

**Village of Cazenovia Planning Board
Meeting Minutes
August 12, 2013**

5 Present: Richard Huftalen, Chair; Adam Walburger; Anne McDowell; Jennifer Gavilondo; and Diane Webb.

10 Others Present: James Stokes, Village Attorney; David Vredenburg; David Katleski; Bob O’Leary; Nick Irvine; Tim Butler; Don Ferlow; Susan Light; Jennifer Wong; Lee Tietje; Gavin Jones; Fred Jung; Bob Ridler; Susan Thurner; Henry Brault; Jon Phillips; Charles Macaulay; Maribeth Pavelchak; Cheryl Seligman; Chris Heberle; Pringle Symonds; Ben Blaszczak, and a few others who did not sign in.

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R. Huftalen called the meeting to order at 7:30 p.m. and introduced the Board. R. Huftalen asked for any changes to the July 8, 2013, draft minutes. As none were noted, A. McDowell made the motion, seconded by R. Huftalen, to approve the minutes as submitted. The motion carried.

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John & Richard Ryan, 20 Williams St. and Roy & Kathleen Lasher, 34 Farnham St., Line Change.
David Vredenburg came forward to explain the request. The Ryans want to add additional property to the rear of their existing house property for direct access to another parcel of land owned by them where they have a garage. This would be accomplished by adding a strip of land along the back side of the Lasher property. The Ryan property would be increased by .08 acre and the Lasher property would be decreased by .08 acre.

30 J. Gavilondo asked if there is additional street frontage other than the house. Mr. Vredenburg answered no.

R. Huftalen opened the discussion to the public and asked for any questions or comments. There were none.

35 R. Huftalen made the motion to close the public hearing. A. McDowell seconded. The motion carried.

40 R. Huftalen made the motion to approve the line change as presented. D. Webb seconded. The motion carried.

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Empire Farmstead Brewery, Inc., and Chapman Properties, LLC, Route 13 South, Public Hearing for Site Plan Review and Architectural Review.

45 R. Huftalen stated that new materials had been submitted August 6, 2013. He said that the Planning Board had reviewed a number of points at their last meeting and had asked the applicant to consider resubmitting the site plan. The new submittals contain a number of changes and he invited Mr. Katleski to give a brief summary.

- 50 Mr. Katleski explained that a checklist had been created from the last meeting and he proceeded to address the items on it.
- 55 *Checklist item #1: A more specific depiction on the site plan of the area to be occupied by the water retention area.*
- 60 Mr. Katleski explained that a lot of the work was done by Don Ferlow and Cazenovia Advisory Conservation Commission (CACC) in terms of filtration. A retention pond is being created for irrigation and aesthetics. As much of the existing vegetation as possible will be used instead of clearing everything out and just having an open pond. To put the existing vegetation on paper and identify which trees would be kept within the retention pond area would be very difficult. This needs to be a field verified process.
- 65 J. Gavilondo inquired if this is an existing wetland. Mr. Katleski answered no, it is just mushy and he wants to clean it up and make it more aesthetically pleasing.
- 70 R. Huftalen indicated that in situations similar to this, if the Board were to grant approval, it would be made contingent on approval of the Stormwater Pollution Prevention Plan (SWPPP). There is a preliminary SWPPP in place. What they would do here would be impacted by the results of the engineering study. For the purpose of getting the results the Board wants, the Board needs input from the CACC. He suggested not having a specific depiction on the site plan, but a clear intent of the character of that area.
- 75 Don Ferlow described a grove of plant material that consists of trees, smaller saplings, shrubs, scrub, wildflowers, and weeds all intermingled together. He stated that it is almost physically impossible to describe this unless every tree is surveyed. It was discussed in the field to put down a framework of areas coordinated with the stormwater management design that the SWPPP would do. It would not just be an engineering plan and it would not be a farm pond out in the middle of a field, but it would be backdropped. The theme of this would be to try to create the character or the visual effect that Carpenter’s Pond has, which is a pond, wetland edge, some shrubbery, and a tree backdrop. There would be openings in this as well for visibility through it, as well as have the trees become the frame for the vista looking from the site. It would be from the existing driveway to the south end of the property line. CACC prepared a sketch and on it was written: “Existing trees and scrub, continuation of natural character and enhancement of visual quality with selective clearing in coordination with the development of the stormwater management program,” which provides a frame for the whole area. The pond may increase or decrease a little based upon the actual calculations from the stormwater management program. Also discussed during the field visit was the north hedgerow which contains buckthorn, Norway maple, and a number of other invasive plant materials. It is also a hollow hedgerow due to the power line running through it. The applicant is proposing to essentially clear the hedgerow, perhaps saving a tree or two if there is any value, and replace it with a double fence as shown on the drawing. He would like to build in a line of small trees or large shrubbery, which would stay in character with the power line above it. In the field, possible plant materials were discussed, such as a lilac row, which would be quite dynamic in the spring. That, in essence, would provide a transition between the fairly well maintained historic school going into the new facility, and then going back to a rural character in the wetland and pond and the existing plant material that would lead to the south. Mr. Ferlow stated this was sent to R. Huftalen to be added to the file. The drawings show the edge of the pond and how it would be pulsed with the storm and dropped by irrigation.
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100 A. McDowell pursued clarification regarding the double fence. Mr. Katleski explained he would like a simple pole fence characteristic of a farm, with a single rail in the front and a split rail in the back.

105 R. Huftalen commented that the challenge is how to depict what the Board wants to see on the site plan without having a full engineering study done to catalog existing features.

A. Walburger queried if members could agree that the Board does not want to see the ground level raised and a bunch of cut stone boulders around the edge.

110 R. Huftalen commented that the CACC plan can be used as a concept, but the Board needs to make sure the correct language is used to ensure that the plan is in place in the final execution of the project.

115 *Checklist item #2: Business identification signage (up lighting as depicted should be changed to down lighting w/gooseneck. Need actual dimensions, materials and content.*

120 R. Huftalen observed that there is a detail of that in the file. Mr. Katleski stated that he is not happy with the sign, but it will fall within the restrictions of the ordinances. It will be a small simple sign, but materials have not been determined. R. Huftalen commented that the sign details need to be reviewed and it can be made part of the site plan or it can be separate.

Checklist item #3: Clear depiction on site plan of limits of disturbance (per J. Dunkle, should be staked prior to construction).

125 R. Huftalen explained that this will show where excavation will be done. This will help with coordination of what will happen on the site and it will help the Zoning Enforcement Officer. Mr. Katleski said that some areas will have minimal impact and he is trying to keep it as minimal as possible.

130 R. Huftalen remarked that of significant note is the wooded area and the attempt to minimize the disturbance. Disturbance will be of a lesser extent than before.

Checklist item #4: Overall site plantings plan (i.e., foundation plantings, landscaping for entranceway) a landscaping plan (materials, sizes, species and numbers).

135 R. Huftalen recalled that this was discussed with Mr. Ferlow. There is a depiction of screen types, screen planting legends, and descriptions in the file. The planting screen will be a 17-foot wide two-row screen, horizontal planting of trees set at 12 feet on center. This is consistent with the recommendations from CACC. Horizontal planting means parallel with each other. A. Walburger added that mixed varieties would be used. R. Huftalen noted that an existing type of rare tree, Balm of Gilead, would remain undisturbed.

145 *Checklist item #5: Detail on paving/roadway surfaces (is there a difference in material between service drive and main entrance material, details (width, radius, slopes and drainage management) at the entrance.*

R. Huftalen recalled that in prior site plans, there was not much distinction between driving surfaces. Mr. Katleski pointed out that this site plan shows all gray surfaces and all driving surfaces will be oil and stone.

150 D. Webb asked if the oil and stone driveway would be noisy. Mr. Katleski answered that it will be noisy for the first couple of months, and dusty too, but it will turn into a harder surface and will quiet down over time. It is more costly and requires more maintenance, but it is better aesthetically and better for drainage.

155 *Checklist item #6: DOT approval of entrance location and details.*

R. Huftalen stated that will certainly be required and will be worked out between the Village Engineer and the applicant. That is a condition the Planning Board will require.

160 *Checklist item #7: Depiction on site plan of truck turning movements (tour bus and trucks/service vehicles, fire dept. vehicles).*

165 R. Huftalen observed that turning movements of a 53-foot trailer are shown as being capable of backing in to the loading dock. He inquired if the plan is to have a depressed loading dock. Mr. Katleski answered yes. He noted that the dock driveways are concrete.

Checklist item #8: Detail of extent and composition of screening (in coordination w/CACC).

170 *Checklist item #9: Confirmation of complete list of site lighting plan.*

Mr. Katleski commented that the only difference between what was discussed in the past and what he is proposing now is that he would like to have some up lighting on the hop barns. Down lighting would not look great. It would be very low strength lighting. It would look better to be lit upwards. It would be focused and there would be no spill over onto the neighbors. He reminded Board members that the facility would be closing at 9:00 at night, it would be low ground lighting.

180 A. Walburger asked if the low level ground lighting would be produced by focused bollards. D. Webb asked how far apart they would be. Mr. Katleski replied that they would be focused bollards quite a distance apart. While the facility is open, Mr. Katleski would like to have the lights shine on the hop houses because they are going to be so prominent and the focal point of the brewery. He assured the Board that they would not be bright lights and would be off by 10:00 or 10:30 p.m. after the staff leaves for the night.

185 J. Gavilondo pointed out that the Code does not allow up lighting. Mr. Katleski said that his architect feels it falls within the Code. He suggested keeping this as an open item and looking at it further.

A. McDowell reminded Mr. Katleski that the neighbors must be kept in mind.

190 R. Huftalen said he is aware that the Code specifies down lighting and that full cut off fixtures shall have no light emitted above a horizontal plane. He agreed that the up lighting will require some research.

195 *Checklist item #10: Location/ information about sewage holding tank - in the building, outside, below grade, sufficient distance from water in.*

Mr. Katleski indicated that he is still working on it and he needs to confer with the sewer department.

200 *Checklist item #11: Review by fire department for access.*

R. Huftalen stated that the fire department has looked at this with the Zoning Enforcement Officer and they see no problem.

205 *Checklist item #12: Garbage dumpster location.*

R. Huftalen noted that the dumper location is depicted on the site plan as well as the screening for it. Mr. Katleski added that the existing wooded area will mask it.

210 *Checklist item #13: Determination of front wetland area (appropriate permits attained if required will be a condition of approval).*

215 R. Huftalen stated that any of the Planning Board's approvals would be conditioned on the appropriate permits being attained as well as being part of the SWPPP. The applicant's engineers and CACC will work together to determine wetland issues.

Checklist item #14: How will west basement entry be accessed?

220 R. Huftalen observed that the basement entrance is on the plans in the patio area. Mr. Katleski stated the basement entrance is not a public entry.

D. Webb asked what the basement would contain. Mr. Katleski answered that it is a cellar for a particular type of beer.

225 R. Huftalen commented that a SWPPP will need to be prepared and is subject to review by all engineers.

230 A. Walburger inquired if the material selections on the elevations have been finalized. Mr. Katleski answered that they are pretty much final, but other options are being investigated. It might be a different type of wood.

A. Walburger noted that the plan calls for board and batten, synthetic slate, and standing seam metal roof.

235 R. Huftalen opened the floor to question and comments from the public. Pringle Symonds asked if the Board has discussed music and noise. R. Huftalen explained that the Board is reviewing the site plan and the architectural elements.

240 Hearing no further public comments or questions, R. Huftalen made the motion to close the public hearing. J. Gavilondo seconded. The motion carried.

R. Huftalen mentioned that the drawings have been submitted to Madison County and the Board will await the County’s determination.

245 Hopefully lighting and engineering issues will be resolved by the next meeting and R. Huftalen anticipates that the Board could potentially take action at the September meeting.

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250 **H. Baird Hansen, 24 Forman Street, Solar Panels.**

R. Huftalen stated that this application needs comments from the Historic Preservation Committee (HPC) before the Planning Board can take any action. Therefore, this application is tabled.

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255 **Cazenovia College, 10 Albany Street, South Campus, New Sign.**

R. Huftalen pointed out that before the Planning Board can take any action, comments from the Historic Preservation Committee (HPC) are needed. Therefore, this application is tabled.

260 **Blushing Rose Boutique, 9 Lincklaen Street, New Sign.**

Blushing Rose Boutique, 9 Lincklaen Street, New Sign.

Susan Thurner came forward. R. Huftalen said there is a depiction of the painted wood sign in the file. This application has been in front of the Historic Preservation Committee (HPC) and they recommended approval. The size of the sign is 18 inches high by 42 inches wide and complies with the size requirements.

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J. Gavilondo asked the applicant if any consideration had been given for a carved wood sign because most of the signs in the Village are carved wood. Ms. Thurner answered no because this is a sign from her shop in Fayetteville. She then proceeded to cite several examples of signs that are not carved wood.

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J. Gavilondo admitted that she prefers to see carved wood, but does understand the expense associated with that. A. McDowell added that she is not crazy about the sign, but cannot justify the expense of a carved wood sign.

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D. Webb inquired if the bracket is already on the building. Ms. Thurner replied yes.

R. Huftalen made the motion to declare this an unlisted action under State Environmental Quality Review (SEQR) since no other agency is involved, nor will the approval of this application have any significant adverse effect upon the environment, no further SEQR action is required. Therefore, it is recommended that a negative declaration be prepared and filed for this project. J. Gavilondo seconded. The motion carried.

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R. Huftalen made the motion to approve the sign per the HPC recommendations. D. Webb seconded. The motion carried.

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Susan Light, 8 Farnham St., Request for Zone Change from R-6 to B-1.

295 R. Huftalen reviewed the scope of the responsibilities of the Planning Board. The Village Board is considering a zone change from R-6 to B-1 for the subject property. The Village Board looks to the Planning Board to provide a recommendation. At this meeting, the Board will get more information about the project, will accept any public input, and then decide how to proceed.

300 Susan Light and Jennifer Wong came forward. Ms. Light spoke to say that they still have questions about the request for a zone change and they want to understand the rules. She set out what they envision for the property.

305 Ms. Light: For the past several years, I have been doing some catering, wedding cakes, and preparation for weddings that are typically held at the Brewster and the Lincklaen House. I enjoy doing that and it gives me flexibility in my life. The problem is doing it in the appropriate space. I will introduce Jen Wong, who I befriended about six months ago, who has a business that coincides with mine.

310 Jennifer Wong: My proposed business would provide heat and serve dinner items by advance order. The business tries to provide healthy eating options for Cazenovia area families and seniors using as much locally produced meat, produce, and dairy as seasonally available. It tries to provide options to get more locally raised food onto the plates of those who might not otherwise have the time or the ability to procure and prepare those items for themselves. Previously, these items have only been available to a small group of acquaintances. The proposed change of use of 8 Farnham would allow me to provide those items to a broader group of Cazenovia residents and to establish more consistent relationships with some of the local providers.

315 Ms. Light: I purchased 8 Farnham Street in June with the goal of refurbishing the house and installing a kitchen in a section of the first floor. That would meet all the codes and allow me to make the cakes and Jen to prepare her dinners for members of the local community using locally grown produce and locally raised meat. I understood when I purchased the property that my intended use of the house would require review by the Planning Board and approval by the Village Board of Trustees. The house was initially brought to my attention given its size, location, and price. It is located at the edge of a commercial section of the Village--one that has a decidedly mixed appearance--a gas station, a mechanic, a restaurant, a fire department, a hardware store, and right now a vacant house. I understood that the Village had expressed interest in refurbishing the area. I also understood that the Village planned to raze 6 Farnham Street, the property that is owned by the Village and the fire department to put in a parking lot for the fire department. It was suggested to me that the new parking lot would limit the residential appeal of 8 Farnham Street, thus making it more suitable for an alternate use. So restoring the house and using it for a purpose other than residential was a reasonable possibility, one I thought would contribute positively to the neighborhood and also provide a buffer between the commercial and residential section. I purchased the property and I have begun general renovations. It was in serious disrepair. Renovations include a new roof and exterior paint in order to stabilize what was a rapidly decaying post and beam structure and to improve the exterior appearance. I have made no interior renovations that would be considered a kitchen. Several weeks ago, I submitted a request to the Village Board to consider my intended use and advise me of the procedural steps to take and the necessary permits to meet any requirements. So what do Jen and I envision? We see a house that looks as it does now, but with a new roof, restored gardens, and new paint. We envision a small exterior sign, perhaps something created by Paul Parpard, who makes the local signs in town, that reads: The Farnham Kitchen. Exterior lighting would be consistent with a residential appearance. Inside, the kitchen would be

340 designed to meet all codes. The post and beam structure would remain intact. The only evidence of
a kitchen from the exterior would be an exhaust vent or fan on the south side of the house facing the
parking lot. While we think the restored building would contribute to the character of area, we do
not expect our activity to attract much attention. The Farnham Kitchen would not be retail space.
We would not draw customers off the street. Our proposed use of the building is, intentionally, on a
345 very small scale. Jen and I endeavor to pursue our interest in local food preparation and home
catering while maintaining enough flexibility to maintain our family lives and participate in the
community. We would strive to make it work, but to keep it well within a manageable scale. We
also view the Farnham Kitchen as part of the Village lifestyle outlined in the Comprehensive Plan, in
which residences and businesses coexist in close proximity. Indeed, this is the case with my own
350 house. On-site parking is currently configured for three spaces. There is potential room for
additional spaces in the fenced backyard. Parking and walking are facts of Village life. Parking is
readily available throughout the Village; across the street behind the library, a block away next to the
post office, and on Albany Street. It seems to me that this issue, an important one, can be
thoughtfully and productively addressed.

355 Jennifer Wong: I thought I would make a few comments in response to some of the comments made
by residents in the neighborhood at the Village Board meeting about the scale of the businesses that
we are proposing for that space. I think there are some conflicting perspectives in the way that some
of the neighborhood residents are perceiving this proposed business model. On one hand, there was
360 some worry that this would be a large-scale, industrial plant operation. We are thinking of a much
more artisanal approach. On the other hand, there were some comments asking why we did not opt
to conduct these small businesses from own homes. I just want to run through a train of logic here.
The nature of both of our businesses is consistent, as I understand it, as a home occupation allowable
under the current zoning provisions for each of our residences and for the subject property. So we
365 could theoretically run such businesses from our own homes. However, appropriate facilities would
not be in place. In order to be licensed by Madison County Health Department to run a home
catering business, a completely separate entrance and completely separate area from the living area
of the home are required. It also requires extensive testing to procure a license to run these small
businesses from our own homes. These requirements make conducting these businesses in our own
370 homes infeasible, which is why Susan and I have been looking for alternative spaces to do so. It is
my understanding that a zoning change is considered not because the nature of the business is not
consistent with home occupation in a residential area, but because these businesses would be
conducted by individuals who are not using that property as a domicile. We believe the proposed
use of the property in the artisanal scale is not inconsistent with a largely residential neighborhood to
375 the north of the property. The property used in this way could provide a very valuable buffer
between the much more commercial areas to the south of the property and the residential properties.

D. Webb asked if the food would be delivered or picked up. Ms. Wong answered that it could be a
mixture. For people who do not want to park and walk to the business, they would probably opt for
380 delivery, especially in the colder months.

Ms. Light answered that her wedding and other cakes would be delivered, but she would like the
option of meeting with someone at her business to discuss the cakes, but by appointment.

385 A. Walburger inquired how many people per day visiting the businesses are envisioned. Ms. Light
replied that on most days, nobody would visit, only occasionally. Many things she does are over the
phone or online. She believes there would be more orders in the summer than in the winter, for
example, wedding cakes. She does not want to do more than one cake per week.

- 390 A. Walburger: With that being said, do you feel that three existing parking spots (one for each of the two of you and one other) is enough to sustain you for the near midterm? Ms. Light said yes because she lives very close and would probably walk to work. Ms. Wong said she also lives close and would walk, which would leave three parking spots.
- 395 J. Gavilondo asked if certain days would be designated as pick up days. Ms. Wong said she envisions two days per week and within certain hours, for example, late afternoon to very early evening. This would be a returning group of people and not new people every week. People would be given a window of time and pick up times could be staggered so there is not a lot of demand for the parking spots.
- 400 J. Gavilondo asked Ms. Wong how many customers she has at the present time. Ms. Wong stated that she has 10-12 people in any given week. She has not made any efforts to advertise or promote the delivery option in the way she would expect to if this goes through.
- 405 A. McDowell inquired if any thought had been given to people possibly parking on Route 13 if the parking spots are full. Ms. Wong reiterated that this is a returning group of people who have to establish a relationship before placing orders and they need to learn where to park.
- 410 A. Walburger spoke out that no one can account for people with bad behavior and he cited the example of lawn mowing people and how they park in the street.
- D. Webb noted that a lot of people may want to get prepared meals and Ms. Wong may be inundated with orders. Ms. Wong responded that there is only one of her, so the scale is limited.
- 415 A. Walburger solicited more insight into the interior renovations required and the potential for this property going back to a residential state. Ms. Light replied that on the first floor there is a kitchen area and a living room and dining room. She would put the kitchen equipment in the kitchen in the area and keep the front of the house looking like a residence. She would need typical kitchen equipment, but it needs to be NSF approved. No interior walls would be removed. She is
- 420 considering moving a doorway over approximately 6 inches.
- A. Walburger wondered if delivery of raw materials would be required. Ms. Light replied that she has always picked up her supplies, but she may consider having something delivered. Ms. Wong added that she has no intent to use a large scale distributor that would require truck delivery because
- 425 it does not fit with her business model.
- A. McDowell inquired what would be done with the upstairs space. Ms. Light answered that there are two rooms upstairs and she would like to use one for an office. The other room could be used as rental office space.
- 430 R. Huftalen explained the challenge facing the Board. When the Board makes a recommendation to the Village Board and the zone change is approved, it makes a permanent change to the character of the property. While the application may be consistent with the Board's charge to encourage businesses in the Village and other mandates of the Comprehensive Plan, the Board needs to give thoughtful consideration of what the consequences might be subsequent to the business or if the
- 435 nature of the business is going to change. This poses a challenge for this Board. The Board is aware of the meeting of the Village Board last Thursday. There are a number of letters supporting the

project and objections to the project. R. Huftalen summarized some of the objections: Parking, hours of operation, deliveries, garbage.

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Ms. Wong answered that a dumpster is not envisioned and that covered 65-gallon or 95-gallon rollout cans, consistent with a residential area, would be used and would be stored at the rear of the property when it is not pick up day.

445 R. Huftalen recalled another point that was raised: Destroying residences in the Village. The Board needs to consider that the house next door is going to become a parking lot. It would be difficult to have a residence next to this parking lot since it will be fire fighters in and out at all hours of the day and night. The Board needs to balance that with other issues.

450 R. Huftalen elicited thoughts from the Village Attorney on whether this is achievable or if there is another mechanism to safeguard the intent that is laudable and compatible with the Comprehensive Plan.

455 Mr. Stokes: From a land use, planning, and Comprehensive Plan perspective, the property could serve as a buffer and a transition from commercial to residential neighborhood if certain conditions are placed on the zoning change. The property is next to a fire department parking lot and is not particularly attractive for residential use. A similar example is when Oneida Savings Bank purchased the old funeral home. That went through a lengthy review process, but eventually the zoning was changed from Residential to B-1 with conditions. Part of the conditions included
460 retaining its residential character and there were limitations on what could be done with the outside. Zone B-1 uses are quite limited. In this case, this technique could work. Uses might need to be even more limited. Certainly, one of the conditions would have to be that it maintains its residential character on the outside. The trickier issue is the buffer requirement. The Code has a buffer requirement of 25 feet between nonresidential and residential uses. Short of a variance, I'm not sure
465 how that would be dealt with. Essentially, the whole property is a buffer, or could be, with the appropriate conditions. On one hand, with conditions, it could be similar to the funeral home and bank situation. It could make an effective transition to create that line so the B-1 zone does not keep moving up the street. From a planning perspective, this is a good place to have that transition, given the nature of the surrounding property uses. I think it could be done with conditions. Again, I'm not
470 sure how to deal with the buffer requirement.

R. Huftalen asked if the Village could get more control over use of the property by making it Planned Development (PD). Mr. Stokes answered that it is not really a mixture of uses.

475 D. Webb inquired about property dimensions. J. Gavilondo observed that it has 55 feet of street frontage. It is 24.86 feet from the edge of the house to the property line to the north and includes the parking area. Mr. Stokes stated that parking cannot be in the buffer area.

480 Ms. Light said that part of this process is to engage in dialog as that opportunity has been absent since everything has been very abbreviated and very formal. They are looking to have questions answered and possibilities considered.

485 R. Huftalen stated that a notice of a public hearing has not been published and there is no requirement for a public hearing because the Board is making a recommendation to the Village Board. He said that in the spirit of trying to create some dialog, he asked for comments from the public.

490 Gavin Jones commented that there is no application. Mr. Stokes responded that Ms. Light submitted a letter and her letter is considered to be her application because there is no specific application form.

495 Mr. Jones asked what kind of variance Ms. Light looking for. Mr. Stokes answered that she is not seeking a variance, but she is seeking a zone change. The Village Board is considering the two properties together for a zone change.

Mr. Stokes stated that one of the conditions the Zoning Board of Appeals (ZBA) looks at for a use variance is whether it is a self-created hardship. Since the property was purchased knowing it was not zoned for commercial use, it is self-created.

500 Mr. Jones: I am a property owner next door to the north. My wife and I are opposed to this project. When commercial moves into residential, the property value immediately drops. If this is approved, it negatively affects the property value next door, across the street, a couple of doors down, and then it continues. Seriously consider that in the process. I welcome Susan to the neighborhood, but not her business or any other business. Speaking for myself and a couple of other people, there are
505 many reasons for it. One of the main issues is parking. When Susan brought up what her business is, nothing was mentioned about the third prospective future occupant renting an office. Parking is one of the main features. We bought the house next door around 1986 and we did a tremendous amount of work on the property. It is a very narrow single driveway. The only way we could get in there with contractors and trucks is over the curb and park on the lawn. It is unsafe to park on the
510 road and people can't get through. Parking is a big problem. The second thing that you folks really need to consider is that we all have the property knowing what we had. If you approve this, you are changing the nature of the property that we have and the whole neighborhood. In real estate, if you want to buy a property and want to change the nature of it, you make an offer subject to and contingent upon approval of the plan. I see my property value going down. I keep hearing the word
515 buffer thrown around. I have no problem with a parking lot if they want to take down that house next to me.

J. Gabilondo clarified: You would rather have a parking lot next door to you than a restored house with a commercial kitchen? Mr. Jones: Yes, yes, especially because it affects the value. We have
520 had our house in the neighborhood for an extended period of time and we expect it to stay residential. You folks represent the Village. If you vote to approve this, you are playing with values and not in a positive sense. I don't object to the people coming here and asking. It is their right to request it. It's our right to say we don't want it. In Susan's words, it is the appropriate place. It is not the appropriate place for the neighbors. The concerns are: Parking, turning around in other
525 people's driveways and the safety of young children. Are any of the people in support of this immediate neighbors or do they live in some other part of town?

Fred Jung: I have lived on Farnham Street for a little over 20 years. Take a look at the homes on Farnham Street. People have put a lot of time and a lot of heart into these properties and the houses
530 are beautifully restored on the outside. The houses are a lot nicer than they used to be. There is a lot of pride in this neighborhood. This is the wrong place for Susan's business. There are two commercial spaces available in Tops Plaza. The old NAPA building and the garage right next to it are for sale. These places have been available for a while. I think their business model is a little sketchy, but I think it might be well received. I believe they have grown to the point where they
535 have outgrown their ability to do it in their homes. I think they should do it on the main street or in a

commercial area. It is just the wrong place. It is a business going into a residential area. Another thing to consider is to make a field trip. Stand on the corner of Farnham Street from about 8:30 a.m. and count the cars. At 4:30 or 5:00 when Dielectric and Marquardt let out, the traffic is unbelievable. She says there are three spaces and I only see two in front of that house at the moment. Artisan or not, there are only two things a business can do; it can succeed or it can fail. Since both of these women are very smart people, it is going to be profitable and it is going to expand and they will need employees. If they get a commercial grade kitchen, they will need a sprinkler system and all the other things needed for a commercial grade kitchen. It is also going to preclude their ability to operate as artisans because according to New York State Agriculture Law, you can sell cookies and brownies and wedding cakes out of your own kitchen. The moment it becomes an industrial kitchen and changes, the exception or variation goes away and they would then need to pay sales tax. I think the overhead that they are going to run into is more than they anticipate at the moment. I think the business will succeed and parking is nonexistent. At 5:00 or 6:00 or 8:00 in the morning, as it continues to grow, we are going to be smelling baked goods all day long whether we like it or not. I have worked really hard on my house to make it look nice and so has everybody else in the neighborhood. I don't want to have to smell it. We are going to have a lighting problem. They will need lighting. I like the idea of the business, but just not in my back yard and it literally is. My final concern is we have about seven young children in just that corner, and not even going up to Williams Street. The kids run and play on those sidewalks all day long on bicycles, roller skates, and skateboards. They will need deliveries at some point if they are successful. They will have people parking in the road and blocking it. Because we are so close to the fire house, we kind of know how many accidents and fatalities and emergencies there are on Farnham Street, Route 13, and they are considerable. I am very worried about the children in the neighborhood and the rest of the people who walk up and down that sidewalk. I think it belongs on the main street or in the plaza where they will have unlimited parking. They would be able to grow rapidly. These businesses will grow and create problems for the residents. None of the neighbors want it. Our property values will suffer. This is not a personal issue. Once you start having people pick up and deliver, traffic will increase. It is a very busy section.

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565 Mr. Jones: You mentioned codes. In my experience, codes are complaint driven. Susan's work people are doing something right now that is highly illegal. It is against Environmental Protection Agency (EPA) regulations. She is having lead paint stripped off the house.

570 R. Huftalen: That is beyond this Board's purview here tonight. We are trying to understand the perspectives. As part of our deliberation, we will consider all public comments and a lot of other details. We take our charge very seriously and want to address all issues.

Mr. Jones: Were any of the people who spoke in support of this project residents of Farnham Street?

575 R. Huftalen: I have emails for those comments and they don't always give street addresses. They are part of the public record and you are welcome to review them.

580 Mr. Jung: We have about 20 people who live on Farnham Street who have already signed a petition against this change.

R. Huftalen: We have not received that as part of the public record.

Mr. Jung: No, we have not submitted it yet.

585 Lee Tietje: I live on Farnham Street. I just want to say that I agree with everything Gavin and Fred are saying. They are planning to put three businesses across the street from my house. In the winter, parking will be a massive issue. When it gets really cold, I doubt they are going to be walking to work. Lighting will come into my bedroom. I don't see a place for it in a residential area.

590 R. Huftalen: Members of the Board, we have a lot to consider on this issue. I think we will need to continue to review the public record as it develops and explore to see if there are alternatives. When considering a zone change, part of our charge is to take very seriously the consideration of the neighbors and the overall community to see if the zone change is in keeping with the aims of the Comprehensive Plan and good planning. We will have to consult our legal counsel to determine if
595 there are ways to build adequate protection into the neighborhood and the community. We have a lot more to consider and we are not in a position to make a recommendation. I suggest that we continue to consider this at the September Planning Board meeting. (All Board members agreed.)

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National Grid, Clark Street, Retaining Wall.

Henry Brault: I am a supervisor for National Grid and this is one of my projects. I take care of all the projects for upstate New York. We are proposing to create more flat, level outside storage space in front of the facility. Last year, we went before the Board and put an addition on the facility. We
605 have now determined that we need more space for materials. The least disturbance of the hillside would be a pile-driven steel retaining wall. We are proposing to take 15-foot sheets of steel and drive them 10 feet into ground and leave 5 feet exposed. That would go into the hillside and allow us to excavate in front of it and create a bit more level storage space in front of that retaining wall. It requires less excavation than a conventional tiered type of retaining wall. I did not want those trees
610 cut down and I want to go on record for that. I asked our forestry department for an estimate. Originally, we had a conventional segmented style retaining wall design. I was looking at it and with the amount of excavation that would take place, if we got approval on that, I was concerned about weakening the bank to the point where some of those larger trees might topple. I asked for an estimate to take them down, if needed. They went ahead and took them down without my approval.
615 My intent, as part of this project, is to regrade all that area on top. We will pull the stumps and put in stabilization vegetation of some sort and make it look all neat. I'm not saying we will put trees back. But we will clean up the bank. We will be cutting the bank back and the retaining wall will hold back the bank from eroding and coming down into the storage space. It will be on the east side of the yard. If you look at the face of the building, it would be the left side where the gate is. It is
620 basically 80 feet long from the front of the fence line almost to the back of the new building addition. We were looking to cut that hillside back to create some space to store standard materials. The orange in the picture is not a good color rendition. It will turn a natural brown color like in the Adirondacks. It is not an item that is readily painted. There is some type of coating that will age to a brown like the guardrails in the Adirondacks. We don't have to disturb the soil in the bank any
625 more than necessary. There will be a short period of noise when the panels are driven in. The wall will be 5 feet high from the ground to the top of the wall and will be even all the way across the top.

J. Gavilondo: Are there other materials that could be used? Mr. Brault: We considered a segmented wall, but that would require removing more of the bank. That would require more trucking and
630 more of a chance of silt going downstream. Segmented is staggered. It is a stepped type of application. This way, they will pick a point and drive the panels down and then the soil in front of the wall will be removed and we don't have to disturb anything behind it.

A. Walburger: Where will this be driven from? Mr. Brault: From inside our yard.

635 J. Gavilondo: What would stepped materials be? Mr. Brault: Precast concrete blocks that lock into each other. The problem with that is that it does not meet OSHA requirements for how steep this has to be, and the pile-driven wall does. The segmented wall would have to be almost vertical, which is not a safe application.

640 R. Huftalen: Maybe you can figure out how to screen it.

Mr. Brault: I can ask if there is any type of coating so we can change the color. A chain-link fence would be attached on top of this retaining wall with barbed wire on top for security reasons.

645 R. Huftalen: How about some screening up above? Mr. Brault: I plan on doing some reclaiming as far as erosion control, etc. I'm not going to promise trees of a certain type or height. I might be able to put some type of screening material or maybe an ornamental fence, cedar shrubs, or something like that. I apologize for the department taking the trees down. As I said, it was not my intent.

650 J. Gavilondo: Regardless of whose fault it was, the trees are gone. In my view, as a member of the Board, I want some type of natural plantings there between the school and the facility--lilac or arbor vitae or something to buffer the look and the apartment complex that is across the street. There is no way all of that should have been taken down.

655 Mr. Brault: You won't see a lot of that retaining wall because they will put stuff up against it.

Mr. Stokes: How close to the road will the retaining wall be? Mr. Brault: I would have to look at the plans. Part of this is for a place to put snow in the winter. We need to maintain space in the front for snow removal. The plan calls for removal of the existing chain-link fence with wire on top and the installation of the retaining wall with reinstallation of the fence and wire on the top.

A. Walburger: Does that increase the height of where the 6-foot fence is, the overall elevation?
665 Mr. Brault: No, it shouldn't. It should be about the same as now. They will not actually fasten it to the top of the retaining wall. They will fasten the fence to the bank, not the top of the retaining wall.

A. Walburger: We will want the upper bank regraded and reseeded.

670 R. Huftalen: I don't think there is enough support of the Board to approve this application as presented. We will need a more detailed site plan. I am going to make a strong recommendation that you incorporate some screening to buffer the visual impact of the barbed wire fence, especially toward the Burton Street School.

675 Mr. Brault: I believe, elevation wise, the fence is still below the top of the hill. So the hill is buffering that side.

Mr. Brault: Just for reference, what is preferred by the Village for a buffer? Vegetation or fencing?
Mr. Stokes: A combination of both.

680 Mr. Brault: We are limited on where we can go for expansion, except into this hillside. On the other side, there is the nature trail and then there is the brook. What is an acceptable buffer so I can incorporate it into the plan?

685 R. Huftalen: It is a B-2 zone up against an R-10 zone.

Mr. Brault: I envision a cedar hedge or a solid fence.

690 Mr. Stokes: 180-110 says: *Where any nonresidential land use, whether in a residential district or a nonresidential district, adjoins one or more residential district lot(s), a strip of land at least 25 feet in width shall be established and maintained as a landscaped buffer in the front, side and rear yards adjoining the residential district lot(s).*

695 R. Huftalen: We would be looking to see if there is enough room for a 25-foot buffer area or if you would need to apply for a variance.

Mr. Brault: I believe when this was laid out by our architect, the side yard clearances and setbacks were taken into consideration.

700 J. Gavilondo: Your forestry guys should know what would do well in that area.

Mr. Stokes: 180-110 of the Code is pretty specific as to what has to be in that 25-foot buffer. You might want to give 180-110 to your forestry department and tell them that is what they need to put back.

705 D. Webb: Why isn't the chain-link fence going to be 4-5 feet taller or higher? Mr. Brault: The existing height of the fence now, where it is actually into the ground, is what we are going back to. They are going to adjust the height of that fence, but maintain the height that it was before. It is going to go right behind the retaining wall. We are not looking to go higher with anything. The plan now is to just reinstall fence on top because of security reasons.

710 R. Huftalen: We will want to see the buffer depiction on the site plan. We are concerned about getting the vegetation back to where it was. Try to screen the whole project as much as possible.

715 J. Gavilondo: Maybe you could paint the retaining wall. Mr. Brault: I am willing to entertain that, but I don't know of anything that would work on that. You are not going to see the wall with all the stuff stacked in front of it.

720 A. Walburger: I would like to see the front gate details on the next drawing to see how much room there is.

725 Mr. Brault: If you look at the picture, there is a little strip there and that is a parking spot. If I do anything different than it is now, they are minus one parking spot and they don't have enough already. I know there are considerations for parking across the street. There are more people working out of that barn now than there used to be, which has created issues. It is too cramped and that is what is prompting the new storage area. We are trying to create as much storage as we can to meet our daily needs for operations with the space that we have.

R. Huftalen: I would like to enter the photo of the existing retaining wall into the record.

730 A. Walburger: A clear depiction of the street line on the site plan is required.

R. Huftalen: Make sure copies of the site plan are submitted to the Village Clerk 10 days before the Planning Board meeting.

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The Board looked at the Cazenovia College application and submittals. The proposal is for two signs at 10 Albany Street on top of two stone pillars.

740 Mr. Stokes: Essentially, the whole structures become the signs. In a C-2 zone, they are allowed up to a certain dimension sign without Planning Board approval. Once signs are over a certain size threshold, they are subject to Planning Board approval.

745 D. Webb: Do they not fall under the one sign only rule? Mr. Stokes: In C-2 it is whatever the Planning Board approves.

R. Huftalen: We need to wait for HPC recommendations before we can act on these signs.

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R. Huftalen: We will continue our discussion on the bakery zone change to see if there are any alternatives.

755 A. Walburger: If that were a home occupation, they would have all the same problems.

A. McDowell: I think it is a zone change. D. Webb: I agree.

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760 **General Discussion**

R. Huftalen: Jim, is there anything else we need to consider for the Empire site plan?

765 Mr. Stokes: You want to make sure that it goes to John Dunkle for final engineering review. I mentioned to Don Ferlow that he and John would coordinate on their comments. I think they will come back with one set of final technical comments. I envision some conditions with respect to the pond and the screening. In essence, require the applicant to consult and work with CACC during installation.

770 J. Gavilondo: Has there been any notice of appeal or anything filed?

Mr. Stokes: No, but I would anticipate this would be a trigger. There is a 30-day statute of limitations once you grant site plan approval.

775 J. Gavilondo: The Code section that Dave Katleski was talking about regarding the architectural lighting might be 180-112H(2).

Fixtures used for architectural lighting, e.g., facade, fountain, feature and landscape lighting, shall be aimed so as not to project their output beyond the objects intended to be illuminated.

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D. Webb: What is full cut off? A. Walburger: Nothing over horizontal. If it can be focused so the edge of the beam stays on the hop tower and does not go past it, it is full cut off.

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D. Webb made the motion to adjourn the meeting. A. McDowell seconded. The motion carried. The meeting was adjourned at 9:54 p.m.

Respectfully submitted,

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Marlene A. Westcott
Recording Secretary