

**Village of Cazenovia  
Zoning Board of Appeals  
Meeting Minutes  
April 17, 2019**

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Present: Jane Nicholson-Dourdas, Acting Chair; Lynn Hart; and Sally Ryan.

Absent: Phil Byrnes and Cindy Bell.

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Others Present: James Stokes, Village Attorney; Dennis Gregg; Andy Day; Matt Vredenburgh; and John Domanski.

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J. Nicholson-Dourdas called the meeting to order at 7:01 p.m. and introduced the Board.

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L. Hart made the motion to appoint J. Nicholson-Dourdas as the Chair for the meeting due to the absence of P. Byrnes. S. Ryan seconded. The motion carried with 3 in favor, 0 opposed.

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Jane Nicholson-Dourdas asked for any changes to the minutes of March 21, 2019. There were none noted. S. Ryan made the motion to approve the minutes as submitted. L. Hart seconded. The motion carried with 3 in favor, 0 opposed.

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**Caz Barns, LLC/RODOR, LLC, Apartment Buildings, Area Variance**

Dennis Gregg came forward. J. Nicholson-Dourdas recapped the last ZBA meeting on March 21: This is a continuation of the March 21 meeting where the Board requested additional information regarding previous site plans and the thought process and how it was decided to have 64 units and to request a variance from 10 units per building, which is allowed by Code, up to 16 units per building.

Mr. Gregg gave a presentation: We are seeking permission to build an apartment project on the Lucas property across from Tops Plaza, presently zoned Residential Multifamily (RM) and Village Edge South (VES), as part of the Comprehensive Plan of 2008. We are dealing with an 8.2-acre parcel. The zoning is a little strange for RM. It states that for housing for apartment buildings, you are restricted to two stories. But there are also special uses that you can get a permit and build three-story buildings. And the limitation is 10 units per building for apartments. Part of our argument is that 10 units is arbitrary. Theoretically, we could have 10 2,000-square foot units—five on one floor, five on the next floor, have a 10,000-square foot footprint and that would be within the zoning. The market dictated that we put eight one-bedroom apartments and then eight two-bedroom apartments in each building. The zoning calls for 10 units, but our footprint is smaller at approximately 7,200 square feet. It is smaller than the apartments next to Aldi (Theophilus Cazenove building). Just because we chose to do eight one-bedroom apartments, effectively we

50 would be penalized by the zoning. To get the allowable density for this, we tried to do six buildings  
and we tried to do five buildings. Matt will show you shortly that it didn't make any sense. We  
wanted to take advantage of and create open space. This is a four-building approach with a village  
square, which we thought was very important for the walkability and for everything we value in  
developments like this, such as a sidewalk network and orderly parking. I'll let Matt talk about what  
if we had done five or six buildings.

55 Matt Vredenburgh gave a presentation of a previous design concept: This is when we were looking  
at five buildings. We were creeping outside of the RM zone, which would have kicked in additional  
review. We looked at possibly looping in a fifth building inside and sliding other buildings over.  
But it really becomes condensed and cramped. It would make parking difficult. You would have to  
60 walk a long way to get to parking. We weren't able to put all of the parking in close proximity to  
five buildings inside of the area. Also, the stormwater management requirements are such that with  
this being in the wellhead protection overlay district as well, which increases the requirements, there  
just wasn't enough room. We looked at a different configuration, but there wasn't enough room for  
the stormwater on the sides. This angle works best because we saved these triangles for stormwater.  
65 The ridge is almost in the middle and water runs each way from the ridge. Per DEC (New York  
State Department of Environmental Conservation) requirements, we want the water to keep going  
where it is already going. For quality of the development and the entire project to maintain open  
space as much as possible, especially centered in the middle of the buildings, was important. We  
didn't want to jam them all together. I think that would hurt the quality of the project. With the four  
70 buildings, we have less of an impact in terms of our footprint environmentally.

Mr. Gregg: There was even going to be a variance with five buildings. Six buildings just didn't  
work so we quickly ditched that idea.

75 J. Nicholson-Dourdas: Was your goal to have a certain size of building? You could effectively do  
10 units in a building. Is your goal to have 64 units? Mr. Gregg: Yes, it is our goal to have  
64 units. We theoretically could have 10 buildings with 10 units. But we wanted to be practical.

80 Mr. Vredenburgh: If we were going for 60 units, 6 buildings with 10 units, then that would be a lot  
more difficult to fit them in there with the parking and the circulation, etc.

85 S. Ryan: With the parking on the corners, does the little green in the middle get smaller with five  
buildings? You said it was 85 feet by 300 feet. Mr. Vredenburgh: We wanted to make sure that  
maintained a good size. We didn't want it to be just a token little green space that is never used. We  
wanted people to be able to go out there and enjoy that space. Mr. Gregg: That wasn't fully flushed  
out as far as the stormwater work and everything that had to be done with it. That was just a  
concept. When Matt started looking closer at trying to make the stormwater work, it just didn't  
work.

90 J. Nicholson-Dourdas: If you take out six units from each building, you would be within the 10 units  
per building and you wouldn't need a variance. It is self-created.

95 Mr. Vredenburgh: Then we are at 40 units, which is far below what we want. Mr. Gregg: We  
wanted to create a mixture of one-bedroom and two-bedroom apartments. We wanted to meet the  
demand of the community.

100 Andy Day: There is another side that would be discounted if you said it is self-created because of that. There is a certain amount of acreage that we are using in our calculation for number of units and that is where that comes from. This is a progression. That's about the fourth one. We had six buildings. We had seven buildings. We looked at stormwater retention. And that's why we got to this number. It's kind of a funny way to say things, but anything that works that you would want to live in.

105 J. Nicholson-Dourdas: We are looking at going from 10 to 16. Mr. Gregg: We prefer to deal with square footage because it makes more logical sense than number of units. Basically, we are being penalized for doing one-bedroom units. We don't feel that we should be penalized for doing one-bedroom units when there is a market for them.

110 J. Nicholson-Dourdas: How is that penalizing you? There is a Code and you can design to make it fit the Code. You have to make the case why you need a variance. It is still self-created.

Mr. Gregg: Technically, you could say each building is three different units.

115 Mr. Vredenburg: There is an efficiency here that we are creating. Every building will require sidewalks, etc., that will eat up space. It will create additional impervious surfaces. With fewer buildings on a smaller footprint, that footprint is the same size as the 12-unit footprint that we were proposing before. We have fewer sidewalks, fewer impervious surfaces. We can be more efficient with the space between the buildings as opposed to six or seven buildings out there. We could argue that six is within our density because the parcel is 8.26 acres. The portion of the VES that is on our parcel does not have density control. If we went with the same density that RM has, we would certainly be able to get 64 units. The density for just the RM portion of the parcel is 56 units.

125 Mr. Gregg: Six buildings of 10 units would not quite get us to where we want to be. But it would fit zoning wise, but not stormwater and village square. I have been part of some bad compromises through the years through various zoning procedures, and I really think that a lot of times a bad compromise is worse than some other things. I really feel strongly that four buildings makes much more sense from a lot of different perspectives. As opposed to trying to fit the zoning, which, frankly, is arbitrary and ambiguous to try to put six buildings in there when you are going to lose the village square and it's just not going to have the right flow. It's just that simple.

130 Mr. Vredenburg: I just feels like four buildings are less of an environmental impact and less of a visual impact than more buildings. We feel that four buildings are a more sensible approach.

135 S. Ryan: Most of the one-bedroom units are accessible without a lot of stairs? Mr. Vredenburg: That is correct. The first-floor units. Mr. Gregg: That is also why we have the garages.

140 Mr. Day showed color renderings of the four buildings as proposed: One building will be wheat (tan/yellowish) and linen (white) with white trim and burnt sienna (dark brown) roof. The siding is a wood product with a cedar grain. The second color scheme is linen and red with white trim and burnt sienna roof. There will be two buildings of each color scheme to break it up. We are not trying to cut corners, but want to build something beautiful.

S. Ryan: Are the patios and balconies options or is that how the buildings are built? Mr. Day: That is how they are built.

- 145 S. Ryan: What are the garage colors? Mr. Gregg: They coordinate with the apartments. Mr. Day: They will be all wheat.
- J. Nicholson-Dourdas: Are all four buildings exactly the same layout, same size and footprint?  
150 Mr. Gregg: Yes, they are all the same. When you go into the center corridor, you have a one-bedroom apartment on one side and another one-bedroom on the other side. Then you go around to the outside and enter on the end and you have a two-bedroom on one side and another two-bedroom on the other side. The same thing on the other end. The same layout upstairs. There are firewalls between the three sections. You could make the argument that it is three separate  
155 buildings within one building. Then we would be well within our counts.
- S. Ryan: Approximately how many square feet is a one-bedroom apartment? Mr. Day: 750 and 650 because of the stairwell. The two-bedroom units are 890.
- 160 L. Hart: What will the rents be? Mr. Day: We have not figured that out yet.
- J. Nicholson-Dourdas: Have you considered doing townhouses or condos? Mr. Gregg: Not at this point in time. In my mind, South Village was to take up the demand for the empty nesters. Maybe at some point townhouses might make some sense somewhere. Now we are just focusing on  
165 apartments.
- Mr. Stokes read aloud Code 180-9 definition: *BUILDING: A structure having a roof and wholly or partially enclosed by exterior walls, used to shelter persons, animals or property. Where such a structure is vertically divided into entirely separate parts and utility systems intended for separate  
170 uses, each part is an attached building.*
- Mr. Stokes: I am pointing it out that there may be something to your argument. With the firewalls, essentially they are standalone connected buildings. It is something to consider.
- 175 John Domanski: I live on Park Street. You stated earlier that the market dictated the number of units. At the last meeting, you stated that no marketing analysis was done for dictating the number of units. Mr. Day: That's not what the minutes will show.
- Mr. Domanski: So a market study did determine that 64 units is optimal for this location? You also  
180 said one of your earlier versions would still be looking for a variance because it still did not fit the zoning requirements for the number of units per building. Mr. Gregg: The second iteration of five buildings would still require a variance because we still wanted 12 units in each building. Mr. Day: It was a progression. We started with seven buildings, then six, then five, now four buildings.  
Mr. Gregg: When we saw it wasn't going to fit, we didn't spend any more time or money to develop  
185 the plan.
- J. Nicholson-Dourdas: For the record, the minutes state: *Andy Day answered that it was based primarily on available acres. A market study would probably show that it is well within what the area can handle. A CoStar Report was done and the area has very little inventory. This project is  
190 way under what he thinks could be supported with consumers.*

Mr. Day: That is probably more information than is required for a Zoning Board of Appeals meeting.

195 J. Nicholson-Dourdas: But if we are looking at supporting 16 units per building . . . Mr. Day: The number of units is written into the zoning. With our acreage, we can put “X” number of units, regardless if we can sell them or not.

200 J. Nicholson-Dourdas: A market study would justify the numbers. Mr. Gregg: We are asking for a variance. We are not asking for a justification of our own market analysis.

J. Nicholson-Dourdas: We will be looking at the test—the questions we will be going through at the next meeting—is going to be looking at if it is self-created or not and if it is consistent with the character or not.

205 S. Ryan: What does this Board need to do now? The Planning Board has already said they will take the lead on SEQR.

210 J. Nicholson-Dourdas: We have not received Madison County Planning Department’s comments. The next step is to discuss State Environmental Quality Review (SEQR).

Mr. Stokes: The Planning Board has to make a SEQR determination before the ZBA can make a decision. It will probably be a ways out. The Planning Board can’t do anything as far as site plan review until a variance is granted. Then the Planning Board can do site plan review.

215 Mr. Gregg: In the meantime, if we can determine that it is actually three separate buildings within one building, then we potentially don’t need a variance?

220 Mr. Stokes: That would be up to this Board to decide. It is an interpretation of the Code. I am just saying it is an issue that is properly presented here.

J. Nicholson-Dourdas: Unless there are any other questions or comments, I make a motion to close the public hearing. S. Ryan seconded. The motion carried with 3 in favor, 0 opposed.

225 J. Nicholson-Dourdas: Regarding SEQR . . . Mr. Stokes: I would suggest a resolution to recognize that this is an Unlisted Action, that the Planning Board is also an involved agency and has declared itself lead agency, and the Zoning Board of Appeals consents to the Planning Board to act as lead agency in this matter.

230 J. Nicholson-Dourdas: So moved. L. Hart seconded. The motion carried with 3 in favor, 0 opposed.

Mr. Stokes: The public hearing is closed. I suggest that you wait and see how they make out with the Planning Board and then set a meeting date at an appropriate time.

235 J. Nicholson-Dourdas made the motion to go into executive session for attorney/client privilege. L. Hart seconded. The motion carried with 3 in favor, 0 opposed.

The Board went into executive session for attorney/client privilege at 7:33 p.m.

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The Board came out of executive session at 7:42 p.m.

J. Nicholson-Dourdas made the motion to adjourn the meeting. L. Hart seconded. The motion carried with 3 in favor, 0 opposed. The meeting was adjourned at 7:42 p.m.

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Respectfully submitted,

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Marlene A. Westcott  
Recording Secretary