

Cazenovia Zoning Board of Appeals

Meeting Minutes

September 25, 2023

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

Members absent:

Others present: Chuck Ladd; John Langey; Jeffrey Stowell; Elizabeth Stowell; Brian Williams; Nancy Frisbey; Paul Tegtmeier; Mary Tegtmeier; Kyle Reger

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

Roll was taken.

Motion by D. Vredenburgh seconded by G. Mason to approve the August 28, 2023 meeting minutes was carried unanimously.

The next regularly scheduled meeting will be Monday, October 23, 2023.

There will be a work session Tuesday, October 17, 2023.

All requested information must be received prior to the work session.

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.



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

T. Pratt explained this was the annual renewal in the Rural A (RA) Zone. The permit was issued in 2005 to maintain farm animals. He asked Chuck Ladd if he completed a site inspection and if he had received any complaints.

C. Ladd answered he did complete a site inspection and he had received no complaints.

T. Pratt asked if he was correct in understanding there were no issues with the site inspection.

C. Ladd responded that was correct.

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



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

T. Pratt explained this Bed & Breakfast (B&B) special use permit was in the RA district and was issued in 2019. He asked Mr. Ladd if he had completed the site inspection and if there had been any complaints.

C. Ladd affirmed he inspected the site and that there had been no complaints.

T. Pratt asked if everything was in order.

C. Ladd stated everything was in order.

M. Palmer noted the proof of insurance had not yet been provided for the upcoming year.

J. Langey said that would be a condition of the approval for the renewal.

Motion by G. Mason, seconded by L. Gianforte to approve the special use permit renewal for a B & B with the same terms and conditions as the original approval and conditioned upon receipt of proof of insurance was carried unanimously.

*Stowell, Jeffrey - #23-1483 – Area Variances – 4020 East Road, Cazenovia
(Gary Mason)*

Jeffrey Stowell was present to represent the file.

T. Pratt said the application was in the RA district and the Applicant was seeking variances allowing 52 feet of front yard setback relief from East Road and approximately 20 feet of front yard setback relief from Number Nine Road. He said the Board will be doing site plan review as part of this application.

G. Mason clarified that the site has .13 acres. He said he visited the site. He asked the Applicant if he had shown the proposal in relation to both roads with the understanding that 85 feet from the center line of each road was the required setback.

J. Stowell answered, “Yes.”

G. Mason said the relief would be significant – 80% - 90% - but the lot was unique. In addition to the triangular shape of the lot, he saw there was a 2’ – 3’ ditch along the East Road boundary. He said that was an additional challenge for improvements on that side of the house. He said on the other side of the house the entry was removed due to the proximity to Number Nine Road.

J. Stowell elaborated that Number Nine Road has been built up so much over the years, there was no reason to have a door opening to that side of the house.

G. Mason explained the Applicant switched the entrance to the front side of the house which was at the point of the property and where the Applicant would like to construct a front porch. He said there was a rear entrance as well which also has a porch. He asked if there would be a railing.

J. Stowell said he would build a platform with a roof, and the roof would match the existing roof on the house. He thought the platform would be approximately 18 inches off the ground.

G. Mason asked about sketches.

J. Stowell produced sketches of how the porch would look from the front and from the Number Nine Road side.

G. Mason opined that the porch would improve the look of the house, and he commented that the repairs Mr. Stowell has already done have greatly improved the aesthetics.

D. Silverman agreed that Mr. Stowell has bettered the neighborhood.

M. Palmer asked if the front of the house would be the main entrance.

J. Stowell said it would not be the main entrance; the rear entrance near the driveway was the main entrance.

G. Mason repeated there was a porch with a covered roof over the rear entrance.

M. Palmer believed the parking was in the back and asked if there was a front door on the house before.

J. Stowell affirmed the parking was in the back and said there was not a front door before he renovated. He explained the front door faced Number Nine Road previously. He mentioned the driveway at one time went through the lot, giving access to both roads. That was no longer practical. He remarked if there were a snow storm, the snow banks would be very close to the house (from Number Nine Road).

M. Palmer asked if Mr. Stowell was leaving the truss exposed.

J. Stowell answered that he would like to leave the truss exposed saying the house has post and beam so the exposed beam would match the interior.

T. Pratt asked about the function of the porch.

J. Stowell said it would be an alternative entrance and it was preferable to stairs.

T. Pratt noted the porch would be 24 feet long and presumed it would be used for enjoyment. He said in terms of alternative sides of the house it was mentioned that the Number Nine side was no longer an option. He asked about the East Road side.

J. Stowell said there was a chimney on the East Road side.

M. Palmer asked where the septic system was located.

J. Stowell said that was located on the front side as well. He believed the septic tank was 16 feet from the house.

T. Pratt noted that would be eight (8) feet from the proposed porch.

G. Mason asked if the Village septic line was an option.

J. Stowell responded that the line does not extend that far currently.

T. Pratt asked about lights.

J. Stowell answered there would be motion lights installed under the roof.

T. Pratt stated the lights should be shielded. He said typically they would require the lights to be dark-sky compliant but the roof will be over them in this case.

T. Pratt presumed the color and the roof would match the existing building.

J. Stowell responded, “Yes, it will.”

T. Pratt asked the Board if they noted any drainage issues.

G. Mason commented there was “a good ditch on East Road.”

J. Stowell said all the drainage goes into that ditch and runs underneath the culvert at the end of the driveway.

M. Palmer commented that the increase in impervious surface area was not significant.

D. Silverman expressed approval for the betterment of the neighborhood.

D. Vredenburg agreed saying it was an asset to the area, looking much better than it had. He felt the porch would be an improvement to the appearance of the house.

D. Silverman commented that without the porch, the house would not look complete.

D. Vredenburg did not think the porch addition would significantly encroach upon the roadways. He asked Mr. Stowell if he would keep the garage.

J. Stowell planned to keep it saying that also needed repairs.

M. Palmer asked if it was large enough to park a car.

J. Stowell answered one car would fit.

Motion by G. Mason, seconded by D. Vredenburg to open the public hearing was carried unanimously.

Bryan Williams at 4016 East Road said he had the only property that shared a border with the subject property, and he echoed the comments by the Board that the improvements so far were “really great.” He said leaving the Village, one could see this house ¼ mile away and stated the house looks “awesome.” He said the porch will look “fetching.” He stated that he was in “full support.”

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

J. Langey said this was a Type II Action in regards to the State Environmental Quality Review (SEQR).

T. Pratt review the criteria for the granting of area variances.

The first consideration was whether it would be an undesirable change to the neighborhood.

T. Pratt said it was stated that the proposal would actually be an improvement.

The next consideration was whether there were any alternate solutions.

T. Pratt said in the discussion of other options, the proposal appears to be the best option.

The next consideration was physical or environmental impacts.

T. Pratt stated there would be no such impacts. He said any lighting that would be added would be dark-sky compliant and shielded. The Board also had no issue with the increase in impervious surface area.

The next consideration was whether the variance would be substantial.

T. Pratt said it would be about 80% of relief which quantitatively was substantial, but because of the limitations of the site, it was “not really significant.”

The final consideration was whether it was a self-created hardship.

T. Pratt stated it was self-created.

Conditions were then discussed.

T. Pratt said any lighting should be dark-sky compliant and shielded. The color and material were to match the house. He also asked that a surveyor locate where the lines were so as to not encroach past the variances and to update the survey when the project is completed.

J. Stowell expressed agreement.

D. Silverman asked that the variances be clarified.

T. Pratt said the variance would be 52 feet of relief from East Road and 20 feet from Number Nine Road.

Motion by G. Mason, seconded by D. Vredenburg to approve the area variances with the conditions outlined for the construction of an 8’ X 24.5’ front porch as most recently submitted was carried as follows:

David Silverman	Voted	Yes
Gary Mason	Voted	Yes
David Vredenburg	Voted	Yes
Luke Gianforte	Voted	Yes
Thomas Pratt	Voted	Yes.

*Frisbey, Nancy/ Owera Winds - #23-1484 – Bed & Breakfast Special Use Permit – 5332 East Lake Rd,
(Thomas Pratt) Cazenovia*

Nancy Frisbey was present to represent the file.

T. Pratt explained a special use permit was being requested for a Bed & Breakfast (B&B) establishment in the Lake Watershed. Mr. Pratt went on to say Ms. Frisbey has submitted a business plan as well as a floor plan showing the use of two (2) rooms and she has brought her survey to show the Board the parking that would be eligible for that use.

N. Frisbey explained the driveway was about 2/3 miles long and the property consisted of approximately 80 acres. She showed the location of the circular driveway, and the garage which had space for about three (3) cars abreast. She explained she would be using two (2) of the bedrooms and two (2) of the bathrooms for guests. She thought she would only accommodate four (4) guests at any given time and she would only be hosting Fridays – Sundays. She said check-in would be around 3:00PM and check-out would be around 11:00AM.

It was stated that Ms. Frisbey could have a maximum of six (6) guests.

N. Frisbey said the maximum she could host would be five (5) if she were to use another bedroom that could accommodate one (1) more guest.

T. Pratt asked about parking for five (5) guests.

N. Frisbey explained at least two (2) cars could park in front of the garage and that area could also accommodate two (2) cars deep. There would also be all the parking on the circular driveway with no need to park on the grass.

T. Pratt asked if events would be allowed.

N. Frisbey answered, “No events.”

T. Pratt asked about a sign.

N. Frisbey responded that there would be no sign.

T. Pratt informed Ms. Frisbey that she would be responsible for any issues regarding noise. Given the size of the property, he doubted that would be a problem, but he wanted her to know that would be her responsibility.

T. Pratt informed Ms. Frisbey she would need to maintain a register for guests which must be available for the Town to review if needed.

T. Pratt informed Ms. Frisbey that she would need to be on site when she has guests.

N. Frisbey responded that she had no issue with that requirement.

T. Pratt said guests should not be staying above the second floor of the house. He noted the designated rooms were all on the first floor.

N. Frisbey replied that was correct.

T. Pratt did not expect any impacts regarding traffic or environmental issues.

T. Pratt understood that guests would only be staying Fridays – Sundays year-round.

N. Frisbey responded, “Correct.”

T. Pratt remarked no additional lighting would be necessary.

T. Pratt said Code Enforcement would be doing an inspection and anything that needed addressing must be taken care of (prior to the commencement of hosting).

D. Silverman had no questions, and commented that the size of the parcel and the days of operation seem perfect.

G. Mason said he inspected the site and felt it would work fine for the endeavor. He commented that there would be plenty of parking, and the house is very far from the road.

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

There were no comments at this time.

Motion by D. Vredenburg, seconded by G. Mason, to close the public hearing was carried unanimously.

J. Langey led the Board through the Short Environmental Assessment Form (SEAF) for this Unlisted Action in regard to SEQR, and all impacts were found to be small or none.

T. Pratt reminded the Board they must determine if the proposal would have minimal impact upon the neighborhood with no physical or environmental effects. He then outlined conditions for the approval:

- 1) no recreational vehicles (RVs),
- 2) cars will be parked in the driveway,
- 3) five (5) guest maximum,

4) there will be no events,

5) there will be no sign,

6) a register will be maintained, and accessible for Town review if needed,

7) Ms. Frisbey will remain onsite at all times when there are guests,

8) no guest will be staying above the second floor, and

9) an inspection will be performed by Code Enforcement and repairs will be made to any items that are found to be out of compliance.

J. Langey said the section of Code that deals with B&Bs is 165-69 which outlines the requirements for all B&Bs in the Town. One item that has not already been mentioned was that all revenue from the B&B must be reported to Madison County for the collection of the applicable Occupancy Tax.

T. Pratt said the annual renewal for B&Bs is also mentioned in that section of the Code.

J. Langey said another requirement was that one must be current on their real property taxes. One must also show proof of general liability insurance. He said the Town would help Ms. Frisbey with these requirements. He said compliance with section 165-69 of the Town Code would capture all the necessary conditions in addition to the conditions already stated.

M. Palmer asked about the RV restriction.

J. Langey explained the Applicant may have a RV for their own use, but they are not to rent their RV space to patrons in addition to guests housed inside the home, thereby increasing the number of guests on the premises.

Motion by G. Mason, seconded by D. Silverman, to appoint the Zoning Board of Appeals as Lead Agency for the purposes of the SEQR, to affirm the matter an Unlisted Action and make a Negative Declaration, based upon the Board's review of the Short Environmental Assessment Form (SEAF) and to approve the special use permit for a B&B with the aforementioned conditions and in strict compliance with section 165-69 of the Town Code was carried as follows:

David Silverman	Voted	Yes
Gary Mason	Voted	Yes
David Vredenburgh	Voted	Yes
Luke Gianforte	Voted	Yes
Thomas Pratt	Voted	Yes.

Ms. Frisbey was instructed to contact Code Enforcement with any questions regarding the next step, which will be the filing for the permit for a B&B, and which will be outlined in the approval letter from the Board.

Tegtmeyer, Paul & Mary - #23-1485 – Special Use Permit – 2301 Damon Road, New Woodstock (Luke Gianforte)

Paul Tegtmeyer was present to represent the file and Mary Tegtmeyer was in the audience.

T. Pratt explained this application was for an accessory building that was already in place. He said it was a 12' X 10' structure.

L. Gianforte repeated that the structure was already installed very close to the house. He asked Mr. Tegtmeyer to elaborate.

P. Tegtmeyer explained that for a number of years his wife had wanted a little hut that she could use as a non-commercial art studio, for reading, and for meditation. He gave the structure to her as an anniversary present, not knowing that he needed permission for a second accessory structure. He said he has resided in the Town of Cazenovia for 32 years and was never aware of the requirement. He designed the structure, had it built and installed, and then was informed he needed to go through the special use permit procedure to have it. He described it as a 10' X 12' Amish-built structure which was located "right up against the house." He said it was 180 feet from Damon Road, almost 100 feet from his nearest neighbor, and largely concealed by trees surrounding it on a couple sides. He remarked it was barely visible from Damon Road.

M. Palmer asked how far it was from the property line.

P. Tegtmeyer approximated it to be 80 feet from his closest neighbor.

T. Pratt asked if the 80-foot measurement was from the side yard.

P. Tegtmeyer affirmed it was. He mentioned he owns 6.2 acres. He said the shed was "basically not visible because there's a line of trees."

G. Mason asked about an existing shed.

P. Tegtmeyer explained they purchased the property in 2004 and said the barn was on the property when they bought it.

T. Pratt noted the house was 150 feet from Damon Road, and the shed was behind the house.

T. Pratt said the Board had discussed the option of attaching the new structure to the house which would eliminate the need for a special use permit for an accessory building.

P. Tegtmeier said the gap between the structure and the house was about eight (8) feet.

T. Pratt suggested a covered walkway or a pergola.

P. Tegtmeier said the property had belonged to Terry Damon.

M. Palmer asked if the structure could be seen from the current Damon residence.

P. Tegtmeier responded there was a line of trees on the Damon side of the property line.

C. Ladd asked if the 10' X 12' was the footprint and if there was an overhang.

P. Tegtmeier answered there were no overhangs.

C. Ladd remarked that no permit would be required for the structure due to the size being less than 144 square feet.

T. Pratt noted Mr. Tegtmeier did not seem interested in attaching the structure to the house, which would negate the need for the special use permit.

P. Tegtmeier responded he didn't know how he could accomplish that "in an elegant way."

C. Ladd asked about attaching the structures by installing a privacy fence between the house and the shed.

M. Palmer had the same thought, noting there was only about seven (7) feet of fencing needed. He asked if there was power to the shed now.

P. Tegtmeier answered there was not, but he was planning to have power; he had not done that yet.

G. Mason asked if the power would be connected to the electrical box. He presumed the Applicants would not try to run an extension cord from the house to the shed.

P. Tegtmeier said that was right. He would want to have power to run a ceiling fan, interior lights, and some switches for a radio, etc....

M. Palmer asked if the shed was heated.

P. Tegtmeier answered, "No."

D. Vredenburgh asked if it was on a slab.

P. Tegtmeier replied it was on gravel.

G. Mason asked if it had a wooden floor.

P. Tegtmeyer affirmed it did.

T. Pratt assumed it had no plumbing.

M. Palmer asked about an overhead door, wondering what the 10-foot opening was.

P. Tegtmeyer said it was not an overhead door and displayed a photo of the shed on his phone.

L. Gianforte said the opening was French doors.

G. Mason explained the Board was suggesting a small privacy fence as a way of connecting the building to the house.

M. Palmer asked if the Applicants walk between the structures.

P. Tegtmeyer responded he uses the area between the structures to use a hose to water the garden areas.

G. Mason noted a small gate would allow that access.

C. Ladd commented that the shed could be moved to another location where it would be easier to connect it to the house.

G. Mason thought the location the shed was already in did not require much fencing.

P. Tegtmeyer agreed it would not require much fencing and indicated the present location would be easier to accommodate than relocating it.

G. Mason repeated the option of having a gate in the fence.

M. Palmer advised consideration of the fence for the reason that no approval by the Board would then be needed for a special use permit.

P. Tegtmeyer responded, “Okay, I guess you have given me a solution.”

T. Pratt mentioned the deposit fee for the special use permit could be refunded.

J. Langey advised the fence be installed “without too much delay” because technically, while there are two (2) accessory structures, the property is in violation.

P. Tegtmeyer expressed understanding.

J. Langey said the connection would “erase that for you.”

There was more discussion about the first existing accessory structure.

T. Pratt asked Mr. Tegtmeyer if he was good with the installation of a fence to connect the new shed to the house.

P. Tegtmeyer responded, “That sounds reasonable. I would be happy to do that.”

T. Pratt stated Mr. Tegtmeyer was going to build a fence so no special use permit was needed.

C. Ladd asked if the fence would need an inspection.

It would but it would not be part of the Board’s action since the Board will not be taking action.

M. Palmer asked if the shed had been in front of the house at one point.

P. Tegtmeyer answered it had been for about three (3) days. He said when he was told he could not have it in front of the house, he moved it to the side of the house. He asked how long he had to install the fence.

T. Pratt suggested 30 days.

J. Langey said Mr. Ladd would work with Mr. Tegtmeyer and if Mr. Tegtmeyer was evidencing a real intent to get that done, Mr. Ladd would be understanding. He felt 30 days was an appropriate measure.

C. Ladd asked that he be kept informed and if things happened to delay the installation, just to let him know when the fence was completed.

T. Pratt said Mr. Tegtmeyer was all set.



Motion by G. Mason, seconded by L. Gianforte, to adjourn the meeting at 8:10 p.m. was carried unanimously.

Sue Wightman, Zoning Board of Appeals Secretary – September 25, 2023.