

**Village of Cazenovia
Zoning Board of Appeals
Meeting Minutes
August 2, 2016**

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Present: Phil Byrnes, Chair; Jane Nicholson-Dourdas; and Cindy Bell.

Absent: Sally Ryan, and Lynn Hart.

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Others present: James Stokes, Village Attorney; David Vredenburgh; Dennis Gregg; Jim Steinberg; David Katleski; Robbie Lewis; and Thomas Lewis.

P. Byrnes called the meeting to order at 7:02 p.m. and introduced the Board.

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P. Byrnes asked for any changes to the minutes of January 19, 2016. There were none noted. J. Nicholson-Dourdas made the motion to approve the minutes as submitted. C. Bell seconded. The motion carried with 3 in favor, 0 opposed.

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Cazenovia Restoration Corp., Chenango Street, 3 Lot Subdivision

P. Byrnes explained the request. The application is for an area variance for relief from the minimum lot street frontage requirements set forth in Section 180-24(c) and 180-5(E) of the Zoning Code. This involves Tax Map parcels 94.68-1-1 and 94.68-1-2 in order to subdivide the premises to create three residential lots from the existing two lots.

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David Vredenburgh, a representative for the applicant, came forward and explained. The property is owned by Cazenovia Restoration. One piece includes the house. He wants to parcel off the house lot and then split the remainder into two lots. It is the intent to attach a 10-foot strip to each lot to technically have frontage on Chenango Street. There is a shared driveway. The proposal is to have a 25-foot easement, where the driveway exists now, to access the existing house. Utilities will be within that 25-foot right-of-way. Jim Steinberg, a neighbor, has access to his house with this shared driveway.

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Mr. Stokes noted that this permanent easement has existed since prior to 1960, prior to zoning.

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P. Byrnes observed that this property is in the R-20 zone, which requires 100 feet of street frontage. The applicant is requesting a 90-foot variance for each lot.

Mr. Vredenburgh added that both existing lots have less than that now.

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Mr. Stokes commented that the two lots in the back was where a former greenhouse operated for many years. Those buildings have been taken down and it is now open space.

50 P. Byrnes referenced 180-5(E). It is currently a nonconforming flag lot. Mr. Stokes stated it is an existing condition and it predates the zoning. P. Byrnes questioned if a subdivision occurs, does that create three flag lots. Mr. Stokes answered there will be three flags lots when the subdivision is done. P. Byrnes said they will be existing nonconforming lots and the actual subdivision still has to go through the Planning Board. The only thing the ZBA has to be concerned about is a variance for the street frontage. Mr. Stokes confirmed those statements.

55 P. Byrnes asked if the ZBA has to make a determination on the flag lots. Mr. Stokes replied that if the ZBA allows a lot to have 10 feet of road frontage, it essentially clears the way for approval of a flag lot.

60 P. Byrnes opened the hearing to public comment.

60 Jim Steinberg, 9 Chenango Street, owner of the abutting property spoke. He started with a procedural point about the Village putting notification in the paper for this hearing. There was a sign for the Planning Board hearing. But there has been no signage on the property for the variance request. And there has been no notification to the neighbors. He questioned if this meets the procedural requirements. He believes other neighbors may have been here if they had known because they had expressed interest at the Planning Board meeting.

70 P. Byrnes stated that notification to the neighbors is the responsibility of the applicant. The signage was an oversight on the part of the Village.

75 Mr. Stokes said it is up to the Board if they want to proceed or wait until a sign is posted. J. Nicholson-Dourdas suggested continuing with the discussion, but there should be a sign posted and it should be advertised again just for consistency. Other Board members agreed to continue the hearing, but it will be rescheduled once the sign has been posted. Mr. Stokes stated that the hearing does not need to be advertised again if it is adjourned to a specific date.

80 Mr. Steinberg brought up the issue of flag lots being prohibited in the Code and this may not be just a question of a variance. He pointed out that a variance requires hardship and the applicant has not shown that. He has made an offer to buy the property, for more than the assessed value, that would be making a flag lot. Therefore, it would be difficult to show hardship. The grounds for a variance is not clear. He also questioned sufficient access for emergency vehicles. There is currently a 10-foot driveway and it is right up against his property. There is no room for emergency vehicles and that is a key criteria in terms of interpreting the regulations. In his view, there are alternatives for the property owner that will allow him to get a fair return and he encourages him to pursue those.

85 He has made an offer on one lot and is open to allowing development of the other. This would essentially create no new flag lots. Mr. Steinberg said he is prepared to discuss purchasing the whole thing. There are a number of options under the Code, which would require examination of alternatives, before a variance is granted. Mr. Steinberg cited 180-5 where it says that flag lots are a prohibited use. This property would require an area variance and a use variance.

90 P. Byrnes noted that this is an existing nonconforming flag lot now. Mr. Stokes said that this predates the Code and is a flag lot. One of the reasons there is a ZBA is to consider situations like this.

95 Robbie Lewis, 31 Chenango Street, spoke. She came to the meeting to understand the issue. She inquired about drainage if anything is built on the property. She commented that sometimes building creates drainage issues for other people. Mr. Stokes believes that drainage would be directed to the creek.

100 P. Byrnes recapped the application. There will be two strips of 10 feet each to give street frontage to two lots. The requirement is for 100 feet per lot. Instead of one large flag lot, it would become three flag lots.

105 P. Byrnes solicited any other comments. Hearing none, he summarized the next steps. The Village will post the sign to notify the public. The hearing will be adjourned to a future date.

P. Byrnes made a motion to adjourn the hearing to Monday, August 22, 2016, at 7:00 p.m.
 J. Nicholson-Dourdas seconded. The motion carried with 3 in favor, 0 opposed.

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Gregg Development Corp., South Meadow, Area Variance, Lots 69 and 70

115 Dennis Gregg came forward. He is seeking relief from the minimum lot street frontage requirements per Section 180-32(C) of the Zoning Code for lots 69 and 70 of the South Meadow Subdivision, off South Meadow Drive, Tax Map Parcel 95.3-1-19, in order to convey the two lots without current street frontage. This is being conveyed to Cazenovia Preservation Foundation (CPF) for a hiking trail. This will give CPF a right-of-way through Phase I, along where the road will be. This will be a 50-foot easement strip next to the road.

120 P. Byrnes questioned if there is a 50-foot wide strip next to the road, why does the ZBA need to be involved? Mr. Stokes answered that the road does not yet exist, except for on paper, therefore there is no road frontage.

125 P. Byrnes noted that a variance of 50 feet is needed. Mr. Stokes commented this is in the R-6 zone. Mr. Gregg indicated that CPF is requesting access for pedestrian traffic. Mr. Stokes said that a written statement from CPF is needed stating its intentions. If the easement is that wide, it is capable of carrying vehicular traffic. It is relevant to the ZBA and the Planning Board to see the terms of the easement.

130 J. Nicholson-Dourdas stated that for the purposes of transparency, she is on the board of directors of CPF.

135 Mr. Stokes advised the Board that this becomes a zero frontage lot. The Board will want to put conditions on that, such as no development. It will be helpful to see the easement from CPF.

140 P. Byrnes questioned if this would create a flag lot. Mr. Stokes answered that there is no frontage now. The variance is for 0 feet frontage. The purpose of this right-of-way is so it can be conveyed and recorded. That is why the ZBA needs to see the terms of the easement and to attach it to the Board's approval.

P. Byrnes made the motion to adjourn this public hearing to August 22, 2016, at 7:00 p.m. or as soon thereafter as can be heard. J. Nicholson-Dourdas seconded. The motion carried with 3 in favor, 0 opposed.

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Empire Farmstead Brewery, Route 13 South, Signs

David Katleski came forward to explain. He wants a sign on the silo. He did not know a variance was required. At the last Planning Board meeting, he was advised to come to the ZBA for approval. 150 Not knowing the process, he assumed it would automatically transfer over from the Planning Board to the ZBA. The silo is 1,200 feet off of the street and will be blocked by the hops crops sometime.

Mr. Stokes stated that this is zoned Planned Development (PD), which says that the Planning Board has approval for all signage. But in the sign regulations, it says that in the PD, there can only be one 155 business identification sign. They already have one that is approved by the driveway entrance.

P. Byrnes inquired if this secondary sign would be illuminated. Mr. Katleski answered that it will not be.

160 C. Bell asked if there would be any illumination. Mr. Katleski said there are some lights running along. They are all small and dark sky compliant. There is also some lighting in the parking lots.

J. Nicholson-Dourdas wondered if the variance request is for the number of signs. Mr. Stokes 165 replied yes, only one is allowed. If the variance is granted, the Board can put conditions on the second one, such as illumination, size, etc.

C. Bell asked what the roadside sign looks like. Mr. Katleski answered that it is steel and wood and in keeping with the brewery’s theme. There will be lighting on the sign.

170 P. Byrnes asked if this would need referral to the Madison County Planning Department. Mr. Stokes replied yes.

J. Nicholson-Dourdas questioned how far off the ground the sign would be. Mr. Katleski said the 175 silo is about 30 feet tall. P. Byrnes advised Mr. Katleski to bring in the measurements and a picture of the silo from the road without zoom.

A hearing was scheduled for August 22, 2016, at 7:00 p.m.

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180 The meeting was adjourned at 7:48 p.m.

Respectfully submitted,

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Marlene A. Westcott
Recording Secretary