

**Village of Cazenovia Zoning Board of Appeals
Meeting Minutes
October 13, 2014**

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Present: Phil Byrnes, Chair; William Keiser; and Sally Ryan.

Absent: Jane Dourdass-Nicholson.

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Others Present: James Stokes, Village Attorney; Robert Kent and Susan Berger.

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P. Byrnes called the meeting to order at 7:01 p.m. and introduced the Board. P. Byrnes asked for any changes to the meeting minutes of September 23, 2014. Hearing none, P. Byrnes made the motion to approve the minutes as submitted. W. Keiser seconded. The motion carried with 3 in favor, 0 opposed.

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Cazenovia College, Jephson Campus, 10 Albany Street, Area Variance.

P. Byrnes recapped preceding events. At the last meeting, the Board went through the five criteria. The Board has received comments from the Madison County Planning Department.

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P. Byrnes read aloud the Madison County Planning Department’s report: The proposed is to renovate and expand an existing post-secondary educational building owned and operated by Cazenovia College located on a 1.325-acre parcel (tax ID 94-51-1-28) in the C-2 district. In addition, new landscaping is proposed including the removal of existing asphalt to place a new sidewalk and greenspace. The renovations to the existing building appear to be relatively minor and largely interior modifications such as new handicap toilets, stairs, and elevator. However, new trim is also proposed for the existing windows and doors. The new addition will be on the rear side of the existing 2-story building. The new addition is also 2-story and, according to the EAF submitted, will be 28 feet tall and approximately 2,600 square feet. From a County perspective, the placement of this expansion seems logical, but given that one of the main priorities of the C-2 district is to balance and ensure compatibility of post-secondary educational uses and adjoining residential neighborhoods, the Planning Board may want to thoroughly understand the impact of the expansion in terms of potential increase to traffic, hours of operation, and programmed activities. For instance, while we note that the applicant has provided intended hours of operation (described as 7 days a week), we at the County do not know if this is identical to the current hours or if the expansion of the building also includes an expansion of hours, activities, noise, etc. Ultimately, we are wondering in what ways the expansion will alter the existing use at this campus site. The new addition does appear to be designed in a similar architectural fashion to the existing building, but we will defer to the Village’s Historic Preservation/Architectural Advisory Committee to make that determination. In terms of the area variance requested, Village Land Use Law 180-5 requires that “All construction, reconstruction, development and/or redevelopment shall include a landscaped buffer area at least 25 feet in width.” The current side yard setback on the eastern side is 6 feet. The applicant proposes to maintain the pre-existing infringement of the required setback. To decrease the variance requested, one option that could be explored is to remove the proposed “new lawn area” and shift the

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50 driveway west closer to the existing buildings. This would provide an opportunity to remove more of the pavement on the eastern side to increase the size of the buffer. The trade-off of losing the greenspace proposed between the buildings and driveway will have to be weighed by the Town [sic] and the applicant. We do note that the current site plan does propose planting cedars and spruce trees to increase the vegetative screening to adjacent property owners.

55 P. Byrnes asked the Board and the applicants for any further questions or comments. There were none.

60 Mr. Stokes presented the Board with a slightly modified version of the draft resolution previously given to the Board.

60 P. Byrnes read the resolution aloud:

65 IN THE MATTER OF APPLICATION FOR

Area Variance for

APPLICANT: Cazenovia College
GML Case No. 114-2014
Tax Map No. 94.51-1-28

70 10 Albany Street RESOLUTION Approving Variance

70 The Zoning Board of Appeals of the Village of Cazenovia met in Regular Session in the Municipal Building of the Village of Cazenovia, located at 90 Albany Street, Cazenovia, New York, on October 13, 2014, commencing at 7:00 p.m., local time at which time and place the following Resolution was moved, seconded and passed:

75 WHEREAS, a public hearing on the above captioned application, was duly called and held at the Municipal Building, 90 Albany Street Street, Cazenovia, New York, on August 26, 2014 and adjourned to September 23, 2014, at which time and place all persons desiring to be heard were heard; and

80 WHEREAS, notice of the public hearing was duly posted on the signboard of the Village Clerk and published in the official newspaper of the Village of Cazenovia at least five (5) days prior to the date of commencement of the public hearing, and the public hearing has been, or is hereby closed; and

85 WHEREAS, all Zoning Board of Appeals members had due notice of said public hearing and meetings, and, that pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meetings were open to the general public as required by law; and

90 WHEREAS, the application was duly referred to the Madison County Planning Agency, and said Agency has issued a written recommendation that this matter be returned to this Board for local determination; and

95 WHEREAS, all members of the ZBA have viewed the site and neighborhood surrounding the subject Premises, and accordingly have personal knowledge thereof; and

WHEREAS, Robert Kent, architect, has appeared in support of this application, and several members of the public posed questions, but no one appeared in opposition to the application; and

100 WHEREAS, the applicant seeks an area variance from the requirements of section 180- 44 of the Code to reduce the required easterly boundary buffer zone from the required 25' feet to a minimum of 6' to permit the re-development of an existing post-secondary educational facility; and

105 WHEREAS, the subject premises are zoned C-2 College District, pursuant to the zoning map which is part of the Zoning Code of the Village of Cazenovia; and

110 WHEREAS, the Village Planning Board has recommended that the requested area variance be granted.

115 NOW THEREFORE IT IS HEREBY RESOLVED AS FOLLOWS

1. This is a Type 1 action as defined by the implementing regulations of the New York State Environmental Quality Review Act ("SEQRA"). The ZBA and the Village Planning Board are the only involved agencies, and the Village Planning Board, acting as lead agency pursuant to a coordinated SEQRA review has previously made a negative declaration under SEQRA.

2. The benefit to the applicant in this instance outweighs any potential detriment to the health, safety and welfare of the community by the granting of the variance. In this regard, this Board finds that there is no detriment to the health, safety and/or welfare of the community, and that the granting of the variance will benefit the applicant and the community by allowing the redevelopment of an existing historic structure and site with less impervious surface and increased landscaping that will provide a first class educational facility.

3. The applicant's request for the specified area variance is hereby GRANTED upon the following conditions: (1) that the development of the premises be in substantial accordance with the site plan drawing L-2, grading plan drawing L-3 planting plan drawing L-4, all prepared and submitted by Maxian & Horst, and all dated 8/27/14 and last revised 9/22/14, subject to such changes in said drawings as may be required by the Village Planning Board upon the granting of site plan approval, and (2) that the actual variance granted (width of the buffer zone adjacent to the easterly property line) shall be as depicted in in the site plan drawing sheet L-2, which varies from north to south along said property line.

135 The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted in the resolution being adopted.

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140 P. Byrnes made the motion to grant the variance per the resolution and the drawings. S. Ryan seconded. Roll call vote: S. Ryan – aye, W. Keiser – aye, P. Byrnes – aye. The motion carried 3 in favor, 0 opposed.

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145 P. Byrnes announced the appointment of Lynn Hart as a new Board member to replace H. Hart.

150 P. Byrnes asked for any further business to be brought before the Board. Hearing none, he made the motion to adjourn the meeting. W. Keiser seconded. The motion carried 3 in favor, 0 opposed. The meeting was adjourned at 7:14 p.m.

Respectfully submitted,

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Marlene A. Westcott
Recording Secretary