

Cazenovia Zoning Board of Appeals

Meeting Minutes

February 22, 2022

Members present: Thomas Pratt; David Silverman; Gary Mason; David Vredenburgh; Luke Gianforte

Members absent: Michael Palmer, Alternate Member

Others present: John Langey; Matthew Vredenburgh

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

Roll was taken.

Motion by G. Mason seconded by D. Vredenburgh, to approve the January 24, 2022 meeting minutes was carried unanimously.

Motion by D. Silverman, seconded by G. Mason, to approve the January 31, 2022 joint meeting minutes was carried unanimously.

The next regularly scheduled meeting will be Monday 28, 2022.

There will be a work session Tuesday, March 22, 2022.

T. Pratt asked that the rustling of papers, the clicking of pens, and other background noise be minimized for the benefit of the recording.

T. Pratt said shortly after the last meeting Val Koch resigned, and Mr. Pratt expressed his gratitude for Mr. Koch's participation and effort.

Luke Gianforte was welcomed as a voting member.

*Lounsbury, Tucker & Lisa - #21-1393 – Use Variance – Off Cobb Hill Road, Cazenovia
(Thomas Pratt) Blue Sky Towers III, LLC/Verizon*

T. Pratt explained the proposal was for a use variance in the RA Zone off Cobb Hill Road. The representatives from Blue Sky Towers/Verizon were not present this evening and have asked that the file be continued until next month as they study alternatives. He said the project was to build a 150-foot cell tower. He invited Board comments at this time.

He stated the public hearing was open, and asked if there were any comments in favor of or in opposition to the file.

There were no comments.

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

Skanda Farms LLC/ Mahoney, Ingrid - #21-1404 – Area Variance – US Route 20 East, Cazenovia (David Silverman)

Matthew Vredenburg was present to represent the file.

David Vredenburg recused himself for this application.

T. Pratt explained an area variance on Route 20 East was being sought for the expansion on the adjacent property and Moseley Road for a storage area that was presently in the Town of Nelson. He said a new plan had been provided and he asked M. Vredenburg to explain it believing it illustrated Phase One of the proposal. He also asked Mr. Vredenburg to respond to comments made at the last meeting.

M. Vredenburg said in summary of the document he submitted January 24, 2021 regarding comment responses, the two main concerns were visual impacts and storm water impacts. He said if the potential owner screens the property as they propose, there should be no visual impacts. He said there would not be storm water impacts because they would be required to create a Storm Water Pollution Prevent Plan (SWPPP) to mitigate that which would require approval by the Engineer for the Town as well as the New York State Department of Environmental Conservation (DEC) for the necessary permit.

Another concern was the noise from the existing beeping gate.

M. Vredenburg also had been instructed to refer to the Town Code regarding outside storage, which he had done. He said 5% was allowed and they propose 2.2% for boat and recreational vehicle (RV) storage.

M. Vredenburg explained he created the Phase One Plan in response to a request at the last meeting. His drawing entitled *L-201 Cazenovia Self Storage 2685 Route 20 East, Town of Cazenovia, Madison County, New York Client: Ingrid Mahoney Preliminary Site Plan – Phase 1* dated 2/10/2022 showed the addition of two new storage buildings with a RV and Boat outdoor storage area. He said the stormwater management area would be located in the same southwest corner, and screening would surround the development, leaving the natural vegetation until expansion required its removal. He said the trees there now were apple trees and volunteer trees that have grown there over the last 20 – 30 years.

D. Silverman spoke about the original plan that was submitted entitled *L-200 Cazenovia Self Storage 2685 Route 20 East, Town of Cazenovia, Madison County, New York Client: Ingrid Mahoney Preliminary Site Plan – ZBA Area Variance* dated 12/15/2021 and expressed confusion about what was being sought at this time.

M. Vredenburg said he too was unclear about what was being asked of him since he was requesting an area variance for impervious surface for the first time. He stated the area variance was his objective at this point, after which he said they would pursue the special use permit and would provide the high level of detail that would be part of that process. He explained that it was not reasonable for Ms. Mahoney to purchase the property and make the investment she would have to make if the extent of the project was

limited to the first phase. He explained she needed to know the full extent of the project's approval prior to purchasing the additional land.

D. Silverman expressed his reservations with the overall scope of the project in addition to the concerns that were raised by the neighbors. He noted the business has been running successfully for a number of years. He said he would be more comfortable with the project developing "a step at a time" with safeguards in place.

M. Vredenburg asked what safeguards would be needed and what might be "the things that would go wrong."

M. Vredenburg explained that currently the storage units were full and there was a waitlist, so there was already a demand for the first two (2) buildings. He felt the progression of the expansion would be likewise, and said Ms. Mahoney was seeking to know the potential of "what she could build out to." He added that was not to say she would reach the potential, but she needed to plan for it.

D. Silverman asked if Mr. Vredenburg was hesitant to seek a limited approval.

M. Vredenburg acknowledged the Board's prerogative to approve what they deem appropriate, but said the 9-building plan was the ultimate plan, not the 2-building expansion.

J. Langey reminded those present that this project, like a subdivision which would be developed in stages, should be considered at its full extent in light of the State Environmental Quality Review (SEQR). Also, to be fair, the Applicants want to know if this very substantial request for impervious surface coverage would ever be considered. He noted the allowed coverage was 20% and 50+% was being requested which was almost 200% of relief. He said the balancing test was to be applied which would weigh the definite benefit to the Applicant against any potential detriment to the neighborhood, and whether the proposal would change the character of the (Route 20) corridor. He remarked it was obviously a substantial variance, and the Applicants need to explain/prove why that amount was necessary. He reminded the Board they only have to grant the amount of relief they deem to be necessary for the Applicants to achieve their goal of additional storage; they were not required to maximize the Applicants' profit, but they were required to listen to the arguments supporting the Applicants' needs outweighing the detriments to the area. The overall environmental impacts needed to be identified regardless of the number of phases it may take the Applicants to reach the ultimate desired development.

M. Vredenburg expressed confidence in his ability to mitigate any environmental concerns. He said the buildings were no more than ten (10) feet tall, and said pavement was "benign," noting that pavement does not create odor or noise. They intended to buffer the sight of the development with vegetation and they proposed to manage the stormwater.

M. Vredenburg said he could argue his view that 20% of coverage was an unrealistic percentage for the Rural B Zone, but felt that was not productive.

J. Langey said in the General Municipal Law (GML) Recommendation Report Madison County cited the Comprehensive Plan in its remarks regarding impervious surface coverage and suggested Mr. Vredenburg review that section. He quoted the statement saying, “a key recommendation of the Town/Village Comp Plan was to limit impervious surface for US Route 20 East.”

M. Vredenburg responded that he had looked at that section of the Comprehensive Plan. He also believed the Plan thought certain uses were best in this area. He said this was a use only permitted in the RB Zone, or the Commercial Overlay, or the Industrial Overlay which were small zones. He asked where would this use happen if not here.

J. Langey agreed the use was allowed subject to the Zoning Board of Appeals approval, but thought the question was the intensity on the site and how to address that.

M. Vredenburg said two (2) types of buildings were being proposed. The climate-controlled buildings being proposed have access at the corners of the buildings, so if those were positioned near each other, they would not require impervious surface area on both sides. He displayed drawing *L-202 Preliminary Site Plan – Alternative Plan* dated 2/22/2022. This plan required Ms. Mahoney to commit to a certain number of climate-controlled buildings whereas the original plan allowed her more flexibility based upon demand, but the most recent plan would reduce the impervious surface area from 58% to 49%. The Alternative Plan also included the repositioning of the secondary access road so that it would not be across from the neighboring homeowner’s driveway. He also explained his thought process regarding the amount of relief being sought. He also displayed an aerial photograph showing the coverage of other businesses in the area, noting that some were in the Town of Nelson, but stating as one drives along Route 20, one does not register where one town begins and one ends. He felt the proposal would not look out of place, especially since, unlike other businesses, it would be screened from view. He said Cazenovia Equipment was well over 50% of coverage on their 12-acre parcel next to the road. He said the GHD building was 35%, and he showed another property having 38%.

T. Pratt noted those properties were established prior to the recent zoning regulations.

M. Vredenburg agreed.

J. Langey asked the distance between the GHD building and the road.

M. Vredenburg was unsure, but it was thought to be approximately 200 feet.

J. Langey asked the distance between the impervious surface proposed for this project and the road.

G. Mason thought it was about 75 feet.

J. Langey thought the amount of distance was important when comparing the properties within neighborhood.

M. Vredenburg responded that it was in line with other nearby properties on Route 20.

J. Langey said he recognized that Mr. Vredenburg endeavored to keep it homogeneous.

M. Vredenburg repeated screening would be in place.

J. Langey asked if the nearness to the road would make the screening seem out of place along that stretch of Route 20 which was quite open. He asked what was being proposed for the screening material.

M. Vredenburg said a “good green screen” was proposed which would be dotted with deciduous and flowering trees. He spoke about instances where screening draws more attention than the items being screened.

G. Mason commented that there was no screening for the existing storage facility.

J. Langey said this proposal was sent to the Town of Nelson, and the Town of Cazenovia has not heard from Nelson yet. He said he had talked to John Dunkle, the previous Town of Nelson Planning Board Chairman, and Mr. Dunkle was aware of the project.

M. Vredenburg understood the challenges for the Board, saying the project was challenging for him as well. He repeated measures could be taken so that visually there would be no impact. He understood the issue of setting a precedent as well, but he noted the RB district was only 2% of the Town and most of the properties in the RB were already developed. He said there were few places in the Town where this proposal could be developed. He remarked locating it in the commercial overlay would put it in Red Barn 20’s view which he did not feel was as good a location.

D Silverman raised the storm water issues.

M. Vredenburg said he would be required to ensure the runoff after development would be equal if not less than the current condition.

D. Silverman expressed concerns for the neighbors and asked if Mr. Vredenburg was confident that he would achieve acceptable mitigation.

M. Vredenburg asserted that he guaranteed the management of the water discharge. He repeated his design would require approval from John Dunkle, as the Engineer for the Town, and the DEC. He commented that he would prefer designing the water discharge mitigation than to argue the points of the area variance because he knew he could technically achieve water mitigation.

D. Silverman believed Mr. Vredenburg had made clear to the Board the limited available areas for the enterprise. He indicated the business already exists in the location and having a second location would be less desirable.

G. Mason said the screening was not an issue for him and he believed “the storm water would be fine.” His issue was the scale of the variance, which he called extreme. He also noted the County said the parcel was “in the ‘watershed zone’ identified in the Wellhead Protection Plan...”

M. Vredenburgh believed the County was mistaken, noting the wellhead protection overlay ended at Stone Quarry Road.

T. Pratt said the Board would need to know why the County made that statement.

G. Mason believed the potential owner exhibited “an all or nothing” approach regarding the purchase of the property with no timeframe for future development. He said if the Board were to approve the project with the current standards, she might not build for ten (10) years during which time “a lot could change.” He elaborated that she could sell during the interim and then the next owner would have the approval.

M. Vredenburgh asked if a change to the plan would require a future special use permit renewal.

T. Pratt clarified that the special use permit was specific to the use, and it transferred with the site.

M. Vredenburgh responded that if anything were to change they then would have to return to the Board.

J. Langey elaborated that an enforcement action might occur if there was an operation outside of the special use permit.

M. Vredenburgh clarified he was asking about phases of the development. For example, if Ms. Mahoney built the first phase and then sold, the new owner would need to adhere to the approved plan or return to the Board for approval of something different.

J. Langey asked if the Board was being asked to approve phase one with 20% of impervious coverage.

M. Vredenburgh said it was not.

J. Langey asked the purpose of the rendition.

M. Vredenburgh responded that they had been asked how that stage of development would look. He clarified the two (2) drawings submitted were not two (2) separate options being considered.

J. Langey asked if it was feasible for Ms. Mahoney to do something smaller than the 9-building proposal.

T. Pratt pointed out that the first phase would require no area variance.

M. Vredenburgh explained Ms. Mahoney “was expecting to do more in the future.” He spoke about the growing demand.

T. Pratt asked the issue with returning to seek relief when it was needed in the future, saying she would already have the special use permit.

M. Vredenburgh countered the special use permit would not be for “a bigger build out” than the two (2) additional buildings.

J. Langey interjected that the Board could not guarantee an approval for a full-build (in the future).

M. Vredenburg said all the engineering, screening, and storm water management construction precluded the option of risking a future denial for expansion.

G. Mason asked if it had to be “all or nothing.” He indicated he was more inclined to approve four (4) buildings presently and the associated pavement.

M. Vredenburg was unsure what made the project financially viable.

T. Pratt asked if Ms. Mahoney had requested a certain number of buildings or had just asked for the number that would fit the space.

M. Vredenburg responded that Ms. Mahoney had wanted an additional building and he had shortened the length of some he had included because of engineering challenges for storm water management and circulation.

L. Gianforte asked the percentage of coverage proposed for the most recent plan.

M. Vredenburg explained he calculated the percentages based upon the amount of land outside the highway boundaries to be 49%. The original proposal was for 58%. He spoke about the changes he made to reduce the percentage.

T. Pratt thought the sequence of approval seemed unusual, wondering why the impervious issue was being handled before the special use permit approval was being sought. He thought that caused some confusion about the project and its extent.

M. Vredenburg said that had been asked of him. He said he felt it was better that they have an entire approval which they would build when they needed it rather than building it now and it being unused.

T. Pratt believed the plan proposed was a “long-range plan.”

M. Vredenburg felt that was necessary.

T. Pratt said the Board needed the long-range plan for the special use permit and for SEQR, but he did not believe it tied into the impervious question.

L. Gianforte believed the request before the Board at this time was strictly the impervious surface relief. He asked if the Board would be approving a percentage.

T. Pratt said aside from questions related to the project, i.e. the Town of Nelson component, if the Board were to approve the area variance at this time, the Board would approve the Applicant to cover the site with 58% of pavement.

L. Gianforte asked if that was approved, could the Applicants return for the special use permit with the placement of buildings other than what was now presented, for example the layout could be for the buildings to be turned 90 degrees, since the approval would be strictly for impervious surface coverage.

M. Vredenburg answered, “technically yes.” He elaborated that he would not propose anything the Board “would not agree with.”

J. Langey said the Board needed to determine if they wanted to consider the lot coverage “in a vacuum” versus what that variance will accommodate on the site and how it would impact the neighborhood factoring in screening, etc. He said 20% was the limit and 49% was being sought with the idea that drainage would be created to control runoff and screening of the buildings. He asked if there were any visual simulations created for the screening. He also asked the height of the buildings.

M. Vredenburg said the buildings would be 9’4”. The height of the Norway spruce that would be installed would be 10 – 12’ “from day one.” He showed a depiction he created to show the neighbor’s view of the buildings from the neighbor’s second story on drawing *V-100 Cazenovia Self-Storage Visual Impact Sketch and Section* dated 2/22/2022.

M. Vredenburg continued saying he would propose a double-staggered row dotted with different types of trees to beautify it and said that could be a condition of the approvals. He said the Board could require a landscape plan and he could provide a photo simulation from different perspectives of the vegetation.

T. Pratt asked why a special use permit request had not been filed.

M. Vredenburg explained that Mr. Cook had instructed him to file the area variance first.

J. Langey elaborated that if relief for 50% was not granted it would require the Applicant to change the design. He understood that Ms. Mahoney might abandon the endeavor if she could not be granted 50% of coverage.

M. Vredenburg was unsure if the endeavor would be abandoned.

J. Langey explained the Board was not required to approve the full variance; they could approve a lower percentage if they felt that fulfilled the need for a storage facility. The economic need was not the Board’s determinate.

M. Vredenburg expressed understanding. Returning to the question of filing, he said he had originally completed the special use permit application but then was instructed to file the area variance application first.

J. Langey commented that it was not an illogical sequence because the variance could change the project. Both applications could be sought simultaneously, but he presumed the investment of fees was a consideration.

M. Vredenburg spoke about the benefit of understanding what might be acceptable as an area variance, saying he would then proceed with the special use permit application so the proposal could be tied together, but he was unsure if the variance was even possible.

T. Pratt said the acceptable amount of coverage was the amount allowed in the Code, 20%.

J. Langey responded the burden was upon the applicant to demonstrate entitlement to the variance requested. He said Mr. Vredenburg was asking in the nicest way if the proposal, asking for 49% of coverage in this area on Route 20 to accommodate a storage facility business, was possible and something the Board was capable of entertaining, knowing it was a safe bet that drainage could be designed, although Mr. Langey was unsure what that design would be.

G. Mason said the drainage issue was important to several neighbors across Moseley Road who already have issues with runoff.

M. Vredenburg said a treatment train would be utilized and spoke about its design.

J. Langey commented that the John Dunkle would review that.

More discussion followed about drainage.

J. Langey said to Mr. Mason's point, the Board had to consider environmental impacts as well as review the five (5) criteria to assess the granting of an area variance, so the Board needed a working understanding of how mitigation would work.

M. Vredenburg conceded it would be a technical challenge but because of the slope of the site toward the rear of the property, believed it would be achievable.

J. Langey asked who was the rear neighbor.

M. Vredenburg answered Skanda Farms, the current owner of the subject property, was the owner of the property behind the subject property.

T. Pratt asked if 49% was the minimum percentage that would be requested.

M. Vredenburg responded that he would ask Ms. Mahoney if a lower percentage would satisfy her needs. He said he could make small adjustments to trim some of the percentage further.

J. Langey repeated the Board was not required to maximize profits for an applicant, but at the same time what was needed by the applicant as minimum relief was to be considered. He said it would be good to know what percentage Ms. Mahoney was capable of working with. He said the amount of relief being sought from this Board was the most he remembered being requested. He spoke about the benefit of having more detailed information regarding the look of the screening from various vantage points. He suggested the section of the Comprehensive Plan referenced by the County be reviewed.

M. Vredenburg repeated the County was wrong about the location of the parcel being in the Wellhead Protection Plan.

D. Silverman asked why Ms. Mahoney could not buy more acreage from Skanda Farms to reduce the impervious percentage.

M. Vredenburg answered the land to the rear of the parcel was in the Rural A (RA) zone and there was a wetland.

J. Langey explained property in the RA zone could not be acquired to support a commercial use on property in the RB zone.

D. Silverman asked if all the land behind the parcel was zoned RA.

It was.

D. Silverman expressed his hesitation to approve nine (9) buildings.

T. Pratt asked if the amount of coverage was his issue or if he objected to the number of buildings.

D. Silverman indicated it was the coverage.

J. Langey wondered if the removal of the two (2) proposed buildings closest to Route 20 would enhance the proposal or if pulling those buildings farther from the road would improve the plan.

There was discussion about the impact upon drainage if the buildings were sited farther from the road.

There was also discussion about the location and benefit of the second entrance.

G. Mason wondered if seven (7) buildings would be acceptable to the Applicant, remarking that 30 % of coverage was more palatable to him than 49%. He spoke about the demand for storage.

M. Vredenburg said he would ask Ms. Mahoney the number of buildings that would make the proposal worthwhile.

D. Silverman wondered how much effort would be required to change the zoning of the property abutting the parcel.

J. Langey advised against requesting a change of zoning for a particular project, which could be viewed as spot zoning. He thought working on the site was a better option.

D. Silverman believed it was “a great use” for the property.

M. Vredenburg repeated he would ascertain the “breaking point” for his client.

M. Vredenburg also repeated that the buildings and pavement would not be visible from the road.

J. Langey said another option was to petition the Town Board to increase the amount of coverage allowed in the RB zone, but he mentioned the amount of time that would require.

M. Vredenburg used Skaneateles as an example of greater coverage in their commercial area along Route 20.

M. Vredenburg also thought they might be able to request seven (7) buildings for this plan; if more space was needed in the future, the Board would see how the project looked when considering that expansion.

J. Langey explained the Board could not guarantee a future approval for a greater variance in the future if a lesser variance was requested at this time.

G. Mason thought it would take a good deal of time to outgrow the need for seven (7) buildings.

J. Langey remarked if the area variance and special use permit were approved, the site plan review with the Planning Board would not be difficult.

M. Vredenburg anticipated having most of the site details scrutinized by the Zoning Board of Appeals as part of the special use permit process.

G. Mason agreed with Mr. Silverman that those (site plan) types of issues would not be difficult, believing items like screening would be manageable for such short buildings.

M. Vredenburg repeated he would ask the number of buildings Ms. Mahoney requires.

G. Mason thought some squeezing might be possible on the site.

M. Vredenburg agreed buildings could be erected back-to-back.

J. Langey asked about the fire code.

M. Vredenburg said another option was building bigger buildings.

J. Langey asked if enlarging the structure would change the height.

M. Vredenburg said the height would only increase $\frac{1}{4}$ inch for every foot.

J. Langey said the last issue he wanted to mention was the need to finalize the Town of Nelson consideration. He said Nelson needed to understand the proposal would result in an internal connection with movements in and out, so their existing site plan would need to be slightly modified to accommodate this project if it were approved.

T. Pratt asked if he was correct in assuming that the second access was not planned to be used as an exit.

M. Vredenburg said only the owner and the fire department would have use of it.

T. Pratt asked if John Dunkle should be asked to review the plan as the Engineer for the Town of Cazenovia.

J. Langey thought that would be appropriate even at this level. He expressed his desire for Mr. Vredenburg to provide the final amount of relief necessary and then have Mr. Dunkle review it.

T. Pratt summarized the items to be addressed were :

1) Mr. Dunkle’s review,

2) Town of Nelson comments,

3) Ms. Mahoney’s minimum request,

4) clarification regarding the Wellhead Protection Plan referred to by Madison County in their Recommendation Report.

It was stated that the parcel was not in the wellhead protection overlay.

J. Langey wondered if the Wellhead Protection Plan was something other than the overlay.

M. Vredenburg said he would contact Scott Igmire, the Madison County Planning Department Director, for clarification.

T. Pratt remarked the public hearing for this application was open and invited comments at this time.

No one was present to comment.

T. Pratt asked if there were any other comments by the Board members.

There were not.

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



Motion by G. Mason, seconded by D. Vredenburg, to adjourn the meeting at 8:33 p.m. was carried unanimously.

Sue Wightman, Zoning Board of Appeals Secretary – February 23, 2022