

Cazenovia Zoning Board of Appeals

Meeting Minutes

August 26, 2024

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

Members absent: David Vredenburgh

Others present: John Langey; Chuck Ladd; Peter Carmen; Mary Beth Carmen; Andy Ramsgard;
Adrienne Drumm; Sandra Holmes

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

Roll was taken. All were present except for David Vredenburgh. M. Palmer was asked to be a voting member in Mr. Vredenburgh's stead.

Motion by G. Mason, seconded by M. Palmer, to approve the July 29, 2024 meeting minutes was carried unanimously.

The next regularly scheduled meeting will be Monday, September 23, 2024.

There will be a work session Tuesday, September 17, 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.

Levinson, Darlene - #21-3 – B&B Special Use Permit Renewal – 1560 North Lake Road, Cazenovia

T. Pratt said this was a Bed & Breakfast (B&B) Special Use Permit Renewal for a property in the Lake Watershed that was originally granted in 2021.

T. Pratt asked Mr. Ladd if he was able to complete a site inspection and if there were any complaints.

C. Ladd answered he had inspected and there were no complaints.

T. Pratt asked if everything was acceptable regarding the inspection.

C. Ladd responded, "That is correct."

Motion by M. Palmer seconded by D. Silverman, approve the B& B Special Use Permit with the original terms and conditions was carried unanimously.

Sovik, Charles - #08-565 – Special Use Permit Renewal – 3813 Number Nine Road, Cazenovia

T. Pratt explained this was the annual renewal in the Rural A (RA) Zone. The permit was issued in 2008 to raise farm animals. He asked Chuck Ladd if he completed a site inspection and if he had received any complaints.

C. Ladd answered, "No changes and no complaints."

Motion by L. Gianforte, seconded by G. Mason, to approve the special use permit renewal with the same terms and conditions as the original approval was carried unanimously.



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

No one was present to represent the file.

T. Pratt explained area variances were being requested for a property in the lake watershed for a new house on an existing site. He went on to say the Applicants were in the process of resolving some property issues. He stated the public hearing was open, and asked if there was anyone in attendance wishing to comment at this time.

No comments were made.

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



*Carmen, Peter & Mary Beth - #24-1533 – Area Variances – 1080 Tunnel Lane, Cazenovia
(Gary Mason)*

Peter Carmen was present to represent the application and Mary Beth Carmen with Andy Ramsgard and Adrienne Drumm of Ramsgard Architectural Design were in the audience.

T. Pratt explained area variances were being sought for a new house on an existing site in the lake watershed. He said the front yard setback would be 24.2 feet in lieu of 85 feet; the lake side setback would be 47 feet in lieu of 100 feet; and the side yard setbacks would be 15 feet in lieu of 25 feet. He noted the site and building were staked for review by some of the Board members. He also noted a new submission had been provided having some comments differing from those of the Board, but he felt those differences were diminutive. The septic design was also submitted for the Board's information and to provide percolation (perc) values.

T. Pratt asked if there were any changes being proposed since the last submission.

P. Carmen answered, “No.”

G. Mason commented that the Applicants had “worked hard” with the Board to achieve requests by the Board, and although he was not in favor of the amount of relief needed, he felt the Applicants had “done a great job” (reducing the relief as much as possible), and he appreciated the septic design and expressed approval of it being behind the house, away from the lake. He said the dock was the last stumbling block he saw on the plan, and now that he sees that has been removed from the most recent plan, he had no other questions for the Applicants. He thought the Applicants had done the best they could designing a house they wanted on that size parcel. He said he was not a septic design expert, so he would defer to someone with more expertise, and he repeated he had no other questions for the Applicants.

T. Pratt agreed the variances were substantial, especially when one combined the amount of relief from all sides. He added there were septic concerns with the nearness to the lake, and he presumed the property did not perc well, which he said raised issues with the impervious surface percentages being sought. He also said that general runoff into the lake was an issue. He also noted the deck had been removed on either side of the access to the lake. He understood the Applicants would be following the *Cazenovia Lakefront development Guidelines*.

P. Carmen agreed but indicated he was unsure what the *Guidelines* were. (A link was sent to his email address following the meeting.)

T. Pratt explained the *Guidelines* were created to help the Town create a vegetative filter for runoff water and any impurities it may carry before entering the lake.

P. Carmen responded they plan to install a rain garden.

T. Pratt noted the impervious surface area would be 20.6% overall. He said in Zone A there would be 24.7 % where 5% was allowed and where that was 58% existing and in Zone B there would be 37.2% where 10% was allowed and 42.7% was existing. He commented that would be a significant improvement over what was there. He said regarding environmental impacts, he had already raised the runoff issue. He said regarding setback from the lake, this would be farther than most of the neighborhood.

P. Carmen responded, “That’s correct.”

T. Pratt also noted the height on the lake side would be 33 feet maximum.

P. Carmen replied, “That’s correct.”

M. Palmer asked if the proposal would go to the Planning Board for site plan review after this Board.

T. Pratt affirmed it would.

J. Juskiewicz reiterated the comment he made at the last meeting that he felt the Board should make a recommendation to the Planning Board that an advanced treatment unit be installed and the existing system should be redesigned. He said the percolation on the upper part of the site was very slow with infiltrators being proposed there to assist, but he repeated an advanced treatment unit should be proposed instead of a conventional septic tank. He felt that would alleviate much of the runoff and the potential of pollutants entering the lake.

T. Pratt believed Mr. Juskiewicz had mentioned phosphorus and nitrogen as two elements of concern.

J. Juskiewicz said those were of concern and said if the Owners are able to treat that before it gets into the ground water, that would be a big improvement. He said that was a recommendation the Cazenovia Lake Association made in their annual report. He felt this was the chance for the Owners to do this.

P. Carmen responded, “We’re prepared to do that.”

D. Silverman said the water treatment was an issue that would have to be approved by Madison County (Department of Health), but he expressed his approval for the leach field being across the road.

P. Carmen said the existing leach field was across the road.

D. Silverman asked if they would be using the existing leach field.

P. Carmen answered they would not.

D. Silverman said a new leach field, and a new system approved by the County, would be an improvement. He felt the proposed plan was an improvement to the area and expressed his approval of the proposal wishing the Carmens the best of luck.

L. Gianforte believed the plan has “come a long way from the first submission,” and he said he was comfortable now with the proposal.

T. Pratt said the public hearing was open and he invited comments at this time.

Sandra Holmes of 1070 Tunnel Lane, the neighbor to the north, said she could speak on behalf of the other neighbors on Tunnel Lane, saying they truly support this plan and believe what the Carmens propose will be an asset to the Lane, considering the other properties that been improved during the last two (2) years. She asked the Board to “please let them build this beautiful, year-round home.”

T. Pratt acknowledged there were multiple letters of support sent by multiple neighbors in the area.

Motion by G. Mason, seconded by M. Palmer, to close the public hearing was carried unanimously.

W. Lougnot said this was an Unlisted Action in regard to the State Environmental Quality Review (SEQR) and led the Board through Part 2 of the Short Environmental Assessment Form (SEAF) finding there would be no impacts to any of the items listed.

T. Pratt summarized that all the required setbacks make the site unbuildable. He continued saying the septic would be in the back lot area, uphill and away from the lake, which he noted was a beneficial placement. He asked if the pump would “be on emergency power.”

P. Carmen answered they were planning on getting a generator.

T. Pratt asked that they make sure that was connected so they “would never have to worry about that failing.”

P. Carmen indicated agreement.

T. Pratt noted the deck was removed in an effort (to be more conforming), and the Applicants have shown willingness to follow the *Lakefront Development Guidelines*.

T. Pratt stated the impervious surface area will be reviewed during site plan review with the Town of Cazenovia Planning Board, but he believed the Applicants plan to mitigate the runoff. He said it was a low-perc soil, but the Applicants will seek to resolve that issue with the Planning Board.

T. Pratt did not see any harm to the community or the lake at this point with the recent proposal and commented on the Applicants’ diligence.

T. Pratt also noted the maximum height overall would be 33 feet which was lower than the neighboring homes.

P. Carmen responded it was definitely lower than the residence to the south; he said there were other houses on the street that were taller as well.

T. Pratt then reviewed the criteria for the granting of area variances. He asked if this would result in an undesirable change to the neighborhood. He answered it would be a substantial variance on all sides, but it would also be a significant improvement over the existing conditions. He said the height would lower than an adjacent house, and it would be similar in design to the rest of the neighborhood. He did not find it to be an undesirable change to the neighborhood in the design that has been submitted.

T. Pratt then asked if there was an alternate solution. He answered a smaller house could be designed, or the structure could be turned 90 degrees, but it still would not comply with the setback requirements, and it would be out of character if it were so designed.

T. Pratt then asked about physical and environmental impacts. He felt the *Lakefront Guidelines*, runoff mitigations, and a greater setback from the lake reduced those impacts. He noted the removal of the dock also reduced the impacts. He called those positive.

T. Pratt then asked if the variances were substantial. He answered the relief on all sides was significant, but the proposal was also a significant improvement over the existing conditions, and actually better than other buildings in the neighborhood.

T. Pratt then asked if the hardship was self-created. He said it was, however, in this situation he did not find that to be a significant determinant considering this solution.

T. Pratt then outlined the Board’s conditions for this specific approval as follows:

- 1) meet impervious surface area approval from the Town of Cazenovia Planning Board and mitigate runoff created by the slope and the soil(s);
- 2) comply with Town and State Building Codes;
- 3) lighting shall be dark-sky compliant, low-level, and shielded;
- 4) the *Lakefront Development Guidelines* shall be met and overseen by the Planning Board;
- 5) a surveyor shall mark the property lines and the setbacks prior to construction and be verified by Code Enforcement; a surveyor shall also repeat that verification with Code Enforcement for the installation of the foundation; and a surveyor shall create a new survey upon completion of construction; and
- 6) a recommendation will be given to the Planning Board for an advanced treatment septic system to be approved by the Madison County Department of Health to replace the existing conventional septic system.

T. Pratt asked if Mr. Carmen questioned any of those conditions.

P. Carmen indicated he was agreeable to them.

Motion by D. Silverman, seconded by G. Mason 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 demolition and the construction of a new home as most recently submitted with a variance of 60.6 feet of front yard setback relief, 53 feet of lake front setback relief, 9.8 feet of north side yard setback relief, and 10 feet of south side yard setback relief conditioned upon the requirements listed was carried as follows:

Gary Mason	Voted	Yes
Michael Palmer	Voted	Yes
David Silverman	Voted	Yes
Luke Gianforte	Voted	Yes
Thomas Pratt	Voted	Yes.

T. Pratt informed the Applicants a site plan review application will now be needed for an approval from the Town of Cazenovia Planning Board, and the deadline for that submission will be September 18, 2024 (for the October 3, 2024 Planning Board meeting).

P. Carmen said it was evident to himself and Mary Beth how much time the Board took to review the application and he believed it was “a better property because of it.” He said they appreciated all the time the Board put in and they were grateful and excited about the project. He thanked the members for their service and help with the process.

T. Pratt thanked Mr. Carmen.

D. Silverman expressed his appreciation of the investment the Carmens were making in the community.

Motion by M. Palmer, seconded by L. Gianforte, to adjourn the meeting at 7:50 p.m. was carried unanimously.

Sue Wightman, Zoning Board of Appeals Secretary – August 26, 2024.