

**Village of Cazenovia Planning Board
Meeting Minutes
October 14, 2013**

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

10 Others Present: James Stokes, Village Attorney; Jason Emerson; Robert Smith; Laurie Omans; Sam Osborne; Paul Parpard; Bob Grock; Ted Bartlett; Scott Shannon; Hannah Light-Olson; Madison Gabor; Abby Woltman; May Kiernan(?); Kylie Mahandhi(?); and Edie Connor.

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15 R. Huftalen called the meeting to order at 7:30 p.m. and introduced the Board. R. Huftalen asked for any changes to the September 9, 2013, minutes. None were noted. R. Huftalen made the motion to approve the minutes as presented. A. McDowell seconded. The motion carried 5:0.

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20 **Astrum Solar, Solar Panels at Brownback Residence, 6 Rippleton Rd.**

Robert Smith from Astrum Solar came forward as the representative. The Brownbacks are proposing to place solar panels on the roof of the southern-most barn. These panels would provide energy to the house.

25 D. Webb commented that the barn is behind the house and the solar panels probably would not be seen from the street.

30 R. Huftalen noted that it was determined by the Code Enforcement Officer (CEO) that it would not be visible from the street and therefore would not be subject to the Historic Preservation Committee (HPC) review.

35 D. Webb questioned if there are experts for the Village to see if the solar panels meet criteria for weight, distribution, etc. Mr. Smith stated that he has a document from a structural engineer that is normally submitted with a building permit package. He offered a copy to the Board. R. Huftalen added that the CEO needs to make sure that it meets Code.

40 R. Huftalen declared this a Type II action under State Environmental Quality Review (SEQR). There is no other agency involved. The approval of this application will not have any significant or adverse effect on the environment. No further SEQR action is required.

A. McDowell made the motion to approve the application as submitted. D. Webb seconded. The motion carried 5:0.

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Prudential CNY Realty, 56 Albany Street, Sign.

Laurie Omans, Managing Broker, stepped forward and explained that modifications have been made to the proposed sign and submitted since the last meeting. Prudential would prefer blue and white,

50 but if the Board prefers black, Prudential would do black. Instead of the previously proposed vinyl
stick-on letters, the new design would be carved with a Navajo white background so as not to be so
stark.

55 A. Walburger inquired if the sign would have a totally smooth surface other than the carved logo and
wording. Ms. Omans answered that the words and logo are carved on a smooth background.

R. Huftalen asked the Board which color scheme they would like to consider. The members said
they would go with the blue lettering with the off-white background.

60 D. Webb wondered if the sign would be carved on both sides. Ms. Omans answered yes, both sides.

65 R. Huftalen made the motion to declare this a Type I action under State Environmental Quality
Review (SEQR) since this is an unlisted action in the Historic District per 617.4(b)(9). There is no
other agency is involved. The approval of this application will not have any significant or adverse
effect on the environment. No further SEQR action is required. The preparation and filing of a
Negative Declaration is recommended for this project. D. Webb seconded. The motion carried 5:0.

70 R. Huftalen made the motion to approve the sign as presented with the blue carved logo and lettering
on the Navajo white background. D. Webb seconded. The motion carried 5:0.

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Sam Osborne, 23 Fenner Street, New Garage.

75 Sam Osborne came forward to explain the request for a 24-foot by 36-foot garage at his residence. It
will be on a concrete pad with a couple of courses of blocks. The garage will have SmartLap
composite material siding. Siding color will match the house. There might be a window on the east
and west sides. The garage will have bonus room trusses for storage upstairs. The pre-existing shed
has been removed and the garage will go where the shed was.

80 D. Webb pointed out that this is in the R-6 district and the setbacks shown on the plans include 5 feet
from the rear, 5 feet from one side, and 17 feet from another side.

85 A. McDowell wondered if the garage is angled to meet setback requirements. Mr. Osborne
answered no. It is angled to allow vehicles to get in and out of the garage and to have good snow
removal.

J. Gavilondo asked if the application is complete. R. Huftalen answered yes.

90 A. Walburger commented that the garage is within the 30% lot coverage limitation.

J. Gavilondo asked if the house has vinyl siding. Mr. Osborne answered yes.

95 R. Huftalen declared this a Type II action under State Environmental Quality Review (SEQR)
617.5(c)(10). There is no other agency involved. The approval of this application will not have any
significant or adverse effect on the environment. No further SEQR action is required.

A. McDowell made the motion to approve the application as submitted. R. Huftalen seconded. The
motion carried 5:0.

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Curtin & DeJoseph, PC, 42 Albany St., New Sign.

Paul Parpard came forward as the representative. He explained that the building is owned by Oneida Savings Bank and this office is attached to the bank building. The sign will be above the front door.
105 The sign will be black with 23 carat gold lettering. It will be 6 feet wide and 18-1/4 inches high. It will be carved out of mahogany wood.

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D. Webb mentioned that this sign request was reviewed by the Historic Preservation Committee (HPC) who recommended approval as submitted.

R. Huftalen noted that this is in the B-1 district and is under Code Section 180-117.

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R. Huftalen made the motion to declare this a Type I action under State Environmental Quality Review (SEQR) since this is an unlisted action in the Historic District. There is no other agency is involved. The approval of this application will not have any significant or adverse effect on the environment. No further SEQR action is required. The preparation and filing of a Negative Declaration is recommended for this project. D. Webb seconded. The motion carried 5:0.

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J. Gavilondo made the motion to approve the sign as submitted. A. McDowell seconded. The motion carried 5:0.

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Articles, 58 Albany Street, New Sign.

125 No one came forward to act as representative. R. Huftalen mentioned that this sign request was presented to the Historic Preservation Committee (HPC) and was recommended for approval as presented.

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R. Huftalen commented that there seems to have been some confusion about what approvals were needed for the sign installation as the sign has already been installed.

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R. Huftalen made the motion to declare this a Type I action under State Environmental Quality Review (SEQR) 617.4(b)(9) since this is an unlisted action in the Historic District. There is no other agency is involved. The approval of this application will not have any significant or adverse effect on the environment. No further SEQR action is required. The preparation and filing of a Negative Declaration is recommended for this project. A. Walburger seconded. The motion carried 5:0.

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R. Huftalen made the motion to approve the sign as presented. D. Webb seconded. The motion carried 5:0.

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Northborough Ridge Development, Burton Street, Sign Request.

145 No one came forward to speak. R. Huftalen explained that the request is for a monument sign made of cultured stone, 2-1/2 feet wide by 2-1/2 feet deep by 5 feet high in the shape of a post.

D. Webb wondered where it would be located in relation to the driveway. She said that there are too many unanswered questions and she would not want to vote on it at this meeting. All Board members agreed with that statement.

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R. Huftalen declared this request tabled with no action to be taken until a representative comes before the Board.

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United Refining, 122 Albany Street, New Canopy.

Bob Grock from Northeast Petroleum came forward as the representative. This is the Red Apple Kwik Fill station. Mr. Grock presented a revised application with new drawings.

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R. Huftalen advised Mr. Grock that in order for the Board to consider the request, materials were needed one week prior to the meeting. Therefore, no action could be taken at this meeting, but the Board was willing to look at the new submittals.

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Mr. Grock explained the proposed design of the canopy. It would have rounded corners and decorative trim. It would be all white with no signage on it and no illumination, except for surface-mounted LED cap lights underneath the canopy.

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Mr. Stokes asked if the lights are dark sky compliant and explained that the Village has dark sky requirements for lighting fixtures.

R. Huftalen directed Mr. Grock to provide a photometric plan for review. This would be provided by an engineer, which would give the lighting in foot-candles under the canopy. The Code section that references outdoor lighting is 180-112.

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J. Gavilondo wondered if the Board could refer this application to the Historic Preservation Committee (HPC) as she would like their input (other members agreed). R. Huftalen answered yes, it can be referred to HPC.

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R. Huftalen explained to Mr. Grock that the Planning Board had recently reviewed a canopy for the Tops gas station up the street. The applicant consulted with the HPC and it was a useful process. Both parties collaborated and it helped the applicant to get a design that met the shared goals of the HPC and the Planning Board for keeping things in the Village appropriate. R. Huftalen asked that Mr. Grock submit his application to the HPC for their review, opinions, and suggestions.

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J. Gavilondo asked if the the number of pumps would be increased. Mr. Grock answered no, just the spacing between the dispensers and the size of the canopy would be increased. Industry standard is 17-24 feet on center for dispensers so multiple vehicles can access multiple pumps at the same time, which is often not the case right now. If a large SUV or pickup is dispensing at one, it is too long to allow access to the dispenser by the vehicle behind it.

190

R. Huftalen stated that the Board will want the Village Engineer's review and input and warned Mr. Grock that there might be further questions from John Dunkle, the Village Engineer.

195 Mr. Stokes advised Mr. Grock that there will be cost associated with the Village Engineer’s work to review the plans. He will need to enter into an administrative cost agreement to reimburse the Village for the Engineer’s work.

200 Mr. Stokes inquired if there is a whole new site plan and if there would be new parking. Mr. Grock replied that no other changes are going to be made except for the new spacing of the dispensers. R. Huftalen pointed out that parking lot striping might be required since it is nonexistent now. Mr. Stokes encouraged the Board to require that the parking area be striped.

205 Mr. Grock stated that the whole lot will be blacktopped afterwards because there will be all new concrete for the fuel islands and tank beds.

R. Huftalen mentioned that in addition to architectural review, the Board will do site plan review, which will show turning movements of fuel tanker trucks and traffic flow.

210 R. Huftalen asked if the curb cuts would change. Mr. Grock said that he does not know at this point.

When looking at the plans, D. Webb asked if the tank locations would change. Mr. Grock replied that new underground double wall fiberglass tanks would be installed along with new double wall piping, new dispensers, new islands, vehicle protection (bollards) on the islands, and UL approved fire suppression system in the canopy.

215 J. Gavilondo asked if there was any indication that the tanks have leaked. Mr. Grock said there is no indication at this time. Soil borings have been done and there was no contamination found. He continued that typically with these projects there is always some degree of soil contamination under fill pipes or dispensers if there is no containment system in place, which older stations do not have but the new one will. All contamination will be remediated.

220 Mr. Stokes pointed out that it is required by law to report contamination to the New York State Department of Conservation (DEC).

225 A. Walburger commented that he would like to see something comparable to the Xpress Mart as far as remediation of contamination.

230 R. Huftalen added that the Village Engineer will ensure that everything is taken care of regarding runoff, spills, remediation, etc.

Mr. Stokes informed the Board and the applicant that a new Environmental Assessment Form needs to be filed for this project.

235 R. Huftalen asked for any further questions from the Board or the applicant. There were none.

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National Grid, Clark Street, Steel Retaining Wall.

240 No representative was present, therefore this application was tabled and no action was taken.

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Discussion with Ted Bartlett and Scott Shannon.

245 Ted Bartlett and Scott Shannon came forward. They were questioning a fence that had been
constructed at 2 Green Street without review or building permit. The Codes Enforcement Officer is
issuing a violation for the fence. The case will come before the Historic Preservation Committee
(HPC). The HPC will treat it as a new application. Mr. Bartlett and Mr. Shannon wanted to discuss
the standards used by the HPC. The HPC would treat it as a rehabilitation under the Secretary of the
Interior Standards because there was a preexisting fence. HPC does not want to get into the trap of
250 “because it is already there, just leave it.” It needs to be reviewed for appropriateness.

Mr. Shannon added that this would be considered a self-created hardship.

255 Mr. Bartlett continued that HPC does not consider a vinyl fence to be historical or appropriate. The
previous fence was a wooden board slat fence that was due to be replaced. The HPC wants to be
consistent when they review the application. They want to treat it as a new application. The
standards the HPC uses are backed up by a publication of guidelines from the Secretary of the
Interior Standards. What has been determined in the past is that a vinyl fence is not appropriate.
Some substitute materials are allowed, such as Azek, a material that can be used as a structural
260 component and can be sawed and shaped. When it is done, it is appropriate in appearance.

Mr. Shannon mentioned that it boils down to selection of materials that are intended to replicate
form, texture, and color of historic materials. With vinyl, you cannot pick a construction technique
because of the extruded vinyl and hollow sections. Construction has been predetermined by the
265 manufacturer, not what the designer wants to do. It cannot replicate a historically sympathetic form
in terms of its scale or its character.

Mr. Bartlett remarked that it is unfortunate that they went ahead and built the fence without review.
If they had gone before the HPC previous to building it, a suitable fence would have been built.
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Mr. Bartlett discussed the term “in kind.” It means “exactly the same.” He said the HPC would not
have required this fence to be in kind.

275 Mr. Shannon said that HPC often faces a situation where a fence or another feature is attached to a
house and is being replaced, but it is not an historic feature. This fence in question could have been
replaced in kind using the exact same materials, the exact same size, shape, etc., or they could have
come to the HPC with a new idea and asked what would be in keeping with the historic nature of the
neighborhood. There are a lot of things to consider to determine if it is in character or not.

280 A. Walburger wondered about character versus utility, for example, a dog containment fence.
Mr. Bartlett said the height is in the code. Mr. Shannon said that front fences have to be lower, but
they can be taller in back. Mr. Bartlett said that HPC works through it all.

285 Mr. Shannon said that the issue of cost comes up. In many cases, it can be prohibitively expensive
to replace things in kind. For example, when porches were built a hundred years ago, they were
amazingly ornate and they were done by hand and trying to replicate those precisely is very difficult.
HPC looks at cost to see if there might be a simpler design that could use more modern materials,
but in a way that is still in character with the period. HPC has made a number of suggestions to
homeowners over the years. But there are serious considerations as to the scale and character in
290 keeping with the historic nature of the neighborhood. Composite materials are encouraged because
they can be cut, planed, and molded to match what was there historically and will not rot.

Mr. Shannon commented that historic spacing of fences is different from a fencing company.

295 A. Walburger questioned if it would be beneficial to petition the Village to change the law to prohibit vinyl fences.

R. Huftalen expressed that there needs to be a better chain of communication between the Planning Board, the Code Enforcement Officer (CEO), and the HPC.

300 J. Gavilondo voiced that anybody can lodge a complaint with the CEO and it is up to him as to whether he issues a violation.

305 D. Webb asked if a violation is issued for the fence, does the fence need to be removed? Mr. Stokes answered yes, but a court order might be needed to enforce that.

Mr. Bartlett said that the CEO suggested putting an article in the newspaper about what is needed for a Planning Board application, an HPC application, and building permits. Mr. Bartlett agreed that was a good idea.

310 J. Gavilondo asked if there was a Village pamphlet listing the requirements for a building permit, HPC review, or Planning Board review.

315 R. Huftalen summed up that it seems necessary to create awareness and educate the public on the process. He believes the HPC is very valuable in educating the public in their decisions.

D. Webb brought up the railings in front of the McLaughlin building and how they stick out into the sidewalk and the possibility of someone getting hurt by them—especially a small child hitting their head on them.

320 R. Huftalen made the motion to petition the Village Board to create a locally adopted list of State Environmental Quality Review (SEQR) Type II actions to include sign approval and such others as may be recommended by the Village Attorney. J. Gavilondo seconded. The motion carried 5:0.

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D. Webb made the motion to adjourn the meeting. R. Huftalen seconded. The motion carried 5:0. The meeting was adjourned at 9:01 p.m.

330 Respectfully submitted,

335 Marlene A. Westcott
Recording Secretary