

Cazenovia Zoning Board of Appeals

Meeting Minutes

September 26, 2022

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

Members absent: Gary Mason

Others present: Wendy Lougnot; Chuck Ladd; David Peterson; Matthew Vredenburgh; Jonathan Brodock; Beecher Graham; Mark Goris; Catherine Savage; Glenn Savage; Michael Frateschi; Kyle Reger

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

Roll was taken. Michael Palmer acted as a voting member in Gary Mason's absence.

Motion by M. Palmer seconded by L. Gianforte, to approve the August 22, 2022 meeting minutes was carried unanimously.

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

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

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

David Peterson was present to represent the file.

T. Pratt said the special use permit was issued for a Bed & Breakfast (B & B) in the Lake Watershed Overlay Zone. He explained complaints regarding the operation of the B & B had been received so Mr. Peterson was asked to attend the meeting last month at which time he was given items of compliance to complete for this month's meeting. Mr. Peterson was asked to review the resolution written for the initial approval and to advise the Board of corrections he has made (to adhere to the resolution). Mr. Peterson submitted a letter September 16, 2022 to that affect. Mr. Peterson was also asked to provide his register and the Board has reviewed that as well. A modification of the listing on Airbnb was made (to correct the listing and to reflect the maximum number of guests allowed). Lastly the Assistant Code Enforcement Officer Chuck Ladd was asked to review the items and the facility. At the time, Mr. Ladd found items which did not meet the New York State Building Code.

T. Pratt asked Mr. Ladd to give a summary of his findings.

C. Ladd stated there were a number of code violations he discovered while he was touring the facility with Mr. Peterson. His main concern was an electrical service wire that was running across the floor of the breezeway connecting the two sections of living quarters on the upper floor. He also found the main meter can service area had some wires on the exterior side. He said he recently was texted photographs from Mr. Peterson showing the items Mr. Peterson has already addressed like boxing in/enclosing the meter can area, but he said those items still need to be completely remedied. Another item was a 32-inch railing along the breezeway that needs to be at least 36 inches and should be extended to prevent access to the section of roof directly below. A hand rail needs to be added to the stairway going to the second story. He also noted the access hole for the gas meter needs to be covered. He supplied photographs of each of these items documenting the conditions as he found them.

D. Peterson interjected that he had found the boards that were the hatch covering for that (gas meter).

C. Ladd said these safety items need to be addressed before the B & B use can be assessed. He stressed his concern especially regarding the service wire, saying that issue was paramount. As he pointed out to Mr. Peterson at the site, those issues were especially important if the public were using the facility and cautioned the \$2,000,000.00 insurance policy would be inadequate in the event of a serious injury resulting from those issues.

D. Peterson expressed understanding. He said the area in question was not meant for public use and was generally kept locked, but he understood the necessity of making it safer.

T. Pratt asked Mr. Peterson when he could have those items fixed, stating they would have to be approved by Mr. Ladd before the Board could go further with the B&B renewal.

C. Ladd offered to go to the property and to help Mr. Peterson address the issues, remarking National Grid would probably not respond before ten (10) weeks.

D. Peterson said he would love (National Grid to come in) ten (10) weeks, reporting National Grid had not come in 20 years.

C. Ladd also said he had been unable to locate a Certificate of Occupancy (CO) for the building and did not believe anyone would have issued one with the service wire being as he found it.

D. Peterson responded three (3) people had inspected the property.

C. Ladd asked if Mr. Peterson had requested a final inspection after doing the work for the last addition.

D. Peterson answered, “Yes.” He said Mr. Cook had told him of 4 – 5 items Mr. Peterson needed to complete, which Mr. Peterson had done. He alleged Mr. Cook had never informed him the service wire or the service box were items needing to be addressed. He said when he had done the original house 20 years earlier, Mr. Cook had inspected that as well.

C. Ladd believed Mr. Cook would have failed the work for final inspection.

D. Peterson responded that any item Mr. Cook had asked Mr. Peterson to complete, he had.

T. Pratt asked if Mr. Peterson had been given a Certificate of Occupancy.

D. Peterson answered he assumed he did.

D. Peterson said he would like to get one. He related the efforts they have made to remedy the service wire situation over the course of two (2) decades.

C. Ladd asked if an inspection had been done prior to the issuance of the special use permit for the B&B.

D. Peterson answered the resolution called for about ten (10) things that he needed to do.

T. Pratt explained compliance with the Building Code items would have been among the conditions of the resolution.

D. Peterson wanted it to be understood that the wiring running across the house, in the position Mr. Ladd found, was not an item Mr. Peterson had been ignoring, saying he did not want to blame anyone.

C. Ladd pointed out the responsibility for the liability was Mr. Peterson's especially once Mr. Peterson invited "the public into the atmosphere," which he described as "dangerous."

T. Pratt explained that the Board was at a point where they could not move forward.

D. Peterson expressed understanding.

T. Pratt also believed Mr. Peterson should not provide the B&B service until the safety items had been corrected.

D. Peterson responded they were done for the year, so that would be "all right."

C. Ladd explained he would be issuing a citation to document his findings; he would then meet with Mr. Peterson to help him address the issues; once the issues were resolved, he would document with photographs and notes recording compliance; and he would then be able to issue the CO.

T. Pratt wondered if Mr. Peterson would be able to accomplish that before the next meeting, noting National Grid was a factor.

C. Ladd thought the situation could be remedied by keeping the public out of the areas that were unsafe while still meeting the fire code.

D. Peterson repeated he did not want the public in that area and that was why he kept the door locked.

C. Ladd said a barrier would be needed.

Motion by M. Palmer, seconded by D. Vredenburg to continue the file and to suspend the operation of the B&B until the Board received Mr. Ladd's approval for all inspection items was carried unanimously.

D. Peterson was given a copy of the memo and photographs Mr. Ladd had created from his inspection.

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

T. Pratt said the special use permit renewal was a B & B in the Rural A District which was approved in 2019. A second letter for renewal was issued with the request that Mr. Hoagland respond by

October 19, 2022, which Mr. Hoagland had done, with the understanding the inspection will be done within the next month.

Motion by D. Vredenburg, seconded by D. Silverman, to continue the file for another month was carried unanimously.



Stearns, Melvin - #05-250 – Special Use Permit Renewal – 2639 Mill Street, New Woodstock

T. Pratt said this was a special use permit renewal in the Rural A District for the keeping of goats issued in 2005.

C. Ladd said there had been no complaints and he did not inspect the property, but he did approve the renewal.

Motion by L. Gianforte, seconded by M. Palmer, to renew the special use permit for another year with the original terms and conditions was carried unanimously.



*Brodock, Jonathan - #22-1435 –Special Use Permit – 5125 Temperance Hill Road, Cazenovia
(Luke Gianforte)*

Jonathan Brodock was present to represent the file, and his wife Beecher Graham was in the audience.

T. Pratt explained the application was to put a storage building in front of the house in the Rural A District. He said this was the Applicant's second meeting, and the Board had visited the site.

L. Gianforte believed all the members had been able to visit the property or at least had been able to drive by the site. He said Mr. Brodock was seeking to put a storage building in the front yard and Mr. Brodock had submitted pictures and plans.

T. Pratt asked if there was a measurement stating how far from the road the building would be.

J. Brodock believed it was 115' – 120' from the center line of Temperance Hill Road.

T. Pratt asked how far the proposed building would be from the house.

D. Vredenburg noted it would be 117' from the center line of the road.

It was determined that the house was 330 feet from the center line of Temperance Hill Road.

T. Pratt said that would result in the variance being 66%.

T. Pratt recalled there would be no lighting.

J. Brodock affirmed there would be no electricity.

T. Pratt recalled there would be no water and no sanitary associated with the proposal.

J. Brodock said that was correct.

T. Pratt presumed the function would be for storage.

J. Brodock said that was right.

T. Pratt asked the reason for the windows.

J. Brodock responded for lighting the interior.

T. Pratt noted the variance was substantial and wondered if the structure could be moved closer to the house.

M. Palmer agreed feeling there was a compelling reason to put the structure closer to the house. He conceded there were other accessory structures along the road that were closer to the road, but he said the homes were also closer to the road. He also noted most of the other barns were squared to the road (whereas this proposal would be angled).

J. Brodock asked if that was an issue.

M. Palmer responded it would depend how close to the road the proposed structure would be and how well-screened it would be. He stated the existing trees would not provide much screening so as proposed, the barn would be visible. He said they could not make it invisible but they could mitigate the appearance by moving it farther from the road, squaring it, and planting trees between it and the road.

D. Vredenburg concurred with Mr. Palmer, saying it was a substantial variance request, but he thought with adequate screening the barn could be concealed. He said the orientation of the building was immaterial to him, saying the other structures were much closer to the road than this would be. He favored relocating the structure farther from the road to lessen the relief needed for the variance, but he "was not married to that."

L. Gianforte agreed that moving it farther back would make his approval easier, realizing that the style of the barn would be different from the modern style of the house, so the two structures would not look

compatible if they were located too closely to each other, but he felt moving it farther from the road with screening would be preferable.

J. Brodock asked the issue with having the barn visible, wondering if it “would be perceived as unpleasant.”

T. Pratt explained that the Code creates a buffer from the road.

M. Palmer added ideally the house would be the prominent feature on the property so the less prominent features were to be seen behind the front line of the house. He said the barn would be attractive, but reducing its visibility by planting 2-3 or 3-4 trees was in keeping with the regulations and seemed like a reasonable request for such a substantial percentage of relief being requested.

D. Silverman agreed. He said the existing screening was “lovely,” but felt the request for additional screening was not excessive considering the significant relief being sought. He approved of pulling it back from the road, squaring in to the road, and planting a few additional trees. He felt the property had been developed phenomenally and expected this structure to be as well.

J. Brodock perceived all the Board members were preoccupied with the percentage of relief being requested for the variance. He said he did not know the philosophy of the Board, nor if the Board was pro-growth, but he thought moving the structure closer to the house would cause the barn to compete with the house which he thought was a bigger issue than percentages. He said moving the structure closer would require the barn to be a more modern style which he had not wanted nor considered. He said moving the barn farther down the driveway would cause the barn to lose its appeal for him. He acceded if he could have the barn where he proposed, he would not mind planting more trees.

M. Palmer asked why screening it farther from the road would not be effective.

J. Brodock said he had no problem with screening, but if he had to move it to be approved, he and his wife would have to deliberate.

T. Pratt asked the Board how far they thought the barn should be moved.

J. Brodock said it would be on the right-hand side of the driveway (if he were to move it closer to the house).

T. Pratt and M. Palmer asked if Mr. Brodock meant he would move it to the other side of the driveway.

M. Palmer asked why Mr. Brodock would move it.

J. Brodock answered he would not want to see it as he drives down his driveway; he did not want his view interrupted halfway down his driveway. He said he was viewing the location from an aesthetic perspective. He also felt most people would find the structure to be “a great looking barn.”

M. Palmer countered that the majority of voters elected the Town Board members who created the regulation not to build a structure closer to the road than the house. He said at some point there was a legitimate reason to create the law now in place. He said the Board was not assigned to argue the law, but to decide if the variance requested was reasonable; he felt a request for 66% of relief was not reasonable. He also explained the Board's reluctance to set a precedent contrary to the regulations. He said the Board was not asking Mr. Brodock to conform to the law and move the barn all the way back to the house, but they were asking him to move it farther away from the road. He assured Mr. Brodock the Board was trying to let him build his project saying, "not one person here doesn't want that barn built," but explained they were hoping it would "come more into compliance" and mitigate its not being completely in compliance with screening. If that were proposed, he felt Mr. Brodock could get five (5) positive votes.

J. Brodock asked how far he would have to move it.

M. Palmer asked the Board if 50 feet would be acceptable.

T. Pratt said that would make the variance about 50%.

J. Brodock sensed Mr. Pratt was not in favor of 50%.

T. Pratt admitted he would prefer it be farther from the road.

J. Brodock said, "Okay, then that's it fellas. Thank you very much for your consideration."

T. Pratt and M. Palmer asked if Mr. Brodock was withdrawing his request.

J. Brodock said he would have to converse with his wife. He asked if the Board wanted an answer right now.

T. Pratt said they did not need an answer tonight, saying Mr. and Ms. Graham could think about it and return next month.

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

*Burdin, Donald & Eunice - #22-1439 –Area Variance – NYS Route 13, New Woodstock
(David Vredenburgh)*

Mark Goris, Esq. was present to represent the file on behalf of Donald and Eunice Burdin.

T. Pratt said the request was for an area variance in the Rural A District.

The map entitled *Lot Line Adjustment on Part of Lots 78 & 79 – Cazenovia* dated 11-15-21 by Michael J. McCully was displayed to understand the variance being requested.

T. Pratt said he understood that a subdivision was being proposed which would create a lot that would have only 200 feet of road frontage on Parker Road when 300 feet of road frontage was required for new lots.

D. Vredenburgh said the Board was only approving or disapproving the variance being requested for the nonconforming parcel. He believed at the time the lot was initially created, the Code only required 200 feet of road frontage. He felt the explanation in the application clearly stated the reasoning for the creation of the lot.

M. Goris explained Mr. and Mrs. Burdin are subdividing this property as part of their estate planning. A portion of the lot will be given to their daughter, Susan Rinaldo, who lives on Parker Road adjacent to the property to be conveyed. The 21-acre lot would be unusually shaped, and as Mr. Vredenburgh pointed out, it currently only has 200 feet of road frontage.

T. Pratt asked why it could not have 300 feet.

M. Goris answered as the lot exists today, there is only 200 feet of frontage. A line change would be needed to convey 100 feet of frontage from two already existing, neighboring lots. He said that was not the goal for the lot at this point in time. He repeated when the (adjacent) lot was created, the road frontage for this lot met the requirements at the time.

T. Pratt asked the intent for the lot.

M. Goris said it was his understanding that ultimately Mr. and Mrs. Burdin will be transferring ownership of the subdivided properties to their children. He did not believe there was any intention for the land by the children at this time. The section of the lot east of Parker Road has been a hay field and he believed it would continue to be a hay field. The property on the west side of Parker Road would be conveyed to Susan Rinaldo, who lives there, and he was unaware of her intentions at this time. He believed a portion of that property was described “as being wet.”

T. Pratt asked if the subdivision was to separate the existing parcel as it is naturally bisected by Parker Road.

M. Goris understood that the acreage to the east of Parker Road would be conveyed to the Burdins’ son Donald, and the 21-acre parcel would be conveyed to Susan, but he was unsure about the third parcel also on the west side of Parker Road and to the north of the Rinaldo home which would become a 3.9-acre parcel. He said the Burdins have a third child, but he thought he was getting something else, so he said perhaps the third lot would also go to Susan, but he was unsure. He explained that he has not been involved in the subdivision and was sent as the Applicants’ representative for the area variance.

T. Pratt then presumed the ownership of all the parcels to the west of Parker Road would be Susan's, being owned by one person, but having parcel divisions.

M. Palmer asked if the Rinaldo barn was located on the house parcel.

M. Goris was unsure, saying he was "pinch-hitting."

M. Palmer said the Board had to presume the created lots were potential building lots.

W. Lougnot added the Board also needed to presume the lot created could be sold with 200 feet of road frontage.

M. Palmer reiterated the Board would be creating a non-conforming, 21-acre lot. He asked Ms. Lougnot if the Board could stipulate that no further subdivisions be done. He felt the logic behind the increasing amount of road frontage needed was density control, so restricting further subdivisions would accomplish the intended goal of the required road frontage.

T. Pratt agreed.

M. Palmer noted the lot to the north of the Rinaldo lot and the Rinaldo parcel both had more than adequate road frontage, so the frequency of houses for the area was less than what could have been allowed (with the 300-foot requirement).

W. Lougnot questioned the need to put as a condition of the approval that no further subdivisions could be sought since another variance would be needed if they chose to subdivide in the future. She said, however, a private road could be installed which would allow more homes in the future.

M. Palmer believed five homes could be serviced by a private road. He doubted that would happen but commented that many unexpected situations have happened over the course of time, so that scenario was a consideration.

W. Lougnot said that development would have Planning Board review.

M. Palmer asked if it would be cumbersome to have the stipulation that no further subdivisions be allowed.

W. Lougnot conceded it was not, but it was unusual to require that of a lot this large.

D. Silverman commented perhaps development might be advantageous for the hamlet in the future.

D. Vredenburg said he had no problem with the lot having 200 feet of road frontage and he did not favor an owner committing to restricting further subdivision, since one does not know what may happen in the future.

M. Palmer said he personally had no problem with the 200 feet of road frontage either, but he was seeking a tradeoff if others on the Board were struggling with the density issue.

L. Gianforte was not opposed to the 200 feet of road frontage, but he also would not be opposed to restricting future subdivisions.

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

Catherine Savage who was waiting in the audience to discuss her project commented, “Go for it.”

Hearing no other comments, motion by M. Palmer, seconded by D. Vredenburg, to close the public hearing was carried unanimously.

W. Lougnot then lead the Board through Part 2 of the Short Environmental Form (SEAF) for the State Environmental Quality Review (SEQR) for this Unlisted Action.

T. Pratt reviewed the criteria for the granting of area variances asking if it would be an undesirable change to the neighborhood. He felt it would be similar in character and historically was previously approved.

T. Pratt asked if there were an alternate solution. He felt there was but felt it was not significant enough to pursue.

T. Pratt asked if there would be physical or environmental impacts. He believed there would not be.

T. Pratt said the request was for 30% relief, so he did not think that was substantial.

T. Pratt said in considering if the hardship was self-created, it was actually a preexisting, non-conforming situation.

Motion by M. Palmer, seconded by D. Silverman 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 area variance for the creation of a nonconforming lot having 200 feet of road frontage as most recently submitted was carried unanimously.

Savage, Catherine & Glenn - #22-1440 –Special Use Permit – 2529 Juddville Road, Cazenovia (Gary Mason)

Catherine Savage was present to represent the file and Glenn Savage was in the audience.

T. Pratt said this was a request for a special use permit in the Rural A Zone to add a 30’ X 50’, Quonset-style, accessory building. He noted there would be no site plan review by the Cazenovia Town Planning

Board for this file, so the Board would be reviewing those details as part of their consideration for the additional accessory building.

The site drawing submitted with the file drawn by Michael J. McCully was displayed.

C. Savage also displayed the photograph showing the style building and explained they own 2 parcels which total approximately 15 acres. Prior to Mr. Cook's accident, he had instructed them to realign the lots so that all the structures would be on the parcel with the house, which they had done. They now wish to add this building which would be about 17 feet tall and would not be visible from the road, mentioning her house was not visible from the road either. She said it would be a workshop with water and electricity, but no sewer. She explained it would have water because the slab foundation would be heated by water pipes within the slab.

M. Palmer asked the number of buildings already on the property.

C. Savage pointed out on the drawing a board and batten single-car garage with a woodshed on the side that was on the property when they bought the parcel. She also pointed out a small chicken coop which was currently unused. She said there was also a small, removable shed, which they could remove once the new building was erected. In addition, there was a small greenhouse shown on the drawing, which contrary to the depiction, was not located in the New York State Natural Gas Corporation Right-of-Way. She explained the greenhouse was along the side of the creek on the other side of the hill from the house.

M. Palmer asked the number of structures existing including the house.

C. Savage answered the proposed building would be the fifth accessory structure.

M. Palmer said the total number of structures would then be six (6).

C. Savage stated they would remove the small shed once the new building was built.

T. Pratt asked if any other buildings could be removed.

D. Silverman wondered if the chicken coop could be removed.

G. Savage responded, "No." He said they were hoping to "repopulate" the coop.

C. Savage said the greenhouse was a timber-frame structure that was already existing. The only building they had intended to remove was the shed. She added that the buildings were very spread out on the property. She said the drawing did not show the topography, so it didn't accurately represent how the structures truly appear.

T. Pratt asked how the new building would be used.

C. Savage answered her husband would use it for a woodworking shop and they would park one car in it during the winter.

T. Pratt presumed they would not be running a commercial enterprise out of it.

C. Savage assured him, “Absolutely not.”

M. Palmer asked how many buildings were allowed according to the current regulations.

T. Pratt answered two (2) with any additional structures requiring special use permitting from the Board.

C. Savage responded the property had multiple structures when she bought it. She was unsure if the previous owner, who was no longer living, ever applied for them. She said she was requesting just one additional building.

D. Vredenburgh asked what was on the pad that will be used for the new structure.

C. Savage said it was only a pad, no other structure had been on it.

T. Pratt asked if Ms. Savage put the pad there.

C. Savage said she did.

T. Pratt asked if she had done it in advance of the building.

C. Savage said she had installed it in advance of the building based upon a conversation she had with Mr. Cook earlier in the year. She elaborated that she had broken her “foot in half unloading said building from the trailer.”

T. Pratt then assumed Ms. Savage already had the building.

C. Savage confirmed she already has the building.

D. Silverman remarked Ms. Savage was already invested in the project.

More discussion followed regarding the number of buildings allowed and the procedure to have more.

M. Palmer said even though the buildings were on the property before Ms. Savage acquired the property, the number of buildings would still be six (6).

C. Savage asked if she would have to come back to the Board six (6) times.

T. Pratt assured her she would not since it was a preexisting condition.

M. Palmer asked for Ms. Lougnot’s guidance since the pad was poured and the building was on the premises albeit unassembled.

C. Savage clarified no permit had been issued nor had Mr. Cook inspected the slab, but he had allowed the work to move forward with assumption the necessary paperwork would follow. She said many photos had been taken, but then Mr. Cook had his accident.

W. Lougnot said from the sounds of it, the additional structures may have been added before the regulation dictating the number of accessory structures was adopted, so the Board must answer the question if they want to allow the current proposal with the special permit application. Ms. Savage has indicated a willingness to remove a structure which could be a condition of the Board to make the situation more compliant.

D. Silverman returned to the solution of removing the chicken coop as well.

T. Pratt clarified the primary use for the new building was a workshop.

C. Savage confirmed it was adding she had not intended to keep chickens in the workshop.

M. Palmer asked if the chicken coop could be combined with the single-car garage and be eliminated.

D. Vredenburgh suggested attaching the chicken coop to that building.

M. Palmer pointed out that would result in two (2) fewer structures.

Both C. Savage and G. Savage responded, “Yes.”

T. Pratt and M. Palmer both thought that would be “a win.”

T. Pratt asked about the appearance.

Referring to the photo, C. Savage said she was looking to put a similar garage door with similar siding or a board and batten siding to make it more in keeping with the house.

T. Pratt asked about matching the color to the color of the house.

G. Savage thought matching the garage building with the chicken coop would make more sense.

The house is brown, but the garage building is painted “Moss Lichen.”

T. Pratt asked about the subtleness of the shade of green.

C. Savage described it as a medium green/blue, the same color as actual lichen.

M. Palmer asked if the new structure would be located closer to the accessory structures than the house.

C. Savage answered, “Yes.”

C. Ladd asked if the pad was constructed per the manufacturer’s recommendations.

C. Savage responded, “Yes, Sir.” She explained Shane (Adams) from New Generation Masonry did the work and she and he took pictures of it.

T. Pratt asked if there would be runoff issues with water, for example if water would run downhill into a stream.

C. Savage said it would not.

T. Pratt asked if all runoff would be contained on the property.

C. Savage affirmed it would.

G. Savage displayed a photograph of the outbuilding on his phone.

T. Pratt remarked the color resembled gray.

C. Savage stated she chose it because it matched the natural element of the property.

D. Silverman asked if the color for the proposed structure appealed to Ms. Savage.

C. Savage affirmed it did.

M. Palmer advised using board and batten as well.

C. Savage responded, “Okay.”

M. Palmer asked at what time should the two ancillary structures be removed.

T. Pratt thought the chicken coop should be removed prior to the construction of the new building.

C. Savage said the new building would not be constructed prior to winter.

T. Pratt asked if she could remove the chicken coop in the meantime.

C. Savage said she could attempt to move it in the meantime, but she could not promise it would be done because she could not do the work herself at this time (due to her injury).

It was T. Pratt’s understanding the other shed could not be removed until the new workshop was built.

C. Savage affirmed that was correct.

M. Palmer said Mr. Ladd would need to know when the Board expected that structure to be removed.

C. Savage asked if she could remove the chicken coop prior to applying for the permit for the new structure.

It was determined that the condition would require the chicken coop be removed before the issuing of the permit for the new structure and the shed be removed after the construction of the new structure.

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

There were no comments.

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

W. Lougnot lead the Board through Part 2 of the SEAF for the SEQR for this Unlisted Action.

T. Pratt asked about electricity within the structure.

C. Savage said they would have electricity within the structure and they were considering having roof mount flexible solar panels to generate the power for the structure.

C. Savage clarified the use for water repeating that the floor will be water heated. She added they may have a utility sink as well, but there would not be toilets or showers.

T. Pratt reminded the Board a special use permit was to be issued if it was found to be appropriate to the neighborhood with no physical or environmental effects.

The conditions were then reviewed and were:

- 1) the color will match the existing, single-car garage;

G. Savage expounded that the color would match on the front and back wall of the structure, but the steel roof would not be painted.

M. Palmer asked the color of the roof.

G. Savage said it was galvanized steel.

- 2) the chicken coop would be attached to the single-car garage prior to the issuance of the permit for the proposed structure;

- 3) the shed will be removed following completion of the new structure.

L. Gianforte asked the timeline for removing the shed after completion of the new building.

It was decided that the shed would be removed within 45 days of completion.

- 4) there would be no commercial use associated with the building; and

- 5) outdoor lighting would be night-sky compliant and shielded.

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 and make a Negative Declaration, based upon the Board's review of the SEAF and to approve the special use permit for a 30' X 50' X 17' Quonset-style accessory structure as most recently submitted and with the aforementioned conditions was carried as follows:

Thomas Pratt	Voted	Yes
David Silverman	Voted	Yes
David Vredenburg	Voted	Yes
Luke Gianforte	Voted	Yes
Michael Palmer	Voted	Yes.

*Lucas, David - #21-1401 –Special Use Permit Extension – 2405 Barrett Road, New Woodstock
(Thomas Pratt)*

Michael Frateschi of TJA-NY-Barrett Rd New Woodstock, LLC was present to represent the file.

T. Pratt asked for the reason an extension was being requested. He recalled one was already given due to supply issues.

M. Frateschi said the first extension was due to the inability to obtain the original racking, so they modified the plan to change the racking from 8 feet tall to 14 ½ feet tall.

T. Pratt thought it also involved changing the panels as well.

M. Frateschi stated it was only to amend the racking. He said at this time they are having a problem acquiring the modules. He explained in the spring of 2022 the Department of Commerce issued a tariff against all modules coming from Thailand, Cambodia, Vietnam, and Korea because of an anti-circulation investigation assuming the manufacturers were taking parts from China, building them, and then sending them (from their countries). The issuing of that tariff shut down the entire industry – projects in construction, and projects nearing construction – because modules became nearly impossible to get. Although the investigation continued, after a couple months some relief was given, but the capacity was taken by “bigger players.” He said the domestic production in the United States cannot keep up with the demand for panels in the US. This situation has caused the project to be significantly delayed.

M. Palmer asked where the Applicants were in the process now.

M. Frateschi said they could not procure until they had building permits, so they were preparing for the building permits. He said they have two (2) submitted purchase offers at this time. Having quotes, they feel they can move forward. He said once that was started, they can finalize the engineering and design.

T. Pratt asked if they had already been given a permit.

M. Frateschi clarified they had not received a building permit yet.

T. Pratt asked if they had filed for the permit.

M. Frateschi said they have not filed. He explained the complications of switching modules and the complexities of changing electrical lines, conduits and string.

M. Palmer said the Applicants therefore would not apply for a permit until they were sure of the equipment they would buy.

M. Frateschi affirmed that was correct.

T. Pratt asked if this would be the last time they would ask for an extension.

M. Frateschi said he knew it would be the last time. He realized it was frustrating for the Boards.

T. Pratt asked the extent of the extension.

M. Frateschi said they received the first special use permit extension January 24, 2022 and the resolution stated all work would be finalized, completed and approved, including landscaping and screening, within one year. They now request an additional year and a half which would move the requirement for completion to July 26, 2024. Their intention would be to start construction in the spring of 2023 complete construction and be operational by the end of 2023. His background as a civil engineer with Storm Water Pollution Prevention Plans (SWPPP) was that there were often issues, so to be able to close out on time, they were requesting the additional six (6) months. He said if the Board only wanted to extend the project another year, he thought they could make it happen, but they were hoping to have a buffer.

D. Silverman expressed understanding regarding the supply chain during the current times.

M. Palmer asked what would happen if they weren't able to complete the project on time, wondering if they would have to start the whole process over.

T. Pratt felt another extension would be given instead.

M. Frateschi said another consideration was that the deadline for the New York State Energy Research & Development (NYSERDA) incentives only allow one extension which they anticipate having to seek, so if they were unable to meet that one extension, he did not think the project would be pursued. He explained when they withdraw from the utility, they are removed from the queue and other projects would take their place, leaving no capacity for later. He emphasized he was not requesting any change

to the site plan or the special use permit, the request was strictly for an extension for the deadline of the project as already approved.

M. Palmer asked about the location of the project (since he was not involved with the original approval).

The location on Barrett Road was described.

Motion by D. Silverman, seconded by D. Vredenburg, to reaffirm the findings in the original Full Environmental Assessment Form with all the original terms and conditions and to approve the extension for the major special use permit with completion to now be July 2024 was carried as follows:

Thomas Pratt	Voted	Yes
David Silverman	Voted	Yes
David Vredenburg	Voted	Yes
Luke Gianforte	Voted	Yes
Michael Palmer	Voted	Yes.

M. Frateschi clarified he would still need Planning Board approval for the extension as well.



Motion by M. Palmer, seconded by L. Gianforte, to adjourn the meeting at 8:51 p.m. was carried unanimously.

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