

**Village of Cazenovia
Zoning Board of Appeals
Meeting Minutes
(In Person and Zoom Online)
July 16, 2020**

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

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Absent: Lynn Hart.

Others Present: James Stokes, Village Attorney; Marlene Westcott, Recording Secretary; Kurt Wheeler; and Dennis Gregg.

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P. Byrnes called the meeting to order at 7:04 p.m.

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P. Byrnes asked for any changes to the minutes of May 5, 2020. There were none noted. S. Ryan made the motion to approve the minutes as submitted. J. Nicholson-Dourdas seconded. The motion carried with 4 in favor, 0 opposed.

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Caz Barns, LLC/RODOR, LLC , Apartment Buildings, Nelson Street, Public Hearing, Area Variance

Dennis Gregg was present and explained.

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Mr. Gregg: Mostly what has been updated is the engineering between Wayne Matteson and some things Matt Vredenburgh has done in coordination with John Dunkle as far as trying to position the road so it is going over as little of the infrastructure (sewer and water lines) as possible. We have been working our way through the Planning Board process. Mostly engineering is what has been done to date.

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P. Byrnes: No changes to any of the buildings or positioning of the buildings or anything like that?

Mr. Gregg: No. The buildings remain the same. That all stayed the same. It was just a matter of reworking that intersection and the road out to Route 20 trying to position it so it doesn't go over the sewer lines or water lines.

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P. Byrnes: Are there any questions from the Board?

J. Nicholson-Dourdas: We received the review from the County. I read through the Planning Board's minutes regarding the flood plain. The County said it could potentially be in the flood plain.

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This is, in fact, in the flood plain, correct?

Mr. Gregg: Correct.

50 P. Byrnes: That would fall on the Planning Board and their site plan review to deal with that. It is not within our purview.

Mr. Gregg: The Village would be under water if any of our buildings were flooded.

55 P. Byrnes: What I gleaned from the GML report was that the County does not find that the request to go from 10-16 units is not unreasonable. And based on the fact that it will be consolidated into four buildings, which would have less of an impact in that area as far as buildings themselves, give us more green space, etc.

60 Mr. Stokes: There should be a copy in the file of the negative declaration from the Planning Board. The resolution is attached to the Planning Board findings.

P. Byrnes: I will reopen the public hearing. Are there any comments from the public? I would like to enter into the record a letter from a resident in Atwell Ridge. I will read it for the record. It is
65 from Jim Wigge.

Subj: Caz Barns Area Variance

Mr. Byrnes,

I'm writing to offer comments regarding the proposed area variance to Section 180-36 for Caz
70 Barns. I regret my comments are not more timely; the plans for Caz Barns came as a surprise to us. The ZBA minutes of 21 March address a variance for Caz Barns from 10 dwellings to 16 dwellings per building. That is a 60% increase to the code which we regard significant beyond good reason. We urge the ZBA to disapprove that request. Or, at the very least, work out a more reasonable
75 variance. From our home, we can see the Hampton Inn, the dental facility, and Lucas barn; we can see lights and hear traffic on Route 20. Ambient light and noise from facilities within code is reasonable; light and noise from facilities well outside of code is unreasonable. I understand the logic for denser building habitation—economy of scale; density which may be independent of footprint or building square footage. However, greater density means more residents in the same footprint. More residents mean more foot and automobile traffic, more parking, more light and
80 noise, more water and utilities required. I believe the code was written as it is to avoid the environmental concerns of greater density. That concern is relevant to me. My wife, Maureen, and I live on the cul-de-sac at the north end of Atwell Ridge, pretty much adjacent to where Caz Barns apartments will be built. Gregg Development Corporation developed Atwell Ridge with care and thoughtfulness. We bought our lots from Mr. Gregg; we paid a premium for his care and
85 thoughtfulness, the ambience of Atwell Ridge. Caz Barns will be a new neighbor for us, a circumstance with which we have no issue—to begin with, it's not on our property. In the past we expressed to Mr. Gregg and Mr. Lucas our openness to neighbors on Lucas Fields. We were/we are confident that design and new construction will be done tastefully. We also assumed any new construction would be done within village code. The environment created by a substantially dense
90 housing development will affect us measurably. It will alter the very nature of our home and neighborhood. We vigorously oppose the requested variance.

Respectfully,

C. J. Wigge

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P. Byrnes: Dennis, I assume you know Mr. and Mrs. Wigge.

100 Mr. Gregg: If I could just make a couple of comments. I know that when he leaves his driveway he
can see the roof of the Hampton Inn. From his house he can't see it. Once he gets out to the
cul-de-sac, yes, it's visible. Caz barns will in no way be visible from the cul-de-sac or from his
house or anywhere down in Atwell Ridge. There is a lot of stuff in between. It is at an elevation
where it won't be seen. One of the original plans called for the road to continue on past the
cul-de-sac at Atwell Ridge. I, intentionally, at the time made a cul-de-sac as opposed to a through
road just for the privacy of the people down there. We are maintaining that. We are not connecting
105 to that road. We are just putting the apartments where they are proposed.

P. Byrnes: Any proposed road now would come from Muraco's development across the top and
over to the road. So there is no plan to connect?

110 Mr. Gregg: It will never connect to the cul-de-sac or that road. I will show you on the map. This is
Atwell Ridge right here. As you can see, it dead ends. The apartment project is over here. His
house is right down here. When he leaves his driveway and gets to the cul-de-sac, the only thing
visible is the roof of the Hampton Inn. There is brush. There is elevation. There are a lot of things
that block the view from there over to where the apartments are going to be.

115 S. Ryan: He was talking about density.

Mr. Gregg: I will go back to the original reason for the request. In my humble opinion, maybe
square footage would be more appropriate than the designation of 10 dwelling units. Theoretically, I
120 could have ten 3-bedroom apartments and have a footprint of 20,000 square feet and still be within
the zoning. So we condensed the footprint. We didn't go up to three stories. We decided to stay at
two stories for visual reasons. We have eight single bedroom units and eight 2-bedroom units.
Those eight 1-bedrooms could have been something different. I guess the way it is written, you
might be penalized for having 1-bedroom apartments. That really isn't great because that serves a
125 need of the community. So that is part of the premise. The footprint is smaller than the Theophilus
Cazenove building and at two stories instead of three stories.

P. Byrnes: You will notice when you read the County's comments that they are offering suggestions
to reduce impervious surfaces based on your parking calculations and things like that. That is not for
130 the ZBA to decide. That is between you and the Planning Board. There are some comments in there
you may want to consider. You are not going to exceed the 15% as far as impervious surface. If
you were, then you would have to come back to us for another variance. We don't want to hold up a
project.

135 Mr. Gregg: The greenspace was another reason to go four buildings instead of six or six and a half
buildings to get to the 64 units. It is like cluster development. We are bringing them into one
building and one parking lot to service it instead of spreading everything out. We would wind up
being a greater percentage of impervious surface if we went to six or seven buildings instead of the
four buildings.

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C. Bell: Did we hear anything from the State DOT (Department of Transportation) for the entrance? The curb cut?

145 Mr. Gregg: Yes. DOT has approved that. We had multiple meetings with them at the site. The entrance doesn't quite line up with Carriage Lane. If it lined up, it would go through Dr. Fauth's dumpsters. It is a little to the west of Carriage Lane. It originally lined up with the P&C or Tops driveway, but that was impractical because of depression in the land. The Tops driveway isn't there anymore either. That has all been discussed at the Planning Board.

150 C. Bell: I would think that would be the impact because you are adding people to the apartments who will be coming and going. Like you said, the apartments are 2-story. It's not like you added another story to increase apartments, so that's good. The traffic volume will increase as you increase apartments. It is the number of cars going in and out because you have added apartments.

155 Mr. Gregg: It is the number of units. We have enough land to accommodate more than what we have.

160 P. Byrnes: Hearing no other comments, I will make a motion to close the public hearing.

S. Ryan: I second that.

The motion carried with 4 in favor, 0 opposed. The public hearing is closed.

165 P. Byrnes: I think most of what is of concern to everybody in the previous meetings is pretty much answered in the Environmental Assessment Form. So, really, we are down to going through the test itself as to whether we grant a variance or not. Does everyone agree with that? (All agreed.)

170 1. In making such determination, the Board shall also consider whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

P. Byrnes: It is zoned Residential-Multi-family. It is certainly in character with what it is prescribed up there. I don't believe it is a detriment to the nearby properties around. All members concurred.

175 2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

180 S. Ryan: Like he said, it could have been five or six buildings, but instead it will fit into four buildings. I think it is great that you are not covering so much land with parking lots and driveways and sidewalks; impervious surfaces.

P. Byrnes: I would agree that it could be done a different way, but the way that you are proposing it is probably what is best for the community.

185 Mr. Gregg: The other thing that was important to us was to establish that village green, which is what you will see from the top of the hill instead of a bunch of rooftops.

190 3. Whether the requested area variance is substantial.

P. Byrnes: Most of us would argue that yes, it is substantial. They are requesting 60% over what the Code allows, even though it is considered an arbitrary figure. But I don't see that as a detriment.

195 4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

J. Nicholson-Dourdas: It could be argued, such as the individual who wrote the letter, for the physical. For the environmental, you are going from green to building. It does not necessarily mean it's a detriment. There is an impact.
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P. Byrnes: I don't see it as a substantial impact. That area is designated for that type of construction. It fits the character for that area of the Village.

205 5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the granting of the area variance. The Board, in granting of an area variance, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
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P. Byrnes: Yes, we will say it is self-created. You are looking to have four buildings with 16 units per building. You have other options, but this is the most practical for everybody involved.

P. Byrnes: Jim, I have a question. The resolution from the Planning Board pretty much covers everything. It includes the fact that this Board has had opportunity for public input. We have reviewed it. The Planning Board has reviewed it. The County has reviewed it. Do we need a formal resolution?
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Mr. Stokes: If you want to duplicate some of those findings or recite those findings for the record, I can easily provide a resolution.
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J. Nicholson-Dourdas: Yes, I would like a formal resolution.

Mr. Stokes: You can just say, "We adopt the findings made by the Planning Board" and incorporate them by reference.
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P. Byrnes: I make a motion to adopt by reference the findings made by the Planning Board. The ZBA makes a finding that the benefit to the applicant by the granting of the variance outweighs any detriment to the community or the neighborhood. The variance is granted as requested.
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J. Nicholson-Dourdas: I second that.

The motion carried with 4 in favor, 0 opposed.

235 P. Byrnes: Dennis, you will need to go back to the Planning Board and continue with site plan review. I encourage you to read the County's GML report.

P. Byrnes: I make a motion to adjourn the meeting.

240 S. Ryan: I second.

The motion carried with 4 in favor, 0 opposed.

The meeting was adjourned at 7:28 p.m.

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Respectfully submitted,

250 Marlene A. Westcott
Recording Secretary