

# Cazenovia Zoning Board of Appeals

## Meeting Minutes

August 24, 2020

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

Members absent:

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Others present: Roger Cook; John Langey; Charles Stormon; Gyata Stormon; Michael Kenney; Kevin Nickels; Steven Nickels; Bonnie Capone; Andrea Capone; Kristi Andersen; Kyle Reger; Michael Basla; Adelaide (Heidi) Krumsiek; Gregory Alton; Thomas Revelle & Jennifer Wardell; Robert Gabor; Jamie Howard; Jennifer Wong; Randy Merta; Steve Moore; Martha Moore

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T. Pratt called the meeting to order at 7:30 p.m. He stated, “Welcome to the August 24, 2020 Meeting of the Town of Cazenovia Zoning Board of Appeals, which has been legally noticed in the Cazenovia Republican, on the Town Website and outside the Town Offices. This meeting is a virtual meeting as authorized by New York Executive Order 202.1. This meeting is being recorded, and will be made available on the Town’s website. Please note: The output of transcribing from an audio/video recording from Zoom, will be fairly accurate, although in some cases will be incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting. If you should need clarification for something said, please contact the Zoning Board of Appeals Secretary. Attendance will be taken and votes will be conducted by roll call. When possible, the Board members and applicants are asked to state their name each time they speak for audio recording purposes. The public may be participating. When public speaking is allowed, speakers are asked to please state their name and address for the audio recording every time they speak. Please provide statements, please do not ask questions, and please address the Board, not the applicant. Please do not repeat the same ideas if they have been stated once. In an attempt to maintain orderly discussion, participants may be muted until it is their turn to speak and they will need to use the raised hand symbol to be recognized. Other than times allowing for public comment, the public is asked to remain silent during the proceedings.”

Roll was then taken. All members were present.

Motion by J. Wigge, seconded by J. Anderson, to approve the June 22, 2020 meeting minutes and the July 27, 2020 meeting minutes was carried as follows:

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

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The next regularly scheduled meeting will be Monday, September 28, 2020.

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

T. Pratt said this was a special use permit for farm animals dating back to 2008. He said Mr. Cook has inspected the site and asked Mr. Cook if he had received any complaints.

R. Cook answered he had none.

T. Pratt asked if there were any changes to the permit.

R. Cook responded there were not.

Motion by D. Silverman, seconded by J. Wigge to renew the special use permit with the same terms and conditions as originally approved was carried as follows:

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

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*Stormon, Charles & Gyata - #19-1259 – Area Variances – 1766 US Route 20 West, Cazenovia (James Wigge)*

Charles (Chuck) and Gyata Stormon and Michael Kenney, Kevin Nickels, and Steven Nickels of Nickels Energy Solutions, LLC were present to represent the file.

T. Pratt said the Applicants were seeking a special use permit to install a ground mount solar panels as well as an area variance to locate the solar panels in the front yard rather than in the back yard as required by the Town Code.

J. Wigge said the Board had received some “good data.” He said he had read the shade study a number of times but was unsure if he understood it completely. He said a study was done behind the house and he was hoping someone would clarify the results of that study in comparison to the study done in the front yard. He was also looking for clarification regarding the orientation of the house.

T. Pratt said the front of the house faces Route 20 and the back of the house faces south. He shared his screen to show a slide he created that depicted the Front/North location, the Back/South location, an aerial photograph, panels installed at the Dudley residence as well as photographs of the Back Exposure facing east, south, and west. He asked the Applicants to explain their interpretation of the data.

C. Stormon said the Contractor, Nickels Energy Solutions, came to the property as the Board requested and found a site on the south end of the 40 acre property where they conducted a shading analysis in which they found an 8% less generation of solar energy than the proposed site in the north location in front of the house. He said they had also consulted with the two (2) community organizations that use the south side of the property, one being the Cazenovia Preservation Foundation that maintains a trail on the south side of the property that connects the Fairchild Hill trail system to Sherman’s Gulch and Deer Hill Farm trail system. The other organization is the Limestone Creek Hunt Club which maintains a path as well, and the Hunter’s Pace event was held on that path the previous weekend. Both organizations have written letters expressing their preference to not locate the solar array in the southern portion of the parcel and supporting the proposed location in the front.

T. Pratt said there is a value, Total Solar Resource Factor (TSRF). He said in the front the TSRF was 93.6 and in the back, it was 88.6. He noticed there was more sun available in the summer months in the front. It appeared the solar saving would be about \$164.00 to locate the array in the front rather than in the back.

G. Mason said he lives on the same ridge, being on Burlingame Road, and he appreciated the Applicants' concern about their well, saying well water was a precious commodity on his road also. He felt there were other factors to be considered in addition to efficiency. He did not think the array would be visible in the front and the Applicants have already indicated they were willing to plant more trees for screening. He felt the extenuating circumstances went beyond the financial benefit of \$164.00.

T. Pratt asked Mr. Mason to elaborate about the well.

G. Mason explained in his area on the same ridge many have wells with poor water flow, saying he has five (5) gallons per minute and his neighbor has two (2). Like Mr. Stormon, he has only 14 -18 inches of topsoil, so he would be protective of the well, not wanting any disturbance near it because the cost of replacement would be "a major expenditure."

T. Pratt asked Mr. Nickels if they would be getting into the shale with the method of anchoring proposed.

S. Nickels explained the anchorings will be going into the ground and they do expect to install some rock base as part of the mounting method. He said they would be going as far as the bedrock to secure it. He said he was not qualified to predict if it would affect the well.

T. Pratt asked how deep they would need to go to anchor it, and if they would be putting pins into the rock or drilling into the rock.

S. Nickels said they would be drilling into the rock where it is very shallow to pin it to the rock. The manufacturer of the equipment requires a certain amount of pull-out force, so each anchor must be tested and if necessary additional anchors will be installed to ensure they meet the criteria set forth. Until they begin anchoring, he will not know what will be required to achieve the proper rating.

T. Pratt said that would be the case in either location.

S. Nickels agreed.

G. Mason pointed out the well casing was behind the house. He said if they come in from the road to access the front location they would not be near the well.

S. Nickels elaborated the well was not far from the southwest corner of the house.

T. Pratt believed the panel location in the back would be 150 feet from the house.

M. Kenney said that would be the location in the back, but there would be trenching closer and they would not want to come close to the well at all so as to avoid “interruption at all.” He said he was no expert regarding the well.

T. Pratt asked the depth of the cable thinking it would be about 18 inches.

M. Kenny said the top of the conduit has to be 18 inches below grade.

T. Pratt asked Mr. Mason the depth of the topsoil.

G. Mason said at his house it was 14-18 inches.

S. Nickels said he drove a stake at 18 - 20 inches in both locations to test the depth. He said that test was done in addition to the shading analysis.

D. Silverman thanked the Applicants for allowing the community access to part of his property, calling it “a treasure.” He said he had concerns about using the rear of the property. He did not want to set a precedent in the future for this area. He said he too had a low-yielding well and said a well is a sensitive resource for the homeowner. He said the easement the Stormons has allowed the community to use behind their house offer views that are “breathtaking.” He said the mature trees in the area have root systems that may be 60 – 80 years old which he would hate to see disturbed. He felt there were health and safety issues to those using the area for the Hunt Club events if a horse were to stumble into the area (where a solar array would be located). He indicated the distance from the road and the speed of the traffic, as well as the installation of solar panels becoming more commonplace so as to not be a distraction for drivers, all lessen the impact of the location of the panels where initially proposed. He spoke about the Owners consideration of the community having been evidenced by their actions and integration over the years, so he believed they would be willing to create a barrier if the Board deemed it necessary. He did not see how allowing the installation on the front side could harm the community with proper screening. He felt it would be “a win for the community, a win for the Applicant, and a win for clean power.” He said the property from the back was a “showplace” and the solar installation could be a “showplace” as well being an example of how to properly have it done.

J. Wigge added after having driven up the driveway a few times he did not believe it would be visible in the front from the road.

D. Silverman agreed and repeated his health and safety concerns for the horses and riders and the proximity of the trail to the rear location.

T. Pratt asked about the appearance of the array, referring to a photograph of the array at the Dudley residence which Nickels Energy recently installed. He said the Dudley array had what he described as a mill-finished framing. He asked if the Stormon array could be entirely black. He also asked if there would be an objection to doing some additional screening by planting trees if necessary.

C. Stormon said they would be pleased to paint the framing black and to plant evergreens to help screen the Route 20 view in all seasons.

K. Nickels said the data sheet submitted with the information packet shows the panels proposed for this project will be all black. The panels used at the Dudley residence, which were also included with the Dudley submission, were a different higher wattage panel with different specifications than what will be used for this project.

T. Pratt asked if the frame for the panels will also be black.

K. Nickels said that was correct.

T. Pratt remarked he had not thought the Dudley panels would have as much aluminum, but he would take Mr. Nickels at his word.

T. Pratt said the public hearing was open from the last meeting and invited public comment at this time.

Jen Wong of the Cazenovia Preservation Foundation (CPF) Chairman spoke, thanking Mr. Silverman for who largely echoed the sentiment she would provide. She said the CPF protects historic, agriculture, and natural resources in the Cazenovia area. She said they are broadly supportive of the environmental benefits associated with renewable energy and residential-scale solar power generation. She said they view this project primarily in relation to potential visual impacts. CPF, with the extensive help of Mr. Stormon, maintains a trail that crosses the southern portion of Mr. Stormon’s property. It actually connects the Fairchild Hill Trail and the Burlingame system of trails. The public has access to those trails through an agreement CPF has with Mr. Stormon. CPF believed there would be more visual impact to trail users if the southern site was selected and felt the front site was the more appropriate location under these circumstances in terms of the visual impact to the community. The importance of preserving the greenbelt that surrounds Cazenovia has been a concern of many community members. The importance of scenic roadside viewsheds has also been addressed in this circumstance; the speed of the traffic and the willingness of the Stormons to plant a vegetative screen minimizes the impact upon Route 20 drivers. CPF supports the variance for the installation in the front location.

T. Pratt asked where the path would be depicted on the aerial photograph.

J. Wong described the location and called it the “key connector trail” between the two systems of loop trails.

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

|                 |       |     |
|-----------------|-------|-----|
| David Silverman | Voted | Yes |
| Joe Anderson    | Voted | Yes |

|              |       |      |
|--------------|-------|------|
| Jim Wigge    | Voted | Yes  |
| Gary Mason   | Voted | Yes  |
| Thomas Pratt | Voted | Yes. |

T. Pratt said the Board would vote on the proposal in two (2) parts, addressing the special use permit first. He said the key consideration for the Board would be their determination that the proposal was appropriate for the site, the neighborhood, and the community; if it fits or does not fit.

Motion by J. Wigge, seconded by J. Anderson to appoint the Zoning Board 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 SEAF, and to approve the special use permit for ground mount solar as submitted carried as follows:

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

T. Pratt then reviewed the criteria for the granting of the area variance for locating the array in the front rather than behind the house as required by the Code. The first test question was whether it would create an undesirable change to the neighborhood. He said it would create some visibility from Route 20, but Mr. Stormon has suggested he was willing to shield the visibility with evergreens. He reminded Mr. Stormon the height of the array would be ten (10) feet so that height must be considered when devising the screening. He asked Mr. Langey how the Board would determine the amount of shielding.

J. Langey recommended the Applicants prepare a planting plan to Mr. Cook's satisfaction for an appropriate amount of screening to be provided in a fairly short amount of time. He added if a tree were to die or fail, a new tree would be replanted in its place.

Mr. Stormon agreed completely.

T. Pratt continued with the test questions. When considering if there was an alternate solution, he said it could be located in the rear but that created issues with the trail, the Hunt Club, and the well water. In

considering if the proposal would be a substantial change, he felt it would be, but a percentage was difficult to calculate. In addressing the question of physical and environmental issues, he said the visibility along Route 20 was a consideration as was the well issue. In determining if the hardship was self-created, he said it was.

The conditions of the approval were discussed.

Motion by J. Wigge, seconded by D. Silverman, to approve the area variance to place the solar array in the front yard conditioned upon the planting and maintenance of an evergreen tree, vegetative screening to be approved by Mr. Cook and the use of all black panels and framing with no mill-finished or shiny aluminum material was carried as follows:

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

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*Capone, Bonnie – #20-1289 – Special Use Permit – 1636 Peth Road, Cazenovia  
(Gary Mason)*

Bonnie Capone and Andrea Capone were present to represent the file.

T. Pratt said the Applicant was seeking a special use permit for a second accessory structure in the lake watershed. He said the building proposed was a steel-framed structure with a canvas cover. The Board had asked Ms. Capone to look at traditional framing which they felt might fit the area and the conditions better.

G. Mason said he was not in attendance last month but reviewed the minutes. He saw the material list and associated costs that was submitted since the last meeting which amounted to approximately \$13,000.00. He assumed the labor would be about the same cost. He did not know the cost of the proposed structure. He was unsure about the savings if Ms. Capone needed to replace the structure in 15 years.

T. Pratt split his screen and showed a slide that had the site plan sketch, an aerial photograph, and a photograph of the proposed structure. He explained the proposed structure would be placed behind an existing shed, and it would be 22' X 36'. He repeated the Board had asked Ms. Capone to consider traditional framing as opposed to steel ribs and canvas.

G. Mason presumed there was no issue with setback requirements. He believed the Board's issue was with the materials.

T. Pratt affirmed materials and appearance were the concerns, wondering if they were appropriate for the area. He said the Board must consider if the proposal was consistent with the land use; if it would preserve the natural, scenic, and historic character; if it would affect the surrounding land – traffic, noise, dust; if it was consistent with the Comprehensive Plan – basically, was it appropriate for the neighborhood. He said the second accessory structure would not be granted for a limited time; once granted the use would be conveyed with the land, so the Board was deciding if the second accessory structure as Ms. Capone has proposed will fit for perpetuity.

B. Capone said the structure would be set on 6' X 6's, not on a cement slab, so it would be removable. She said if she no longer had a use for it at her location, her children could move it to their property for their use. She believed it would be about 200 feet from the road, as well as being behind the existing building. She chose a dark green canvas to further reduce visibility in the wooded area where it would be placed.

A. Capone added that it would be sided with new canvas and would have a new door. The photo was submitted to show a representation of the shape, but it would be newer in appearance and would have the maximum longevity.

T. Pratt asked what would be stored in the building

B. Capone responded she has implements for her tractor that she was currently keeping outside that she would like to store in it. She also has an antique truck which has been restored. Items such as a log-splitter would be kept in it.

T. Pratt asked if there would be an overhead door in addition to the 7' X 3' door shown in the photograph.

B. Capone was unsure of the grade in the area because it has not been cleared of brush and growth, but she expected to need to install a ramp. She has a backhoe that fits her tractor which she said was "quite high."

A. Capone said they would need a double door or possibly an overhead door to get items in and out.

T. Pratt asked Mr. Cook if there would be any issue storing those items within the proposed structure.

R. Cook answered, "No."

T. Pratt asked the height of the structure.

B. Capone approximated it would be 10-12 feet at the gambrel.

A. Capone thought it would be a bit higher.

T. Pratt said it would be higher than the existing building.

B. Capone affirmed it would.

G. Mason remarked he understood the purpose of the project saying he would want to get everything under cover as well. He felt the larger doors would need to swing thinking the structure could not support an overhead door.

A. Capone said there were hinged doors on the structure currently.

G. Mason continued saying, “the white door does not do it justice.” He commented the structure in the picture “did not wow” him.

B. Capone said the door could be painted.

D. Silverman agreed saying, “visually it’s not too appealing.” He asked if the building would be new or if it was an existing building that will be moved from another location.

B. Capone and A. Capone explained the building was four (4) years old, but it would be dismantled and reassembled on her property using all new exterior materials – doors and canvas. The front façade shown in photograph would be replaced.

D. Silverman asked if the structure pictured was the actual structure that would be moved.

It is.

J. Wigge asked about the longevity, wondering if the canvas would be the material first needing replacement.

B. Capone responded that the new canvas will have a 15-year wear guarantee.

J. Wigge remarked he was sure functionally it was satisfactory for Ms. Capone’s purposes, but aesthetically “it was not terrific.” He was unsure where that put the Board in the decision process. He did not think it would be all that inconsistent with community.

B. Capone interjected that it would face a corn field.

A. Capone said one would only see a portion of the structure from the side (from Peth Road).

B. Capone added it would be surrounded by woods.

T. Pratt said the Board would view it from an architectural perspective in evaluating how it would fit the neighborhood.

J. Wigge noted it was a nice neighborhood largely consisting of farmland.

B. Capone agreed.

J. Wigge opined it was not inappropriate.

B. Capone reminded the Board that Mr. Golub (the most impacted neighbor) had stated he did not object seeing it while working his fields. She repeated it would be 200 feet from the road, behind the existing building, and would be purposely green in color to blend into the surroundings.

V. Koch asked if the four-year old canvas needs replacing.

B. Capone and A. Capone responded they wanted new canvas and to repaint all the other features dark green for aesthetic reasons.

V. Koch reviewed the material list but had no information to make a comparison in regard to the proposal. He asked the amount of savings Ms. Capone would have by installing the proposed structure.

A. Capone answered using the traditional material list, the structure would cost Ms. Capone about three times the amount, which was not an option for her mother financially.

D. Silverman asked Ms. Capone if she would consider a vegetative screening to make it unnoticeable from the road as one was driving by.

B. Capone responded that she had considered asking a nursery what she could plant that would not be eaten by the plentiful deer population. She was agreeable to pursuing that suggestion.

T. Pratt said the screening would need to be along the edge of the structure that protrudes from the existing building as well as the end of the building.

B. Capone repeated her willingness if she was able to find a deer-resistant option.

T. Pratt asked Mr. Cook his thoughts.

R. Cook said he would defer to Don Ferlow's recommendation.

B. Capone said she would not want a fence.

T. Pratt stated a fence would not soften the impact.

J. Anderson repeated the proposal was not "aesthetically appealing." He said if the Board were to approve the proposal, he would want details such as the painting of the door(s) to be specifically stated as conditions.

T. Pratt asked if Mr. Anderson was looking for a drawing to be submitted.

J. Anderson clarified he did not want to delay the project, but he was looking for detailed wording to ensure the approved structure reflected all the discussion.

A. Capone and B. Capone reiterated that the structure shown will not change, the components will be upgraded and the coloring would be dark green.

There was further discussion regarding the features to help clarify for Mr. Anderson what the structure would look like.

J. Anderson remarked he had discussed the proposal with a neighboring property owner who had expressed the opinion that the proposal “would be a good thing.”

T. Pratt admitted to Ms. Capone he had reservations regarding the structure, noting the structure may not be uncommon in the area, but her property was also “a residential piece on Peth Road.” He believed when he drives along Peth Road he will see the structure. He felt the structure would be different enough to impact the character of the area. He wondered if the Board needed additional drawings or information regarding the structure and the plantings for their decision.

G. Mason asked how much more hidden it could be since it would be blocked by another structure. He felt conditions could be included in the motion. He did not think he needed an additional sketch of the building.

J. Anderson repeated he would like “the specifics” to be part of the record outlining what would be agreed to and done. He expressed his approval for a vegetative screening.

T. Pratt clarified that Ms. Capone will be getting a new, green canvas to reside the structure.

B. Capone agreed saying it would be dark green.

T. Pratt clarified the door would match the canvas.

B. Capone answered it would match as closely as possible, adding the front and the back would also.

T. Pratt said the T1-11 would be dark green.

B. Capone affirmed it would.

T. Pratt said regarding the planting for screening, something at least 4-5 feet tall would be the minimum to screen the structure from view driving east on Peth Road. He felt in winter, early spring, and fall it would be visible.

B. Capone repeated the need to find deer-resistant species.

J. Langey stated in past the Cazenovia Area Conservation Commission (CACC) has been a good resource for helping with similar issues. He suggested she discuss with them the appropriate species and planting alignment.

T. Pratt believed that was a great suggestion. He said Mr. Cook had mentioned consulting with Don Ferlow, a member of the CACC.

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

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

Hearing no comments, motion by J. Anderson, seconded by J. Wigge, to close the public hearing until was carried as follows:

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

After review of the considerations for a special use permit by T. Pratt, motion by J. Wigge, seconded by J. Anderson to appoint the Zoning Board 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 SEAF, and to approve the special use permit for a second accessory structure as most recently submitted conditioned upon the replacement of the canvas to be new, dark green in color with all other features to match as closely as possible and with a vegetative screening for the portions visible from Peth Road to be coordinated with the CACC and approved by Roger Cook was carried as follows:

|                 |       |     |
|-----------------|-------|-----|
| David Silverman | Voted | No  |
| Joe Anderson    | Voted | Yes |
| Jim Wigge       | Voted | Yes |
| Gary Mason      | Voted | Yes |
| Thomas Pratt    | Voted | No. |

T. Pratt reiterated the necessity of the satisfactory planting plan to be approved by Mr. Cook before the structure could be installed.

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

Michael Basla was present to represent the file.

T. Pratt said the application was for a special use permit in the Rural A District with the Wellhead Protection Overlay and the Commercial Overlay Districts.

J. Wigge recused himself for the proceedings and Val Koch became a voting member in his stead.

T. Pratt asked Mr. Langey if there were any questions or issues that need to be resolved before proceeding.

J. Langey said he had written an email regarding an initial issue which he was unsure as to its resolution. He said the owners of the land are Maples of Madison County, LLC. Mr. Basla has stated he owns 50% of the entity and Mr. Langey believes there are two (2) other owners each owning 25% of the entity.

M. Basla affirmed that was the case.

J. Langey needed Maples of Madison County, LLC to state their application can go forward, and Mr. Basla only has 50% ownership (according to Mr. Basla’s written statement), so he needed to see the back documents to have a better understanding. He recommended the Board proceed cautiously until he has seen those items and can resolve that issue. He said he had no objection, however, in the Board’s moving forward so as to not waste time.

T. Pratt asked if Mr. Basla understood what Mr. Langey needed.

M. Basla responded, “Yes, sir.”

T. Pratt spoke about other concerns he has. He displayed a slide with an aerial view of the Distillery as well as two (2) sketches showing the details requested in the proposal on a site plan (not to scale). He said the location for the proposal was the grassy area to the west of the Distillery. The request was to install a fire pit, have Adirondack chairs, a music platform, and a game area. He requested that the site plan be submitted more accurately to scale so the Board could see the true and actual sizes so the Board can better understand the impacts to the lawn area. He had also asked that a modification to the previous resolution for the facility granted by the Planning Board be submitted to outline changes to the business plan being sought. That was received by email today wherein it was stated that the new business hours would be amended to “seven (7) days a week for the Tasting Room, awning, and adjacent lawn area...” rather than “seven (7) days a week for the Tasting Room.”

T. Pratt said the plan would be changed from, “There shall be no music conducted outside the facility, amplified or otherwise,” to “Acoustic and limited amplified music may be allowed indoors and outdoors.”

T. Pratt read that, “Outdoor usage shall be limited to tables and chairs outside the structure under the entrance awning,” be changed to, “Outdoor usage shall be limited to tables and chairs outside the structure under the entrance awning and grass area adjacent to the awning.”

T. Pratt said another modification stated was regarding no food to be prepared on site to now read, “‘Food prepared on site shall be in accordance with the Madison County Health Department regulations...’ This is in compliance with NY code that changed during the construction of the facility allowing farm distilleries to serve food prepared on site and in accordance with current NYS Governor’s mandate to serve food with alcoholic beverages.”

T. Pratt said concerns about amplified music and music outside have arisen in regard to the impact upon the surrounding area. He believed an event or test should be arranged at the Distillery so the Board can determine the impact of music at a level that would be representative of future events and the reach of the impact of the sound level if approved. He was also curious about the sound generated by people playing the proposed games and the impact of that noise as well. He asked who would control the noise and who would be responsible for controlling the noise when it reaches an “irritable level.”

T. Pratt said he had questions about lighting, reasonable hours of operation to perhaps minimize the noise (reducing the hours from 10 PM to perhaps 7PM), parking, and attendance. He has a note that the capacity would be for 150 people, but he has not seen parking to support that number. Another item was the handling of trash. Those issues were the items the Board would need to have addressed with additional information. He said many of those items were covered in the previous resolution so that would be a good outline to use. He asked if Mr. Basla understood what he was asking and advising.

M. Basla affirmed he understood.

G. Mason said he had reviewed the file today and he thought Mr. Pratt had done a good job summarizing what needed to be addressed, saying the business plan has changed 180 degrees. He said all the things they had said they did not want to do initially, they now want to do. He said he was concerned about the outside music, the crowd size, the hours of operation being until 10 pm. He repeated there were many issues in his mind, and he needed a better business plan than was represented in the sketch that was submitted. He indicated that if he were to address the proposal at this time it would not be a positive response.

D. Silverman said he shared some of the concerns and thought perhaps a slower process was needed. He said regarding amplified music, the Town was having “a horrible time” in another area. He thought as the endeavors proceed, they be added slowly to see how each affects the neighborhood. He repeated he would be very cautious and concerned regarding amplified music, and he believed a slower process was the way to approach the other portions of the proposal.

J. Anderson asked Mr. Basla how long he has been operating the Distillery.

M. Basla answered the Tasting Room opened two (2) years ago this past July.

J. Anderson asked the number of days a week the Tasting Room was currently open.

M. Basla said they currently are open Thursdays and Fridays from 3 pm – 9 pm; Saturdays from 12 pm – 9 pm; and Sundays from 12 pm – 6 pm. He said he does not anticipate expanding those hours at this time and they may even reduce the Thursday hours in the wintertime. He said he did not see the operation being open seven (7) days a week because the first part of the week was time devoted to production and sales calls, etc.

J. Anderson believed the issue for the Board was determining what kind of proprietor will Mr. Basla be. He said a number of venues have opened in Cazenovia in which “the way they were operated was very problematic.” He agreed with Mr. Silverman believing this proposal may be moving too quickly for the Board to see how Mr. Basla operates, if trouble at the site arises, or if there will be many complaints.

Mr. Basla responded, “Okay.”

T. Pratt asked if Mr. Cook had any comments about what was said.

R. Cook answered he did not have any comments at this time.

V. Koch said comprehensive noise studies would need to be done for him to render a decision. As it has been stated a number of times, the Board does not want to find itself in a similar position it has already been in (regarding noise issues) elsewhere.

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

|                 |       |      |
|-----------------|-------|------|
| David Silverman | Voted | Yes  |
| Joe Anderson    | Voted | Yes  |
| Val Koch        | Voted | Yes  |
| Gary Mason      | Voted | Yes  |
| Thomas Pratt    | Voted | Yes. |

Jim Wigge from Atwell Ridge said he was there with his wife Maureen. He said he agreed with all “that has been brought up”, saying “there was interesting news from the site plan.” He believed the Board had heard concerns from 14 separate households from the Atwell Ridge and South Village neighborhoods regarding the introduction of music/noise from the Distillery. He said the music from Oweria Vineyards reaches 1900 feet to North Lake Road. The neighborhood of Atwell Ridge is 1900 feet over an open field from Mr. Basla’s proposal. He said there was one (1) barrier of trees, however trees do not attenuate sound all that well. He said he was 1900 feet from the Legion’s field and he easily hears the crack of the bat, which was music to his ears, between all the trees separating his residence from the field. He said the Brae Loch was over ½ mile from his residence and they also easily hear that noise despite the houses and trees. He believed Mr. Basla “needs to crank up the band” while the Board “has a few drinks on his deck” so they can gauge the sound for themselves.

J. Anderson asked if they were to do such an exercise would a decibel limit be established based upon that.

T. Pratt supposed it would not be a decibel level but rather a sound level that feels comfortable to the Board. He said decibels differ depending on the spectrum from base to tenor.

J. Wigge remarked base sound requires less energy. He also stated that decibel levels cannot be gauged at the source because sound attenuates as it travels.

T. Pratt said if Mr. Basla could arrange an event, the Board would experience it firsthand to ascertain what would be a reasonable level, saying the Planning Board has done this for projects in the past.

D. Silverman commented that he lives about a mile from the Brae Loch and they can clearly hear the sound across the lake. He repeated it would be difficult for him to consider approving amplified music at all considering what the community has already experienced, but he would be willing to participate in the exercise.

T. Pratt asked if there were any other public comments before he let Mr. Basla respond. There were none. Mr. Pratt said the public hearing would remain open.

M. Basla then proceeded to explain his proposal. After thanking those associated with the decision-making, the facilitators, and the community members who have expressed opinions regarding his proposal, he stated the request was for a fire pit, a small outdoor stage, a bocce court, and a volleyball court. He said he had no plans of installing the bocce court or the volleyball court in the near future, but it was his understanding that if he anticipated wanting features at another time, they should be included in current requests. He said he will take the advisement to heart to develop in steps. He acknowledged receiving six (6) emails regarding concerns about potential, excessive noise disturbing their residential communities. It was his understanding that the noise issue associated with the Vineyard when it first introduced amplified music, which was cited in the correspondence on more than one occasion, had been resolved, but perhaps that was not the case. He was told that the owners of the winery have since been following the rules. He assured the Board that after serving the nation in the military for 36 years as an Air Force officer, he knows how to set and follow rules. Addressing the letter he received today which stated the Distillery was within 500 feet of the South Village Homeowners' Association, he said the Maples' property line was within 500' of the Homeowners' Association and the actual Distillery was some distance further. The letter spoke of a Forever Wild zone in the same way. He talked about the recent history of the property being fallow and his organic farming endeavors aided by Luke Gianforte. The letter cited quotes from the business's website, but he promised none of those quotes were made by his family. He spoke about his financial situation, as well as his goals upon retirement which included creating a product made in America, creating jobs, and leaving a business for his heirs. He then gave a report of what had been accomplished along those lines thus far including many community and charitable outreaches and services. He then outlined his business philosophy to stay solvent. He talked about the products he makes and the "exterior sales" of those products, which was greatly impacted by COVID-19. He then talked about "interior sales" which would be tastings and the venue to aid in increasing and improving the exterior sales as well as for the enjoyment of his patrons. He said interior sales prompt him to seek to further enhance his patrons' experiences by the addition of the requests included in his proposal. He rebutted the assertion that he was trying to create a "tacos party venue." He said they have oriented the stage so that amplified music would be directed toward the building, not toward the neighborhoods in question. He had spoken with others about how to direct sound and reduce the risk of noise pollution. He said, "it goes without saying the amplification levels must be reasonable." He stated he does not envision music "every week but more likely a couple times a month, on a weekend eve, and never beyond approved hours." He also suggested "a test run with Board members in the future to do a live assessment." He anticipated using the fire pit on a weekly basis saying, "the logistics would dictate that." He said, "in all cases safety would be put first." He gave his word he "would not violate the trust" he was shown "or the rights of other citizens." He concluded that he has taken notes and will look for coaching to help him through the process.

T. Pratt encouraged him to respond thoroughly to his notes to aid the Board in understanding the scope of the project as it fits into the previous business plan outlined in the previous resolution.

M. Basla indicated his understanding.

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

|                 |       |      |
|-----------------|-------|------|
| David Silverman | Voted | Yes  |
| Joe Anderson    | Voted | Yes  |
| Val Koch        | Voted | Yes  |
| Gary Mason      | Voted | Yes  |
| Thomas Pratt    | Voted | Yes. |

T. Pratt asked that Mr. Basla submit his information no less than one week before the next meeting to give the Board time for review.



*Caz Groomery/Krumsiek, Adelaide (Cherry Valley Development Inc) – #20-1293 – Special Use Permit – (David Silverman) 2662 US Route 20 East, Cazenovia*

Adelaide (Heidi) Krumsiek was present to represent the application.

T. Pratt stated the proposal was in the Rural B Zone.

D. Silverman said the current, existing business was located in the Village of Cazenovia in a residential area. Referring to a letter written by Bill Carr, the Codes Enforcement Officer for the Village of Cazenovia, Mr. Silverman said no concerns by the neighbors have been presented as far as parking, traffic, waste, or anything else, including noise. He said the proposal was to move into a location which he initially felt was “a great location” for the dog grooming business. He said he still believes it is. Many letters have been submitted expressing concern which he felt pointed to the doggy daycare component of the proposal. Both business neighbors and residential neighbors have expressed concern regarding the noise (that may be associated with the endeavor). He said the Applicant has done a fine job articulating what she hopes to accomplish. He said he was a (Board) member that likes to help businesses as well as protect neighborhoods and he believes all the members of the Board have the same outlook. He said the Board also received a letter from an attorney outlining the various concerns of a client. He said the Board was in the position to balance the needs of the Applicant, wanting to move

into a commercially zoned building, versus the interests of the neighbors. He hoped the Board would view the proposal in two (2) parts, the first being the dog grooming business and the second being the doggy daycare business, which he thought could be “looked at down the road possibly.”

T. Pratt spoke about the need for a better understanding as to where the dog grooming would take place on the site as well as where the doggy day care area would be. He stated there were specific requirements regarding fencing for the proposal, which would need to be 50 feet from the property lines. Another question he had was how the waste would be managed and contained. Lighting was another aspect of the proposal to be addressed. He remarked everyone loves dogs “but they do bark and can make noise that can be uncomfortable on occasion.” He said hours of operation needed to be addressed as well. Those details must work within the area and with the community.

H. Krumsiek said she stumbled across the idea before the COVID-19 pandemic. She said this would be her first attempt at establishing a doggy daycare although she has had a lot of experience working with dogs and many of her associates work at daycares. As a pet professional she was very experienced with dog behavior. She said a dog in its home behaves much differently than a dog outside its home in terms of noise. She said she had put a lot of thought into the endeavor because she did not want to put undue stress upon her grooming employees, the animals they groom, or herself. She was confident she would be able to keep the noise to a minimum. She felt being in a residential neighborhood currently with neighbors in close proximity was a good testament to her ability to do that. She said the most noise associated with her business now were her own dogs barking when customers come and go with their dogs, and she said her dogs were not considered daycare appropriate.

T. Pratt asked if the business Ms. Krumsiek operates in the Village was the grooming portion only, not the daycare aspect.

H. Krumsiek said that was correct. She said she has dabbled in a little daycare on a personal level, babysitting in her home herself.

T. Pratt wanted to be sure the Board was comparing “apples to apples” as they consider the proposal.

T. Pratt split his screen to show photographs of the site to gain an understanding where the fenced area would be.

H. Krumsiek said the enclosure for the pets would be a very small fenced section due south of the building where some trees were located. She said she had spoken with the Madison County Planning Department about how to appropriately create that space. She said the daycare employees would take the dogs to the area “to do their business” and to “hang out when the weather is permitting.” Unlike a lot of daycare and boarding facilities she will not be leaving dogs outside unattended, which she noted was a concern in one of the correspondences.

T. Pratt asked if a search for a survey of the property was still underway.

H. Krumsiek affirmed they were having trouble finding a survey.

T. Pratt wondered if the Owner of the building could help with that, wondering if it was time to have a new survey completed.

H. Krumsiek thought Steve Moore had been participating earlier (in the Zoom meeting); but he did not respond at this time.

R. Cook asked if Randy Merta, the Owner of the building, was still on.

R. Merta was present. He said they had a survey, but he was unsure how much help the survey he had would be. He confessed to the Board he had not “made up his mind” if he was going to approve of this business either. He said because of COVID-19 he has “lost a lot of tenants,” so his number one priority was the tenants he already has; he has to ensure his current tenants “are happy with this as well.” He said if they were, he had no problem with it; if they do have a problem with it, he also has a problem with it.

T. Pratt asked Mr. Merta if he owned the property.

R. Merta affirmed he was the owner.

J. Langey said, like a file discussed earlier, it was important that the Owner of the property provide written consent to and authorization for the proposal in addition to the Applicant herself. He said at some point the Board will need the actual owner of the property to confirm the application was authorized.

T. Pratt asked if Mr. Merta understood.

R. Merta said he did.

T. Pratt asked Ms. Krumsiek if she understood as well.

H. Krumsiek answered, “Yes, sir.”

T. Pratt repeated the need for a drawing depicting locations and scale as well as the other items already mentioned.

V. Koch asked if the proposal was “all or nothing.”

H. Krumsiek explained the daycare would help her cover her overhead expenses. She said she does not have the need for a space as big as the one at the location, and as she explored her options the daycare was the best for her. She said she would have to have a conversation with Mr. Merta. She reported that they had a long conversation previously and she had spoken with the hair stylists that would be directly next to her, and the hair stylists were fine with her business. She believed he had two (2) new tenants “that are coming in that are concerned.” She said she could possibly work out a deal with Mr. Merta “for just the grooming for now” but they have not discussed that option.

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

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

Jamie Howard representing DN Tanks has been a tenant at the Cherry Valley Professional Building for approximately ten (10) years. He said he was a resident on Mosley Road. He described himself as a dog lover, saying he has two (2) dogs of his own, which he said was part of the reason he joined the meeting from his office instead of his home. He said ordinarily he would be traveling for his job, but since COVID-19 he was at the office almost every day of the week. He said he was not opposed to the Groomery at all, but he was opposed to any type of doggy daycare. He said he had nothing against the Applicant, but dogs are dogs and dogs bark. He said he was on the front side of the building facing Route 20 but the wall behind him “is not very substantial” saying he can hear cars parking and car doors shutting as people enter the hair salon. He felt the amount of traffic coming and going to the hair salon will make the dogs disruptive. He said when he has left his dogs at kennels, when anyone “pulls up there, the dogs go nuts.” He spoke about the disruption of dogs particularly during this time of remote meetings. He repeated he was not against the dog grooming business, but he was against a doggy daycare for 15 dogs.

Bob Gabor said he was the owner of the property next door at 2652 Route 20 East, Cazenovia Office Suites. He said he had a real estate agent who leases an office downstairs in his building who told him in no uncertain terms that having a kennel next door would devalue his property. He asked a second trusted real estate agent who concurred. He believed his tenant Robert Arnold sent a letter to the Board and had made it clear to Mr. Gabor that if there was any noise, any barking, that disrupts his employees, he will find new office space elsewhere. Mr. Arnold represents 80% of the square footage Mr. Gabor has in the upstairs portion of his building. He said with COVID-19, people “are not flocking to office suites like this like they used to.” He said losing his anchor tenant would result in a significant loss to himself. He spoke about the first impression perspective lessees would have when they first visit his office space if the “dogs go crazy.” He said those concerns were financial impacts for his business. He said he must provide his tenants with a quiet atmosphere to provide the high-quality office space he has created and invested in at this once distressed, vacant property. He said he respectfully disagreed with Heidi about her ability to control dogs in a kennel, saying he knew of no one who could control that. He said her business would change the environment of the area, calling it an area of “professional offices.” He talked about the number of cars coming and going and the reaction of dogs to the sound of those vehicles. He spoke about his personal business of executive coaching and leadership training which

would also suffer as he endeavors to do conference calls and virtual meetings while dogs are barking. He said during the discussion for the Distillery it was asked who would control the noise and determine if the sound was irritating. He felt the Board would have the same problem with this proposal. He felt the noise would be less controlled in this situation than it would be at the Distillery. He reported that it was said that the noise “would be uncomfortable on occasion.” He believed it would not be uncomfortable on occasion, but that it would be uncomfortable whenever the dogs were out and people were coming in. He agreed with Mr. Howard, saying he was not opposed to the grooming aspect, but he believed the daycare “radically changes the environment.” He said if there had been a kennel outside when he considered buying his property for the use he intended, he would not have purchased it. He concluded by saying he believed Ms. Krumsiek could find a more suitable location for her endeavor. He said he uses Ms. Krumsiek as his dog groomer, and he was not against her expansion but not at his expense.

D. Silverman said the Board was unsure if the owner of the building will allow this business which was pivotal. He wondered if Ms. Krumsiek would be interested in an approval for the grooming business only. He said at this point he would not be willing to entertain the option of the daycare. He recounted a personal experience he had once taking his dog to work. He repeated it was impossible to move the application forward until the Board knows the building owner approves.

H. Krumsiek said she had not been aware that the owner of the building was unsure about renting to her because that had not been relayed in previous conversations. She said perhaps tenants had expressed new concerns, she was not sure what had changed.

B. Gabor said he had spoken to one of the stylists at the hair salon, and although Ms. Krumsiek believed the stylists were agreeable to her business, the person he spoke with had reservations.

H. Krumsiek said she spoke with both stylists Friday and neither of them expressed concerns. She said she had looked at many locations when considering this endeavor, but this location was affordable, and she thought the sound would be less of a concern in this area. She said her business was not a kennel “in any way, shape or form.” As a daycare there would be an employee with the dogs at all times. She said she has been working with dogs since she was 14. She said she personally knows many of the dogs that would be using the daycare, and she would be vetting the animals she would be caring for just as she vets the animals she grooms. She said there would actually be more risk for noise during grooming than there would be for daycare if the daycare was run correctly and if it was an upscale daycare. She repeated she was unaware that Mr. Merta “was not onboard,” so she was unsure how to proceed.

T. Pratt suggested she talk to Mr. Merta as her first step.

H. Krumsiek asked Mr. Howard where he took his dogs to be boarded.

J. Howard answered he had used a place near Oneida but he now has someone the dogs know come to his house when he and his family travel because the dogs were so hoarse when they came home from being boarded.

H. Krumsiek said one of her goals was to provide a calm, quiet space for the dogs she would care for. She said the employee she plans to hire for this service was very experienced and the dogs will be played with and stimulated. She repeated that a dog at home being territorial behaves differently in a different environment. She was unsure how she can prove that. She repeated that the location works for her because of the cost and she thought its proximity to Skanda would make noise less of an issue.

J. Howard was unsure what sound Ms. Krumsiek thought would be associated with Skanda other than the brief crowing of a rooster early in the morning.

T. Pratt advised Ms. Krumsiek to get more information together and to settle the issue with Mr. Merta.

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

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

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*Alton, Gregory & Elizabeth – #20-1294 – Special Use Permit – 3611 Rippleton Road, Cazenovia (Joe Anderson)*

Gregory Alton was present to represent the application.

T. Pratt said the application was for a special use permit in the Rural A Zone to erect two (2) radio towers on the site, one being 45 feet high and the other being 25 feet high.

D. Silverman asked that Val Koch step in to take his place while he took a break.

J. Anderson explained Mr. Alton was an amateur radio operator and he would like to set up a base station and antenna to pursue his hobby. The tower would be approximately 45 feet tall and would be located in a wooded area in the back of his large, rectangular lot. The second antenna would be mounted on an ancillary building. He intended to use the facility to send information and to communicate by radio. He said the installation would not be visible by neighbors or from the street. He

felt the Town Code addressed the proposal with respect to satellite dish antennas. Like a satellite dish antenna, the equipment at the Alton residence also would be able to communicate via satellites, however it would not be a dish, but rather a 45-foot tower. He said there were no other amateur radio towers near the property, the nearest being a mile away. The structure would be painted aluminum. He felt it was a “fairly simple” request not being visible from the roadway or adjoining properties. He found it to be “an acceptable project.”

J. Wigge asked if Mr. Anderson heard from the neighbors.

J. Anderson said he had not. He believed the Lounsburys, the next-door neighbors, expressed to Mr. Alton that they had “no problem” with the proposal.

T. Pratt said there were a couple items he would like to see before advancing much farther. He said there was a survey in the submitted packet but he was unsure of the scale, so he would like to see if Mr. Alton could provide a full survey showing the location of the tower and evidence that if the tower should fall, that the setback would be the height of the structure plus six (6) feet per the zoning regulation. He does not think the tower would be visible, but he would like to be certain, so he requested that Mr. Alton float a balloon representing the height to illustrate that the tower will be unseen. Another item he wanted to see was the antenna that would be mounted on the building behind the house. He was wondering if Mr. Alton could do a mock-up on the picture to show the Board what it would look like, how large it would be, and how noticeable it would be. He also asked that Mr. Alton provide a representation of how the tower would look in the woods, saying in one of the pictures the tower was shown above the trees with multiple horizontal components, so he would like to know how it would actually appear.

J. Wigge asked if the tower was an array.

G. Alton explained it would not technically be an array. He elaborated by saying the antennas intended to go on the tower would be horizontally polarized antennas which would be directional, so he would be able to steer the radio signal in any direction that he would rotate the antenna.

J. Wigge asked how wide the antenna would be horizontally.

G. Alton answered 30 feet wide by 20 feet wide on top of the antenna.

J. Wigge clarified it would be a 45-foot high tower topped by a 30-foot array of sorts.

G. Alton said that was correct.

T. Pratt repeated he would like to see a mock-up.

J. Wigge agreed.

G. Alton said in the submission he included a photograph of the reclaimed antenna tower and the antenna he intends to use.

T. Pratt said he saw the photo and that was what raised his concern because he did not have a sense of scale for that. He asked to be shown how that would look in the conditions Mr. Alton will have.

G. Alton said the placement would be in a grove that has an oak tree that was at least 50 feet tall and birch trees that separate his property from his neighbors. He said it would also be 400 – 450 feet back from the road.

T. Pratt asked about the other property lines.

G. Alton talked about a pipeline to the south on the Lounsburys’ property which he said he measured today and found the property line to be 85 – 90 feet away. He said he would be within the specified setback mentioned earlier and estimated that it would be twice the height of the tower away from any buildings including his own.

T. Pratt asked that the information given be put on the survey for the Board.

J. Wigge asked if it would be mounted on a concrete pad.

G. Alton answered that was correct. He explained the installation was specified by the manufacturer of the tower. He said it would be an engineered drawing which he would “follow to the letter.” He said it would be approximately a 5’ X 5’ square pad imbedded in the ground. He said the antenna was intended to be self-supported which lends itself to the height. He had to take into consideration the wind load surface area of the antennas. He said the surface area of the antennas would not be greater than the load capacity of the tower at the specified height which allows him to keep it as a self-supported antenna. There would be no guy-wires.

T. Pratt asked again that a balloon be flown at 45 feet and that Mr. Alton notify the Board when it will be there.

G. Alton assented.

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

|              |       |      |
|--------------|-------|------|
| Val Koch     | Voted | Yes  |
| Joe Anderson | Voted | Yes  |
| Jim Wigge    | Voted | Yes  |
| Gary Mason   | Voted | Yes  |
| Thomas Pratt | Voted | Yes. |

No one spoke at this time.

T. Pratt said the public hearing would be kept open until the next meeting.

G. Alton said the second antenna which would be mounted to the building was currently, and temporarily mounted to a fence post. The height currently is about 6 feet high. He said the intent is to mount it at the roof peak of his ancillary building. He said when the Board members visit to see the balloon, they are welcome to see that antenna as well. He said it would be simply “a vertical.”

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

|              |       |      |
|--------------|-------|------|
| Val Koch     | Voted | Yes  |
| Joe Anderson | Voted | Yes  |
| Jim Wigge    | Voted | Yes  |
| Gary Mason   | Voted | Yes  |
| Thomas Pratt | Voted | Yes. |

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*Revelle, Thomas & Wardell, Jennifer - #20-1276 – Area Variance Revisit– 3573 West Lake Road,  
(David Silverman) Cazenovia*

Thomas Revelle and Jennifer Wardell were present to represent the file.

T. Pratt said this was file previously approved but a portion of the design, the porch portion, was not included in the initial approval. The Board was looking to amend the resolution and SEQR to include that approval as well. The area variance for the porch would be approximately 28 feet.

T. Pratt asked Mr. Langey the best process to do this.

J. Langey asked that Mr. Pratt explain the portion of the project that requires approval.

T. Pratt said the porch portion would be on the front of the primary structure. Part of the project was the addition of a garage to the south end of the house as well an addition of a mudroom. He explained that the porch was included in the drawings but not included in the resolution.

J. Langey said the Board was looking for a motion to amend the approval to include the variance as well as the other (three [3]) variances previously granted.

T. Pratt believed the relief needed for the porch was 28 feet and he asked if that could be confirmed.

R. Cook explained why that was the correct amount.

T. Pratt asked if a public hearing should be opened.

J. Langey asked the status of construction.

R. Cook responded that construction has not commenced. He has not issued a permit.

J. Langey reasoned the drawing indicating that variance was available at the meeting in which the other approvals were given so anyone opposing the approval of the porch could have spoken at that time. He did not recall anyone speaking in opposition at that time.

This variance was noticed a second time and it appeared no one was in attendance this second time.

J. Langey determined the Board “was all set.”

Motion by T. Pratt, seconded by J. Wigge, to amend the previous approval to reflect the 28-foot area variance for the porch in addition to the other structures as previously approved with the stated setbacks thereto was carried as follows:

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

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Motion by J. Anderson, seconded by J. Wigge, to adjourn the meeting at 10:18 p.m. was carried as follows:

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



Sue Wightman, Zoning Board of Appeals Secretary – August 25, 2020