciation for the Town’s standards.

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Motion by D. Silverman, seconded by G. Mason, to adjourn the meeting at 8:08 p.m. was carried unanimously.

Sue Wightman, Zoning Board of Appeals Secretary – April 23, 2024.