

**Village of Cazenovia Planning Board
Meeting Minutes
July 11, 2022**

5 Present: Rich Huftalen, Chair.

Absent: Adam Walburger, Steve McEntee, Don Raleigh, and Anne McDowell.

10 Others Present: James Stokes, Village Attorney; Marlene Westcott, Recording Secretary; Owen Albanese, Derek Kuehnhold; and Larry Wetzel.

6 people were in attendance.

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R. Huftalen called the meeting to order at 7:00 p.m.

20 R. Huftalen noted that no other Planning Board members were present, therefore, the meeting minutes from last month could not be voted on.

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National Grid Pole Yard, Fenner Road

25 Owen Albanese and Derek Kuehnhold from Nelson Associates, contractors representing National Grid, were present.

30 R. Huftalen: The Board was not contemplating taking any action tonight, but we will do our best to go through it. I wasn't able to get to the drawings this weekend, so thanks for sending them electronically. After looking at it, I was a little troubled or puzzled. There is a list of permitted uses in the Village Edge North (VEN) 180-55. The primary permitted uses are: One- and two-family dwellings, residential accessory structures, and home occupation limited. Then it goes to 180-56 to another eight uses including: Retail, restaurants, offices, indoor recreation, and so on. I'm thinking to myself: Where is something like this allowed? I was talking to Jim (Stokes) about provision G: 35 Car wash, convenience store, kennel. So there is a whole list of stuff, but there is no specific provision for a pole yard. There is a provision for planned development, including, but not necessarily limited to, a combination of uses otherwise permitted. So I'm thinking: Those uses in 180-55 and 180-56 aren't listed, so this could be problematic. It's ultimately Bill's (Carr) 40 determination, but after asking Jim . . . Jim, might as well get you on the record. I think he came to a similar conclusion; that might not be an allowed use.

45 Mr. Stokes: That is my conclusion, Rich. There is a provision earlier on in the Zoning Code, Section 180-5 Prohibited Uses, Subsection A: All uses not expressly permitted in a zoning district, including those permitted subject to Planning Board approval, shall be prohibited.

Mr. Stokes: So what that means is that unless your use is specifically listed as permitted, it is NOT permitted. Whether you look at this as a storage yard, contractor's yard, or outdoor warehouse, it is

50 just not permitted in that district. In my opinion, and Rich is correct, technically, it is the Code
Enforcement Officer's call to make. I don't believe it is a permitted use in that district. I wouldn't
want to see you waste a lot of time on that site. But if you have other thoughts and want to express
them while we're here, we are certainly willing to listen.

55 Owen Albanese: We can go back to National Grid and let them know that it doesn't look like you
guys really want to approve it for that zone. From our end, we really don't have an argument for it.
The reason for this lot is National Grid is storing poles in the Town's yard right now and they are
getting tired of having them taking up area over there. That's the whole issue.

60 Mr. Stokes: Maybe they could work out something with O'Connell Electric. They are storing theirs
down in Nelson. It is actually handier than the Town's property. Seems to me they have a lot of
space down there.

65 R. Huftalen: Do you know where he is talking about? On Route 20, just over the hill in the Town of
Nelson.

Mr. Stokes: O'Connell Electric has been using it as a staging area for a couple of years now. They
are doing a lot of pole work in the area. They have trucks and poles and all kinds of things stored
there. It used to be a John Deere dealership, but is a vacant lot now. I think it is owned by the folks
next door and O'Connell Electric is leasing it from them. It might be an easy option.

70 Larry Wetzel: It used to be Cazenovia Equipment before it burned down.

75 R. Huftalen: We apologize for the miscommunication and having you come all this way. But that's
the determination after looking at it more closely. Thanks for your time tonight. You are all set to
take the next step and report back to National Grid.

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80 **Larry Wetzel, House Renovation, Information Sharing and Gathering**

Larry Wetzel came forward.

R. Huftalen: If you would like to relay information on your behalf to the Board.

85 Larry Wetzel: And if you could answer some of my questions too.

R. Huftalen: Yes, sure.

90 Larry Wetzel: I don't know if you are familiar with the property, but this is the house. This is the
front view. This is the back view, side view, and the garage. We got a permit to do the interior
demolition. The next phase will be jacking it up, leveling it up, squaring it up. I would like to make
sure I don't get off in left field. This is the plan right now. Crawford & Stearns is working on it.

95 R. Huftalen: So you had Ted (Bartlett) in the house there. This is actually in the Historic district.
Any architectural changes will be under the purview of the Historic Preservation/Architectural
Committee (HPC). They will be the body for any exterior modifications.

Mr. Stokes: Anything that is visible from the street.

100 Larry Wetzel: What about setbacks and things like that?

Mr. Stokes: You still have to meet setbacks.

105 Larry Wetzel: One of my questions is: When you have a setback here and then you have to have that equal 20 feet, right? So when this sets back a couple of feet, does that add a couple of feet to the other side? In other words, is it continuous or does it setback with the house?

R. Huftalen: I believe it is continuous.

110 Mr. Stokes: I'm not sure I understand your question.

Larry Wetzel: Here is the setback. It is approximately 11 feet. In order for us to equal 20 feet, that would only give us 9 feet over here. I couldn't find it in the Code. This is an R-6 district.

115 R. Huftalen: In 180-9 Yard Depth definitions: *The horizontal distance from a front, rear or side lot line to the corresponding front, rear or side building line as required by these regulations.*

Mr. Stokes: So it's the total on both sides. It's 20. You have 11 here. You only need 1 foot.

120 Larry Wetzel: I need 20 feet. So I'm using up 11 here and that leaves 9 over here. When this sets back, this is 13. Does that give me 2 more feet on this side?

Mr. Stokes: No. Because you have to go from the point that's closest to the property line.

125 Larry Wetzel: It doesn't say that.

Mr. Stokes: If you go back and find the definition of setback.

Larry Wetzel: I did and that's what I didn't find.

130 R. Huftalen: The yard depth says: *Horizontal distance, front, rear, or side lot line to the corresponding front, rear, or side building line.*

Larry Wetzel: Is that for the existing or new?

135 Mr. Stokes: Either one, whichever is closest.

R. Huftalen: The definition of build-to line: *The line at which construction of a building is to meet or cross on a lot.*

140 Mr. Stokes: The setback is always determined by the point of the building that is closest to the property line.

Larry Wetzel: I have a garage that's even closer, but it's a separate building.

- 145 Mr. Stokes: That would be an accessory structure. It's a different Code. But that's existing. You're not changing it, right?
- Larry Wetzel: I'm going to move it, but I will still keep the setback.
- 150 R. Huftalen: That makes reference to the building line and yard depth. And then the building line definition (180-9): *Building Line - A line or series of lines paralleling the front, side or rear lot lines and located on the basis of required front, side or rear yard depths, to define the interior portion(s) of a lot within which principal buildings and other structures may be located. Such lines shall be*
- 155 *classified as front, side and rear building lines.*
- Larry Wetzel: It is just the side yard that is affected.
- Mr. Stokes: So you only need 4 feet on the side of the garage.
- 160 Larry Wetzel: That's what there is now.
- Mr. Stokes: As long as you maintain that 4 feet, that's not an issue.
- 165 Larry Wetzel: There is no issue back here. Here is where I am getting really pinched for space.
- Mr. Stokes: You have 9 feet here and 11 feet here, so you are good. You need a total of 20.
- Larry Wetzel: I know. I barely have 9. It is 18 right now from here to the property line. If I only
- 170 have 8+ available, that means I can only come over within 10 feet here.
- R. Huftalen: Is that going to be a bump out? Is that what you're saying?
- Larry Wetzel: No. I'm getting rid of that. That's the first question. The second question is: Is it
- 175 measured to the building or to the eaves, to the overhangs?
- Mr. Stokes: To the building foundation wall.
- Larry Wetzel: A covered porch would be to the . . .
- 180 Mr. Stokes: It's the same. It's part of the building.
- Larry Wetzel: If it's on piers?
- 185 Mr. Stokes: It's still part of the structure. If it's connected to the house, it's part of the structure.
- Larry Wetzel: So that would be the edge of the porch.
- Mr. Stokes: If it comes out from the same line extended from the building, it would be the same. If
- 190 you are within a couple of inches, you also have the option to go to the Zoning Board of Appeals (ZBA) and ask for an area variance.

195 Larry Wetzel: I'd like to stay within it because I'm kind of a stickler for that kind of stuff normally. But I thought you would pick up space by coming back. Everyone else that I have done with this kind of work, that applied.

Mr. Stokes: (Pointing to sketch drawing) - How much is existing? How much is the addition?

200 Larry Wetzel: (Pointing to sketch drawing) - This is existing.

Mr. Stokes: So all of this is new? That garage is still there?

205 Larry Wetzel: It's still there, but it's going to go back out of the way. The driveway comes down like this and then goes into a covered indoor garage.

Mr. Stokes: How many feet on this side for the addition?

Larry Wetzel: This would be 2 feet more than I have now, so 13 there.

210 Mr. Stokes: And you want to end up with about 7 feet there? You would have at least 7 feet? Is that what you're saying?

Larry Wetzel: Yeah. When does HPC meet?

215 R. Huftalen: The fourth Monday of each month.

Mr. Stokes: The reason you have to jog this over?

220 Larry Wetzel: It is architectural. This is the existing and we want to maintain the historic feel of the house. This is going to get cut off, but then it's going to be all one floor. This is two floors, but it is going to be one floor with handicapped access. This back part is coming off. That foundation is right to here. Architecturally, you move it back so it's out of the way. I have to go to HPC before I come to you?

225 Mr. Stokes: Normally, we don't require site plan approval. So as long as you have met the setback, that's your only issue, it would go to HPC and Bill (Carr) would issue a building permit.

R. Huftalen: They can grant approval, unless you were to require a variance.

230 Larry Wetzel: So as long as I don't require a variance. Do you have any idea when and what you have to submit to HPC? Is that in the Code someplace?

Mr. Stokes: It's not in the Code. If anywhere, it might be on the website.

235 R. Huftalen: At the end of the business day the Monday before the week of the scheduled meeting.

Larry Wetzel: One week in advance. Ted (Bartlett) is on that board.

R. Huftalen: He's the chair.

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Larry Wetzel: He should know what I have to submit. Another question I have, but I guess it's not in your purview anyways, is the style—the way the addition is built. It is all going to be under their purview.

245 R. Huftalen: That's what they specialize in.

Larry Wetzel: Sorry to take up your time.

250 R. Huftalen: No worries at all. In terms of that setback requirement, if it is different for new construction. I think Jim is digging for that now. It is pre-existing nonconforming.

Mr. Stokes: There is a lot coverage limit too. Are you sure you are okay there?

255 Larry Wetzel: I'm close. I'm at 31% now. I'm 93 square feet over.

Mr. Stokes: That's an issue too. You would need a variance for that.

260 Larry Wetzel: I may have to chop the garage and not move all of the old garage, but part of it. Then I have to deal with porches.

R. Huftalen: I make a motion to adjourn. The meeting was adjourned at 7:21 p.m.

Respectfully submitted,

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Marlene A. Westcott
Recording Secretary