

# Cazenovia Zoning Board of Appeals

## Meeting Minutes

June 26, 2023

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

Members absent: None

Others present: John Langey; Chuck Ladd; Christopher Catranis; Jim Tudman; John Hahn; Carol Zenzel; Todd Pugh; Carol Pugh; Andrew Rutz; Timothy Aubertine; Hannah Aubertine; Kyle Reger; Robert Ridler

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

Roll was taken.

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Motion by D. Vredenburg seconded by L. Gianforte, to approve the May 22, 2023 meeting minutes was carried unanimously.

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The next regularly scheduled meeting will be Monday, July 24, 2023.

There will be a work session Tuesday, July 18, 2023.

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

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

T. Pratt said regarding public speaking, please come forward, provide one's name and address, present to the Board not the Applicant(s), refrain from asking questions but rather make statements, and refrain from repeating items if they have already been stated once during the time for public comment.

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*Catranis, Christopher - #23-1460 – Special Use Permit – 3006 Pompey Hollow Road, Cazenovia (Luke Gianforte)*

Christopher Catranis was present to represent the file.

T. Pratt explained the property was located in the Rural A Zone and the request was for a special use permit for an additional 10' X 16' accessory building on a 16-acre parcel.

L. Gianforte elaborated the 10' X 16' structure would be a utility shed which would be located behind the house. There is a detached garage that already exists on the site. The proposed building would be for the storing of lawn equipment. He invited Mr. Catranis to explain his proposal.

C. Catranis said they have a 3-car garage now and one of the bays was being used to store a commercial mower. He said they would prefer not to use the heated garage space for a mower, so they would like to create a new storage space for it. He added they could not add the additional storage space to either of the existing buildings.

T. Pratt asked to see the site plan.

The drawing labeled *Preliminary Not For Construction L-200 Catranis Residence* dated 06/16/2022 by MDVLA was shown.

C. Catranis showed where the garage and house were located relative to Pompey Hollow Road. He also showed where there were two (2) ravines which he said drained into ditches at the bottom of the road. He said both existing buildings were very close to one or the other ravines. He said the proposed structure could not be added to the existing garage because there was already a retaining wall on one end, and on the other end, the space was used for parking. He explained the house was used as a guest house for his company, so the parking space was necessary for those guests. He concluded "the bottom line" was that they "were out of space."

M. Palmer asked if there were two (2) structures currently on the property.

C. Catranis affirmed there were – a house and a garage.

M. Palmer asked the reason they couldn't add onto the garage.

C. Catranis repeated that the garage was “backed up to a ravine,” there was a retaining wall on one side, and the other side was used for parking.

G. Mason asked about the term Mr. Catranis used saying the house was “a guest house.”

C. Catranis explained his primary residence was in Philadelphia, PA. He said on this property the primary residence was used as a guest house for his company, who has people using it who move in and out of the country.

M. Palmer asked again about using the parking area for the addition.

C. Catranis said that was not something that they wanted to do. He said the location they chose for the proposed structure would be “adequate for our purposes.”

T. Pratt thought there was a good deal of parking area in front of the 3-car garage.

C. Catranis responded that there is a deck next to the 3-car garage near the retaining wall, and they already store a tractor and a snow blower under that deck.

T. Pratt explained he was thinking the other side of the garage would be a suitable option.

M. Palmer asked if the parking could not be shifted, thinking there was already a good deal of parking area on site.

C. Catranis wondered if there was any reason they could not have the structure where they requested.

T. Pratt explained the Board was investigating if there was an alternate solution.

C. Catranis believed the steep pitch of the driveway was a reason not to change the location.

T. Pratt thought the location he had in mind was relatively flat.

C. Catranis said part of it was flat, but it became “very steep, very quickly.”

T. Pratt countered only ten (10) feet was needed.

L Gianforte explained to Mr. Catranis that if Mr. Catranis added a 10'-bay to the garage, he would not need a special use permit.

M. Palmer elaborated that the Town only allows one (1) accessory structure and Mr. Catranis already has one accessory building, the garage. He said the Board was trying to determine a way to create a

space for the mower without needing the special use permit. He remarked Mr. Catranis had plenty of area, and thought there were no physical reasons it could not be added to the garage.

C. Catranis said he would have to ask his builder if it could be added to the garage. He introduced Jim Tudman, the contactor who built the house and the garage. He asked Mr. Tudman if a 10' X 16' structure could be added on the garage.

J. Tudman answered it would become a much larger project if they were to do that. He said it would cost more money, use more equipment, and require more stone. He explained one could walk about three (3) feet around the building but then large stone framed the parking area. He explained those stones would have to be pushed back and then “yards and yards of fill” would be required to level the area another ten (10) feet.

T. Pratt confirmed Mr. Tudman was speaking about an addition on the road side of the garage.

J. Tudman answered he was.

M. Palmer asked if there were any pictures in the file.

There was an aerial view.

T. Pratt asked if water would be run to the proposed structure.

C. Catranis answered he planned to do that.

T. Pratt asked the primary and secondary functions of the building, commenting that 10' X 16' was “pretty big just for a lawn mower.”

C. Catranis responded the primary function was for the lawn mower, and they would store some other lawn equipment in it as well. He thought they would store the snowblower in there too.

T. Pratt said the sole intent was for lawn equipment.

C. Catranis added they would run water to it so they could water the landscaping.

M. Palmer asked if there was water in the garage.

C. Catranis answered there was. He explained one well provides water the to the house and another well provides water to the garage.

T. Pratt asked if there would electricity for the proposed storage building.

C. Catranis said there would be electricity for charging equipment and for lighting.

M. Palmer asked if the new structure would be heated.

C. Catranis responded he would like it to be heated.

T. Pratt then asked about finishes.

J. Tudman said it would be “stick figure,” using T1-11 and with an asphalt roof.

T. Pratt asked if it would be the same color as the house.

C. Catranis answered, “Yes.”

C. Ladd asked if it would be built on site or if the structure would be brought on site already made.

J. Tudman answered it would be built on site.

T. Pratt asked if they would need to build a foundation.

C. Catranis answered, “Yes sir.”

T. Pratt commented it sounded like it would be better next to their building. He then asked the Board members their thoughts.

D. Silverman asked the size of the parcel.

C. Catranis responded there were 6 ½ acres.

D. Silverman said he likes to reserve his final thoughts until he’s heard public comments, but considering the size of the property, he could consider the project in the proper location. He was interested in any neighbor comments which would influence his decision.

G. Mason commented that he would “like to see it integrated elsewhere, rather than a separate structure.” He noted the challenges, but he wondered if a foundation was going to be installed at the proposed location why it could not be done as an attachment to the garage.

M. Palmer thought every effort should be made to attach it to the existing garage.

J. Juskiewicz questioned the size of the mowing area considering the grades.

C. Catranis estimated they mowed approximately three (3) acres.

T. Pratt asked how the lawn area associates to the location of the proposal.

C. Catranis answered the building would be centered in the mow-able area.

T. Pratt thought if the addition was constructed on the existing garage, the lawn in front of the house would be easily accessible, and potentially the lawn in back of the house would be as well.

J. Langey reminded the Board that the criteria for a special use permit differed from the criteria for an area variance. He believed this would be classified as a minor project. He said for the Board to grant a special permit the Board must determine if the proposal is consistent with the purpose of the land use

district in which it is located and consistent with all applicable provisions of the chapter of the Zoning Law; that it will not adversely affect surrounding land uses by creating excessive traffic, noise, dust, odors, glare, pollution or other nuisances; and that it is consistent with the Comprehensive Plan. He said the Board should also take into consideration the scale of the project and the possible impacts to the functioning of any nearby farm operations, as well as conservation easements, architectural restrictions, or other measures that would tend to mitigate potential adverse impacts and reserve or enhance the scenic, natural, or historic character of the Town.

D. Vredenburg commented that he did not think this proposal was unlike many the Board has considered over the recent years. He noted the Applicant would like to put it where he has chosen. He also noted there would be some limited restrictions with attaching it to the existing garage. He said the aerial picture does not indicate the depth of the slope. He did not find a negative issue with the proposal. He noted it was in the back of the property, and he did not think neighbors would find it “unsightly.”

L. Gainforte agreed with Mr. Palmer feeling attaching it to the existing garage should be seriously considered. He understood the reasoning for the proposed location however.

C. Catranis said they had considered the possible locations for the shed. He relayed that the purpose was to make the property as nice as they could. He added that all his neighbors have “mower sheds and barns they have built around their houses.” He stated the proposal would not be anything out of the ordinary on Pompey Hollow Road.

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

T. Pratt invited public comments at this time.

Hearing none, motion by D. Vredenburg, seconded by G. Mason, to close the public hearing was carried unanimously.

J. Langey then lead the Board through Part 2 of the Short Environmental Assessment Form (SEAF) to perform the State Environmental Quality Review (SEQR). All the findings were either no impacts or small impacts for the environmental considerations.

G. Mason asked about the material that would be used, believing it was stated that it would be T1-11. He said it looked like the garage was board and batten and wondered if the new structure could match the garage.

C. Catranis responded, “Consider it done.”

M. Palmer asked if there would be plumbing in the shed, i.e., a bathroom or a kitchen.

C. Catranis answered, “No, nothing like that.”

M. Palmer asked if there would just be one hook-up for a garden hose.

C. Catranis affirmed that was the case.

M. Palmer asked about outside lighting.

C. Catranis answered there would only be inside lighting.

T. Pratt said if there were any outside lighting, it would have to be dark-sky compliant, low-level, and shielded. He added that would be a condition of the approval in case outside lighting was installed in the future.

C. Catranis understood.

M. Palmer asked if there were any pictures of the proposed shed.

A drawing entitled *10' x 16' Salt Box Shed* by ADV Plans was displayed.

T. Pratt reviewed the following conditions he felt should be part of an approval:

1. Water is limited to a wall hydrant with no plumbing inside the facility;
2. Electric is limited – currently only interior lighting is planned, but any exterior lighting would have to be dark-sky compliant, low-level, and shielded;
3. The new structure shall match the color and finish of the house and the siding shall be board and batten;

T. Pratt asked if an updated survey should be done when construction is complete.

D. Vredenburgh thought the Codes Officer could determine if the structure was in the proper location based on the location of the house.

M. Palmer noted it would not be close to any property lines. He asked if Mr. Catranis was going to heat the structure.

C. Catranis planned to heat it.

4. The structure will be a heated facility.

T. Pratt explained that would trigger the Energy Code.

Motion by G. Mason, seconded by D. Silverman, to appoint the Zoning Board of Appeals as Lead Agency for the purposes of the SEQR, to affirm the matter an Unlisted Action and make a Negative Declaration, based upon the Board's review of the SEAF and to approve the special use permit as most recently submitted for the construction of a 10' X 16' utility shed as a second accessory structure with the four conditions listed above was carried as follows:

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

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*Hahn, John & Zenzel, Carol - #23-1462 – Special Use Permit – 1959 Stanley Road, Cazenovia (David Vredenburgh)*

D. Silverman excused himself for this file and M. Palmer assumed the role as a voting member for this application.

John Hahn and Carol Zenzel were present to represent the file.

T. Pratt announced that the special use permit was for a second accessory structure in the Rural A District for a 40' X 60' pole barn on 50 acres, and he informed the Board no site plan review would be needed for this project.

D. Vredenburgh repeated that the Applicants would like to build a pole barn which would be the second accessory structure on approximately 56 acres on a beautiful site “in the middle of nowhere.” The proposed location would be a great distance from any property line. He said it would be ½ mile from the road and behind the house, about 180 feet from the north property line, and a couple hundred feet from the south property line. He said a copy of the survey was provided.

M. Palmer asked what structures were already on the property.

D. Vredenburgh answered there was the primary structure and then another storage shed.

M. Palmer asked the purpose of the building.

C. Zenzel explained Mr. Hahn was an electronics engineer and when he started his consulting business, they had just done an addition to the house. She said the intended living room, the mudroom, the garage, the basement, and the entire downstairs have become Mr. Hahn’s work areas. She said he works on very large equipment, which he also stores, so the proposed structure would become his work space as well as his storage place for his work and for his tools.

T. Pratt asked if it would be for commercial use or private use.

C. Zenzel explained it would be private use because he does consulting work, so he works at home as well as travels to sites, but customers do not come to the property.

T. Pratt noted some of the use would be for a woodshop.

C. Zenzel affirmed part of the space would be dedicated for that use as well.

J. Hahn explained he has a table saw which is now in the basement, which causes a problem because they have forced heat so the dust from the saw was “a real issue.” That was part of the need for an area in the pole barn, to contain the dust.

T. Pratt asked about water in the new building.

C. Zenzel and J. Hahn answered there would be water running to the building for outside use, but no water inside for plumbing.

M. Palmer presumed there would be heat inside the building.

J. Hahn responded there would be.

T. Pratt presumed there would electrical service inside the building.

J. Hahn answered, “Yes.”

T. Pratt asked about finishes.

J. Hahn responded it would have steel siding and a green roof. The siding would be brown, “just like the house.”

T. Pratt asked if the water runoff would dissipate into the earth and would not be concentrated.

J. Hahn indicated it would dissipate, having a lot of area.

T. Pratt asked if it would be lighted on the exterior.

C. Zenzel said it would.

T. Pratt stated the lighting would have to be dark-sky compliant, low-level, and shielded.

C. Zenzel responded, “Ok.”

T. Pratt asked for a precise location.

J. Hahn said it would be 100 feet from the house.

M. Palmer looked at the survey entitled *Map of Subdivision of (Lands of Wheler) Part of Lot 26 & 27 (one Mile Strip) Town of Cazenovia Madison County New York* dated June 9, 1986 Last Revised December 26, 1986 by David A. Vredenburg and asked about another structure depicted.

J. Hahn explained that was their first 24' X 24' pole barn.

T. Pratt asked what was stored inside that building.

J. Hahn answered agricultural equipment – his tractor.

G. Mason commented that this site “is in the middle of nowhere” and saw no impediment for the neighbors.

D. Vredenburg noted the property was heavily wooded as well.

M. Palmer approximated the location would be at least 200 feet from the property line.

C. Zenzel added that the nearest property line was a farm.

M. Palmer had no problem with the special use permit.

J. Juskiewicz did not either.

D. Vredenburg had visited the site and had no problem with the proposal.

L. Gianforte had no objections.

Motion by M. Palmer, seconded by D. Vredenburg, to open the public hearing was carried unanimously.

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

D. Vredenburg mentioned the Board had received a letter of support from a neighbor.

C. Zenzel said Paul Curtin had written a letter of support.

J. Langey then led the Board through Part 2 of the SEAF for the SEQR.

The Board found all impacts were either small or none.

T. Pratt then outlined the conditions he thought would be appropriate for the project:

1. No commercial business would take place within the proposed structure;
2. No noise would be created with the use of the proposed structure;
3. Water would be provided to the building, but no plumbing would be installed within the proposed structure. The water will be for a garden hose;
4. Electricity will be provided to the facility for use within the proposed structure;
5. All exterior lighting will be low-level, dark-sky compliant, and shielded;

- 6. Heat will be provided to the facility; and
- 7. The colors for the proposed structure will match the colors of the house.

Motion by M. Palmer, seconded by D. Vredenburg, to appoint the Zoning Board of Appeals as Lead Agency for the purposes of the SEQR, to affirm the matter an Unlisted Action and make a Negative Declaration, based upon the Board’s review of the SEAF and to approve the special use permit as most recently submitted for the construction of a 40’ X 60’ pole barn as a second accessory structure with the above-referenced conditions was carried as follows:

Gary Mason	Voted	Yes
Michael Palmer	Voted	Yes
David Vredenburg	Voted	Yes
Luke Gianforte	Voted	Yes
Thomas Pratt	Voted	Yes.

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*Pugh, Todd & Carol - #23-1465 – Area Variances – 4495 Seven Pines Drive, Cazenovia (Thomas Pratt)*

Todd and Carol Pugh were present to represent the file, as was their builder, Andrew Rutz.

David Silverman resumed his role as a voting member.

T. Pratt said the proposal was to demolish the existing home on the property which was .37 acres. He said the setback from the lake would be 45 feet. The setback from the road would be 17’ 8”; on the south side yard the setback would be reduced from 27 feet to 20.5 feet; and the new garage would be on the property line to the north.

The site plan drawing entitled *S-1 Site Plan Pugh Residence 4495 Seven Pines Drive Cazenovia, New York 13035* dated 05-05-23 by KK-J Architecture was used for the discussion.

C. Pugh said the original (footprint) of the house was depicted as shown on the site plan. She said their “main focus” was “to keep things as much the same as possible.”

T. Pratt asked if the shaded area on the drawing represented the new house with the unshaded area representing the existing house.

C. Pugh said that was correct.

T. Pugh said they were “making everything smaller,” and they were “trying to compact the house.” He explained it was “a great old house,” but having a few additions, it now sprawls. The new house would be farther from the lake, and they would like more grass between the house and the lake with more lake view. The home would be more compacted east to west. The garage would stay on the zero-lot line where the current garage is, but the house would move a few feet toward the south, centering the house more on the lot.

T. Pratt noted areas of decking.

T. Pugh said the new house would have a covered deck as well.

T. Pratt said there is an existing deck that goes to the lake.

T. Pugh explained that deck actually cantilevers over the lake. He said all that decking would be removed. He repeated that the new structure would be more compacted in all directions, except the new garage would stay on the north lot line. He added that the neighbor to the north sent a letter supporting the location. He elaborated that the deck that extends over the lake not only is attached to the house but now extends all the way to the garage, so all that would be removed. He emphasized that would amount to a lot less impervious surface area.

The impervious surface calculations were part of the site plan review application submitted in conjunction with the area variances application.

D. Silverman remarked about the large amount of decking that would be removed as a result.

C. Pugh recalled the impervious surface area would be reduced by 25%.

T. Pratt asked what the resulting percentage would be.

T. Pugh spoke about their desire to restore vegetation, knowing when they bought the house there was a great deal of impervious surface area.

T. Pratt noted the impervious surface area was 31.6 and the proposal would reduce the total to 25.5%.

M. Palmer commented that in almost every respect the proposal was an improvement, and the existing garage was already on the zero-lot line.

T. Pugh repeated there was a letter of support from the neighbor to the north who shares the zero-lot-line.

G. Mason pointed out that was the present neighbor.

T. Pratt asked the maximum height of the building.

C. Pugh answered it would be 30.5 feet.

T. Pratt remarked the maximum height allowed was 35 feet.

T. Pugh said the planning of the new house has been “a labor of love” since pre-covid and said they had consulted with the Code Enforcement Officer to discuss how they could build in compliance with the expectations of the community.

It was clarified the maximum height was determined by the peak of the roof, not including chimneys or cupolas.

No variance would be needed for the proposed height.

T. Pratt then discussed the use of the *Cazenovia Lakefront Development Guidelines*. He urged the Applicants to refer to those *Guidelines* for plantings and restoration of the lake edge. He asked if they would have any issue with that, explaining its purpose was to filter the water to prevent discharge into the lake.

T. Pugh hoped that by removing all the decking, they would be making (the lakefront) “a lot better.” He stated they would comply with the *Guidelines*.

D. Silverman noted the improvements proposed but had two (2) thoughts regarding the garage. He said the fence ordinances require placement at least one (1) foot off the property line. His other thought was that they had the consent of the neighbors affected by the encroachment. He indicated the situation was not ideal, but the letter of support helped his acceptance. He pointed out not only the current neighbor, but all future neighbors would have to live with the situation, however. He commented that the encroachment may diminish the value of the neighboring property in the future, but the Applicants were meeting the expectations of the current neighbor. He said that was his only hesitation and he complimented the improvements proposed. He felt the lakefront would be improved tremendously by the removal of the lumber. He understood the height being sought if this was to be their “dream house.”

C. Pugh repeated the height would be kept under the maximum allowed.

T. Pugh added it would not be a full 2-story house.

T. Pratt noted it would be higher than the existing house.

G. Mason expressed his approval of everything proposed on the lake side. He realized it was a small lot and understood that made things “tight on your setbacks,” but he was concerned about the garage being on the lot line. He commented that it was “great” that the neighbor “presently doesn’t care,” but he was thinking about future situations.

T. Pugh explained that the neighbor has a dog, and many of their family members bring dogs, so his neighbor has a fence for his property, and if they were to have a gap of one foot between the garage and the fence, it would be hard to maintain that 1-foot section. The neighbor would tie his fence into the proposed garage location, and the Pughs were “okay with that.”

C. Ladd pointed out the distance from the lot line needed to be measured from the overhang of the roof, not the foundation.

T. Pugh repeated they were looking to put it on the existing location, and it would be a smaller footprint.

T. Pratt presumed there was an eave or a soffit on the garage.

T. Pugh said there would be.

C. Ladd explained the drip line of the roof would need to be a foot off the lot line. He said the roof cannot drip or discharge water onto the neighbors’ property.

T. Pugh said it currently does.

C. Ladd responded that going forward it should not.

A. Rutz asked if this was not a pre-existing condition.

G. Mason explained if the Applicants wanted to stay in the same footprint, it would be. He said if the Applicants were changing the footprint, it would be treated as a new structure.

T. Pugh said the proposed garage would actually be smaller, east to west, and asked if he wanted to keep the location where he proposed, if he would have to build a bigger garage (which would remain in the existing footprint).

A. Rutz believed the neighbor to the north wanted the garage to remain in the same location so he would not have to build a fence in its place and create a 1 - 2-foot area that one “could barely walk down.” He alleged that would be more difficult to maintain and would be aesthetically less pleasing than what was proposed.

J. Langey asked if Mr. Rutz was saying that the very outer edge of the proposed structure actually would encroach and does encroach already into the neighbors’ land.

A. Rutz responded, “It doesn’t have to.” He said, “It currently does. The overhang currently does go over onto the neighbors’ property.”

J. Langey responded, “We are not used to allowing variances to encroach into other peoples’ property irrespective of the idea that is already happens.” He expected that an attorney for either of the owners could create an agreement that would allow that encroachment to continue to exist, otherwise The Town would be approving something a future neighbor could sue over. He said a boundary line agreement could be made, “or whatever they want to do to acknowledge the encroachment, if that’s what this

Board is being asked to do.” He elaborated that the alternative was for Mr. Rutz to find a solution to keep the drip line right on the property line, but that might harm the fence design wherein the neighbor would use the wall of the garage as part of the fenced area.

M. Palmer asked if the fence was there now.

T. Pugh answered, “Yes.”

A. Rutz spoke about another home in the neighborhood with a similar small gap between the garage and the fence.

J. Langey acknowledged it was hard to maintain such a constricted area.

A. Rutz said they were trying to make the situation practical for both properties, since the neighbor to the north wants the garage where it is.

J. Langey recommended that if the Applicants do that, one of the conditions of an approval would be the parties would have to enter into some kind of a boundary line agreement that acknowledges the encroachment of the new structure onto the neighboring property.

A. Rutz asked if that would be from the existing property owner to the north.

J. Langey answered it would.

A. Rutz thought that was essentially written already with the neighbor’s signed letter.

J. Langey explained a more formalized instrument that would be needed to record the agreement for the future.

A. Rutz asked if that instrument would require “linens.”

J. Langey answered it would be “a deed situation.”

G. Mason suggested the soffits be eliminated so the foundation could be on the line.

A. Rutz said, “The soffit is gone; the fascia is gone,” but he believed Mr. Ladd was saying the structure still needed to be a foot off the property line.

D. Silverman commented that he felt “the heavy lifting” for the proposal was done; the Board was just down to the garage details. He said if the water drips on the Applicants property and if the dog walks on the neighbors’ property, “it’s done.”

More discussion followed about which alternative would be better, a relocation or a legal agreement.

D. Vredenburg believed a 3-foot-easement with the neighbor would be better for garage maintenance as well as the drip line.

T. Pugh said it was a symbiotic relationship. He said the proposed location helps the neighbor with his dogs, and it helps them with their garage. He commented that his neighbor was in the trades being a contractor and he helped create the plans.

D. Vredenburg asked how close the neighbors' house was to the garage.

A. Rutz estimated it was about 25 feet.

G. Mason agreed with Mr. Langey (about the need for a formalized agreement) saying neighborhoods change.

M. Palmer thought Mr. Vredenburg's idea of an easement was prudent when neighbors have changed at both properties and the garage requires maintenance.

A. Rutz interjected that moving the house one (1) foot would be "no problem."

C. Pugh commented that Douglas fir trees lined the property, so she did not feel grass would be an issue between the garage and the fence.

M. Palmer said the issue of maintaining the siding of the garage remained.

C. Pugh understood.

C. Ladd said if there were unfriendly relations, the neighbor would not allow the owner of this property to trespass to maintain the garage (and one foot would not be adequate for maintenance).

J. Langey asked what the Applicant was requesting, wondering if the proposal was for the garage to be one (1) foot from the property line.

T. Pugh believed they were instructed to adjust the location so their roof will not drop on the neighbors' property.

T. Pratt said the easement with the neighbor was also an option for them.

A. Rutz asked if moving the garage back a foot would delay this process.

T. Pratt believed if the drip line remained on the subject property, there would be no issue with the shift in location.

J. Langey clarified the proposal was for a one-foot setback with no drainage onto the neighboring property.

A. Rutz affirmed that was correct.

J. Langey said a boundary line agreement then would not be necessary, nor would an easement.

T. Pratt asked the individual Board members if they had any additional thoughts.

L. Gianforte said he had dealt with a similar issue and recommended getting an easement regardless.

J. Langey said the two (2) owners could still work out their own easement to accommodate putting up a ladder or scaffolding. The Board would only require that if encroachment was part of the proposal; the Board would then want to see something more formalized and recorded against the property for purposes of notice when a new buyer purchases the property. He said it sounded like that requirement will be avoided by moving the location of the proposed garage a foot away from the north property line.

A. Rutz said the final survey will show that the garage is a foot off the property line. If there were to be an easement, it would be a private party easement.

T. Pratt then wanted to clarify the exact amount of relief needed for each variance. He calculated the relief from the lake would be 55 feet. On the north boundary, 24 feet of relief would be needed. He noted on the south boundary the location was going from 27 feet to 20.5 feet so 4.5 feet of relief would be needed.

L. Gianforte wondered if moving the garage a foot would move the whole home one (1) foot to the south.

A. Rutz answered only the garage would be shifted a foot.

T. Pratt then calculated the relief needed from the road side. The distance from the garage to 50 feet from the edge of Seven Pines Road was 17 feet 8 inches. The leading piece of the structure would be the garage since the house is farther from Seven Pines Road. The amount of relief needed would be 32 feet 4 inches.

T. Pratt then reviewed the five (5) criteria used to assess the granting of area variances.

T. Pratt asked the Board if they thought the proposal would be an undesirable change to the neighborhood. They did not.

T. Pratt asked if there were alternate solutions. He noted the site was limited, (being only .37 acres). He believed some of the dimensions could be tightened, but there were no easy alternate solutions, and area variances would be required regardless.

T. Pratt asked if environmental impacts would result.

A. Rutz said there would be a reduction of impervious surface areas (overall and in the Critical Environmental Area [CEA]).

T. Pratt said the problem within the first 20 feet of the lake was removed, the water from the garage had been addressed, but the impervious surface area remained high. He said the Applicants would have to work with the Planning Board to address the 25% of coverage proposed.

T. Pratt asked the Board if the variances were substantial. He felt they were, but again noted the lot was limited in size.

T. Pratt asked the Board if the circumstance was self-created, believing it was.

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

There were a few Seven Pines Road residents present, but no one wished to speak.

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

J. Langey then led the Board through Part 2 of the SEAF for the SEQR.

Four (4) small impacts were noted with all the others having no impacts.

J. Langey then turned the conversation to the potential conditions.

T. Pratt listed the following conditions:

1. The property lines need to be surveyed and marked visibly for construction, with the Code Enforcement Officer verifying locations;

2. An as-built survey will need to be completed after construction, properly showing what was constructed;

3. Impervious surface calculations are to be reviewed by the Planning Board and their approval for a reasonable amount must be obtained;

4. *Cazenovia Lakefront Development Guidelines* will be followed for the planting plan and restoration along the lake edge;

5. The north side garage location shall be one (1) foot from the existing garage location;

T. Pratt asked if the Board had any other conditions before he stated the relief for each variance. He also noted:

6. Any outdoor lighting for the proposal will be dark-sky compliant, low-level, and shielded;

T. Pratt stated the area variances to be granted will be:

1. 55 feet of lake side setback relief;

2. 24 feet of north side yard setback relief;

3. 4' 6" of south side yard setback relief; and

4. 32' 4" of setback relief from Seven Pines Road.

Motion by G. Mason, seconded by D. Silverman, to appoint the Zoning Board of Appeals as Lead Agency for the purposes of the SEQR, to affirm the matter an Unlisted Action and make a Negative Declaration, based upon the Board's review of the SEAF and to approve the area variances as stated and as most recently submitted with the aforementioned conditions was carried as follows:

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

T. Pratt informed the Applicants to now attend the upcoming Planning Board meeting for site plan review of their project.

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*Aubertine, Timothy & Hannah - #23-1467 – Area Variance – 1574 Peth Road, Cazenovia (David Silverman)*

Timothy and Hannah Aubertine were present to represent the file.

T. Pratt stated the proposal was within the lake watershed and the Applicants were seeking an area variance. He said the Madison County Planning Department had sent the General Municipal Law Recommendation Report (GML) which was received May 23, 2023. The area variance was to place a pole barn in front of the house on a 21-acre lot. The barn would be 30' X 36'. He noted a site plan review for the project will be performed by the Planning Board.

The drawing entitled *Map of Mary Louise Cordes #1674 Peth Road Park of Lot 28 4<sup>th</sup> Allotment New Petersburgh Tract Town of Cazenovia, Madison County, New York* dated 5-2-2013 by David Vredenburgh was displayed and the location of the proposed barn was sketched as well as the location of the creek and the dimension from Peth Road.

D. Silverman said the parcel has been in the family for many years. The barn would be situated in front of the house, but it would be over 645 feet from Peth Road. He elaborated that it was a large parcel, but unfortunately the creek constrains the lot in the front and grading constrains the lot on either side. He explained the Applicants' preferred location of the barn would be between the house and Peth Road. He visited the site and noted the challenges.

M. Palmer asked if the grade behind the house makes it an appropriate location.

T. Aubertine believed it did. He said that the way the house sits, everything is higher on the northwest side and along the driveway "it falls off real steep." He said the back corner of the driveway is "where it falls the steepest."

T. Pratt asked the condition on the west side of the house.

T. Aubertine explained the house was a walk-out in the back having 2 stories,

H. Aubertine interjected it was a one-story in the front, being built into a hill.

T. Aubertine said the only way to access the structure, if it were on the west side of the house, would be behind the house and over the septic system.

T. Pratt asked why it could not be accessed from the front.

T. Aubertine responded the well was located in the front.

T. Pratt asked how the building would be used.

T. Aubertine answered they have two (2) automobiles, a Gator utility vehicle, and an enclosed trailer, so it would be used primarily for cold storage.

M. Palmer asked about heat and plumbing.

T. Aubertine affirmed there would be no heat or plumbing in the structure.

M. Palmer asked about water.

T. Aubertine answered there were no plans for water.

D. Vredenburg asked if there would be electricity.

T. Aubertine responded, "Yes."

M. Palmer asked about the style and siding.

T. Aubertine confirmed it would be a pole barn with board and batten siding, stained to match the house.

M. Palmer asked if it would have a single-story.

T. Aubertine said there would be an attic truss, so they would also have upstairs storage.

M. Palmer asked the height.

T. Aubertine believed it would be 23 feet.

T. Pratt asked if they were planning to demolish an existing structure (that is already the first accessory structure).

T. Aubertine responded that they “would love to keep it.” He said it was a small woodshed where they also keep the lawn mower and snow blower.

H. Aubertine said they also keep bicycles in it and the kids’ toys.

T. Pratt explained if they have one existing accessory structure, they would need a special use permit to have a second.

T. Aubertine responded, “Okay.”

T. Pratt said that would mean that the Aubertines would have to come back before the Board to apply for the special use permit.

T. Aubertine indicated that would not be a problem. He mentioned the existing structure was not a permanent structure, not having a foundation, but being on skids.

T. Pratt stated it would still count as an extra building.

H. Aubertine explained they would not have any storage area within 100 feet of the house if they were to remove the woodshed.

D. Vredenburg asked about the size of the existing building.

T. Aubertine answered it was 12’ X 20’.

J. Langey said if the existing structure stays, the Applicants would need to make the decision to make application for a special use permit and decide if they want to put the application for the area variance on hold until that time.

T. Pratt stated the Board could not act on this request until they knew what was happening to the existing shed.

C. Ladd asked if they could attach the existing shed to the proposed pole barn.

M. Palmer asked if that would be too far from the house to be convenient for the Aubertines.

T. Aubertine thought moving it would defeat the purpose of keeping it.

J. Langey explained the risk of granting the area variance and allowing the new structure to be built before getting an approval for a second structure, explaining it would become a Code enforcement issue.

T. Pratt said if the Owners were to want both structures, the Owners would have to go through the special use permit process before the Board could approve the area variance.

D. Silverman felt the Board was favorable toward the proposed barn location.

T. Pratt further explained that if the Applicants proceeded with the special use permit application filing, they would be on the August agenda.

The Aubertines were told the Board would discuss both applications concurrently.

H. Aubertine thought it would be worthwhile to postpone and file to keep both structures for convenience, especially in the wintertime.

T. Pratt asked if they would like to move the proposed barn closer to the house.

H. Aubertine responded there truly would not be another location that would work.

G. Mason asked if the shed could be integrated on the house side of the proposed barn, which would make it about 80 feet from the house.

H. and T. Aubertine said they would have to walk through the yard which was steep and through snow in the winter.

D. Silverman asked if the existing shed could be attached to the house.

T. Aubertine said they could not attach it “and make it look nice.”

M. Palmer asked the size of the proposed barn.

T. Aubertine answered 30’ X 36’.

M. Palmer asked if they could build the new structure where the existing structure is now.

H. Aubertine said they could not because of the drop off in that area. She described it as a cliff.

M. Palmer understood the existing shed could be attached to the proposed barn, but it was not convenient.

T. Aubertine indicated that option would be better than not being able to keep the woodshed.

M. Palmer said that might be the best choice if they wanted the project to move forward at this time. He said if the Aubertines agreed to do that now, the Board could continue its consideration of the project tonight. He said it would be a condition of the area variance.

T. Pratt thought the Applicants did not like that option.

T. Aubertine preferred doing that to having to remove the woodshed.

It was clarified that there were three (3) options:

1. Be approved for the area variance and remove the existing shed,

2) Agree to attach the existing shed to the proposed barn and be approved for the area variance,

3) Apply for a special use permit in conjunction with the area variance to be allowed to have two separate structures – one existing where it currently is and one in the proposed location for the barn – which would be discussed in August.

T. Aubertine expressed understanding.

H. Aubertine said the obvious solution was to attach the existing shed to the new barn.

T. Pratt explained that relocation of the shed would be a condition of the approval for the new barn.

G. Mason thought it would look nice.

H. Aubertine said it was board and batten, so the proposed would match the existing.

T. Pratt thought the impervious percentage would not be an issue since it is such a large site.

T. Pratt noted that the location was limited due to physical features on the property.

T. Pratt said the colors and materials would match the house.

T. Pratt stated the Board did not think an undesirable change in the neighborhood would result. He said the Board looked at alternate solutions which were limited by land conditions. He said regarding physical and environmental impacts, the proposal was in the lake watershed, so they needed to be sensitive about impervious surfaces. Any exterior lighting would have to be dark-sky compliant, low-level, and shielded. He said regarding the variance being substantial the request was to put it in the front yard. He stated it was a self-created hardship.

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

There was no one present wishing to speak.

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

J. Langey said this was a Type II Action in regard to SEQR.

T. Pratt said there had been a question regarding the location in relation to the floodplain. He assumed the Applicants were not in the floodplain.

They confirmed their property was out of the floodplain.

T. Pratt reviewed the conditions:

- 1) the existing shed must be relocated and attached to the new building, or it is to be removed entirely;
- 2) There will be no water associated with the new structure,
- 3) There will be electricity associated with the new structure, but
- 4) Any exterior lighting will be dark-sky compliant, low-level, and shielded,
- 5) Impervious surface area will have to meet Planning Board requirements,
- 6) Finishes for the new structure will match the house in its look, appearance, and color, and
- 7) An updated survey will be required.

Motion by D. Silverman, seconded by G. Mason, to approve the area variance for a 30' X 36' pole barn to be placed in the front yard and as most recently submitted with the above-reference conditions was carried as follows:

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

The Applicants will now attend the upcoming Planning Board meeting.

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Motion by L. Gianforte, seconded by D. Vredenburgh, to adjourn the meeting at 9:02 p.m. was carried unanimously.

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