

# Cazenovia Zoning Board of Appeals

## Meeting Minutes

December 28, 2020

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

Members absent: James Wigge

Others present: Roger Cook; John Langey; Michael Basla; Matthew Vredenburg; Paul Curtin;  
Cynthia Curtin; Cheryl Sparks; Peter Donohoe; Brian Davis; Jerry Munger; James  
Herr; Rick & Kathy Stoeckel; Mark Franklin; Kyle Reger; Clint Bond; “Renn”

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T. Pratt called the meeting to order at 7:31 p.m. He stated, “Welcome to the December 28, 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, or they may raise their hand on the screen, and they (the Chairman) will try to recognize them by that. Other than times allowing for public comment, the public is asked to remain silent during the proceedings. Thank you”

Roll was then taken. All members were present except Jim Wigge. Val Koch was asked to be a Voting Member in Mr. Wigge’s absence.

Motion by G. Mason, seconded by V. Koch, to approve the November 23, 2020 meeting minutes was carried as follows:

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



The next regularly scheduled meeting will be Monday, January 25, 2021.

There will be a work session Tuesday, January 19, 2021.



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

T. Pratt said this was a special use permit renewal for *Bears & Chairs*. He asked Mr. Cook if there had been any complaints and if he had completed an inspection.

R. Cook said there had not been any complaints and he had completed an inspection. He explained that Mrs. Henneberg reserves the right to keep her business going at this point even though she was not operating full-time.

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

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

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

T. Pratt explained the special use permit renewal was for the operation of a Bed & Breakfast (B&B). He asked Mr. Cook if he had inspected the site.

R. Cook responded that he and Mr. Hoagland had not connected to schedule an inspection prior to this meeting. He asked that the file be adjourned until January to allow for the inspection which he was confident would be completed before the next meeting.

The file was adjourned.

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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 as was Matthew Vredenburgh.

T. Pratt said a letter was received December 4, 2020 which he assumed was motivated by Mr. Basla's frustration with the process. He assured Mr. Basla that the Board was following due process. He said the Board was trying to work with Mr. Basla in an attempt to obtain his objectives while maintaining the community's objectives. He said one of the things that needed to be provided which had not yet been produced included a drawing showing the parking, lighting, and the photometrics. He said those details need to be scalable and he felt it needed to be an architectural drawing. He said another item the Board required was what the control mechanism would be for the (proposed outdoor) music. He said the control mechanism was not to be a subjective opinion of appropriate volume. Another item the Board

needed was specific maximum capacity numbers. He said the Board did not understand the number to anticipate since there was an internal capacity and an external capacity. He felt it ranged from 150 – 270 and he asked for clarification. The parking (supporting the capacity) needed to be submitted. He suggested that Mr. Basla review the minutes from previous meetings to see the items that have been requested and to answer the questions that the Board has asked so that the application can advance.

M. Basla said since he had heard no other comments from the other Board members, he assumed there were no other issues.

The Board indicated that was not the case.

M. Basla said he would remain silent to hear the other comments.

V. Koch said in his letter Mr. Basla had asked for a final list of items the Board required of him. He asked if that list had been given to Mr. Basla.

T. Pratt said lists had been provided during the last three (3) meetings which had not been completed (by Mr. Basla), so he suggested Mr. Basla extract the list from the minutes of those meetings.

M. Basla said he appreciated Mr. Koch's comment because the November meeting minutes were not available on the website when he looked for them, noting there was a time lapse between the meetings and the posting of minutes.

T. Pratt countered June – October minutes were on the website, however.

M. Basla said with regard to the request from the last meeting, he had employed Matthew Vredenburgh to create the drawing Mr. Pratt had mentioned. He said Mr. Vredenburgh did produce a document, but it was not sent to the Zoning Board of Appeals Secretary in time for this meeting and he apologized for the delay. He expected the Board would receive that within the next day.

T. Pratt thanked Mr. Basla. He then asked Mr. Vredenburgh about the drawing.

M. Vredenburgh said he had a copy for the file as well as an electronic copy that was sent late. He said it addressed the parking lot, but he anticipated that the other items that were just discussed needed to be dealt with as well.

G. Mason asked if the parking was created for a capacity of 277 persons - 150 people inside and 127 people outside.

M. Vredenburgh answered that was not how it was designed, and he said he would consult with Mr. Basla about the capacity inside and outside.

G. Mason said the issue of capacity has been a topic for a couple of months.

M. Vredenburgh said the outdoor space would be utilized during the warm months, so the plan was to accommodate that by using the field that was currently used for overflow parking. He said the

constructed parking would be used to accommodate the inside occupancy. He felt that would meet both requirements. He felt creating additional constructed parking would be excessive.

G. Mason concluded that the expected combined capacity would therefore be 277 people, and it would not be limited to 150 people maximum.

M. Vredenburg said he would have to speak with Mr. Basla but the number they had previously discussed was 130 and that would be the number of people moving from inside to outside at any one time, however he wanted to discuss that further with Mr. Basla to “nail that down” and to determine the associated parking.

T. Pratt agreed.

M. Vredenburg said he would discuss the parking cap with Mr. Cook as well. He said 60 square feet/parking space was what was previously used for the tasting room.

T. Pratt interjected that now an exterior use was proposed which must be recognized and parking must also accommodate that use. He commented that they were working with “a very large lawn.”

M. Vredenburg indicated his understanding.

M. Basla said he really wanted to answer all the Board’s questions and asked if there could be a list finalized to that end.

T. Pratt repeated that Mr. Basla would need to consult the minutes of previous meetings.

M. Vredenburg said he created a list from the items that were mentioned and asked if he could send that to the Board and have that list confirmed.

T. Pratt again requested that the minutes be reviewed, and the list be compiled from those previous discussions.

G. Mason added the Board has been addressing a list of proposals every single month. He felt the items needing addressing were clear. He said he saw that Mr. Basla had taken issue with having seating designated on the drawing he asked Mr. Vredenburg to provide, but he said it was his understanding that the seating would be under the awnings. There were now chairs and picnic tables, so he felt the Board needed to know where those chairs and picnic tables would be placed, since he assumed the seating will no longer be under the awning as originally stated. He said the Board was not trying to nitpick, but they needed answers.

M. Vredenburg said he understood.

T. Pratt asked Mr. Basla if he followed what was said.

M. Basla affirmed he did.

V. Koch said he looked forward to seeing the drawing and getting the resolutions for the remaining concerns.

J. Anderson agreed with Mr. Koch.

T. Pratt said there was an open public hearing and asked if there were any wishing to comment in favor of or in opposition to the request at this time.

Hearing no comments, motion by V. Koch, seconded by J. Anderson, to continue the public hearing and the file was carried as follows:

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

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*Curtin, Cynthia -#20-1317 – Area Variance – 5561 Rathbun Road, Cazenovia  
(Gary Mason)*

Paul Curtin was present to represent the file.

G. Mason said he assumed the photograph included in the file of the garage was a representation of what was proposed, a 3-car garage.

T. Pratt said he would share a slide he created for the file on his screen.

G. Mason said the drawing looked fine and he understood the problem created by the topography. He said he did not see issues with the proposal and asked if the other members had input.

T. Pratt asked Mr. Curtin if the plan was to remove the existing building which was 12 feet from the edge of (Rathbun) road and 23.2 feet from the center line of the road and will rebuild the garage 20 feet from the road and 31.2 feet from the center line which would result in the need for 53.8 feet of relief.

P. Curtin said that was correct. He said if one referenced the topography (topo) drawing created by Michael J. McCully one would see that if he was to locate the structure any further from the road it “would go over essentially a cliff.” He said the drop-off was dramatic.

T. Pratt showed a section of the topo as well as the aerial view. He noted a heavily treed area behind the existing building and asked if fill would be used.

P. Curtin said the only fill that would be added to the area would be at the recommendation of the project builder to raise the finished elevation of the garage floor to meet the road elevation. He explained that since they have owned the property, the refinishing of Rathbun Road increased the height of the road over time, so the current structure was now below grade and the road runoff drains into it. They will elevate the floor within the new footprint and create drainage around the new structure to discharge to the rear of the existing property.

T. Pratt understood that the current structure was 24' X 40' and the new structure will be 40' X 32'.

P. Curtin said that was correct.

T. Pratt said in the narrative of the project it was stated that the space would be used for storage, a shop, and a guest room.

P. Curtin elaborated that the ground floor would be for three cars, some storage, and a woodworking shop. He said in their existing home they have a fieldstone basement which was not good for storing power tools. The upper level of the new structure would be used primarily for storage and potentially in the future a portion would be converted for guest quarters. They would initially have power in the building but no other utilities, so it could only be used as a guest facility.

T. Pratt asked Mr. Cook if there were limitations associated with the use as a guest facility.

R. Cook said if the something was created as only an overflow area for guests at the Curtins' house, who were not paying, not renting, and if the area had no kitchen and was not constituted as a second residence, the guest area would not be prohibited.

P. Curtin said he had spoken with Mr. Cook and understood if they were to upgrade the property and install a kitchen at a later date, they would have to subdivide the property, but that was not their intent at this time.

J. Langey said the use could be defined as Mr. Curtin described as a condition of an approval.

T. Pratt thought that would be prudent.

G. Mason understood the need for the nearness to the road. He commented that 20 feet did not leave much room for parking in front of the new garage.

V. Koch noted an improvement in road frontage setback was being attempted through the proposal. Given the substantial drop-off, he did not know what other choice the Applicant would have.

T. Pratt asked about other locations.

P. Curtin said they prefer to build on the existing foundation. Building where the primary residence was also has significant grade; their well is located there; and there are active springs up the hill which had to be rechanneled when they renovated the house, which he would not want to disturb since it is the flow of water to the well. Not only that, but a significant amount of earth moving would be necessary to put the garage on the same side of the road as the house. He said they did not want to contemplate the scale required to move the earth. He said the last reservation was that the garage would not fit with the orientation of the house. He indicated the inconvenience of walking across the street to park their cars was an improvement to having to park on the driveway with no garage in the wintertime. He said they considered other locations but determined the cost and the implications to the site were too deleterious.

More discussion followed regarding the grade on either side of Rathbun Road.

P. Curtin said at one time the grade to the pasture area to the east had to be reinforced because it had been unstable. The grade behind the house to the west was estimated to be 30 percent.

D. Silverman said he was interested to hear if the neighbors had any comments, but he felt given the grade, the Applicant has not asked for unreasonable relief.

J. Anderson felt the proposed structure was a big improvement over the existing structure.

P. Curtin said the walls of the existing barn were sagging and the entire building was cabled together. He said they received a commendation from Cazenovia Preservation Foundation for the restorative work they did on the larger barn, but restoration was not a good option for the barn in question.

T. Pratt asked if the photograph of the new barn was a fair representation of what would be constructed.

P. Curtin said it was, he was unsure if they would choose a design with two dormers or three dormers. He said they sought a design that would blend in with the existing house, have a rural character, and blend in with the restored barn. He thought they would choose board and batten, which was what was used for the restored barn, but with white siding and a gray roof.

T. Pratt asked if they had considered carriage doors for the front.

P. Curtin said they had and asked if the Board was familiar with a renovation being done at the intersection of Route 173 and North Eagle Village. He said the horse property at that location had added a garage much like the design they were considering. Those doors would be very similar to the ones they would choose.

P. Curtin said they had heard from their neighbors Dave and Allison Brzenchek at 5524 Rathbun Road who had expressed their approval through an email.

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

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

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

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

T. Pratt then gave a quick summary regarding area variance considerations. He said the amount sought was 53.8 feet of relief (from Rathbun Road) which would be 63%. He then reviewed the questions used to evaluate the granting of area variances. The first was whether the request would be an undesirable change to the neighborhood. He felt the location was isolated and similar to the area, and an existing building was already there. The next question was if there was an alternate solution. After discussing other options, the determining factor was determined to be the slope of the grade. The third question was whether the request was substantial. He said it was a substantial request at 63% but he reminded the Board that an existing barn was already there. The next question was regarding physical and environmental impacts. He repeated it was an isolated location and he did not think environmental impacts were raised since there was an existing building already. The final question was whether it was a self-created hardship, which it was.

T. Pratt explained there was no General Municipal Law Recommendation Report (GML) from Madison County Planning Department because of the location on Rathbun Road.

J. Langey said this would be a Type II Action in regard to the State Environmental Quality Review (SEQR) being an accessory structure incidental to the site.

Motion by J. Anderson, seconded by G. Mason, to approve the 53.8-foot area variance as most recently proposed with carriage doors, to be used for three (3) cars, storage, a woodworking shop, and guest quarters only as overflow from the residence with no separate living conditions, was carried as follows:

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

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*Sparks, Cheryl – #20-1321 – Special Use Permit – 1995 Stanley Road, Cazenovia  
(Thomas Pratt)*

Cheryl Sparks was present to represent the file.

T. Pratt explained the special use permit was for a B&B on nine (9) acres in the Rural A District.

T. Pratt said there was some additional information the Board would like to be provided in addition to the narrative supplied as the business plan to have a better understanding regarding the request. He said the first item was the operational times asking if she would host all year, weekends, or every day.

C. Sparks responded that she operates primarily in the summer months and on weekends. She elaborated that most of her customers need lodging for special events like weddings and graduations, so they typically stay Thursday – Sunday, or Thursday – Monday on holiday weekends.

T. Pratt asked that Ms. Sparks capture those details in an outline for the Board’s information before the next meeting. He welcomed her verbal answers, but he asked that a written submission be provided.

J. Langey interjected saying the term “primarily” was subjective and requested the Applicant be specific in her statements to avoid misunderstanding. He said for example, when she said she operates primarily in the summertime, does that mean she would never operate in the winter.

C. Sparks said she has never had requests for stays in the winter. She said she has a pool so that makes her home desirable in the summer. She also said people have not been traveling as much since COVID has been a health concern.

J. Langey explained the need for Ms. Sparks to be specific in her seasons and days of operation.

C. Sparks believed the Board was not asking for an answer at this time.

J. Langey said they were not, and he advised she carefully consider her request to avoid having to return to the Board to amend her request in the future.

T. Pratt added the more exact Ms. Sparks could be, the better.

T. Pratt said seven (7) parking spaces, inside and outside were shown. He said there was a limit to the number of guests that could be accommodated at one time.

C. Sparks said if every guest came in their own car, she would have more spaces than was needed.

T. Pratt suggested Ms. Sparks reference section 165 – 69 in the Code to review the limitation (for B & B's) and to address those items in the description of her expanded business plan.

C. Sparks thought she had reviewed that with Mr. Cook.

R. Cook affirmed they had.

T. Pratt asked that she respond to the Code in writing and in greater detail.

T. Pratt said signage was limited to two (2) square feet. He was unsure if that was an item she needed to consider.

C. Sparks responded she did not want a sign.

T. Pratt asked that she include that she does not plan to have a sign in her narrative as well.

T. Pratt said the Code restricts events.

C. Sparks stated she would not want events or parties of any kind.

T. Pratt presumed there were only two (2) floors.

C. Sparks said that was correct.

T. Pratt assumed she knew she had to be present from 7:30 P.M – 7:30 A. M.

C. Sparks affirmed she knew that.

T. Pratt said \$1,000,000 insurance for general liability and \$100, 000 insurance for property damage needed to be provided.

C. Sparks said she already provided that.

R. Cook said that was in the file.

T. Pratt asked that a statement saying Ms. Sparks complied with that requirement be part of her (future) submission. He said those were some of the items that should be part of the operational plan the Board was asking to review.

G. Mason repeated that Ms. Sparks be careful when stating the days of operation to be specific about what she might want in the future.

C. Sparks expressed she did not want to limit her possibilities.

R. Cook said from an enforcement perspective, businesses, which this would be, usually operate 365 days a year if they want. He said that stating she would be available 365 days would not preclude Ms. Sparks, and if she only wishes to actually operate 100 days a year that would be her prerogative. He said that makes his enforcement easier as well.

C. Sparks reminded the Board she lives at the property, so she did not care to share her space with guests continually.

T. Pratt acknowledged she would be seeking the flexibility to host at her convenience. She needed to define that for the Board. He stated this detail was controlled by Ms. Sparks, and the parameters should be clear to the Board.

C. Sparks understood and agreed.

T. Pratt asked that the operational plan be submitted at least a week in advance of the January 25<sup>th</sup> meeting.

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

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

There were no comments at the time.

T. Pratt said the public hearing would be left open for the next meeting.

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

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

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*Donohoe, Peter - #20-1322 – Area Variances – 4895 East Lake Road, Cazenovia  
(Jim Wigge)*

Peter Donohoe and Matt Vredenburgh were present to represent the file.

T. Pratt said one area variance was being sought for construction within 100 feet of Cazenovia lake and a second area variance was being sought for side yard setback relief. He said it was his understanding that the existing house would be demolished, and a new residence would be constructed on the footprint. He shared his screen to display the site plan, an aerial photograph, and a photograph of the original camp. He said the new house would be a little larger than the original house. He said the property is .97 acres. He said the existing impervious surface coverage was 16%. In the GML it was stated that in Zone B (20 – 100 feet from the lake) the impervious allowed was 10%, the existing coverage was 25.4%, and the resulting coverage would increase to 27.2%. He presumed the increase was a product of the additional house space.

M. Vredenburgh said that was correct.

T. Pratt said the proposed house, garage, and porch would all be within 100-foot setback. He asked if the remainder of the house was on the existing footprint, including the additional house space on the south end.

M. Vredenburgh said that was correct. The south side of the house would be on the footprint of the existing deck and porch. He said the driveway was being reduced to help offset the increase in impervious surface area, but the deck and porch were already considered impervious. He said they

could keep the percentage in Zone B but that would require them to eliminate a bump-out planned for a turn-around for cars.

T. Pratt asked what was in the existing space where the proposed garage will be constructed.

M. Vredenburg answered that was a deck with a pergola over the top. He offered to share his screen to display photographs of the site, which he did.

T. Pratt asked if the flagstone walkway was at grade.

M. Vredenburg answered that it was.

T. Pratt asked if the garage could be moved south on the property, wondering the depth of the garage.

M. Vredenburg said the 2-car garage would be the entire depth of the addition plus the area now beneath the pergola and deck.

The garage could not be moved without reducing the size or the location of the house.

T. Pratt asked about reducing the garage to accommodate one car.

M. Vredenburg said that would result in one car being out in the snow, and a variance would still be needed for the 11'-11" extension to accommodate the length of a car.

T. Pratt believed that was necessary for the two extensions of the porches on the east side of the house.

M. Vredenburg said that was correct; one corner of the house will be extended over some bluestone sidewalk to the south and one porch roof will be extended over the front walkway and a plant bed.

When asked his opinion, G. Mason commented that years ago people were allowed to build too closely to the lake. He asked how the structure would look from the lake.

T. Pratt asked if the structure would have three stories on the lakeside.

M. Vredenburg explained the bottom level was a walkout access for the lower level/basement.

Looking at the proposed south elevation, T. Pratt asked the elevation on the lakeside.

M. Vredenburg responded that it would have to stay within 35 feet.

J. Anderson felt there were many exceptions for the proposal, commenting that it appeared to be a large structure right at the water.

T. Pratt asked if there was a lakeview rendering.

M. Vredenburg displayed a west elevation.

T. Pratt asked if the area where the garage was proposed was an open section from the lake. He also asked about the second floor.

M. Vredenburg said when the camp was built in 1900 or so, there was a partial second story and he showed a photograph of the south side.

R. Cook explained where the garage will be was the height of the pergola which was covered by vines.

M. Vredenburg described it as “a fairly well-vegetated site” and showed an aerial view. He said all the vegetation would remain except for a couple of trees that have grown under the house.

D. Silverman asked the height of the existing residence.

M. Vredenburg was unsure.

D. Silverman said he would need to have an understanding of a reasonable height before he could assent to any variances. He said he could not approve a project seeking the maximum dimension upwards.

M. Vredenburg responded that he would see if he could make a comparison of the two houses in size, with a representation of the existing to the proposed.

D. Silverman said that would help greatly and he appreciated the illustration.

V. Koch said he would postpone his comments until the revisions were reviewed. He said substantial relief was being sought, and he understood what the Applicants were trying to achieve keeping on the existing footprint, but the actual expansion of the structure would be visibly significant from the lake. He felt he would have more comments after seeing the additional renderings.

G. Mason agreed saying the height becomes more of a concern since the house will sit right on the water. He said the height would not be as dramatic if there was a greater setback from the lake. He said it would not be screened from view, and trees will be removed for the construction. He said he wanted to help the Applicants achieve their proposal, but a height of 35 feet directly on the water was substantial.

M. Vredenburg responded by saying there was a huge pine tree behind the proposed driveway that would remain near the north property boundary which would conceal the majority of the proposed garage from the lake.

M. Vredenburg said he would attempt to take a photograph from the lake.

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

David Silverman

Voted

Yes

Gary Mason	Voted	Yes
Joe Anderson	Voted	Yes
Val Koch	Voted	Yes
Thomas Pratt	Voted	Yes.

T. Pratt invited comments at this time.

Kathy & Rick Stoeckel said they own the property to the north and Ms. Stoeckel said she was concerned with the size of the structure being substantially bigger than the structure now there – taller and bigger. She asked if the 35’ maximum allowed height was measured from the lake or roadside.

R. Cook explained it was measured from the lakeside to the highest peak on the house.

R. Stoeckel commented they have had their property for 20 years and there are many cedars growing from the bank between their property and the existing Donohoe property, so he did not know how one could build on the existing foundation, or in the location of the existing foundation, without the removal of those trees, or being in the lake with the foundation. He said he could provide photographs from the lake in the summertime if the Board needed them.

K. Stoeckel added the pine tree mentioned also leans toward their property. She said it was 120 feet tall and they would love to see it preserved, but she feared construction would disrupt and endanger the survival since it already leans toward their dock “quite a bit.”

R. Stoeckel asked the depth of the proposed garage.

M. Vredenburg calculated it would be 27 feet. He repeated there were two (2) cedars that were under the foundation of the house that would need to be removed, but he said the pine tree was well clear of the construction area. He said the pine roots were at basement level and the proposed garage would be at the first-floor level.

R. Stoeckel asked about shortening the structure if the garage could not be moved to lessen the encroachment toward their property line.

K. Stoeckel said the 2-inch encroachment was not a concern for her, but she wondered if the existing gravel driveway with grass growing down the middle was considered impervious and whether there were plans to pave the driveway.

M. Vredenburgh explained the existing driveway as defined in the Town Code was considered impervious. He said the driveway would be reduced in size, but it would remain within the existing location.

K. Stoeckel asked about the patio on the plans proposed to the south of the house.

M. Vredenburg responded that was correct. The existing patio would become part of the new house structure and a new patio would be installed to the south.

Mark Franklin lives to the south of the lot. He said the proposal would have little effect on him, so he was in favor of it. He said the woodlot between the two homes would screen the new house from his view. He said from his small perspective, he favors the house as it was proposed, having no reservations with it.

T. Pratt asked Mr, Donohoe if he had any comments.

P. Donohoe answered he was listening and learning.

T. Pratt said at this point Mr. Vredenburg will work with the comments made to see if he can modify the plan to help the Board with setbacks and height. He said the public hearing would remain open.

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

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

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Motion by J. Anderson, seconded by V. Koch, to adjourn the meeting at 8:54 p.m. was carried as follows:

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

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T. Pratt reminded the Board that there will be a work session January 19, 2021 at 7:30 P.M.

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Sue Wightman, Zoning Board of Appeals Secretary – December 29, 2020