

**Village of Cazenovia Planning Board  
Meeting Minutes  
November 14, 2022**

5 Present: Rich Huftalen, Chair; Don Raleigh; Adam Walburger, Steve McEntee; Anne McDowell.

Others Present: James Stokes, Village Attorney; Marlene Westcott, Recording Secretary; Amanda Devlin, Deputy Village Clerk; Dan Regan; David Stehle.

10 10 people were in attendance.

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

He asked for any changes to the minutes of September 12, 2022. R. Huftalen made the motion to approve the minutes as presented. A. McDowell seconded. The motion carried with 5 in favor, 0 opposed.

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**Stehle Residence, 10 Park Street, Addition, Architectural Review**

R. Huftalen: Dave Stehle and I have had a month of correspondence in consideration of the unique lot configurations on Park Street. Most of the lots are nonconforming and Dave has two of them.

25 Mr. Stehle is looking to build an addition and has been working with Eric Lints, architect. Between Bill Carr, Zoning/Code Enforcement Officer; Jim Stokes, Village Attorney; Eric Lints, and myself, we reviewed his application and determined that the Planning Board could act on it pursuant to our jurisdiction over pre-existing nonconforming lots conditions. Dave, could you give us an overview of what you are trying to do and what you have done so far?

30 David Stehle: In order to put on a 3-4 feet deep by 24 feet wide addition on the back of the house, Eric Lints said that because my various lot lines were not in conformance, the way to overcome that would be to combine my two lots. Oddly enough I had two lots when I bought the house. The front, where the 1,040 square foot house is, that is .06 acres. Then the back half which abuts Mirabito and the bank is .16 acres. Together they are almost .22 acres. By adding the two lots together, which I have the drawings for, that satisfied a way to overcome the nonconformance.

35 R. Huftalen: That is well said in a nutshell. There were nonconforming conditions there. Mr. Stehle went to Madison County, merged the lots, and had a drawing redone. Mr. Lints has done a nice detail of the conditions that were existing for both lots and the nonconformities arising in the existing conditions and the proposed lot with consolidation and addition and what the nonconformities would be. After a thorough review of that, rather than seek a variance, he could get the lots merged in the Code under Section 180-131 Modification of Nonconforming Uses and Structures:

45 *B. Alterations or additions to a nonconforming structure may be made upon approval by the Planning Board and issuance of a building permit only to the extent that such alterations or additions do not significantly increase the impact of the nonconformity on adjoining lots, and only to the extent that any nonconforming use related to such structure is not significantly*

50 *expanded. In general, and by way of illustration and not exclusion, an extension of a portion of a structure which maintains an existing nonconforming yard depth may be approved by the Planning Board, but an extension which further reduces an existing nonconforming yard depth may not be approved by the Planning Board.*

55 R. Huftalen: Again, we had Bill Carr, Jim Stokes, and Eric Lints working on this. With the updated site plan and elevations, Jim’s recommendation was that the Board could act. With that, I will open it up to the Board for any questions for the applicant or any clarifications needed. All of the documentation was submitted electronically.

60 A. Walburger: To recap, this went from two nonconforming lots to one nonconforming lot that is more in conformance than the prior configuration with no change in use.

65 R. Huftalen: The front lot width is still 40 feet. It is always going to be 40 feet. It is nonconforming. It is not going to get any more nonconforming. Do you measure the width of the lot in the wide area or the narrow area? It is pretty clear to me that the nonconformities are being reduced by merging the lots. This miniscule addition, which is not going to be visible from the front of the house or the street, is not going to have any significant impact.

A. Walburger: The back lot serves no purpose as a separate lot.

70 R. Huftalen: The combined lot has frontage. It is an overall improvement.

75 R. Huftalen: Are there any questions for Mr. Stehle? (There were none.) I am going to declare this a State Environmental Quality Review (SEQR) Type II action under 617.5(c), which is a residential expansion of a primary residence. Since no other agencies are involved, nor will approval have any significant adverse effect on the environment, no further SEQR action is required. I will make a motion to approve the application as submitted.

A. Walburger: I second.

80 The motion was carried with 5 in favor, 0 opposed.

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**Gabrielle Regan, 54 Nelson Street, Special Use Permit**

85 Dan Regan was present on behalf of Gabrielle’s Chocolates.

90 R. Huftalen: Mr. Regan came to Bill Carr, Zoning/Code Enforcement Officer, to get his project on Nelson Street going. This was approved back in 2018. Unfortunately, a special use permit is only good for one year and his has expired. Therefore, he has to go through the whole process again.

Dan Regan: Where does it say it expires?

R. Huftalen: In the Code under special use permit. 180-143 has the intent and purposes.

95 Dan Regan: What prevents it from expiring? Pulling a building permit?

100 R. Huftalen: Maybe getting the Certificate of Occupancy. In this case, a special use permit requires a public hearing and resubmittal to Madison County Planning Department for determination. Madison County Planning Department has opined on the prior application and returned it for local determination. We did everything, except issue the special use permit. So starting over again, we have to schedule a public hearing and make the application public and go through the whole process again.

105 Dan Regan: Just so I'm clear, Bill would have issued the special use permit when I pulled the building permit?

110 R. Huftalen: What I'm most familiar with are the special use permits we issue for short term rentals. That procedure specifically notes in the Code where they get a piece of paper they have to post. I'm not sure if that's always the case in a use where it is approved by Planning Board procedures. I'm not sure you get an actual special use permit. We can get that straightened out and understood. Because we have the history in this case, we went through what he is trying to achieve. There is no exterior alterations to the building. I presume your application is exactly the same.

115 Dan Regan: It is virtually the same thing. Obviously, I put barn roofs on. I have been getting it to the point where I could get a building permit. Had I ever known this was going to expire within a year, obviously things would have been different. I have nothing that states that.

120 R. Huftalen: This was back in June 2018. We made the approval in August. Did we miss a meeting? It is usually a two-month process. I don't know why it took three months.

Dan Regan: They were trying to do quite a few things at once with that. There were a lot of moving parts with that property during that time. Regardless, I still have go through the whole process again.

125 R. Huftalen: I actually reviewed the approval after we received the determination back from Madison County Planning Department and there was no discussion on that. In the June meeting, I reviewed those notes, which I think you submitted with your application. I did not review the July notes and I will certainly do that before we reconvene. I think it's the same composition of the Board. Do any of the Board members need a refresher? Is there an impact because there is a new road there?

135 Dan Regan: Now I have a different driveway entrance coming off of Lakers Lane. So the orientation will be a little bit different. Still the same four parking spots in front of the barn. She is producing some chocolates, so obviously we need a certified kitchen. We will get it inspected through Ag and Markets. Basically, it will be assembling chocolate boxes and things like that to backfill Gabrielle's Chocolates here and the one in Manlius.

140 A. Walburger: The only material change is the existence of Lakers Lane as opposed to traffic off of Route 20. It should be very straight forward.

R. Huftalen: Agreed. I have the determination of Madison County Planning Department. Mr. Ingmire sent back a comment that it might look like a home occupation. But it is not a home occupation because employees would not necessarily be living there, but might have employees from outside. At that time, the character of Village Edge South (VES) was hotly contested. This

145 was around the time Aldi was approved. This Board determined at the time there would not be any significant increase in traffic, no exterior alterations—a pretty simple project.

A. Walburger: I will be excited to see cars using Lakers Lane.

150 R. Huftalen: You had Rod do a site plan for you?

Dan Regan: I did have him modify it.

155 R. Huftalen: Freshened it up a bit? One of the things we are going to have to do is get a current application and submit it to Madison County Planning Department. It would be best to update the dates on the application and the Environmental Assessment Form (EAF). The Short EAF will be fine. If there is any new information, just modify your EAF with fresh dates. On the site plan, show the ingress and egress on Lakes Lane. We have to schedule a public hearing and notice it. The public hearing is scheduled for December 12, 2022, at 7:00 p.m.

160 R. Huftalen: Is there any other business for the Board? Hearing none, I make a motion to adjourn.

A. Walburger: I second.

165 The motion carried with 5 in favor, 0 opposed. The meeting was adjourned at 7:23 p.m.

Respectfully submitted,

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Marlene A. Westcott  
Recording Secretary