

# Cazenovia Zoning Board of Appeals

## Meeting Minutes

December 26, 2023

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

Members absent: Michael Palmer, Alternate Member

Others present: John Langey; Chuck Ladd; Wayne Emmons; Laura Emmons; Cynthia Hirt; Valerie Clarke; Douglas Brackett; Leslie Brackett; Mark Gravelding; Carol Gravelding; Rose Langey; Ben Langey; Danielle Langey; Robert Ridler; Kyle Reger

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

Roll was taken.

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Motion by L. Gianforte seconded by D. Vredenburgh, to approve the November 27, 2023 meeting minutes was carried unanimously.

The next regularly scheduled meeting will be Monday, January 22, 2024.

There will be a work session Tuesday, January 16, 2024.

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T. Pratt asked everyone in attendance to sign in on the sheet provided.

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.

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*Sparks, Cheryl - #20-1 – B & B Special Use Permit Renewal – 1995 Stanley Road, Cazenovia*

T. Pratt explained this was a special permit renewal for a Bed & Breakfast (B&B) in the Rural A (RA) District first issued in 2020. He asked Mr. Ladd if he had completed a site inspection, if everything was in compliance, and if there had been any complaints.

C. Ladd confirmed he had completed the inspection and there were no complaints.

Motion by D. Vredenburgh, seconded by D. Silverman, to approve the special use permit for a B&B with the same terms and conditions as the original approval was carried unanimously.

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*Henneberg, Shirley - #04-234 – Special Use Permit Renewal – 3104 Thompson Road, Cazenovia*

T. Pratt said this was a renewal for a special use permit in the RA District for selling gift merchandise issued in 2004.

T. Pratt asked if Mr. Ladd had completed his inspection,

C. Ladd confirmed he had completed the inspection.

T. Pratt asked if there were any issues.

C. Ladd affirmed there were no issues.

T. Pratt asked if there had been any complaints.

C. Ladd responded there were no complaints and elaborated that Ms. Henneberg has not been operating for quite a while.

Motion by G. Mason, seconded by L. Gianforte, to renew the special use permit for another year with the original terms and conditions was carried unanimously.

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*Emmons, Wayne - #23-1494 – Area Variance – 5241 Emhoff Road, Chittenango  
(Dave Vredenburgh)*

Wayne Emmons was present to represent the file, and Laurie Emmons was in the audience.

T. Pratt explained the area variance was for a project in the RA/Riparian Corridor (RC) District to build a 28' X 30' garage in front of his house and it would also require a site plan review by the Planning Board. He explained the Board had requested the flood line and garage elevation to be provided. He noted the General Municipal Law Recommendation Report (GML) from Madison County Planning Department was received November 21, 2023. He elaborated that at the last meeting, a revised survey was requested and it appeared Mr. Emmons had that at this time.

The drawing created by SeGuin Land Surveying, PLLC on 12/26/2023 entitled *Lands of Emmons Part of Lot 6 – 4<sup>th</sup> Allotment – New Petersburg Tract Town of Cazenovia – Madison County, New York* was distributed and added to the file.

D. Vredenburgh said the Applicants propose to construct a garage 600 – 800 feet west of Emhoff Road. It meets the side yard setback restrictions, but it would be considered to be in the front yard. He said elevations were provided for the area where the garage was proposed. Referring to the submitted drawing he noted the elevation was 895' and according to the Flood Note, the approximate base flood elevation for the house and garage pad was 393'. He believed the figure in the Flood Note should be 893', but the structure would still be two (2) feet above the flood elevation.

T. Pratt asked the dimensions of the proposed structure.

W. Emmons answered it would be 28' X 30'.

T. Pratt asked the location from the property line.

W. Emmons said it would be 40 feet from the east property line.

T. Pratt asked if that was considered a side yard needing 25 feet or a front yard needing 50 feet.

W. Emmons believed that 10 feet of relief was the variance being sought.

T. Pratt believed the variance was for the placement between Emhoff Road and the house.

W. Emmons said the dimension was provided with the original application. Referring to the drawing with sketched features, it was noted the distance was 42 feet.

D. Silverman asked if two (2) variances were being sought.

J. Langey asked what variance was publicly noticed.

It was verified that the variance noticed in the newspaper was for the construction of a 28' X 30' garage to be placed 100 feet from Chittenango Creek and in the front yard.

J. Langey referred to his notes from the previous month and noted the Board did not call out an additional variance at that time. It has been handled as one variance "this entire time."

T. Pratt asked about the access to the property from Emhoff Road.

W. Emmons replied the 12'-wide right-of-way on the drawing was an easement.

More discussion followed regarding whether the front yard distance pertained to the property line between the Applicants and the property that was between them and Emhoff Road.

J. Langey repeated this application was noticed for one variance and the public hearing that was opened at the last meeting was for one variance as well. He said he believed this was the first time the question had been raised.

J. Langey said whether a second area variance was needed was for the Mr. Ladd as the Town's Code Enforcement Officer to determine. He said this was a fairly unique situation (where a property was between the subject property and the road and an easement was the sole access to the road). He asked Mr. Ladd if he believed another area variance was needed. He repeated this was a very unique situation and if the property was at the road, a second variance would clearly be needed.

C. Ladd did not think a second variance was needed (considering the setback needed from the neighboring property to the east was 25 feet).

J. Langey agreed because the distance between the property to Emhoff Road was so great (over 500 feet). He remarked he was comfortable from a legal standpoint with the one variance requested.

Referring to his notes J. Langey recalled it had been stated that if this were approved a silt fence would be needed during construction, there would be the removal of an existing shed, and any exterior lighting for the new building would be dark-sky compliant, downcast, and compliant.

T. Pratt had similar comments. He said the silt fence was mentioned presuming there was draining to the creek, but it was observed that the property drains away from Chittenango Creek, so it was unnecessary.

D. Vredenburgh said, "It just sheet flows wherever it goes."

T. Pratt believed the function of the garage was for parking and car storage.

W. Emmons replied, “Correct.”

T. Pratt said impervious calculations would be part of the subsequent site plan review for the project by the Planning Board.

T. Pratt asked if there were elevations for the building.

W. Emmons answered it would be a metal building.

T. Pratt asked if pictures of the building had been included in the application.

W. Emmons responded there had not.

W. Emmons said it would have 10-foot walls.

T. Pratt asked the slope on the roof.

W. Emmons said he would check that on his cell phone.

C. Ladd asked if it would be a fabrication kit.

W. Emmons affirmed it would.

C. Ladd said typically the roof pitch for those would be 3/12.

W. Emmons confirmed that was the pitch for this building.

T. Pratt asked about the existing structure that would need to be removed.

W. Emmons stated he would move it.

D. Vredenburg asked if he would attach it to the garage.

W. Emmons responded he would if he could.

J. Langey said his notes from the previous month stated the Applicant would remove the existing shed to comply with the accessory structure rule otherwise a special use permit would be required for the construction of the new structure.

W. Emmons responded that if he could have it, he would take it, but if he needed to move it, he would move it.

T. Pratt said the shed would then be demolished.

W. Emmons answered he would move it.

L. Gianforte clarified that the shed would be moved off the property (if it could not be connected to the a structure).

W. Emmons indicated that was what he meant.

T. Pratt repeated that any exterior lighting should be dark-sky compliant, low-level, and shielded.

T. Pratt recalled there would be power in the garage, but no plumbing.

W. Emmons responded there would be no plumbing.

D. Silverman believed the Board had what it needed and he had no questions.

G. Mason felt the issues had been addressed.

J. Juskiewicz had no comments.

D. Vredenburg believed the Applicant had answered the questions from the last meeting. He wanted the Surveyor to correct the Flood Note.

T. Pratt asked what the correction should be.

D. Vredenburg answered it should read 893' instead of 393'.

T. Pratt noted a new drawing should be resubmitted.

L. Gianforte asked if the colors would match (the existing house).

T. Pratt said the public hearing had been left open from the last meeting and invited comments at this time.

Hearing no comments, motion by D. Silverman, seconded by G. Mason, to close the public hearing was carried unanimously.

J. Langey then led the Board through Part 2 of the Short Environmental Assessment Form (SEAF).

T. Pratt then reviewed the criteria for the granting of an area variance.

T. Pratt asked if there would be an undesirable change to the neighborhood. He did not feel it would.

T. Pratt asked if there were alternate solutions. He acknowledged there were other locations, but the proposed was the best.

T. Pratt asked about physical and environmental impacts. He noted the project was near the Riparian Corridor, but the land slopes away from the creek.

T. Pratt asked if the relief sought was substantial. He repeated it was 43 feet from the property line (but

500+ feet from Emhoff Road).

T. Pratt asked if it was a self-created hardship. He felt it was.

T. Pratt felt there were no significantly negative points for this project. He then reviewed the conditions for the approval.

1) The location of the property line needed to be surveyed and a finished survey needed to be provided at the end of construction,

2) the color and finish of the new structure should match the house,

3) the existing shed should be removed from the property,

4) exterior lighting for the new structure should be dark-sky compliant, low-level, and shielded,

5) the location of the new structure should be 114 feet from Chittenango Creek,

6) the survey provided needed to be adjusted to reflect the flood elevation in the Flood Note as 893 feet rather than 393 feet.

Motion by D. Vredenburgh, seconded by L. Gianforte, to appoint the Zoning Board of Appeals as Lead Agency for the purposes of the State Environmental Quality Review (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 area variance for the construction of a 28’ X 30’ metal garage as most recently submitted and conditioned upon the above-reference items was carried as follows:

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

T. Pratt then instructed Mr. Emmons to now attend the upcoming Planning Board meeting for site review.

W. Emmons asked what he needed to bring for that.

G. Mason asked if the Planning Board would want pictures and more details about the structure.

T. Pratt believed that would be helpful.

D. Silverman suggested bringing any brochures of the building.

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*Davis, Brian & Melissa - #23-1500 – Special Use Permits – 4580 Fox Lane, Cazenovia  
(Thomas Pratt)*

No one was present to represent the file.

T. Pratt said this proposal was in the Lake Watershed and was a special use permit for a private horse stable for three (3) horses, a barn, pastures, and manure controls on 6.7 acres. He said the GML was received on November 21, 2023.

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

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*Hirt, Cynthia - #23-1502 – Special Use Permit – 2424 School Street, New Woodstock  
(Gary Mason)*

Cynthia Hirt was present to represent the file.

T. Pratt explained that Ms. Hirt was seeking a special use permit in the RA District for a second accessory building which would be 20' X 30' and used for the production of honey. Attached to the structure would be an 8' X 30' lean-to style overhang.

G. Mason elaborated that the proposed structure would be used for processing honey and an existing shed on the property would be removed prior to the construction of the new building so there would be only one accessory structure on the property in addition to a detached garage. He said the biggest question that has arisen regarding the proposal was the 50-foot setback from the rear property line and how that would impact the location of the new structure in relation to the house.

D. Vredenburg said the drawing showed the proposed measurement to be 50 feet from the rear property line, but the scale of the drawing showed it to be 35 feet. To meet the requirement, the building would have to be moved 15 feet closer to the road.

G. Mason said the property behind Ms. Hirt's parcel was farmland.

C. Hirt explained her family owns the farmland around her home.

G. Mason wondered if the extra 15 feet needed for the setback would render the structure less advantageous.

D. Vredenburg said if it stayed in the proposed location but was moved 15 feet closer to the road it would put it between the house and the garage and the lean-to area would be a consideration.

C. Hirt said the lean-to was proposed on the south side of the structure, but she would prefer it to be on the north side.

D. Vredenburg said that would put the lean-to two (2) feet from the house. He had superimposed how the site would look on a drawing with the 50-foot setback.

C. Ladd asked if Ms. Hirt would be opposed to putting a breezeway connecting the house to the structure.

C. Hirt said, "No."

C. Ladd said that would eliminate the need for the Zoning (approval for an additional accessory structure).

C. Hirt asked if they were suggesting a breezeway between the house and the existing garage.

She was told they were talking about a breezeway between the new structure and the house.

More discussion followed about that option.

T. Pratt said even though a special use permit would not be needed if the new structure was connected, an area variance would still be needed if the construction was only 35 feet from the rear property line.

D. Silverman asked if there were other properties along the road that had structures with similar setbacks.

G. Mason explained the Hirt family farm owned the property in that neighborhood.

T. Pratt pointed out that if Ms. Hirt met the setback requirement and attached the structure with the breezeway, she would not need any Zoning Board approvals.

C. Hirt expressed understanding.

C. Ladd said the location of the septic system was a consideration.

C. Hirt responded that was the reason she had not proposed the structure in another location. She added that the suggestion made by the Board would require the removal of a tree.

C. Hirt showed the board on her cell phone a photograph of the property showing the building which would be removed, the garage, the back field, and the tree.

G. Mason asked if the proposed structure could be turned which would result in 10 more feet of setback.

J. Juskiewicz said the 8-foot porch would still be a consideration.

G. Mason said the overhang could be positioned toward the house so the dimension to the rear property line would still be 10 feet farther.

The Board expressed their desire to keep the tree.

T. Pratt said the request was for a second accessory building; no area variance application had been made.

G. Mason explained the structure was proposed to be within the 50-foot requirement, but Mr. Vredenburg determined the location shown was only 35 feet.

J. Langey said it was Ms. Hirt's responsibility to meet the setback and when the new structure is constructed, it must not encroach upon that setback. He said the builder should stake it and Mr. Ladd should verify the dimension before construction commences.

T. Pratt reiterated that Ms. Hirt must comply with the setback and move the structure to do so.

C. Hirt responded, "Certainly."

J. Langey asked if that would cause the tree to come into question.

C. Hirt expected it would. She asked if she could turn the building and situate it to comply.

She was told she could.

J. Langey repeated his recommendation to stake it before construction, repeating the need for Mr. Ladd to confirm that the location complied. He said this Board can still grant the second accessory structure subject to meeting the setback lines.

T. Pratt asked if Ms. Hirt was "okay with that."

C. Hirt answered, "I am fine with that." She thought it would "look very nice."

T. Pratt informed Ms. Hirt that if she needed a variance for the back yard setback, she would have to return to the Board.

C. Hirt responded, "That's fine." She clarified that she needs 50 feet from that property line.

T. Pratt repeated that the location would need to be staked and Mr. Ladd would have to verify it. He said a surveyor would be needed.

C. Hirt asked if the builder would stake the location and then contact Mr. Ladd.

T. Pratt repeated a surveyor would need to locate it.

C. Ladd elaborated that the surveyor would only need to set two (2) pins.

T. Pratt explained the surveyor would locate the rear property line, and he added it would be best if he could also show where the 50-foot line would be.

D. Vredenburgh said if the surveyor locates the 50-foot setback line, she would then know that the builder was locating the structure adequately.

D. Silverman repeated Ms. Hirt always had the option of requesting relief if she found she could not meet the requirement. He presumed Ms. Hirt was not in a hurry to put the building up.

C. Hirt responded that the building was a spring project.

G. Mason said another alternative was to acquire more land from the pasture behind the house.

T. Pratt verified that the use of the building was to produce honey – that no commercial sales would be conducted in the accessory structure.

C. Hirt stated the building would be for storage and honey production.

T. Pratt informed Ms. Hirt that the sale of honey would require a Home Occupancy application administered by Mr. Ladd.

G. Mason saw that a sink was included in the proposal so the discharge of that was be a consideration.

T. Pratt asked if the structure would be one story.

C. Hirt affirmed it would be.

T. Pratt asked about plumbing and electricity within the structure.

C. Hirt confirmed she would have electricity within the structure.

T. Pratt informed her that any exterior lighting should be low-level, shielded, and dark-sky compliant.

C. Hirt responded, “Okay.”

T. Pratt asked if the sink would be going to a waste point, and if so, was it the septic system.

C. Hirt answered the sink would be used to rinse away honey, so she was thinking of putting a leach area behind the structure.

T. Pratt understood Ms. Hirt would be building a system.

C. Ladd informed Ms. Hirt that if she could tie that drainage to her existing septic system, she would not need to have an engineer design a system for this purpose.

C. Hirt said it would be tied into the septic.

T. Pratt asked about heating for the proposed structure.

C. Hirt responded it would only need heating for extraction, it would not be heated at all times.

C. Ladd clarified a temporary heat source would be used.

C. Hirt answered, “Yes.”

T. Pratt said that was good to note, otherwise it would trigger the energy code.

T. Pratt asked if the color and materials would match the existing structures.

C. Hirt answered, “Yes.”

T. Pratt asked if there were any elevation pictures of the structure.

D. Vredenburgh said the sketch enclosed with the original application was the only picture.

T. Pratt asked the height of the building.

D. Vredenburgh said it would 10 feet walls with a 4/12 pitched roof.

T. Pratt asked the width.

It would be 20 feet wide.

T. Pratt calculated the roof would be 2 – 3 feet high.

T. Pratt did not believe there would be any traffic increase or any environmental concerns.

D. Silverman had no further questions.

G. Mason agreed the staking would be important and felt tying the discharge into the septic was also advantageous. He thought they “were good to go.”

J. Juskiewicz commented that the proposed structure could be attached to the garage, thinking that may be an option to avoid the tree.

D. Vredenburgh and L. Gianforte had no other questions or issues.

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

T. Pratt invited comments at this time.

Hearing no comments, motion by D. Silverman, seconded by G. Mason, to close the public hearing was carried unanimously.

J. Langey completed Part 2 of the SEAF.

T. Pratt said for a second accessory structure, the Board needed to determine if the proposal would be appropriate for the neighborhood with no adverse environmental effects.

T. Pratt listed conditions for an approval:

- 1) the existing shed shall be demolished; and the Certificate of Occupancy shall be held for the new structure until the existing shed was removed,
- 2) the new building will match the existing house in color and character'
- 3) plumbing will have a floor drain and sink which will run to the existing septic system,
- 4) electric will be provided, and any exterior lighting shall be dark-sky compliant, low-level, and shielded,
- 5) a surveyor will stake the rear property line to locate the building for the contractor, and the location will be confirmed by Mr. Ladd, and
- 6) the 50-foot setback from the rear property line will be met.

Motion by G. Mason, seconded by D. Vredenburg, to appoint the Zoning Board of Appeals as Lead Agency for the purposes of the State Environmental Quality Review (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 20' X 30' structure for honey extraction and storage as a second accessory structure conditioned upon was carried as follows:

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

T. Pratt informed the Ms. Hirt to provide the necessary documents for the building permit, and he repeated any sale of honey would require a Home Occupation Permit as well, repeating that sales must be out of the home, not the new structure.

C. Hirt responded, “Right,” and thanked the Board.

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*The Glen at Lakewood, LLC/Valerie Clarke - #23-1505– Area Variance – 5114 Lakewood Way  
(David Vredenburg) - #23-1506 – Special Use Permit – 5114 Lakewood Way*

Valerie Clarke was present to represent the file.

T. Pratt said this was a proposal in the lake watershed seeking an area variance to place her building in the front yard and requires a special use permit as a second accessory building. The structure is a 10’ X 13’ greenhouse which is already built. This proposal will also require site plan review by the Planning Board. He said no GML was necessary for this.

D. Vredenburg elaborated the second accessory structure, the greenhouse, was approximately 118” X 160” and was already in place. He estimated West Lake Road was 800 – 900 feet away, so this was not seen from the road. He assumed everyone had read Ms. Clarke’s letter explaining her request, the reason for the placement, and her unwittingly installing the greenhouse without Town approvals.

V. Clarke explained the reason she neglected to get the proper approvals was because the structure had less than the square footage requiring a permit, and her builder, who builds in the area, was unaware of the additional accessory structure rule. She stated she had no idea other zoning approvals were required.

T. Pratt said reiterated the distance from the road was approximately 800 feet and the structure was approximately 10’ X 13’. He asked if the greenhouse was moveable.

V. Clarke answered, “No.”

T. Pratt asked if there was a foundation underneath it.

V. Clarke answered it was sitting on timbers on the ground. She said the building was bolted to the timbers. She said the timbers were 6” X 6” around the parameter.

T. Pratt asked if the function was to grow food.

V. Clarke answered, “Yes.”

T. Pratt noted it was one story and there would be no excessive noise. He asked about plumbing.

V. Clarke responded, “No.” She uses a hose. There is no plumbing or electrical.

T. Pratt asked about heating.

V. Clarke answered it was heated by the sun.

T. Pratt asked about the color and material.

V. Clarke said it was opaque plastic.

T. Pratt asked the height.

V. Clarke answered it was eight (8) feet tall.

T. Pratt did not think there would be any environmental impacts.

G. Mason felt the structure could be moved if necessary. He did not consider it a permanent structure.

V. Clarke replied the assembly took a long time and was costly even though it came in a kit. She was unsure how easy it would be to move.

T. Pratt noted it was 10’ X 13’ so it would not be a “small event to move.”

D. Vredenburg said West Lake Road was actually about 1100 feet away.

There were no other Board comments.

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

T. Pratt invited comments at this time.

Doug Brackett of 5090 Lakewood Way said they were located to the west of Ms. Clarke’s property. He received a letter from Ms. Clarke which spoke about the environmental concerns which he found to be exemplary, and he applauded the effort that she has made there, but he felt the proposal was in violation of the (Town) Code. He was opposed to the special use permit because of its being in violation of the Code, and he was unsure if there would be more development by others using the same reasoning and resulting in more items being added to the property, which he opposed.

Leslie Brackett, Doug Brackett’s wife, then spoke. She talked about the importance of neighbors, and explained they bought their property 25 years ago “with a nice open view of the lake.” She said they did not have a view easement, but at the time, the property that now belongs to Ms. Clarke had the maximum allowable structures on site. She said she was remiss in not alerting Ms. Clarke to the fact that additional structures were not allowed. She said previously a second accessory structure was added before this one, which was removed. She was concerned about what would be allowed in the future. She asked what the rules were and if the rules are to be abided by or not.

D. Silverman asked if the structure affects the Bracketts’ view now.

L. Brackett answered, “Yes.” She believed it was placed where the sun was best, but stated that it sits right where they viewed the lake.

J. Langey remarked the Town does not have a law protecting people’s views.

L. Brackett knew that.

J. Langey said the comment was well-received, but there was no view protection.

L. Brackett said they understood that, but she noted that at one time there was a bunkhouse in addition to the garage. She said the bunkhouse has obviously been removed.

J. Langey explained the Board must take each request and evaluate it on its merits, just as other requests were measured on their own merits earlier this evening. He assured the Bracketts their comments of objection were received and would be considered as the Board evaluates the project.

L. Brackett alleged Ms. Clarke had another structure built on the property before the greenhouse.

J. Langey said that would be taken into consideration as well.

V. Clarke responded that she had never had another structure built there before.

L. Brackett believed the chicken coop was also a structure.

V. Clarke replied that was just sitting on the ground and was movable like a doghouse.

C. Ladd thought it was connected to the back of the garage.

V. Clarke explained it was in the enclosure next to the garage.

L. Brackett believed the definition she read for a structure was anything that was affixed to the ground.

V. Clarke said the chicken coop was not affixed to the ground; it was sitting on the ground.

J. Langey interjected this discussion was an interpretation issue, which is addressed at the Codes level. He said that was not for this Board to determine. The Board was present to evaluate the request for the greenhouse.

D. Silverman commented that it was important to him where the structure was placed in regard to the neighbors.

L. Brackett spoke about what she was given in the Code regarding structures and wondered if the Code had been changed since her research.

J. Langey said there was a difference between what was required for a building permit and zoning. He understood that Ms. Clarke mistakenly believed if the structure was under a certain amount of square feet, she did not need to comply with zoning.

L. Brackett said they were concerned “about how many more buildings were going to go up.”

J. Langey said every additional accessory building, by the Town Law, would require additional decisions by this Board. He explained that was the reason for this evening’s proceedings. He said the Board has a set of guidelines and standards they must follow, and part of it was holding the public hearing and listening to any objections or support and including that with their deliberations.

J. Langey wanted to clear about the view, repeating that the Town has no law to address that concern.

L. Brackett wondered about a rule about mowing grass.

J. Langey answered that would be a Codes issue, not a Zoning Board of Appeals issue. He said neglect of mowing is addressed in the New York State Property Code. He said if there were a complaint, Mr. Ladd would investigate, and ultimately the offender could be taken to court, but that issue was outside of what the Board was considering at this time.

L. Brackett said she was just asking for clarification of the rules, saying they feel badly, but they wanted to speak to their property ownership for the last 25 years.

T. Pratt asked if there was another location where the structure could be located.

V. Clarke said the property had many mature trees (that restrict the placement). She sought the location that would receive the most sun and with a reasonable proximity to the garden hose. She said there was a location on the other side of some walnut trees, but that would be closer to the Bracketts’ house and would require setback relief from that property line. She said in another part of the property there were 30 mature oak trees. She felt the location chosen was the best option.

T. Pratt believed the Board members should visit the property (for a better understanding of the proposal).

D. Silverman responded, “That is a great idea.” He spoke about the importance of getting along with the neighbor. He said one can “do everything humanly possible” and not accomplish that, but he endeavors to help the applicant without hurting the neighbors. He felt a site visit would help greatly.

V. Clarke said, that was “fine by me.”

T. Pratt suggested they continue the file and the public hearing. He said the Board members would contact Ms. Clarke at the various times they would be available to visit the site.

V. Clarke asked if she needed to be there. She explained she does not live at the property, and it has been closed for the winter; saying it’s seasonal.

V. Clarke said she could come out since she lives in Manlius, but she said the Board could visit at their convenience (without her). She mentioned there was a chain across the driveway.

T. Pratt said the Board “will take a look at it in the next month.”

V. Clarke asked if she would have to attend the next meeting.

T. Pratt answered, “Yes.”

V. Clarke said she would be in Japan until January 23<sup>rd</sup>.

J. Langey asked if she could have a representative stand in her place.

V. Clarke said she was the only one who knew about the project.

J. Langey suggested her representative could be briefed about the project.

V. Clarke agreed.

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

G. Mason asked if Ms. Clarke wanted the file to be continued until the February meeting.

V. Clarke responded, “It doesn’t matter to me.” She knew she had to attend another (Planning Board) meeting as well.

T. Pratt responded the choice was hers.

V. Clarke answered she would send her daughter to the January 22<sup>nd</sup> meeting.\*



Motion by L. Gianforte, seconded by D. Silverman, to adjourn the meeting at 8:37 p.m. was carried unanimously.

Sue Wightman, Zoning Board of Appeals Secretary – December 27, 2023.

\*Subsequently Ms. Clarke asked if the file could be continued until the February 26, 2023 meeting and requested that members visit the property when she is available to meet them to answer any questions they may have.