

Cazenovia Zoning Board of Appeals

Meeting Minutes

September 23, 2024

Members present: Thomas Pratt; David Silverman; David Vredenburgh
Luke Gianforte; Joseph Juskiewicz, Alternate Member;

Members absent: Gary Mason; Michael Palmer, Alternate Member

Others present: John Langey; Chuck Ladd; Matthew Vredenburgh; Dan Bargabos; Elizabeth
Bargabos; Robert Kukenberger; Joe Gugino; Breda Gugino

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

Roll was taken. All were present except for Gary Mason & Michael Palmer. Joseph Juskiewicz was asked to be a voting member in Mr. Mason's absence.

Motion by L. Gianforte, seconded by D. Silverman, to approve the August 26, 2024 meeting minutes was carried unanimously.

The next regularly scheduled meeting will be Monday, October 28, 2024.

There will be a work session Tuesday, October 22, 2024.

T. Pratt stated all requested information must be received prior to the work session for consideration.

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.

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

T. Pratt explained this was a Bed & Breakfast (B&B) Special Use Permit Renewal for a property in the Rural A District. He understood the Owner has been out of town and Chuck Ladd, the Codes Enforcement Officer, had not been able to schedule an inspection.

Motion by L. Gianforte seconded by D. Vredenburgh, to continue the file was carried unanimously.

*Bargabos, Dan & Elizabeth - #24-1549 – Area Variances – 1080 Marlyn Park Drive, Cazenovia
(Luke Gianforte)*

Matthew Vredenburgh was present to represent the file, and Dan and Elizabeth Bargabos were in the audience.

T. Pratt explained area variances were being requested for a property in the lake watershed for a new house on an existing site. He said the variances being sought were for 165-19 (E) and they would have 54 feet in lieu of 85 feet from the center line of Marlyn Park Drive, which would be approximately 36% relief. He said 165-19 (F) requires 25 feet of side yard setback relief; they were requesting to have 18 feet 11 inches on one side and 19 feet on the other. He said 165-19 (G) requires 100-foot setback from the lake and they are requesting 79 feet. He reported the property is .39 acres and the overall relief would be approximately 24%.

L. Gianforte explained the Applicants were wishing to remove the existing house and replace it with a new construction with variances needed on all four (4) sides. He said the new house would be similar in size to the existing house, and the existing house was “in pretty rough shape.” He said the Applicants would be working on improving the lot.

M. Vredenburg referred to the drawing he created 08/21/2024 entitled *L-200 1080 Marlyn Park Drive ZBA Site Plan* which he submitted with the application. He showed where there was an existing house, garage, and pavement from the house to the shore as well as a sidewalk from the house to the paved driveway. He showed the locations where the Bargaboses own two (2) over properties. He said there currently was 4'4" from the garage to the south boundary line; 17 ½' to the north boundary line; 54 feet from the center line of Marlyn Park Drive; and 63 feet from the water. He said the plan was to remove the existing house, which he called an "eyesore," remove the existing garage, redo the site and build a new house with an attached garage with a new driveway, but in the same location as the existing driveway, and improve upon all the setbacks. He said the north side yard setback would increase from 17 ½ feet to 19 feet; the south side yard setback would increase from 4' 4" would increase to 18' 11"; 54 feet from the road would increase to 76; and 63 feet would increase to 79 feet from the lake side.

T. Pratt asked where the setback lines were on the drawing.

M. Vredenburg showed those lines and the small building envelope that was created by those setbacks.

T. Pratt noted ¼ of the house was still within the setback from the lake.

M. Vredenburg affirmed it was saying the proposal would still be an improvement over having 2/3 of the structure within 100 feet.

T. Pratt asked the square footage of the existing house.

M. Vredenburg answered it was 1924 square feet.

T. Pratt asked the square footage of the proposed footprint.

M. Vredenburg answered 2818 including the attached garage. He said the existing garage was 495 – 500 square feet.

T. Pratt calculated the increase in the footprint would be close to 25%.

T. Pratt asked about the septic system and percolation (perc) conditions.

M. Vredenburg said the plan was to put the septic system across the street on another parcel owned by the Bargaboses. He asked Mr. Bargabos if a perc test had been done across the street.

D. Bargabos answered they were going to have a sand filter system.

J. Juskiewicz asked if the Applicants would be using a conventional system or an advanced treatment unit (ATU).

D. Bargabos responded that Wayne Matteson was designing the system and Mr. Matteson had only explained that it would be a sand filter system.

M. Vredenburg thought it might be a keyed-in sand filter.

It was presumed to be a raised bed system.

M. Vredenburg said Mr. Bargabos has that type of system for his other home on a nearby parcel.

T. Pratt said the Board would need more information regarding that.

M. Vredenburg responded, “Okay.” He asked what details should be provided.

T. Pratt answered the site and design.

T. Pratt asked the height of the proposed building.

M. Vredenburg answered it would be less than 35 feet.

T. Pratt asked the height of the adjacent houses.

M. Vredenburg answered the houses to the north and the south were 2-story homes. He said they would fit in the character of the adjacent properties.

T. Pratt remarked the area variances were substantial. He acknowledged the Applicants were improving upon what was there, but by moving the structure back from the lake, it must be regarded as a new-build.

T. Pratt repeated they would want to know the new septic location. He imagined it would be uphill, so he “would like to see emergency power on that.”

T. Pratt remarked they would like to see the *Lakefront Development Guidelines* being used at the lake front and asked about the planting plans for that area.

M. Vredenburg responded that was a Planning Board issue.

T. Pratt expressed his desire to have a conceptual plan.

M. Vredenburg said at this point nothing has been planned. He said currently there is an existing patio and they were planning to have a similar-sized patio. He said some plantings were planned for privacy along the north and south sides. He said there were existing cedars along the south side which they would try to keep.

T. Pratt responded he was more concerned with the lake side.

M. Vredenburg said that area was pretty open at this time and in “pretty rough shape.” He said they would not want to plant large trees to obstruct the views for the neighbors looking down the lake.

T. Pratt expressed his interest in filtering water that would run into the lake. He said those were the concepts he was seeking.

M. Vredenburgh responded they would abide by the *Lakefront Development Guidelines* when they do something along the lake shore.

T. Pratt noted they would have 13.4% of impervious surface coverage within Zone A where 5% was allowed; they would have 17% where 10% was allowed in Zone B; and 39% where 15% was allowed in Zone C. Overall, they would have 28%.

M. Vredenburgh responded they would slightly reduce impervious surface area and they would be shifting the majority of the coverage away from the water.

T. Pratt wondered if the overall could be reduced more so. He wondered if the proposed patio could be reduced.

M. Vredenburgh answered they could just leave the patio that was there and they could remove the proposed patio space from the plan.

T. Pratt appreciated that change. He asked for some description of the plantings. He also presumed silt fencing would be used during construction.

M. Vredenburgh replied, “Absolutely.” He elaborated that there was currently very little filtering of any runoff and he would certainly agree with doing some plantings along the edge.

T. Pratt asked about a retention area in the event of significant rainfall.

M. Vredenburgh said creating some low areas on the sides would be no problem to hold the runoff before it moves on to the lake during larger storm events.

T. Pratt asked what the compelling reasons to permit the variances would be for this project beyond design.

M. Vredenburgh was unsure of the question.

T. Pratt asked what were the reasons for the size of the house for the small size of the lot.

M. Vredenburgh said it was the size and design that was provided to him.

T. Pratt asked if the Owners could work on reducing the size.

T. Pratt then asked for Board comments.

D. Silverman asked to hold his comments until after the public hearing.

J. Juskiewicz asked if even though the Owner owned the property across the street where the septic system would go, if it would be prudent to first combine the parcels so the treatment would not be on a separate parcel.

D. Vredenburgh believed as long as there is an easement, the separate parcel could have the leach fields. He said the easement would convey with the property.

M. Vredenburgh thought combining lots was an interesting suggestion which would also help reduce the impervious surface percentages.

J. Juskiewicz highly recommended an ATU which would reduce phosphorus and nitrogen. He felt this was an opportunity for the Town to upgrade the system for a house that would be existing for a long time. He noted the Cazenovia Lake Association recommends ATU's when upgrading.

M. Vredenburgh responded that he would definitely discuss that with the Owners. He was unsure of the pro's and con's.

J. Juskiewicz said an ATU would also be pumped but there would be two (2) chambers aerobic and anaerobic, whereas the conventional system only has anaerobic.

D. Vredenburgh commented that many of the issues that were mentioned would be addressed by the Planning Board (during site plan review) and he said what was being asked of this Board was regarding variances needed for setback relief, so that was what he was considering.

L. Gianforte believed the proposal would be a definite improvement over what was currently there. He felt the size proposed fit the neighborhood and was not grossly large for the lot. He wondered if it could be moved even farther from the lake by moving it closer to where the current garage was located.

M. Vredenburgh believed that question was to address comments made by the Madison County Planning Department in the General Municipal Recommendation Report (GML) that was received today.

M. Vredenburgh said he thought they might be able to do that as long as there was enough room to maneuver around the driveway. He said the other consideration was how the location of the new house would fit into the line of houses in the neighborhood. He would not want it to be dramatically different. He indicated if it were still in line, moving it closer to the road made sense.

Motion by L. Gianforte, seconded by J. Juskiewicz, to open the public hearing was carried unanimously.

R. Kukenberger of 1029 Marlyn Park Drive said he could see this property from his living room window. He said he was a retired environmental engineer and worked with water quality for 45 years and was the past president of the Cazenovia Lake Association as well as New York Water & Environment Association. He and his wife built two (2) houses in this neighborhood, one in 1989 and one in 2015. He said he understood the challenges of building close to the lake on a small lot. He also designed and built a pressure sand filter which has worked well and was a great option. He reviewed the proposal and remarked the lot was a flat lot, and the building was damaged during a storm some years ago and was in need of replacement. He said the current house and garage do not architecturally match,

with a tall garage and a low house. He said his house, which was two (2) houses away from this one, was 30 feet tall. He felt the proposal would match the neighborhood. He said he and his wife fully support this project as submitted.

Joe Gugino said he and his wife Breda are the neighbors directly behind the home on Route 92 - they directly face the home, and he said they unequivocally and fully support the plans before the Board.

T. Pratt said the public hearing would be kept open.

D. Silverman spoke about the microburst storm and his efforts to help the previous owner after that storm, saying the damage was too great to salvage the home. He said it needs to be removed and he has witnessed how the Bargaboses carefully maintain their other property. He said the height of his house was 32 feet and is 80 feet from the lake. He felt moving the proposal farther from the lake would be out of line with the other properties, which range from 30 – 80 feet from shore. He felt using the area on the other side of Marlyn Park Drive for the septic system, though tricky, would be a considerable improvement for the lake, and the construction of a new house would be a considerable improvement to the neighborhood. He said the improvement was exciting considering he has been in the neighborhood 50 years and one would not know where to find the leach field for this property. He said all the neighbors are in agreement that this would be good for them as well as for the lake.

M. Vredenburg commented that they were unable to locate a sewer vent.

T. Pratt requested the location of the proposed house be staked so the Board could see that when they visit the site. He asked that additional information be provided regarding the septic plan. He asked that more information be provided regarding the plans along the lake and the patio area/removal. He also asked that the consideration of combining parcels be entertained. He requested that any reduction in size be considered as well. He asked that the option of an advanced treatment system be considered. He also requested the build line of the adjacent houses be compared to the proposed location.

M. Vredenburg offered to get comparisons of the square footage of adjacent homes as well. He said they would also explore how to filter runoff.

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

Motion by J. Juskiewicz, seconded by D. Vredenburg, to adjourn the meeting at 8:04 p.m. was carried unanimously.

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