

Cazenovia Zoning Board of Appeals

Meeting Minutes

January 25, 2021

Members present: Thomas Pratt; David Silverman; Gary Mason; Jim Wigge; Joseph Anderson;
Val Koch, Alternate Member

Members absent:

Others present: Roger Cook; John Langey; Michael Basla; Matthew Vredenburg; Cheryl Sparks;
Kyle Reger; Kristi Andersen

T. Pratt called the meeting to order at 7:30 p.m. He stated, “Welcome to the January 25, 2021 Meeting of the Town of Cazenovia Zoning Board of Appeals, which has been legally noticed in the Cazenovia Republican, on the Town Website and outside the Town Offices. This meeting is a virtual meeting as authorized by New York Executive Order 202.1. This meeting is being recorded and will be made available on the Town’s website. Please note: The output of transcribing from an audio/video recording from Zoom, will be fairly accurate, although in some cases will be incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting. If you should need clarification for something said, please contact the Zoning Board of Appeals Secretary. Attendance will be taken, and votes will be conducted by roll call. When possible, the Board members and applicants are asked to state their name each time they speak for audio recording purposes. The public may be participating. When public speaking is allowed, speakers are asked to please state their name and address for the audio recording every time they speak. Please provide statements, please do not ask questions, and please address the Board, not the applicant. Please do not repeat the same ideas if they have been stated once. In an attempt to maintain orderly discussion, participants may be muted until it is their turn to speak and they will need to use the raised hand symbol to be recognized, or they may raise their hand on the screen, and they (the Chairman) will try to recognize them by that. Other than times allowing for public comment, the public is asked to remain silent during the proceedings. Thank you”

Roll was then taken. All members were present.

Motion by J. Wigge, seconded by G. Mason, to approve the December 28, 2020 meeting minutes was carried as follows:

David Silverman	Voted	Yes
Gary Mason	Voted	Yes
Jim Wigge	Voted	Yes
Joe Anderson	Voted	Yes
Thomas Pratt	Voted	Yes.

The next regularly scheduled meeting will be Monday, February 22, 2021.

There will be a work session Tuesday, February 16, 2021.

T. Pratt announced that this was Jim Wigge’s last meeting.

J. Wigge spoke of his enjoyment having served on the Board, and he was thanked by his fellow Board members for his service.

Hoagland, Paul - #19-01 – Special Use Permit Renewal – 5099 Rathbun Road, Cazenovia

T. Pratt explained this was a special use permit renewal for a Bed & Breakfast (B & B). He asked Mr. Cook if he had inspected the site and if there had been any complaints.

R. Cook responded that he has performed the inspection and he has had no complaints. He said he was awaiting receipt of Mr. Hoagland's updated insurance information (for the upcoming year). He explained the law required that Mr. Hoagland have \$1,000,000 of coverage and he was waiting for the policy showing proof of the coverage.

Motion by D. Silverman, seconded by J. Anderson, to approve the annual special use permit renewal with the same terms and conditions as previously approved conditioned upon proof of insurance being submitted was carried as follows:

David Silverman	Voted	Yes
Gary Mason	Voted	Yes
Jim Wigge	Voted	Yes
Joe Anderson	Voted	Yes
Thomas Pratt	Voted	Yes.

*Madison County Distillery, LLC – DBA Maples of Madison County - #20-1276 – Special Use Permit –
(Thomas Pratt) 3868 Stone Quarry Road, Cazenovia*

Jim Wigge was recused for the discussion and Val Koch acted as a Voting Member for this application.

Michael Basla was present to represent the file as was Matthew Vredenburgh.

T. Pratt said a drawing was submitted January 19, 2021 by Mr. Vredenburgh and he asked Mr. Vredenburgh to be prepared to share his screen to display the drawing for the discussion. He also asked Mr. Vredenburgh if he had updated the drawing since the time of submittal.

M. Vredenburgh said the drawing had not been updated but the photometrics had been verified and submitted today.

T. Pratt said Mr. Basla has also submitted some planning information dated January 21, 2021 which included a description of how the music would be controlled on site, as well as actions requested by the Board.

T. Pratt reviewed the past Planning Board approvals saying he had noted that information regarding processing, deliveries, and the related times and limitations were predominantly set by Patrick Ruddy who started the operation. He felt the Board should keep that in mind as they consider any changes to those items. He said, on the other hand, the restrictions associated with music or major events were created (by the Planning Board) with the intent that each event would require its own approval as a special event with an explanation of how elements such as parking, sewage, and other considerations would be controlled. He again advised the Board to keep that original intent in mind. He said the original discussion was included in the Planning Board minutes from March 2015 – May of 2015 with some modifications found in the Planning Board minutes for September 2018, all of which could be accessed on the Town website.

M. Vredenburg then shared his screen to display the drawing he created entitled *Madison County Distillery Site Plan – Special Use Permit L-100*.

T. Pratt thought the bandstand had been deleted from the plan but then he noticed it was included in the drawing (designated as “New 12’ X 16’ Band Stand”). He asked if it was still proposed.

M. Basla said it was and said he was unsure why Mr. Pratt had thought it had been deleted.

T. Pratt recalled Mr. Koch had asked to see the construction and related engineering of the bandstand and that Mr. Basla had conceded that he would not install that (if that would require further review).

M. Basla said that exchange had been misunderstood and explained at the time he had offered to construct sides and a roof over the proposed flat band stand area to help direct the sound of the music since the issue of sound had been a concern. Mr. Koch had said if he were to construct the band stand in that way, Mr. Koch would then want to see the construction drawings, so he had said he would not design the band stand to have walls or a roof. He had merely suggested those measures to help mitigate sound, but then abandoned the idea and returned to the original design of the band stand.

T. Pratt then asked about the *Draft Noise Control Procedures For Outdoor Live Music At The Madison County Distillery, LLC* which was then displayed. He noted the statement that the number of outdoor amplified music events would not exceed 18 per calendar year and asked Mr. Basla to explain.

M. Basla explained he had derived that number by limiting the outdoor events to take place May 1st – October 31st and thinking he would not exceed three (3) per month during those months.

T. Pratt read, “If desired, the distillery management will notify the Cazenovia Police Department and/or the Town Code Officer at least three days before an event.” He commented that notification would be a good thing to do and perhaps necessary. He also read that attendance would not exceed 250 patrons. He thought the Board might take exception to 250 attendees. He thought if they took the capacity of the building and added 10% that would be more in keeping, which would be 139 patrons.

M. Basla responded that he would take exception to 139 attendees. He said based on the space outside that Mr. Vredenburg had helped him configure and the maximum occupancy allowed inside the

existing building, he had derived the number of 250. He said he heard what Mr. Pratt was suggesting and indicated that they could discuss it further.

T. Pratt said also in the document, Mr. Basla outlined the process for the musicians in addition to speakers and amplifiers, and Mr. Basla referred to an onsite manager who would do a pretest with the musicians and then would measure the noise levels at the property lines 60 minutes into the event. He noticed there was no mention of subsequent assessment. It was stated that throughout the event, the distillery staff would ensure the crowd noise was not excessive. He said he was looking for the frequency of the safeguards mentioned and the control mechanism. He was unsure about the onsite manager, wondering who that would be and how much control that person would have.

M. Basla said when drafting the document, he attempted to respond to what he was sensing the Board was seeking, and he said control seemed to be a prevalent concern. He said another concern raised more than once was how sound would be managed in his absence. He said if he was on site, he would be the onsite manager. If he was not available, he would designate another who would understand the agreement and how they are allowed to operate. He said the levels of sound would be preset before the event so they would have a sense of the acceptable levels, doing a check after 60 minutes to ensure they have not exceeded those levels. He said if the Board felt more testing was needed, he was receptive to discussing that.

Reading further in the document, T. Pratt saw that “if the distillery management receives a complaint during any event, the manager will take immediate action...”; he said he was concerned that it would not be the Distillery that would receive the complaint, but that the Town or the Code Enforcement Officer would receive it. He said that was what they wanted to avoid. If there was a complaint, he said they would need the ability or method to remedy it. He felt once an approval was granted, the power to do that was lost. He felt that was the catch on the music issue.

J. Anderson asked if the Distillery has a website and if a telephone number was listed on the website.

M. Basla affirmed they do.

J. Anderson said if he were to have a complaint, he would search the internet for a number to call directly to the establishment to complain.

M. Basla thought that was reasonable.

T. Pratt asked who would answer the phone.

M. Basla said the phone was located inside the Tasting Room so the employee closest to the phone would answer it. He said the staff would be briefed for events and he would make them aware of the responsibilities and the requirements associated with the approval given by the Board. He assured the Board that he understands and read from the first paragraph of the document which stated, “The purpose of these procedures is to help protect the rights of the surrounding neighbors, preserve good community

relations, and offer MCD clientele another enjoyable experience.” He remarked he has been before the Board for six (6) months and he understands.

T. Pratt said another piece of the project was the need for the storm water management to be reviewed by the Engineer for the Town, John Dunkle, saying he knew Mr. Vredenburg would be able to see that the review was acceptable to Mr. Dunkle. He added another concern would be the sewer and waste issue since the load would be increased by the additional patrons proposed. He presumed the building was designed to handle 130 guests. He said he would like Jim Cunningham, the Town of Cazenovia Sewer Treatment Control Facility Operator, to review and approve the increase.

M. Basla pointed out in the document entitled *Draft Response to ZBA Taskings Associated with DBA Maples of Madison County Distillery, LLC - #20-1276 – Special Use Permit (As of 21 Jan 2021)* that he stated he would secure porta johns if the number of guests exceeded the indoor occupancy levels.

T. Pratt said the last item was the music discussion, and he believed there would be three options: a one-year renewal was the first option; limiting the music to the porch with control, where music already exists, was the second option; and limiting the music to acoustic only with the need to obtain a special use permit for each event beyond acoustic music was the third choice.

T. Pratt had a question about the photometric document. He said he usually thinks about it having a one-foot candle minimum. He saw the average was .23 and .52 and wondered if this would provide adequate lighting. He also noticed it did not include any lighting around the building. He asked if those calculations included all the new lights to be installed as well as the lights that have already been installed.

M. Vredenburg responded that lighting shown on the photometrics was designed by Quality Lighting Systems from Liverpool and this was the level they recommend for parking lots. More lighting than what was proposed would be considered excessive. He said it would provide adequate lighting to get to one’s car without creating a hotspot. He said the building was currently lit – there are sconces on the building.

T. Pratt asked if lights were being added to the building.

M. Basla said the lights on the building were part of the original design. He said two (2) lights were added to the driveway, closer to the bridge, to better illuminate the bend in the drive. He said those were downward directed and the Board probably saw them when they visited the site.

M. Vredenburg added if the Board would like the parking to be brighter, it would be a simple task. The fixtures would not need to be changed, just the bulbs.

T. Pratt asked Mr. Cook if he had any input.

R. Cook responded the Code does not dictate the amount of lighting except at the property lines.

M. Vredenburg suggested a good point of reference would be lighting at the Hampton Inn. He said he could use that as a comparison for the Board.

T. Pratt agreed.

T. Pratt asked the Board's thoughts on any of the issues mentioned.

D. Silverman said his main concern was to avoid a situation similar to Oweria Vineyards where there were many unhappy neighbors. He thought removing the amplified music from the proposal might be a good choice. Other issues such as lighting, sewage, trash, and parking he felt could be handled by the experts, finding the plan to be detailed and expressing confidence in Mr. Vredenburg. He said the Distillery was "a first-class facility." He spoke about balancing the needs of the business within the boundary of the wonderful nearby neighborhood. Regarding the number of guests being 250, he felt it was hard to gauge the impact since impacts would vary from group to group. His priority was a venture that fit into the community, so the headcount was secondary to controlling the sound from the location.

V. Koch agreed the number of guests' impact would vary, but he said he took exception to the number. Remarking about sewage, he said that one could not force someone to use a porta john.

J. Anderson asked if the bandstand was an item that was a definite part of the proposal.

T. Pratt said it was his understanding that the band stand was an elevated surface for bands to use.

M. Basla agreed saying it would be a platform for musicians on which to set their equipment. He affirmed it would be "low to the ground."

T. Pratt believed the surface used for the sound test was not more than 6 – 8 inches from the ground.

M. Basla elaborated it would be "elevated a little bit," with a flat surface and power on the platform.

J. Anderson asked if there would be sides.

M. Basla said, "No sir."

J. Anderson opined that Mr. Basla should be allowed to manage a commercial enterprise to his best advantage. He said obviously Mr. Basla would have to satisfy the community's needs. He felt 50 decibels (dB) was an acceptable standard, even though sound impacts are affected by many variables, feeling the greatest noise problem in the Village was road noise. He was "inclined to see how this goes" favoring incremental approvals.

T. Pratt asked the increments.

J. Anderson thought no more than a year. He felt the environment at Oweria was a totally different situation, being out in the country whereas this is near the Village.

G. Mason thanked Mr. Basla for compiling the details in the documentation appreciating the information provided. He asked if 250 guests was the number Mr. Basla needed or if he could operate successfully with fewer.

M. Basla said they derived the number based upon the maximum they felt they could satisfactorily manage and accommodate. He said he has been approached about hosting weddings for 200 people with amplified music, and he informed them he was in the process of endeavoring to be approved for such an event. He has not been asked to host a greater number yet.

M. Basla said in previous discussions, when he was learning the approval process, he had asked if the Board negotiates details and he was told no, but the discussion tonight seemed like there was “room for give and take.”

G. Mason indicated the Board does not negotiate, but having parameters, they can now discuss modifications that would be acceptable to the Board as well as the Applicant. He felt 250 guests was a high number, but he also realized the endeavor needs to be financially viable for the Owner.

Another question G. Mason asked was how the 18 events would be distributed, wondering if they would state there would be no more than three (3) per month or if they would not restrict the timing at all, so that potentially they could be back-to-back.

M. Basla was unsure how the events would be timed. He thought perhaps in July and August he might have three (3) per month, but in cooler weather he may only have one (1) or two (2). He said at this point in time, he does not envision having 18 events, but that was not to say in five (5) years he could not handle that. He remarked he was learning about the management, leadership, and training related to the business every day. He said 18 events was the maximum number of events he envisioned for the future. Like the 250-maximum number of guests, the number of events was an item he was willing to discuss.

J. Anderson asked about the procedure of the events, wondering if they have a “ticket basis.”

M. Basla answered that in the *Draft Noise Control Procedures For Outdoor Live Music At The Madison County Distiller, LLC* he stated, “The maximum number will be maintained through the sale of advance tickets and/or by setting up a check point on the distillery driveway.”

G. Mason said regarding the maximum number of events being 18, he did not feel that was an extreme amount, but he did not want them to be “piled up.” He felt an annual renewal would be less cumbersome for Mr. Basla than having to apply separately for every event, which he felt was impractical.

D. Silverman agreed. He remarked that for holiday weekends like July 4th, Mr. Basla would want to “stack them up.” He repeated his overriding concern was the sound. He commented he would like to be able to allow the Applicant to be “up and running” for the upcoming season.

T. Pratt asked hypothetically, if the Board was to allow amplified music, what should be the decibel level be at the property line.

G. Mason said the night they listened to the test music, 50 dB was acceptable to him. He said it would vary with the wind, but there was no controlling wind.

J. Anderson agreed.

V. Koch said a healthy ear can discern conversation at 25 dB. He said when they were at the property, at some property lines it was 30 dB and at others it was barely discernable. He thought 50 dB was acceptable, but tones differ, finding 30 dB of bass irritating especially if one had to hear it on Saturday night and Sunday night.

T. Pratt asked how the Board could address that concern.

V. Koch believed it was a matter of enforcement and how that would be managed by Mr. Basla on site. He said some people would call directly, but some would not, calling the Police Department or Mr. Cook instead. He approved of the predetermined test before events, but he noted crowd noise would need to be considered as well. He said he wished he had a solution by he did not.

T. Pratt said this was a matter hopefully the Board could address with language recommended by Mr. Langey at the next meeting.

T. Pratt then asked about the maximum number of events proposed. He remarked that the Board would not expect them to be held 18 days in a row. He wondered if it would be reasonable to limit them weekly.

M. Basla was concerned that it would limit business during a special weekend when they might want to have something on a Friday and a Saturday. He thought that one (1) per week might be too limiting, even though he does not anticipate having 18 in the near future, nor would he expect having two (2) per week to be a regular occurrence.

D. Silverman agreed one (1) per week would not be reasonable. He repeated the quiet enjoyment of the neighborhood was his issue more than the number of events. He said he was very comfortable with the maximum number of events being 18.

T. Pratt asked about the timing of the events, thinking five (5) consecutive events would be too many.

D. Silverman thought two (2) per week was reasonable.

G. Mason agreed.

V. Koch cautioned that would allow Friday – Sunday, an entire weekend.

G. Mason said it would still only allow 18 over the course of the season.

R. Cook said in keeping consistency, as was the practice elsewhere in the Town, one event would be allowed per day. He pointed out that the endeavor was a business within a commercial overlay zone.

He referred to the difficulty monitoring the number of events within a week from an enforcement perspective

T. Pratt asked if Mr. Cook preferred the limitation to be one per day.

R. Cook said that was correct.

M. Basla said that sounded very reasonable and thanked Mr. Cook for his input.

T. Pratt said regarding expansion of the parking, they would have Mr. Vredenburg ask the Engineer to review and comment.

T. Pratt said the outdoor usage would include tables, chairs, firepit, outdoor game area, and the band stand and asked the Board how they felt about those features.

G. Mason said he had no issue with outdoor activities such as the firepit and games, thinking having something for people to do would be beneficial and would keep patrons at the venue. He agreed that the control of the sound was his biggest issue. He repeated that it was a business and allowed where it is located. He said sound and capacity were his concerns.

T. Pratt asked Mr. Basla where the food truck would be parked.

M. Basla said if he were to have a food truck it would be located in the northwest corner of the existing gravel parking area, where the Board stood during the sound test. He said it would be located for easy accessibility for guests.

T. Pratt asked about trash receptacles.

M. Basla said Mr. Vredenburg illustrated the placement of those items on the drawing which was displayed on the screen. It would be on the southeast corner of the new parking area (with vegetative screening).

T. Pratt was concerned about litter from patrons near the firepit.

M. Basla spoke about the priority placed upon cleanliness at his establishment.

T. Pratt said there would be overflow parking behind the barn and asked Mr. Vredenburg to talk about controls for that.

The total parking would accommodate 108 cars.

T. Pratt asked about the additional spaces.

M. Vredenburg said the additional area accommodates 40 spaces. He said the paved parking accommodates what the building requires. He explained the outdoor seating area, with chairs and tables, would be accommodated by the additional parking.

T. Pratt asked if the additional parking being referred to was the parking on the grass.

M. Vredenburg said that was correct. He showed an aerial view of the property showing ample room for parking behind the paved area.

G. Mason thought the overflow parking would be dependent upon the maximum number of allowed guests.

M. Vredenburg said there would be 68 spots on the gravel area.

G. Mason said those spaces accommodate the maximum occupancy inside.

M. Vredenburg affirmed it did. Reading from the Site Data on Drawing L-100 he explained the calculations, concluding 65 spaces were required for the inside use and 68 were provided, and 94 spaces were required for inside and outside use, and 108 were provided.

T. Pratt asked about the supplemental parking on the grass, saying it does not have lighting, nor will it be paved in the future.

M. Vredenburg conceded those were good questions. He said the need for lighting would depend when the events are held and whether outdoor lighting would be used for the events.

T. Pratt said they would see what the Engineer's thoughts were regarding lighting there. He thought perhaps some would be warranted if events lasted into the nighttime. He remarked that because it was overflow parking, he would not want it paved at any point.

M. Vredenburg pointed out the cut-off time for events would be 9:30 PM, so during the height of summer, lighting would not be needed.

T. Pratt countered that in May, August, September, and October, there would be less daylight and the potential need for at least temporary lighting for big events.

T. Pratt said the public hearing has been left open from previous meetings and invited comment at this time.

Jim Wigge advised that it be remembered there were many concerned people in South Village and Atwell Ridge, saying they are paying close attention to what was being developed during the meetings. He said business plans are written beginning with a purpose and objective. He said this was a business consideration countered by a community consideration. He said does not know the objective of the Applicant in considering the number of events. He questioned how the Board could determine the sufficient number of events without knowing the end desire of the Applicant.

T. Pratt asked Mr. Basla if he wished to comment.

M. Basla said he was taking notes and taking in the comments.

There were no others wishing to speak during the public hearing.

T. Pratt said Mr. Vredenburg will be contacting Mr. Dunkle regarding engineering and Mr. Cunningham regarding sewage and providing their comments for the next meeting.

M. Vredenburg said he would also provide baseline photometrics from the Hampton Inn as a point of reference.

T. Pratt asked the Board to be thinking about their concerns so that they could potentially have a decision at the next meeting. He asked Mr. Langey if he wanted to comment.

J. Langey reminded the Board if they reach a point of decision, he would endeavor to have a mock-up resolution prepared, and he would need to guide the Board through Part 2 of the Full Environmental Assessment Form (FEAF) reviewing each of the environmental impacts of the proposal. He said it would be beneficial to hear about drainage impacts from Mr. Dunkle, whether there would be any issues and how those would be solved. He advised at least an initial annual review be done to ensure the business was operating acceptably, allowing the Board to maintain a level of jurisdiction rather than it becoming a matter of enforcement. He said he would not ordinarily recommend that, but because it would be a use that borders a residential area and because there is always the potential of a different owner, getting the conditions right was very important “the first time around.”

T. Pratt asked if the Board could review the draft resolution between now and the next meeting.

J. Langey said he would have some potential findings and conditions prepared, with the understanding there will be details the Board will need to supply when they reach a decision.

V. Koch asked that the documents requested be provided well in advance of the next meeting, allowing sufficient time for review rather than receiving them so close to the meeting date.

T. Pratt asked that Mr. Basla and Mr. Vredenburg supply information a week in advance of the meeting, reminding the Board a work session was scheduled six (6) days prior to the next meeting giving the Board an opportunity to discuss the information in advance.

Motion by J. Anderson, seconded by G. Mason, to continue the public hearing and the file was carried as follows:

David Silverman	Voted	Yes
Gary Mason	Voted	Yes
Joe Anderson	Voted	Yes

Val Koch	Voted	Yes
Thomas Pratt	Voted	Yes.

M. Basla thanked the Board for their help and said he would work with Mr. Vredenburg to get the requested information submitted prior to the work session.

*Sparks, Cheryl – #20-1321 – Special Use Permit – 1995 Stanley Road, Cazenovia
(Thomas Pratt)*

Jim Wigge resumed his role as a voting member.

Cheryl Sparks was present to represent the file.

T. Pratt explained the special use permit was for a B & B.

T. Pratt said an operational plan was submitted. Reading from the plan he said the business would be available 365 days a year. Breakfast food would be available to guests daily. There would be space in the driveway for seven (7) parking spots to accommodate a maximum of six (6) guest. The map included showed those spaces on the driveway. There will be no sign advertising the B & B. The guests would be paying guests. And there would be no events allowed on the property – no events and no parties. The house has two (2) stories and three (3) bedrooms to accommodate up to six (6) guests. She would be working with Airbnb and would have \$1,000,000 Host Protection Insurance through them.

T. Pratt asked Mr. Cook if this satisfies the requirement.

R. Cook said the requirement was \$1,000,000 worth of coverage and that is what she has.

T. Pratt continued reading the Operational Plan saying a register of all paying guests would be kept. He asked if Ms. Sparks would be on site from 7:30 PM until 7:30 AM (when hosting guests).

C. Sparks said she would be.

T. Pratt asked about length of stay, believing the maximum allowed was 30 days.

C. Sparks said that would not be an issue.

J. Langey affirmed that was the maximum according to the Code.

G. Mason said the proposal seemed fine to him, meeting the parameters.

J. Anderson believed Airbnb promoted events and clarified no events would be held on site during guest stays.

C. Sparks asserted she would not, nor was she aware Airbnb promoted events. She explained this was her home and that she was doing this for additional income. She would not want to promote any events at any time.

D. Silverman felt the proposal was straightforward.

V. Koch asked if Airbnb would be the only agency with whom Ms. Sparks would be working and advertising.

C. Sparks affirmed it would be.

J. Wigge relayed a neighbor's concern that there would be someone on the premises during guest stays for "crowd control," so that the neighbors would not be subject to the whims of the particular guests, and that Ms. Sparks would control her guests. He asked if Ms. Sparks was making that commitment.

C. Sparks stated that she was.

J. Wigge asked if Ms. Sparks needed to leave, if she had a family member or someone who would fulfill the commitment.

C. Sparks said she had discussed that scenario with her brother and affirmed if she was away, she would have someone present, saying she does not foresee or plan to be gone.

J. Wigge said it was important that Ms. Sparks realize her Operational Plan becomes a matter of record and the current plan does not state that she would be present. He spoke about the importance of the responsibility to monitor guests when hosting.

C. Sparks noted that her presence during stays was included in the first business plan she submitted.

J. Langey said the resolution would pull the conditions from the law and state them with the approval.

T. Pratt said the public hearing was open from the last meeting and invited comments.

There were no comments at the time.

Motion by J. Wigge, seconded by J. Anderson, to close the public hearing was carried as follows:

David Silverman	Voted	Yes
Gary Mason	Voted	Yes
Jim Wigge	Voted	Yes

Joe Anderson	Voted	Yes
Thomas Pratt	Voted	Yes.

It was verified that there was no General Municipal Law Recommendation Report (GML) requested from Madison County Planning Department for this application.

T. Pratt asked Mr. Langey to address the State Environmental Quality Review (SEQR).

Mr. Langey guided the Board through the Short Environmental Assessment Form (SEAF).

Motion by J. Wigge, seconded by J. Anderson, to appoint the Zoning Board of Appeals as Lead Agency for the purposes of the SEQR, to reaffirm 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 the operation of a B & B with annual renewals and as most recently submitted was carried as follows:

David Silverman	Voted	Yes
Gary Mason	Voted	Yes
Jim Wigge	Voted	Yes
Joe Anderson	Voted	Yes
Thomas Pratt	Voted	Yes.

*Donohoe, Peter - #20-1322 – Area Variances – 4895 East Lake Road, Cazenovia
(Jim Wigge)*

Matt Vredenburgh was present to represent the file.

T. Pratt said the proposal was to rebuild over an existing foundation plus an addition. He said there was discussion at the work session, and he asked Mr. Vredenburgh the outcome from that discussion.

M. Vredenburgh said he spoke with Mr. Donohoe and relayed the two (2) options they were given from the Board to either withdraw the application and build in the existing footprint with no additions or to relocate construction further from the lake seeking variances for the addition of a garage. Mr. Donohoe expressed interest in the second option asking Mr. Vredenburgh to assess how the view would be

affected. He said he hopes to resolve the concern and to have a new plan for the Board to review at the next work session.

J. Wigge wanted everyone to be aware that moving the structure 40 – 50 feet to the east will still require construction within 100 feet of the lake, so all the features – the garage and porch will still require an area variance, however where the house now exists is stunningly close to the water, so he felt moving it would be an improvement. He asked about the septic field that was in the area east of the existing house.

M. Vredenburg explained that the location of the existing septic field was unknown, but the only place to install a new septic field was between the house and the stream, so moving the structure to the east condenses the location of the new field even further, but he believed they could make it work. Even though the system would be closer to the stream, it would be further from the lake, which he thought was “a step in the right direction.” He expected they would need an advanced alternative system designed for similar locations.

G. Mason recalled one reason the Board approved of distancing the structure from the lake was the proposed height, and he assumed the ceilings for the new structure would be account for the height.

M. Vredenburg explained the height of the structure was measured from the grade at the water which included a 10-foot drop.

G. Mason thought 10-foot ceilings for the first floor also contributed to the height.

T. Pratt said having a buffer between the lake and the house would be “an ultimate win” for everyone.

M. Vredenburg repeated Mr. Donohoe just does not want to significantly lose the view he now has.

T. Pratt said the public hearing was open from the last meeting and asked if there was anyone present wishing to comment.

There was not.

Motion by D. Silverman, seconded by J. Anderson, to continue the file and the public hearing was carried as follows:

David Silverman	Voted	Yes
Gary Mason	Voted	Yes
Jim Wigge	Voted	Yes
Joe Anderson	Voted	Yes
Thomas Pratt	Voted	Yes.



Motion by J. Wigge, seconded by J. Anderson, to adjourn the meeting at 9:07 p.m. was carried as follows:

David Silverman	Voted	Yes
Gary Mason	Voted	Yes
Jim Wigge	Voted	Yes
Joe Anderson	Voted	Yes
Thomas Pratt	Voted	Yes.



Sue Wightman, Zoning Board of Appeals Secretary – January 26, 2021