

**Village of Cazenovia**  
**Village Board of Trustees**  
**Meeting Minutes**  
**June 20, 2016**

5

Present: Kurt Wheeler, Mayor; David Porter; Amy Mann; James Joseph; and Fritz Koennecke.

Others Present: James Stokes, Village Attorney; Bob Lucas; Jim Lucas; David Muraco; Louis Muraco; Don Ferlow; Roger Saltman; Anne Saltman; Ted Bartlett; Bob Cowherd; Lindsey  
10 Cowherd; Sarah Webster; Charles Macaulay; Judy Gianforte; William Zupan; Greg Widrick; Kurt Wendler; Adam Walburger; real estate agent used to be my customer; Dennis Harrod; Carlos Gavilondo; Jen Gavilondo; Bob Ridler; Patti Christakos; Anne Redfern; Graham Egerton; Miriam Weber; John Cawley; Mike Phillips; Dave Ammann; Bob Constable; Bobbie Constable; Gene Gissin; Jack Rooney; Steve Clark; Wendy Taylor; Gayonne McDonald; Don Raleigh; Russ  
15 Brownback; Federico Meira; Christina Liberatore; Kathleen Bennett; and many others who did not sign in.

\* \* \* \* \*

20 K. Wheeler called the meeting to order at 7:08 p.m. and introduced the Board and the substitute Recording Secretary, Marlene Westcott.

K. Wheeler explained that the Board is always happy to hear from the public. Limited public  
comment would be entertained tonight and asked that audience members keep their comments short  
25 and to the point and limit them to new comments only since there have been previous lengthy meetings. Comments should focus on the annexation process as that is what is before the Board this evening. The Board has received an exhaustive amount of information and it has been reviewed. The Board has received a report from Cazenovia Advisory Conservation Commission (CACC), revised traffic studies from the applicant, revised archeological studies, planting studies, existing  
30 conditions analysis, maps, and vegetation studies. Information received will go into the State Environmental Quality Review (SEQR) process. Once the Board feels they have all their questions answered, Mr. Stokes will guide the Board through the SEQR analysis.

K. Wheeler invited any succinct public comments or questions about the annexation process.

35 Sarah Webster: I sent you all an email this afternoon and I included the Town Board. I would like to request if any of you vote in favor of this annexation, if you would respectfully provide us with your rationale, specifically why you are voting in favor of it, why you think it is in the best interest of the community. Will you do that?

40 Mr. Stokes: The Board acts as a body, not as individuals. If the Board acts, it will be by resolution, which will set forth findings.

Ms. Webster: Don't they vote individually? If some vote in favor, and some don't, would we be  
45 able to understand why they voted yes? Mr. Stokes: It is up to each individual Board member. There is no requirement.

K. Wheeler: What we will do tonight is go through the SEQR process. At the end of that process,  
we will propose a resolution which sums up the findings of that analysis. Board members will have  
50 the option of voting for it or against it. If individual Board members care to elaborate, they are welcome to do that. The legal mechanism of their opinion is the motion and to vote on that.

Ms. Webster: Are you voting on the annexation tonight or just the SEQR? K. Wheeler: If we go  
through the entire SEQR process and feel we have all the information we need to complete the  
55 SEQR analysis, I think that is the key requirement to do the annexation vote. Once we are finished with the SEQR process, we will make that decision.

Christina Liberatore: I just wanted to ask that before you guys make any votes whatsoever this  
evening, I want you to remember why you moved here. You moved here probably because you  
60 started a family. You wanted your family to be safe. You wanted your family to be in a community where you knew your neighbors and you knew the people around you. Where you felt like you were raising your family in a village and not sort of a village that is kind of broken up with a bunch of employees from some retail stores that will most likely be coming from outside areas--much like Tops works now. I want you to remember that this is a place that we come home to. This is our  
65 home. This is not a one-stop shopping center. When we come home, we understand we will pay a

70 little more in taxes to keep certain elements away. We are going to drive 20 minutes farther to get to certain conveniences. I really want you to keep that in mind. That you are not just voting on fattening up a couple of pockets here, or possibly making a few extra bucks for the town, which turns out to be \$1.50 per household. Think about what you are doing long term because once you do it, it can't be undone.

75 Jack Rooney: One of the SEQR requirements that you check off is a determination if there is a National Register historical property within the development area, or the annexation area. You are required by law to submit the plans to the State Historic Preservation Office (SHPO). I am wondering if you have done that and what their response has been. If you have not, you cannot vote for annexation if that has not been completed. My question is: Have you done that?

80 Mr. Stokes: It has not yet been submitted to SHPO. It does not have any impact on the annexation. It will be submitted before any Planning Board action is taken. K. Wheeler: So it is not a requirement for the annexation process, but it is a requirement for site plan approval? Mr. Stokes: It will be done for the Planning Board process.

85 Mr. Rooney: That is one attorney's opinion if that is what you wish to go by. I think that is incorrect. I think you have received from Cazenovia Preservation Foundation (CPF), a substantial legal position, vis-à-vis, you are approving the full plan as attached to and become part of the annexation. It is the same thing as if the Planning Board was doing this. That, therefore, triggers the requirement to go to SHPO. I think you'd best look at that. We have had enormous expense in legal fees in the past from decisions that have been made by this Board. If you keep doing that, it doesn't make any sense to rush into some judgement that is inaccurate. I would appreciate it if you would give that consideration when your decision is coming down tonight.

90 Carlos Gavilondo: I am a resident of the Village. I am the president of the Cazenovia Preservation Foundation. It probably came in on June 17, CPF submitted a letter to the Village Board, the Town Board, as well the Village Planning Board, setting out some concerns we have with the process. To date, the reports of the CACC and the Historic Preservation Committee (HPC) have identified deficiencies in the proposal as presented. I will say here that I think the developer recognizes that the Planning Board is to review the site plan. It is not officially a proposal. He has not made his site plan proposal to the Village Board nor the Town Board. The concern set out in the letter, and to summarize, is that the scope of the annexation determination should be limited to the annexation of the property. There should be no determination with respect to the merits of the site plan itself. Likewise, with respect to SEQR, the determination should be based solely on the annexation. To the extent there is any consideration given of the site plan with respect to SEQR, it hamstring the Planning Board's independent authority to review the site plan and make an independent SEQR determination. I would just caution this Board, with respect to its SEQR determination or any determination relative to the annexation, that it not put a thumb on the scale with respect to the Planning Board's own determination. The other item I would like to mention, unrelated to this, is this might be the last Village Board meeting that I attend where Trustee Jim Joseph is in attendance. I would like to thank him for his service.

110 Mr. Stokes: As I have tried to state at prior meetings, the Board is not in any way approving a particular site plan or any of the elements of it. Under the SEQR process, the Board has sought and received extensive comments and drawings and reports from the applicant in order to be able to evaluate appropriately the SEQR consequences of the annexation. Again, this Board is not approving any particular site plan. It does not in any way limit the authority of the Planning Board. It will need special permit review.

115 Kathleen Bennett (attorney for the applicant): In a letter I submitted to you this afternoon, lays out the basis for Jim's position and our position that, in fact, this Board has to consider the entire action. Otherwise, it would be unlawful segmentation and would actually be subjecting the project, the annexation, to more litigation and jeopardy of being overturned in court.

125 K. Wheeler: The Village Board relies on its counsel. The applicant received a copy of CPF's letter, and they have also responded and provided a copy, which will be in the file, of their opinion on that topic.

Mr. Gavilondo: The concern becomes that of inconsistent determinations by two different village boards. If this Board makes its determination that the plan, as presented, presents no adverse environmental impact, and then if the Planning Board itself determines that a substantially similar site plan does, in fact, create an adverse environmental impact, then we have the risk of inconsistent

130 determinations by two boards of this village. We have one attorney representing both boards. I'm not sure exactly how that would be reconciled.

K. Wheeler: We are not conducting site plan review. We are not weighing in on the details of the plan. We are weighing in on the potential for the plan if our due diligence is performed to be within  
135 the bounds of SEQR. Ultimately, the Planning Board will be the ones who will be reviewing those details. Our annexation determination tonight won't in any way prejudice the Planning Board's ability to conduct a rigorous process.

Mr. Gavilondo: I apologize. I recognize you guys have gone through a number of meetings on this.  
140 But, as an example, if you make a determination that the traffic study shows no adverse environmental impact and the Planning Board makes an opposite determination that it does have an adverse environmental impact, that is the concern I want to point out to this Board when making its determination and the scope of what it is considering in making that determination.

Mr. Stokes: I just want to point out that the Planning Board did vote to consent to the Village Board's designation of itself as lead agency. To the extent that the information before the Planning Board is consistent with this, the information is before the Village Board, then under the coordinated review process, the Planning Board would be bound by it. If there are significant changes in the scope, scale, layout, etc., of the plan that eventually comes before the Planning Board, then there is a  
150 process for reopening that negative declaration if there were one. The review process would be reopened. To the extent that the information before the Planning Board is consistent with this, the Planning Board would be bound by the Village Board's determination.

K. Wheeler: If we get to the point tonight of making a resolution on this, it will be clear in the  
155 resolution that all of the details of the site plan review and approval process will be owned by the Planning Board. That is this Board's position. We are making a decision tonight on annexation and not on the merits of the site plan itself. That is our position.

John Cawley: I live at 17 Forman Street. I would just like to talk to the Board as you are stewards  
160 of the water supply, which is critical to this community. The proposed development is in a position that it could seriously threaten the water supply. I don't see how you can take a serious vote on any proposal unless you know to what extent there can be commercial development on that property without endangering or jeopardizing the water supply. I feel you are bound to have some sort of a hydraulic report before you can say yes for this annexation.

K. Wheeler: Just to clarify, as part of our comprehensive planning process, there was a very detailed hydrology study for the aquifer—the zone of contribution and the zone of impact—which came up with some very clear recommendations about what conditions would have to be met for any kind of development in those areas. That is part of our approval process to make sure those criteria are met.  
170 That was done by the New York Rural Water Association, which is a very well respected organization in the State of New York, which conducts these analyses for municipalities all across the state. That has been part of the process and we have looked at that very carefully.

Patti Christakos: Just a follow up on the aquifer, the New York Rural Water Association has not  
175 been discussed in terms of the annexation with a drive-thru. I know that was something that was not recommended—square footage, number of cars, etc.

K. Wheeler: Yes, the criteria is potential high uses could have an adverse impact. The definition of high uses is uses which generate more than 1,000 trips per day. As part of the traffic analysis study,  
180 it has been determined that none of the proposed uses will exceed that threshold. The other two key components are 50% greenspace requirement, which the proposal meets, to allow for recharge as well as a very thorough stormwater pollution prevention plan (SWPPP) (pronounced "swip"), which the initial plan has been reviewed by the Village Engineer and it has been found to be in compliance with the requirements from that standpoint.

Ms. Christakos: And the drive-thru? K. Wheeler: That is part of that intensity of use measure.  
185 That is an example of a type of use that could be defined as a high intensity use. Again, the analysis has been done and shows that even with the drive-thrus, any of the proposed uses will be less than 1,000 trips per day.

Ms. Christakos: Doesn't the Comprehensive Plan recommend no drive-thrus because of the aquifer protection issues? K. Wheeler: The Village zoning, which is the operative law, allows drive-thrus.  
190

195 Ms. Christakos: So that was changed after the Comprehensive Plan? K. Wheeler: Part of the analysis was: What drove the drive-thru prohibition? And it was the trips per day. It was a redundant requirement. Current Village zoning allows drive-thru use as long as it doesn't exceed 1,000 trips per day. That is the Village Code.

200 Ms. Webster: I just want confirmation that even if this Board approves it, do you need to have the Town Board approve the annexation in order for it to be validated? Mr. Stokes: That is not technically true. Ms. Webster: That's not what the Town Attorney said, so that's why I wanted to hear from you. Mr. Stokes: There is a process where if one Board approves it and one does not, there is a process by which a court can be asked to decide. There is a process if the Boards don't agree.

205 K. Wheeler: Any questions or clarifications from the Board? I know we have digested an enormous volume of information. I want to thank CACC and everybody who has participated in this process. The Planning Board, even though they are not officially reviewing it yet, they have informally met at great length with the applicants and spent a lot of time. The HPC has also spent a lot of time and I appreciate their efforts. The CACC presented a very thorough detailed plan, which provided not only a really helpful analysis of the application, but some very detailed and helpful suggestions for improvement, so I want to thank the CACC for providing that. Thank you for your service to the Town and the Village. Any questions on any of those reports that you have received? (None heard.) With that, Jim, I will ask you to guide us through the SEQR analysis.

215 Mr. Stokes: You should all have a copy of Part 1, Environmental Assessment Form (EAF) submitted May 9 indicating the information that the petitioner has submitted with respect to the site, proposed use of the site, potential impacts that it could have. We have had this since May 9, but perhaps the Board could just take a minute to review it before we move on to analysis of impacts under Part 2 of the EAF.

225 Mr. Stokes: You should all have a blank copy of Part 2 and Part 3 of the Full Environmental Assessment Form (FEAF). Part 2 is a form that New York State Department of Environmental Conservation (DEC) has prescribed to assist agencies in reviewing potential environmental impacts of any project. The questions on Part 2 are geared toward the factors listed in the SEQR regulations as being relevant to your review of the process. It is not necessarily exhaustive. It does not mean that other impacts may not be taken into account or impacts that are phrased in a manner different than the questions on Part 2 may be posed. In general, this is a fairly comprehensive way of analyzing the impacts required to be analyzed under SEQR. Each question has a yes or no answer. 230 Then underneath that there is a series of sub-items with three columns. The two right columns are "No, or small impact may occur" and "Moderate to large impact may occur." The question in general is: Is it yes or no and then there are subquestions that we should review in terms of whether there may be one or more significant impacts. The DEC combines "no" and "small impact." So it is either a small impact or moderate to large impact.

235 The first question is:

**1. Impact on Land: Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site.** *The Board answered: Yes because of subquestion e.*

240 For subquestion e. **The proposed action may involve construction that continues for more than one year or in multiple phases.** *The Board answered: No or small impact.*

245 Mr. Stokes explained that the reason this is a subquestion is sometimes multi-year construction can have impacts that are larger than single stage construction because it would expand the period of construction noise, dust, and things of that nature. On the other hand, the applicant has indicated they will be taking measures to control dust and other impacts. Obviously, there will be a SWPPP, regardless of how many phases there are. Construction will only be during day hours as permitted by the Village Code.

250 K. Wheeler: Given the safeguards of the Village Code and the fact that the area is pretty well removed and buffered from residential areas, I think it will be a fairly small impact. *The rest of the Board members agreed.*

255 K. Wheeler: Subquestion f. **The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides)** will be dealt with. It is a pretty flat site. Any effects of stormwater will be mitigated by the SWPPP.

260 **2. Impact on Geological Features: The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves).** *The Board answered: No.*

265 **3. Impacts on Surface Water: The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes).** *The Board answered: Yes, small impact.*

Mr. Stokes: There is an intermittent stream on the site. It is within the area that the zoning refers to as a protected area. The plan presented to date would leave that vegetation intact. As we said, there will be standard measures to be approved by the DEC under the SWPPP as well as the Village Engineer to minimize siltation. That is not to say there would be absolutely no impact. The question is whether it is significant. We are not creating a body of water or increasing or decreasing the size or dredging. We are not within a titled wetland. It could create turbidity.

275 K. Wheeler: There is an intermittent stream in the protected wooded area for item d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body. *The Board answered: Yes, small impact.*

K. Wheeler: Perhaps e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments. *The Board answered: Yes, small impact.*

280 K. Wheeler: Maybe i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action. *The Board answered: Yes, small impact.*

K. Wheeler: I think there is pretty extensive mitigation for all three of those (d, e, and i above). Runoff to them should be controlled by Village Code, DEC Code, and the SWPPP.

285 K. Wheeler: We have heard back from the Madison County Sewer District and there will be no change to the existing sewer service.

290 **4. Impact on groundwater: The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer.** *The Board answered: Yes, small impact.*

Mr. Stokes: The project will be connected to Village water. But obviously it is located in the aquifer recharge area and the wellhead protection overlay zone—at least partially. I would say the answer is there is a potential impact. The question is whether it is significant, given the parameters that have been proposed in light of the aquifer protection regulations as well as the proposed design facilities the applicant has put forth. I would point out that there were two emails from the Village Engineer. One was June 1 and one was today. He has generally reviewed the plans. He is not putting his stamp of approval on them as design drawings or construction drawings or anything of that nature. But he is comfortable that stormwater can be mitigated and runoff can be controlled with adequate planning and adherence to the plan, as well as the measures for greenspace and aquifer recharge.

305 K. Wheeler: As I look at number 4, item a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells. There certainly will be some new demand on the public water system. But I think we are talking about 32 dwellings. In the grand scheme of that, the commercial use is relatively small compared to the capacity of the water system.

310 Mr. Stokes: Under h. Other impacts, I would put: Construction within the wellhead protection overlay area.

315 **5. Impact on Flooding: The proposed action may result in development on lands subject to flooding.** *The Board answered: Yes, small impact.*

Mr. Stokes: This is not in any kind of designated floodway or floodplain.

320 K. Wheeler: On d. The proposed action may result in, or require, modification of existing drainage patterns. That will all be driven by the SWPPP.

Mr. Stokes: The information has been submitted and reviewed by the Village Engineer. There will be some change in patterns, obviously, to the extent that runoff will be channeled toward the detention facilities. But the intent is that post-development runoff will not exceed the current rates.

325

**6. Impacts on Air: The proposed action may include a state regulated air emission source.** *The Board answered: No impact for all items.*

Mr. Stokes: By definition, the proposed uses are not ones that would require an air emissions permit either from the Environmental Protection Agency (EPA) or from the DEC to the extent there are new vehicle trips in some undefined quantity. There could be additional air emissions from motor vehicles or from fuel sources from the buildings. The question is whether those impacts are significant in any manner.

335 K. Wheeler: None of them are state regulated air emissions sources.

**7. Impact on Plants and Animals: The proposed action may result in a loss of flora or fauna.** *The Board answered: Yes, small impact.*

Mr. Stokes: To the extent that vegetation is removed. By definition, you have some loss of flora. There would be extensive landscaping as part of the plan. It does provide for 50% greenspace, which is a requirement of the zoning. Given that this is not a virgin forest or even a forest with harvestable timber or anything of that nature, there are essentially lawn trees that have grown to some degree of maturity and some of which may be removed. They would also be replaced by new vegetation. I think the question in the overall sense is, yes, there would be some impact because we are removing certain areas. But the more significant portion of the site, which is to the south, is being preserved as provided in the Design Guidelines of the zoning.

K. Wheeler: In items a-i, there are no known threatened species. No removal of forest. Under j. Other impacts, redevelopment of the site will require some removal and replanting of vegetation. So there will be some changes to vegetation. The biggest area of forest, the wooded area, the strip in the back, will be preserved. I would write in for j. Other impacts: Some removal of vegetation and small impact.

**8. Impact on Agricultural Resources: The proposed action may impact agricultural resources.** *The Board answered: No impact.*

K. Wheeler: There is no active agricultural component or activity. Mr. Stokes: Nor is it in a certified agricultural district.

**9. Impact on Aesthetic Resources: The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource.** *The Board answered: Yes, small impact.*

K. Wheeler: Any time you make a change to the environment, there is a visual change. I think there is potential for impact there.

Mr. Stokes: There is potential. In terms of identified scenic resources, Route 20 has been designated by the State as a scenic byway. The Comprehensive Plan and the zoning for Village Edge South (VES) talk about the preservation of the viewshed located to the southwest of this site. It is not directly on this parcel. But it is an action that takes place in the vicinity of both of those areas which are appropriately considered as aesthetic resources, scenic resources.

K. Wheeler: Given its relationship, spatially, to the designated scenic view, I don't think b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views. That is more driven by the core area of VES where we have designated the viewshed area. In c. The proposed action may be visible from publicly accessible vantage points: to the extent it is visible from a public highway. Does that fit the criteria for c? Mr. Stokes: I would say yes, small impact.

K. Wheeler: Then d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work and to and from shopping. More people will be viewing the site with the increased access to hiking trails. So, ii. Recreational or tourism based activities will become more of a factor, so there is no harm in checking d-i and d-ii. There is minimal applicability to that now, but it will become greater later on. I would not check e. The proposed action may cause a diminishment of the public enjoyment and

appreciation of the designated aesthetic resource. This area right now is pretty fallow. People will be traversing this area more and it will actually enhance the public enjoyment. Let me clarify what I said. Right now the existing space under contemplation is fallow land where no one ever goes. The application as presented would including hiking trails, sidewalks, and public amenities where people would actually go and visit the site and be connected to the Link Trail. Comparing the present condition to what is being proposed, I think would actually be a greater use of the public amenities and greater access to the viewshed that is located just to the west of the parcel. In f. There are similar projects visible within the following distance of the proposed project: In the sense of retail or commercial activities, yes, there are similar things and most are within a half mile.

**10. Impact on Historic and Archeological Resources: The proposed action may occur in or adjacent to a historic or archaeological resource.** *The Board answered: Yes, small impact.*

Mr. Stokes: The answer to that is yes. It is within an area that the State has listed as potentially sensitive for Native American resources. The petitioner has submitted both a Phase IA and Phase IB Archaeological Resource Analysis, which indicated the presence of no such artifacts on the site. That does not necessarily mean there couldn't be one somewhere. But using the generally accepted methods, including shovel tests at the site, no such artifacts were found.

K. Wheeler: So b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory there is a potential for impact, but the due diligence which has been performed to date indicates that it is unlikely that anything of significance will be disturbed? Mr. Stokes: That is correct. Yes, a small impact.

F. Koennecke: What about a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places. It is substantially contiguous to the Maples and the Comstock and all that stuff from Part 1.

K. Wheeler: For 10a, it is not within, but it is contiguous to sites or districts. Does this differentiate historic? Mr. Stokes: Historic and/or archaeological. K. Wheeler: So 10a could be relevant. It is across the street. In the aspect that it is redevelopment of existing commercial property as well as the buffering component within the guidelines. So, 10a is "yes," small impact may occur. I don't think there is any other archaeological site not on the SHPO inventory, so item c. is "no."

K. Wheeler: For e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3: i. The proposed action may result in the destruction or alteration of all or part of the site or property. Alteration certainly will occur. Mr. Stokes: It is referring to an historic site. K. Wheeler: That would be a "no." For point ii. The proposed action may result in the alteration of the property's setting or integrity. Certainly the setting will be altered by new construction. For iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting. Certainly the setting will be altered by new construction. That would be a small impact.

**11. Impact on Open Space and Recreation: The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.** *The Board answered: No impact.*

K. Wheeler: I think it would be a "no." If anything, it would be an enhancement to recreational opportunities or open space resources.

**12. Impact on Critical Environmental Areas: The proposed action may be located within or adjacent to a critical environmental area (CEA).** *The Board answered: Yes, small impact.*

Mr. Stokes: To the extent that the wildlife protection area is considered to be a CEA, I'm not sure that it is, but for the sake of being conservative in our analysis, we will say "yes."

F. Koennecke: It was reported in Part 1.

K. Wheeler: I think we are considering it as such in 12 a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA. The potential exists. But that's where the criteria for the aquifer overlay district come in. That should be mitigated or eliminated by the criteria of the wellhead protection plan. Part a. is

quantity. So quantity is the recharge capability. 12 b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA. 12 b. is quality, the pollution prevention aspect. Again, I think those possibilities exist but are mitigated by the protections in place.

Mr. Stokes: Under c. Other impacts: I would put construction within the wellhead protection overlay area.

460 **13. Impact on Transportation: The proposed action may result in a change to existing transportation systems.** *The Board answered: Yes, small impact.*

K. Wheeler: Certainly there will be a change, so that would be a “yes.” For 13 a. Projected traffic increase may exceed capacity of existing road network. We have an initial and subsequent traffic study that were conducted. The New York State Department of Transportation (DOT) had done some initial analysis of the site and the plan and they concurred that it would certainly not exceed the capacity, so that’s a “no.”

K. Wheeler: In DOT’s opinion, it will not degrade existing transit access. Capacity remained appropriate. The plan will enhance existing pedestrian and bicycle accommodations. It may alter the pattern of movement of people or goods. If there is any impact, it will be small. In some ways it will be enhanced in terms of pedestrian access. There will be small impact on the vehicle movement.

475 **14. Impact on Energy: The proposed action may cause an increase in the use of any form of energy.** *The Board answered: Yes, small impact.*

K. Wheeler: We have an analysis in the EAF on the impact on energy. Obviously, any time you have a new use, you are going to have an increase in the form of energy. But it is a pretty moderate change, given the scope for the whole community. There is certainly no need for a new substation. There is not a need for a substantial change to the transmission system. There is existing power distribution there. I’m assuming it is going to need to be upgraded.

Mr. Stokes: I don’t know to the extent that the distribution system would have to be upgraded. On the site there would need to be some modifications to connect to the Village.

K. Wheeler: To be conservative, I think checking small impact on b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use is reasonable. They will be underground utilities to the extent practicable within the zone, certainly, the residential portion.

F. Koennecke: The supply system for a commercial use fits.

K. Wheeler: Again, there will be new uses. The analysis is easily accommodated by the public utility. I think the EAF indicated that net usage would be less than 2,500 megawatts per year. Total threshold of building area should be less than 100,000.

500 **15. Impact on Noise, Odor, and Light: The proposed action may result in an increase in noise, odors, or outdoor lighting.** *The Board answered: Yes, small impact.*

K. Wheeler: Certainly during the construction phase, there will be some noise. There will be lighting on the premises. So that is a check mark for “yes, small impact.” There should be no noise levels above local regulations, so that should not be a factor. There should not be any blasting. None of these uses are associated with any particular intense odors. Our Village regulations for lighting are very rigorous and very specific. For the lighting plan to be approved, it will not be permitted to shine onto adjoining properties and it will have to be night skies compliant. Items d. and e. are “yes, small impact,” but they will have to be compliant with Village Code.

510 **16. Impact on Human Health: The proposed action may have an impact on human health from exposure to new or existing sources of contaminants.** *The Board answered: No impact.*

Mr. Stokes: There has been nothing indicated in the data provided that there is any contamination on the site or anything that could be disturbed or released.

515 K. Wheeler: I don’t see anything in any of the subquestions, so I think 16 is a “no.”



**17. Consistency with Community Plans: The proposed action is not consistent with adopted land use plans.** *The Board answered: No impact.*

520 K. Wheeler: This is certainly a topic where there has been a lot of disagreement and difference of opinions. Let's start with a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s). The reason this area has been identified for annexation is that it is adjacent to existing commercial property. Obviously there is a change.

525 Mr. Stokes: The question is whether there is a deviation from the Village's adopted Land Use Plan, particularly, in this case, VES mixed use zoning requirements.

F. Koennecke: Plus it is already a commercial property.

530 K. Wheeler: I think the proposal is consistent with what the VES has been contemplated. There is certainly not an increase in population by more than 5%. In the EAF, the applicant has made the case that the concept meets the criteria for proposed land uses and zoning.

535 Mr. Stokes: I think it is worth emphasizing that in addressing this question the Board needs to consider, conceptually, is the proposal consistent or can it be modified to be consistent? Perhaps more succinctly, can the site be developed in such a way to be consistent? We are not approving any details. The question is, from the SEQR perspective, can it be developed in a manner consistent with the planning and zoning?

540 K. Wheeler: I don't think there are any relevant county or regional plans.

Mr. Stokes: I would suggest that the answer overall is "no."

**18. Consistency with Community Character: The proposed project is inconsistent with the existing community character.** *The Board answered: Yes, small impact.*

550 K. Wheeler: Item a. is a "no." Item b. The proposed action may create a demand for additional community services (e.g. schools, police and fire). Certainly, especially for the residential component that would be "yes, small impact." Item c. is a "no." With any luck it will provide that amenity. Item d. is a "no." Again, if anything, I think it is going to enhance access to things like the trail network. Regarding item e., we are not here tonight to do architectural review. The applicant has presented their proposal for the buildings. We have advisory input from the HPC. The Planning Board will take that into account as they review the site plan and do architectural review. Item f.: This area is being redeveloped. The existing property is commercial already.

555 D. Porter: Item e. The proposed action is inconsistent with the predominant architectural scale and character. This has the potential for impact. K. Wheeler: The idea would be to mitigate that and make it as consistent as possible with the predominant style. So the potential for impact exists, so that is a "yes, small impact."

560 Mr. Stokes: You have completed Part 2 under SEQR regulations. We also need to consider Part 3, which is your final analysis for your answers to Part 2. Everything you checked was in the "No, or small impact" category. But with respect to any of those questions that were answered in that manner, the agency is to consider the severity, size, or extent of any potential impacts, assess the importance of the impact in terms of its geographic scope, duration, probability of occurring, number of people affected by the impact, and any additional environmental consequences taking into consideration any design element or project changes. In that respect, I would suggest we review our answers to Part 2, particularly those that were answered in the affirmative—as a "yes."

570 F. Koennecke: We need a response for anything that is significant? No response is required for "No, or small impact?"

575 K. Wheeler: The threshold is: Do any of these amount to significant adverse impacts? We are trying to come to a sum total assessment. We have potential impacts on land; surface water; groundwater; minimal on flooding, but it was contemplated; some vegetation change under plants and animals, with plants primarily; aesthetic resources; historic and archaeological resources; CEA; transportation; energy; noise, odor, and light; and community character.

580 Mr. Stokes: The analysis needs to be in reference to the existing condition. We have an essentially abandoned commercial site that has been partially developed and has buildings and pavement on it.

The zoning itself is the critical element here in terms of potential environmental impact. Any project approved by the Planning Board would be by special permit and would need to be in compliance with that zoning. The zoning requires 50% greenspace, requires measures to provide for erosion control as well as aquifer recharge, provide for internal circulation and connectivity in terms of traffic. All that is required by the zoning. The petitioner has provided a great deal of information to demonstrate that it can comply with those requirements. But again, we are not approving a particular plan. We are not approving anything that has been submitted. The applicant has been working with the Planning Board and it has been entirely informal to this point. The Planning Board has no official jurisdiction at this point because the property has not been annexed. From a SEQR perspective, the information provided by the applicant has been extensive and valuable.

K. Wheeler: For any of the areas where we checked a potential for impact, I think we have identified mitigating factors either within the requirements or what has been proposed.

Mr. Stokes: I think all of these were factors that were considered by the committee that studied this area as well as the committees and boards that adopted the zoning for the VES Mixed Use (MU) and the Design Guidelines.

K. Wheeler: This is a good place to reiterate the intent of the VES zone. There are two things: One is to create a mixed use environment where residential uses and commercial uses are together and to maintain that movement of people and add vitality. The residential component certainly meets that standard. The broader picture, also, is that zone is essentially to do things that cannot be done in the downtown of the community. Small retail spaces are available downtown. There are a very limited number of areas in the Village, as well as the in Town, where larger commercial or retail operations can occur. I did some research last night. There are approximately 32,000 acres in the Town and the Village combined. There are about 40 acres that are designated for potential commercial and retail development, of which this is 10 or 11 of them. There are a very limited number of spaces in the overall community where this type of project can occur. That was one of the intents of creating the VES zone. Essentially, the Design Guidelines and the zoning were both designed to allow that while also protecting things that are valued about that area of the Village. I think we have a lot of information on both of those aspects. Jim, is there anything else to consider with regard to the overall SEQR determination?

Mr. Stokes: Not with respect to the form itself. I have taken the liberty of drafting a resolution, which I just passed out. We have had a discussion, and there have been discussions throughout the various meetings, about potential development of this site and potential impacts. But it is important, legally and otherwise, to commit any findings to writing. I presented the Board with a draft and I want to emphasize DRAFT. This is an attempt to take a stab at which way I thought the record might be taking us as a Board. This does not in any way mean that the Board cannot differ from what I have suggested in this language, modify it, or disregard it entirely. That is entirely up to the Board. For purposes of continuing the analysis and the process for consideration, I have some proposed findings. The resolution is a very long document. About half way through, you will find an "Attachment A," which is proposed language to set forth what we have been discussing verbally in terms of potential impacts. Has everybody found that page? The description of the proposed action, I'm not going to review that. Everybody knows what the proposed action is, but it is set forth there in writing. I have indicated a little summary of what the Part 3 process is. If you go over onto the second page, then it takes the questions one by one.

630

**RESOLUTION # 4  
OF THE BOARD OF TRUSTEES  
OF THE VILLAGE OF CAZENOVIA**

635

**RESOLUTION MAKING A DETERMINATION OF ENVIRONMENTAL  
NONSIGNIFICANCE UNDER THE NEW YORK STATE  
ENVIRONMENTAL QUALITY REVIEW ACT**

640

**WHEREAS**, a petition for the annexation to the Village of Cazenovia of certain lands located in the Town of Cazenovia and owned by New Venture Assets, LLC has been duly filed with the Village of Cazenovia; and

645

**WHEREAS**, said lands proposed for annexation are generally described as approximately 10.7 acres of uninhabited lands owned entirely by New Venture Assets, LLC adjoining the easterly boundary of the Village of Cazenovia and located along the southerly side of NYS Route 20, known as tax map parcel nos. 95.3-2-19 and 95.3-2-20, as more fully described in said petition; and

650

**WHEREAS**, New Venture Assets, LLC, together with Sphere Acquisitions, seeks annexation of the subject premises to facilitate the redevelopment of these parcels for a mixed use development to include a drive-thru pharmacy use, a retail food store use, a drive-thru bank use and a residential town home apartment use (the "Project"); and

655

**WHEREAS**, the Board of Trustees of the Village of Cazenovia and the Town Board of the Town of Cazenovia held a joint public hearing pursuant to Section 705 of the General Municipal Law concerning the petition on May 9, 2016, which public hearing was continued to and re-opened, and then closed on May 25, 2016; and

660

**WHEREAS**, the Board of Trustees desires to comply with the requirements of the New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations set forth at 6 NYCRR Part 617 (the "Regulations") with respect to its consideration of the Project; and

665

**WHEREAS**, at the joint public hearing on May 9, 2016, the Board of Trustees of the Village of Cazenovia indicated its intent to act as lead agency for purposes of conducting a coordinated review of the entire Project in compliance with SEQRA as it applies to this action; and

670

**WHEREAS**, in addition to the Board of Trustees, other involved agencies in regard to the Project include the Town Board of the Town of Cazenovia, the Village of Cazenovia Planning Board, and the New York State Department of Transportation; and

675

**WHEREAS**, each of the aforementioned involved agencies consented to the designation of the Village Board of Trustees as lead agency for purposes of undertaking a coordinated review of the entire Project pursuant to SEQRA; and

680

**WHEREAS**, the Board of Trustees has considered the proposed annexation and the subsequent zoning and redevelopment of the subject premises proposed by the Applicants as a single action for purposes of its SEQRA review; and

685

**WHEREAS**, the Applicants submitted a revised full environmental assessment form dated May 9, 2016 that provided information with respect to the entire Project; and

690

**WHEREAS**, in addition to the full environmental assessment form and its presentations, the Applicants submitted the following additional reports and correspondence for consideration in connection with the SEQRA review:

- Traffic Impact Study dated April 2016 and revised June 2016 prepared by GTS Consulting;
- Phase IA and IB (Phase I) Cultural Resource Investigations for the Proposed Cazenovia Retail Development Project (Aldi site) dated April 8 2016 prepared by Powers Archaeology, LLC;
- Phase IA and IB (Phase I) Cultural Resource Investigations for the Proposed Cazenovia Retail Development Project (bank/multi-family apartment site) dated May 6, 2016 prepared by Powers Archaeology, LLC;
- Aquifer Report dated June 2016 prepared by Napierala Consulting;

- 695
- Correspondence from Bill Carr, Public Works Administrator/Code Enforcement Officer dated March 31, 2016 concerning adequacy of public water capacity;
  - E-mail correspondence from Jim Cunningham, Manager, Madison County Sewer District, undated, regarding available sewer capacity; and
  - E-mail correspondence from John Dunkle, Village Engineer, dated June 1, 2016 and June 20, 2016, regarding feasibility of managing stormwater runoff and providing for aquifer recharge, as well as general comments regarding potential environmental impacts.
- 700

705       **WHEREAS**, the Board of Trustees has received extensive comments from the public concerning the entire Project; and

**WHEREAS**, the Applicants made presentations to the Board of Trustees on May 9, 2016, May 25, 2016 and June 6, 2016; and

710       **WHEREAS**, the Board of Trustees has thoroughly reviewed the information provided in Part I of the EAF, as well as the other reports and correspondence submitted to the Board, and

**WHEREAS**, the Board of Trustees has given consideration to all of the testimony that was given during the public hearings and at other meetings during which the Project was considered and to each of the presentations made by the Applicants, and

715

**WHEREAS**, the Board of Trustees is mindful of the criteria set forth in Section 617.7 of the SEQRA regulations for determining the environmental significance of an action, and

720       **WHEREAS**, pursuant to the Regulations, the Board of Trustees has considered the significance of the potential environmental impacts of the Project by (1) using the criteria specified in Section 617.7(c) of the Regulations, and (2) examining the FEAF for the Action, including the facts and conclusions in Part 1 of the EAF, and completing the analyses for Parts 2 and 3 of the FEAF, together with examining other available supporting information, to identify the relevant areas of environmental concern, and (3) thoroughly analyzing the identified areas of relevant

725       environmental concern to assess whether the Project will not, or may, result in a significant adverse environmental impact.

**NOW, THEREFORE, BE IT RESOLVED**, as follows:

- 730       (a) The Project is subject to SEQRA; and
- (b) The other involved agencies with respect to the Project include the Town Board of the Town of Cazenovia, the Village of Cazenovia Planning Board, and the New York State Department of Transportation; and
- 735       (c) The Action is an Unlisted action; and
- (d) The Board of Trustees for the Village of Cazenovia has duly acted as lead agency for purposes of undertaking a coordinated review with respect to the Project; and
- 740       (e) In making its determination of significance, the Board of Trustees examined all the criteria set forth in Section 617.7 of the Regulations, and evaluated the issues of causation and significance in light of the standards set forth in 617.7; and
- 745       (f) The Board of Trustees hereby accepts, approves, and adopts the completed FEAF Part 1, Part 2, and Part 3 as attached hereto, and also adopts the findings set forth in **Attachment A** hereto; and
- 750       (g) The reasoning supporting the Board of Trustees' findings and determination of significance for the Action is more fully set forth in Attachment A to this Resolution, which Attachment A also contains the completed FEAF Part 1, Part 2, and Part 3, which Attachment A, including all parts and components thereof, are fully incorporated herein by reference and are hereby approved and adopted in form and in substance as set forth in Attachment A.
- 755

(h) With respect to the criteria in Section 617.7(c) of the Regulations as applied to the Project, the Town Board finds as follows:

**a. Whether a substantial adverse change would occur in existing:**

760

i. **Air quality:** There will be no process emissions from the Project. The Project may use HVAC equipment that could be a minor source of air emissions. Any emissions associated with this equipment will comply with all federal and state regulatory requirements and will not require any state or federal air permit registration. Construction activities may result in some fugitive dust, but will be minimized by best management practices included as part of the SWPPP. There will be no impact on air quality associated with vehicular emissions because the Project site is not located in a non-attainment area for National Ambient Air Quality Standards, there are no sensitive receptors nearby, and the Project will not result in unacceptable vehicular traffic operation levels of service.

765

770

775

ii. **Ground or surface water quality or quantity:** There will be small impacts associated with stormwater runoff (turbidity, siltation, water quality degradation). However, surface water will not be adversely affected because the Project includes an erosion and sediment control plan and permanent stormwater control measures that were designed and implemented in accordance with regulatory requirements. Implementation of the Storm Water Pollution Prevention Plan ("SWPPP") approved by the New York State Department of Environmental Conservation ("NYSDEC"), will avoid degradation of surface water resources that could be caused by turbidity, siltation, or other pollutants by treating stormwater quality and controlling stormwater quantity (flow) prior to its discharge off-site.

780

785

The Property is located over an identified aquifer. However, the Project must comply with the green space requirements in the Village's Zoning Design Guidelines for the VES-MU district. In addition, none of the uses proposed will generate traffic over the 1,000 trip threshold set forth in the Village's wellhead protection regulations. The Project also provides permanent stormwater control measures that have been designed to allow for appropriate recharge of the aquifer following proper filtration to ensure that NYSDEC water quality standards have been achieved. In email correspondence from John Dunkle, Village Engineer, dated June 1, 2016, it is noted that the use of proprietary pre-treatment units, bio-retention areas, swales, and infiltration areas located strategically throughout the site are practices that could be used to meet the wellhead protection requirements.

790

795

800

iii. **Traffic:** The Project developers are engaged in conversations with the New York State Department of Transportation and as a result, have, to date, eliminated one curb cut at DOT's request. As indicated in the Traffic Impact Study ("TIS"):

805

(1) the redevelopment Project will maintain an acceptable Level of Service. Presently, all traffic movements studied operate at a Level of Service C or better during both am and pm peak hours. Following full build-out of the redevelopment project, and accounting for adequate background traffic growth, all traffic movements are predicted to operate at a Level of Service D or better, which is an acceptable Level of Service according to the Highway Capacity Manual.

810

(2) There are over four times the number gaps needed for each traffic movement into and out of the site driveways during the peak hours on Route 20. These gaps in traffic are more than sufficient to accommodate the projected traffic accessing the site.

815

(3) There are adequate sight distances available in both directions on Route 20 at the proposed driveway locations. There are no concerns

820

with sight distances associated with safety for ingress and egress from the proposed site driveways.

825 (4) There are no High Accident Locations (HAL's) within 0.1 miles of  
the site. A crash analysis was performed per Highway Design  
830 Manual Chapter 5 which shows that all intersections and the Route  
20 corridor within the study area have existing accident rates below  
the statewide average for similar facilities.

835 iv. **Noise levels:** There will be no significant adverse impact with respect  
to noise. Any noise associated with construction will be temporary in  
nature, limited to daytime hours, and not located in close proximity to  
residential areas. Likewise, noise produced by the operation of the  
Project is expected to be consistent with existing ambient noise levels  
at and around the Property.

840 b. **Whether a substantial increase in solid waste production would occur:**  
The Project is expected to generate .5 ton of solid waste per month that will be  
transported to the Madison County Landfill, which has sufficient capacity to  
handle the waste. The Applicant also plans to implement reuse and recycling  
initiatives.

845 c. **Whether a substantial increase in potential for erosion, flooding, leaching  
or drainage problems would occur:** There are no anticipated impacts with  
respect to erosion, flooding, leaching or drainage. The Applicant will be  
implementing a NYSDEC approved SWPPP that includes erosion and  
sediment control features that will be designed to comply with regulatory  
850 requirements. The Project is not located in a floodplain and is not modifying  
existing off-site drainage patterns. Implementation of the SWPPP approved  
by the NYSDEC will treat stormwater quality and control stormwater quantity  
(flow) prior to its discharge off-site.

855 d. **Whether the removal or destruction of large quantities of vegetation or  
fauna; substantial interference with the movement of any resident or  
migratory fish or wildlife species; impacts on a significant habitat area;  
substantial adverse impacts on a threatened or endangered species of  
animal or plant, or the habitat of such a species; or other significant  
860 adverse impacts to natural resources would occur:** The Project will not  
result in a significant adverse impact on plant and animal species. According  
to State mapping resources and databases, no threatened or endangered  
species are known to exist at the site, nor are there any critical habitats or  
refuges on the Property. Indeed, a large portion of the Property was previously  
developed and contains several unused and dilapidated commercial buildings.  
865 The Project also has been designed to maintain the existing conservation land  
on the Property thereby preserving the area which potentially could be used by  
common suburban wildlife such as squirrels and deer.

870 e. **Whether the impairment of the environmental characteristics of a critical  
environmental area (CEAs) as designated pursuant to 6 NYCRR §  
617.14(g) would occur:** The Site is located within a CEA designated for the  
Cazenovia Village Well Head. This CEA is protected by regulations set forth  
in the Wellhead Protection Overlay District that are found in the Village  
Zoning Code.

875 However, the Project is a redevelopment project intended to comply with the  
green space requirements in the zoning design guidelines. According to the  
TIS, none of the proposed uses will generate traffic over the 1,000 trip  
threshold provided in the Village's wellhead protection regulations. The  
880 Project also will provide permanent stormwater control measures that will be  
designed to allow for appropriate recharge of the aquifer following proper  
filtration to ensure that NYSDEC water quality standards have been achieved  
and that the requirements of the Wellhead Protection Plan have been satisfied.  
Pre-treatment units will include a baffle system typically found in the design  
885 of fueling stations to collect fuel and oil spills. This level of design has been  
considered to specifically protect the aquifer.

890  
895  
900  
905  
910  
915  
920  
925  
930  
935  
940  
945  
950

The Village Engineer has reviewed the conceptual stormwater management design and agreed that the use of proprietary pre-treatment units, bio-retention areas, swales, and infiltration areas located strategically throughout the site are practices that could be used to meet the wellhead protection requirements. Thus, the Board concludes that the Project will not impair the CEA.

- f. **Whether a creation of a material conflict with a community's current plans or goals as officially approved or adopted would occur:** Successive versions of the Village's Comprehensive Plan have recommended annexation and redevelopment of the Property since 1991. Amendments to the Village Comprehensive Plan in 2013 provided that the Property is "*currently in the Town of Cazenovia, but Village zoning for VES should be developed to include [it] given[its] identification as candidates for annexation dating back to at least the 1991 Village Comprehensive Plan.*"

Under the Village Zoning Code, upon annexation, the Property will "automatically be classified and zoned as the same zoning district as the lands previously within the Village sharing a common boundary with the newly annexed lands". See Village Zoning Code § 180-13. As a result, the Property would be zoned VES-MU upon annexation. "*For a VES Zone, Mixed Use can be within the same building or in two separate buildings on the same site. Mixed Use may also be accomplished by providing for a complementary use on a separate parcel but within the VES Mixed Use Zone.*" Village Zoning Code, §180-9. The Design Guidelines have corresponding language:

*"Mixed use can take many forms. . . . Mixed uses can be vertically integrated, such as a traditional residential over commercial, but may also be two distinct buildings and projects. The intent is to allow flexibility and creativity on the part of the developer rather than restrictive concepts that may actually discourage mixed use development."*

Village Edge South Design Guidelines, pp. 11-12 (Feb. 3, 2014). The Project is proposing a mixed use redevelopment of the Property to include commercial uses on NYS Route 20 and multi-family residential uses set back off the highway. This is consistent with the Village Zoning Code and Design Guidelines.

In addition, with respect to redevelopment of the Property recommended for annexation, the 2013 Amendments noted

*"Development within the VES zone should be driven by a conservation analysis of the site with emphasis on preserving elements previously identified as community priorities, including viewshed to the southwest, maximizing greenspace while allowing economic development, promoting a "hard edge" that is also a welcoming gateway to the village and allowing recharge for the aquifer consistent with Appendix B (Wellhead Protection Plan)."*

Similar language is found in the Village Zoning Code and the Design Guidelines.

The proposed redevelopment Project is consistent with the overall purpose of the VES-MU zone. The Project is intended to provide the hard "gateway" between the Village and the Town envisioned in the Comprehensive Plan and Design Guidelines. The Project design also preserves the conservation area, has been designed to be protective of the aquifer and promotes economic growth that is compatible with the Village character. The Project design promotes interconnectivity for vehicles and pedestrians, designed landscaping, a build-to-line and buildings that face the street.

- g. **Whether the impairment of the character or quality of important historical, archeological, architectural, aesthetic resources, or of existing community or neighborhood character would occur:** According to the Phase 1A and 1B Cultural Resource Investigation, the potential existed for prehistoric Native American deposits to be located on the Property. However,

955 the portion of the Property located adjacent to Route 20 was previously altered, graded and covered with gravel and asphalt, thereby reducing the probability for intact cultural deposits. Nevertheless, Powers Archaeology, LLC performed shovel pit tests throughout the Property and no cultural resources were identified. As a result, Powers Archaeology opined that no further archaeological work was warranted and that redevelopment should be allowed to proceed.

960 In addition, several man-made features including a motel, a café and associated outbuildings and parking areas are still extant on the Property. As noted in the Powers Archaeology report, none of these buildings exhibit any exceptional architectural features. As a result, demolition of these run-down structures will not impair any important historical, architectural, aesthetic resources or existing community character. Rather the Project will remove dilapidated structures and redevelop a blighted area.

970 h. **Whether a major change in the use of either the quantity or type of energy would occur:** The electrical demand for the Project is approximately 2,000 kWh per day to be supplied by an existing public utility. Since the Project is a redevelopment project, service is already provided to the site, but will require minor modifications and upgrades on the site.

975 i. **Whether the creation of a hazard to human health would occur:** The Board concludes that the Project would not impact human health. There is no history of reported spills or remedial actions at the Site and the Phase I Environmental Site Assessment concluded there were no on-site, off-site, or historical recognized environmental conditions. Any asbestos-containing material in the existing structures will be managed in accordance with applicable regulatory requirements.

980 j. **Whether a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses would occur:** The Property is not presently used for green or open space or for agricultural uses. Rather, the Property was previously disturbed and was formerly used for commercial purposes. In fact, several unused and dilapidated structures associated with those former commercial uses remain on the Property. The redevelopment of the Property will actually increase opportunities for recreational use by creating sidewalks and trails that will allow for walking, hiking and biking, including a connection to the NCT Link Trail that also leads to the Art Park.

995 k. **Whether the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action, would occur:** The Project is a redevelopment project that includes both commercial and residential components. The commercial uses are retail uses that will result in only short-term trips to the Property. Although, people would be residing in the residential units on a long-term basis, the number of units will not result in a large amount of people. In addition, the Board views development that could result in an increase in the Village's population and, likewise, an increase in the Cazenovia School District's enrollment as a beneficial impact.

1000 l. **Whether the creation of a material demand for other actions that would result in one of the above consequences would occur:** The redevelopment Project is intended to be constructed in accordance with the Comprehensive Plan and the VES Design Guidelines that provide a plan for the future build out of the Village's southern edge. This Project is just one part of that plan and provides for potential future connections to other developments envisioned by the VES Design Guidelines. Nevertheless, the Project is an independent, stand-alone redevelopment and will not create a material demand for other actions that would result in one of the above consequences.



- 1015                    **m. Whether changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment, would occur:** The potential impacts associated with the Project will not collectively or in combination result in any significant adverse impact on the environment.
- 1020                    **n. Whether two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in 6 NYCRR 617.7, would occur:** The redevelopment Project design is subject to the regulations of the VES-MU zoning district and the VES Design Guidelines that provide a plan for the future build out of the Village’s southern edge. This Project is just one part of that plan and provides for potential future connections to other developments envisioned by the VES Design Guidelines. Nevertheless, the Project is an independent, stand-alone redevelopment project and there are no other plans for development of the remaining VES area at this time. Accordingly, there are no reasonably related long-term, short-term, direct, indirect or cumulative impacts associated with the redevelopment Project.
- 1025
- 1030
- 1035                    (i) The information available concerning the proposed annexation is sufficient for the Board of Trustees to make its determination as set forth herein. The Board of Trustees has not identified any significant adverse environmental impacts associated with the annexation, and none are known to the Board of Trustees. Therefore, for the reasons identified above and in **Attachment A**, the Board of Trustees hereby determines that the Project will not have any significant adverse environmental impacts and hereby issues a Negative Declaration under SEQRA, indicating that the Board of Trustees will not require preparation of an environmental impact statement with respect to the annexation; and
- 1040
- 1045                    (j) As a consequence of the foregoing, the Mayor is directed to execute Part 3 of the FEAF, and to make any filing(s) and publication required by law of this Negative Declaration; and
- 1050                    (k) The Board of Trustees hereby directs that all SEQRA documents and notices, including but not limited to the FEAF and Negative Declaration, are to be maintained in files that are readily accessible to the public and made available upon request, subject only to the limitations established by the Freedom of Information Law.
- (l) This resolution shall take effect immediately.

1055    June 20, 2016

Attachment A

1060                    STATE ENVIRONMENTAL QUALITY REVIEW ACT  
FULL ENVIRONMENTAL ASSESSMENT FORM – PART 3

Reasons Supporting the Determination of Significance

1065                    **Description of Proposed Action**

1070                    New Venture Assets, LLC, together with Sphere Acquisitions, (collectively, the “Applicants”) have submitted a petition for the annexation to the Village of Cazenovia of certain lands located in the Town of Cazenovia and owned entirely by New Venture Assets, LLC. The land proposed for annexation is approximately 10.7 acres of uninhabited land adjoining the easterly boundary of the Village of Cazenovia and located along the southerly side of NYS Route 20, referred to as tax map parcel nos: 95.3-2-19 and 95.3-2-20 (the “Property”).

1075                    The Property was previously the site of a former motel, inn and café. Structures associated with these prior uses remain and are generally dilapidated creating an eyesore on the eastern boundary between the Village and the Town. The Applicants seek annexation of the Property to facilitate its redevelopment for a mixed use development to include a drive-thru pharmacy use, a retail food store

use, a drive-thru bank use, an additional retail use adjacent to the bank use, and a residential town home apartment use (the “Project”).

1080

Specifically, the Project will remove all existing developments and significantly reduce the number and width of existing curb cuts onto NYS Route 20. The Project is proposed to result in the redevelopment of the Property for commercial and residential uses, to include: (1) a 18,134± SF Aldi’s Food Store; (2) potential future development of a 14,536± SF pharmacy with drive through operations; (3) potential future development of a 2,500± SF bank with drive through operations; (4) potential future development of 2,500± SF of additional retail space; and (5) 32 multi-family apartment units in four buildings located toward the rear of the Property. Access to the full build development is proposed to be provided via a right in only driveway to the pharmacy at the western edge of the site, a full access driveway between the shared parking field proposed for the pharmacy and Aldi’s 225± feet to the east, and a full access stub road which will provide cross access to the developments 250± feet further to the east. The Property also is proposed to be re-subdivided into three lots to facilitate the redevelopment Project.

1085

1090

### Part 3 Analysis

1095

SEQRA requires that each impact in Part 2 that the Board of Trustees identified as moderate to large, further analysis must be undertaken in Part 3 to determine whether significant and adverse impacts may result from the Project. This includes consideration of the magnitude, duration of impact, likelihood of the impact and importance of the impact in the context of the community.

1100

- Magnitude assesses factors such as severity, size or extent of an impact. Magnitude is conveyed as moderate to large. Moderate impacts tend to be more localized. Large impacts tend to be broader and of regional concern.

1105

- Duration looks at how long the impact will occur. Duration is assessed as short-term, medium-term, long-term or irreversible.

1110

- Likelihood measures the probability of an impact occurring. Likelihood involves determining whether the impact is unlikely to occur, will possibly occur or will probably occur.

1115

- Importance relates to how people or resources will be qualitatively impacted in the context of the status quo conditions in the community and the environment. Importance is more subjective and is based on a consideration of the magnitude, duration, likelihood, environmental setting and on the scale and context of the project, the site and the community.

However, for purposes of completeness, the Board of Trustees has provided its analysis with respect to each of the potential impacts analyzed in Part 2.

1120

1. *Impacts on Land: “Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site.”*

The Project will result in the physical alteration of land. This question asks the reviewing agency to evaluate the potential impacts of any physical alteration of the land. This would include grading, clearing, filling, excavation, and construction of any structure on the land. The Project involves the redevelopment of land, which would include physical alteration of land. Specifically, the proposed action may involve construction that continues for more than one year or in multiple phases. In addition, the proposed action may result in increased erosion, whether from physical disturbance or vegetation removal. However, the Board of Trustees concludes that the Project will not impact the land because the Applicant is implementing a Storm Water Pollution Prevention Plan that will include an erosion and sediment control plan and best management practices for construction in phases. Compliance with the SWPPP will minimize or avoid any potential impacts on land. Finally, construction activity is of limited duration and the land will be restored and improved, leaving no lasting adverse impact.

1125

1130

1135

2. *Impact on Geological Features: “The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves).”*

1140 This question asks the reviewing agency to evaluate potential impacts to unique or unusual landforms, and National Natural Landmarks. The Village may contain unique or unusual landforms, however, the SEQRA Workbook states that no impact will result if the Action will not directly modify or inhibit access to a unique or unusual landform.

1145 The Board of Trustees concludes that the Project will not impact geological features because there are no unique or unusual landforms on the Property and the Project will not directly modify or inhibit access to a unique or unusual landform.

1150 3. *Impact on Surface Water: "The proposed action may affect one or more wetlands or other surface waterbodies (e.g., streams, rivers, ponds or lakes)."*

1155 This question asks the reviewing agency to evaluate the potential impacts to any wetland or other surface waterbody including streams, rivers, ponds, and lakes. The Workbook states that impacts on surface water may occur as a result of activities that disturb the land such as removing vegetation; increasing or decreasing the size of a waterbody; creating new water bodies; and grading, clearing, filling, or excavating within or adjoining a waterbody. It also includes activities that would cause erosion, withdraw water, discharge wastes into the waterbody, or degrade water quality. Here, the proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies. The proposed action also may affect the water quality of any water bodies within or downstream of the site of the proposed action

1160 The Board of Trustees concludes that the Project will not impact surface water because implementation of the Storm Water Pollution Prevention Plan ("SWPPP") approved by the New York State Department of Environmental Conservation ("NYSDEC"), will avoid degradation of surface water resources that could be caused by siltation or other pollutants by treating stormwater quality and controlling stormwater quantity (flow) prior to its discharge off-site.

1165 In addition, surface water will not be adversely affected because the Project will include an erosion and sediment control plan and permanent stormwater control measures designed and implemented in accordance with state regulatory requirements. Finally, the Applicants have minimized the potential impact of the stream crossing by relocating the bridge to the narrowest part of the conservation area.

1170 4. *Impact on Groundwater: "The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer."*

1175 This question asks the reviewing agency to evaluate potential impacts on the use of, and contamination of, groundwater resources. The Workbook states that impacts may occur when an action causes excavation, mining, a new demand for water, impacts to water sources, the generation of liquid waste, bulk storage of petroleum, the use of pesticides or the generation of hazardous wastes. The Property is located over an aquifer.

1180 Nevertheless, the Board of Trustees concludes that the Project will not impact groundwater because the Project is maintaining the 50% of green space required by the design guidelines. In addition, none of the Project components will generate traffic over the 1,000 trip threshold indicated under the Village's wellhead protection regulations. The Project also provides permanent stormwater control measures that have been designed to allow for appropriate recharge of the aquifer following proper filtration to ensure that NYSDEC water quality standards have been achieved. The Town Engineer reviewed the conceptual design and agreed that the use of proprietary pre-treatment units, bio-retention areas, swales, and infiltration areas located strategically throughout the site are practices that could be used to meet the wellhead protection requirements.

1190 5. *Impact on Flooding: "The proposed action may result in development on lands subject to flooding."*

1195 The Project will not result in the development of lands subject to flooding. Floodplains are low-lying lands next to rivers and streams. When left in a natural state, floodplain systems store and dissipate floods without adverse impacts on humans, buildings, roads and other infrastructure. The Board of Trustees concludes that the Project will not impact flooding because the property is not in an area subject to flooding and implementation of the Storm Water Pollution Prevention Plan ("SWPPP") approved by the New York State Department of Environmental Conservation ("NYSDEC"), will control stormwater quantity (flow) prior to its discharge off-site.

1200 6. *Impacts on Air: "The proposed action may include a state regulated air emission source."*

1205 The Project will not result in the creation of new a state regulated air emission source. The Board of  
Trustees concludes that the Amendments will not impact air because There will be no process  
emissions from the Project. The Project may use HVAC equipment that could be a minor source of  
1210 air emissions. Any emissions associated with this equipment will comply with all federal and state  
regulatory requirements and will not require any state or federal air permit registration. Construction  
activities may result in some fugitive dust, which will be minimized by best management practices  
included as part of the SWPPP. There will be no impact on air quality associated with vehicular  
emissions because the Project site is not located in a non-attainment area for National Ambient Air  
Quality Standards, there are no sensitive receptors nearby, and the Project will not result in  
unacceptable vehicular transportation levels of service.

1215 *7. Impacts on Plants and Animals: "The proposed action may result in a loss of flora or  
fauna."*

This question asks the reviewing agency to evaluate potential impacts to plants and animals. The  
Workbook states that unless an action has no land disturbances, or if it redevelops a location that has  
already been cleared, some vegetation (flora) will likely be removed. This removal represents a loss  
of both plants and the habitats it provides. Once habitats are lost, then there is likely to be a loss of  
1220 fauna as well. As habitats are lost, animals could die due to lack of food or cover, or may move to  
other locations, if available.

The Board of Trustees concludes that the Project will not impact plants and animals because  
according to State mapping resources and databases, no threatened or endangered species are known  
to exist at the site, nor are there any critical habitats or refuges on the Property. Indeed, a large  
portion of the Property was previously developed and contains several unused and dilapidated  
commercial buildings. The Project also has been designed to maintain the existing designated  
conservation land on the Property thereby preserving the area which potentially could be used by  
common suburban wildlife such as squirrels and deer.

1230 *8. Impacts on Agricultural Resources: "The proposed action may impact agricultural  
resources."*

1235 This question asks the reviewing agency to evaluate potential impacts on agriculture. Agricultural  
resources refers to productive soil, the land and on-farm buildings, equipment, manure processing  
and handling facilities and processing and handling facilities which contribute to the production,  
preparation and marketing of crops, livestock and livestock products as a commercial enterprise,  
including a commercial horse boarding operation, a timber operation, compost, mulch or other  
biomass crops, and commercial equine operation as defined in Article 25-aa. Though the Village  
1240 contains very few agricultural resources, agricultural resources are present in the adjacent Town of  
Cazenovia. The Board of Trustees concludes that the Project will not impact agricultural resources  
because there are no agricultural resources on the Property.

1245 *9. Impact on Aesthetic Resources: "The land use of the proposed action are obviously different  
from, or are in sharp contrast to, current land use patterns between the proposed project and  
a scenic or aesthetic resource."*

1250 This question explores consistency in land use between the proposed project and other land uses that  
may be seen from or part of a scenic or aesthetic resource. The Workbook states that this question is  
oriented to those scenic and aesthetic resources that are officially designated and publicly accessible.  
Officially designated scenic areas include scenic byways, scenic roads, scenic areas of statewide  
significance, scenic trails, and scenic rivers. Other designated areas may also include places or sites  
listed on the National or State Registers of Historic Places, State Parks, State Forest Preserve areas,  
State Game Refuges, National Natural Landmarks, and National Park Service Lands.

1255 The Board of Trustees concludes that the Project will not impact aesthetic resources. Route 20 is a  
New York State designated scenic byway. The viewshed to the southwest of the site from Route 20  
is a locally designated scenic viewshed. The Design Guidelines contain recommendations to  
preserve this viewshed. Based on the site plan included in the Design Guidelines, the proposed  
1260 redevelopment Project is not located within the viewshed protection area. Moreover, given the  
location and height of the proposed structures, the redevelopment Project will not impact the scenic  
viewshed.

1265 *10. Impact on Historic and Archeological Resources: "The proposed action may occur in or  
adjacent to a historic or archaeological resource."*

1270 The Board of Trustees concludes that the Project will not impact a historic or archeological resource because According to the Phase 1A and 1B Cultural Resource Investigation, the potential existed for prehistoric Native American deposits to be located on the Property. However, the portion of the Property located adjacent to Route 20 was previously altered, graded and covered with gravel and asphalt, thereby reducing the probability for intact cultural deposits. Nevertheless, Powers Archaeology, LLC performed shovel pit tests throughout the Property and no cultural resources were identified. As a result, Powers Archaeology opined that no further archaeological work was warranted and that redevelopment should be allowed to proceed.

1275 In addition, several man-made features, including a motel, a café and associated outbuildings and parking areas, are still extant on the Property. According to the Powers Archaeology Report, none of these buildings exhibit any exceptional architectural features. Therefore, demolition of these run-down structures will not impair any important historical, architectural, aesthetic resources or existing community character. Rather the Project will remove dilapidated structures and redevelop a blighted area.

1280 *11. Impact on Open Space and Recreation: “The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.”*

1285 The Project will not directly result in the loss of any recreational opportunities for residents or the destruction of open space. The Workbook states that an impact may occur when a location is converted from undeveloped land to residential, commercial, or industrial uses, there is at least some loss of open spaces that are or could be used for outdoor recreation. The Board of Trustees concludes that the Project will not impact open space and recreation because the Property is not presently used for green or open space or for agricultural uses. Rather, the Property was previously disturbed and was formerly used for commercial purposes. In fact, several unused and dilapidated structures associated with those former commercial uses remain on the Property. The redevelopment of the Property will actually increase opportunities for recreational use by creating sidewalks and trails that will allow for walking, hiking and biking, including a connection to the NCT Link Trail that leads to the Art Park.

1290 *12. Impact on Critical Environmental Areas: “The proposed action may be located within or adjacent to a critical environmental area (CEA).”*

1295 The Site is located within a CEA designated for the Cazenovia Village wellhead. This CEA is protected by regulations set forth in the Wellhead Protection Overlay District that are found in the Village Zoning Code. In accordance with the Wellhead Protection Overlay District, none of the Project components will generate traffic over the stated 1,000 trip per day threshold. The Project also will provide permanent stormwater control measures that will be designed to allow for appropriate recharge of the aquifer following proper filtration to ensure that NYSDEC water quality standards have been achieved and that the requirements of the Wellhead Protection Plan have been satisfied. The Village Engineer reviewed the conceptual design and agreed that the use of proprietary pre-treatment units, bio-retention areas, swales, and infiltration areas located strategically throughout the site are practices that could be used to meet the wellhead protection requirements. Therefore, the Board of Trustees concludes that the Project will not impact a critical environmental area.

1300 *13. Impact on Transportation: “The proposed action may result in a change to existing transportation systems.”*

1315 New development can generate or change traffic, or create a new demand for public transportation. Several potential adverse impacts can result when traffic levels increase in a community. More traffic can lead to congestion, which in turn may have economic, environmental and safety impacts.

1320 The Board of Trustees concludes that the Project will not impact transportation because, as indicated in the Traffic Impact Study (“TIS”), vehicular traffic after the redevelopment Project will maintain an acceptable Level of Service. Presently, all traffic movements studied operate at a Level of Service C or better during both am and pm peak hours. Following full build-out of the redevelopment project, and accounting for adequate background traffic growth, all traffic movements are anticipated to operate at a Level of Service D or better, which is still an acceptable Level of Service according to the Highway Capacity Manual.

1330 In addition, the TIS concluded that there are over four times the number gaps needed for each traffic  
1335 movement into and out of the site driveways during the peak hours on Route 20. These gaps in  
traffic are more than sufficient to accommodate the projected traffic accessing the site. According to  
the TIS, there are also adequate sight distances available in both directions on Route 20 at the  
proposed driveway locations. There are no concerns with sight distances associated with safety for  
ingress and egress from the proposed site driveways. Finally, there are no High Accident Locations  
(HAL's) within 0.1 miles of the site. A crash analysis was performed per Highway Design Manual  
Chapter 5 which shows that all intersections and the Route 20 corridor within the study area have  
existing accident rates below the statewide average for similar facilities.

1340 *14. Impact on Energy: "The proposed action may cause an increase in the use of any form of  
energy."*

An increase in energy use means a need for more energy production either on-site or off-site, which  
in turn will mean an increase in pollution. The Workbook provides examples of actions that do not  
increase energy use, including: the adoption or amendment of a local law, ordinance, or regulation;  
or the granting of a zoning change, or allowable uses in a zoning law."

1345 The Board of Trustees concludes that the Project will not impact energy because the electrical  
demand for the Project is approximately 2,000 kWh per day to be supplied by an existing public  
utility. Since the Project is a redevelopment project, service is already provided to the site, but will  
require minor modifications and upgrades on the site.

1350 *15. Impact on Noise, Odor, and Light: "The proposed action may result in an increase in noise,  
odors, or outdoor lighting."*

1355 This question explores whether the proposed project will increase noise, air conditions, or lighting  
levels. There will be no impact with respect to noise. Any noise associated with construction will  
be temporary in nature, limited to daytime hours, and not located in close proximity to residential  
areas. Likewise, noise produced by the operation of the Project is expected to be consistent with  
existing ambient noise levels at and around the Property. There will be no impact with respect to  
light. Lights will be dark-sky compliant LED fixtures and will be directed downward and properly  
shielded to prevent spillage at the property line. The Project is not anticipated to create any odors.  
1360 Accordingly, the Board of Trustees concludes that the Project will not cause a significant adverse  
impact with respect to noise, odor or lighting.

1365 *16. Impact on Human Health: "The proposed action may have an impact on human health from  
exposure to new or existing sources of contaminants."*

1370 This question asks the reviewing agency to evaluate the potential impacts from exposure to any solid  
or hazardous substances and contaminants. These substances can be toxic, infectious, inflammable,  
or corrosive. The Board of Trustees concludes that the Project will not impact human health because  
there is no identified potential for exposure to hazardous substances or contaminants.

*17. Consistency with Community Plans: "The proposed action is not consistent with adopted  
land use plans."*

1375 The Board of Trustees concludes that the Project will not impact community plans because three  
successive versions of the Village's Comprehensive Plan have recommended annexation and  
redevelopment of the Property since 1991. Amendments to the Village Comprehensive Plan in 2013  
provided that the Property is "*currently in the Town of Cazenovia, but Village zoning for VES should  
be developed to include [it] given[its] identification as candidates for annexation dating back to at  
1380 least the 1991 Village Comprehensive Plan.*"

1385 Under the Village Zoning Code, upon annexation, the Property will "automatically be classified and  
zoned as the same zoning district as the lands previously within the Village sharing a common  
boundary with the newly annexed lands". See Village Zoning Code § 180-13. As a result, the  
Property would be zoned VES-MU upon annexation. "*For a VES Zone, Mixed Use can be within the  
same building or in two separate buildings on the same site. Mixed Use may also be accomplished  
by providing for a complementary use on a separate parcel but within the VES Mixed Use Zone.*"  
Village Zoning Code, §180-9. The Design Guidelines have corresponding language:

1390 *"Mixed use can take many forms. . . .Mixed uses can be vertically  
integrated, such as a traditional residential over commercial, but may also  
be two distinct buildings and projects. The intent is to allow flexibility and*

*creativity on the part of the developer rather than restrictive concepts that may actually discourage mixed use development.”*

1395

Village Edge South Design Guidelines, pp. 11-12 (Feb. 3, 2014). The Project is proposing a mixed use redevelopment of the Property to include commercial uses on NYS Route 20 and multi-family residential uses set back off the highway. This is consistent with the Village Zoning Code and Design Guidelines.

1400

In addition, with respect to redevelopment of the Property recommended for annexation, the 2013 Amendments noted

1405

*“Development within the VES zone should be driven by a conservation analysis of the site with emphasis on preserving elements previously identified as community priorities, including viewshed to the southwest, maximizing greenspace while allowing economic development, promoting a “hard edge” that is also a welcoming gateway to the village and allowing recharge for the aquifer consistent with Appendix B (Wellhead Protection Plan).”*

1410

Similar language is found in the Village Zoning Code and the Design Guidelines.

1415

The proposed redevelopment Project is consistent with overall purpose of the VES-MU zone. The Project design is intended to provide the hard “gateway” between the Village and the Town envisioned in the Comprehensive Plan and Design Guidelines. The Project also preserves the conservation area, has been designed to be protective of the aquifer and is intended to promote economic growth that is compatible with the Village character. The Project design promotes interconnectivity for vehicles and pedestrians, designed landscaping, a build-to-line and buildings that face the street.

1420

*18. Consistency with Community Character: “The proposed project is inconsistent with the existing community character.”*

1425

Community character is defined by all the man-made and natural features of the area. It includes the visual character of a town, village, or city, and its visual landscape; but also includes the buildings and structures and their uses, the natural environment, activities, town services, and local policies that are in place. These combine to create a sense of place or character that defines the area.

1430

Changes to the type and intensity of land use, housing, public services, aesthetic quality, and to the balance between residential and commercial uses can all change community character. Most proposed actions will result in some change in community character.

1435

The Board of Trustees concludes that the Project will not impact community character because the proposed redevelopment Project is intended to provide the “hard edge” to establish the Village “gateway” envisioned in the Comprehensive Plan, Zoning Code and Design Guidelines. Similar commercial uses are located directly across NYS Route 20 and several buildings in the Village of Cazenovia share similar design features including red brick and flat roofs.

1440

D. Porter: There are several references to the existing property being an eyesore and dilapidated. That is because the landlord did not maintain the property. I don’t find that to be a particularly compelling argument in the grand scheme of things. He did not mow the lawn or do any upkeep to the buildings. He allowed the property to become an eyesore. I think that should be noted. This is as opposed to “I’m coming in to help you take care of this eyesore” instead of “the eyesore that I created.”

1445

K. Wheeler: The reference is the fact that it is redevelopment. There are existing structures there. It is not green field. It is not new development.

1450

Mr. Stokes: Hopefully the resolution is an accurate summary of our discussion of the Board’s thoughts concerning the potential environmental impacts as we are required to review under SEQR. Now the question before the Board is whether, as a whole, you believe a negative or positive declaration is appropriate. A negative declaration would be a finding that there are no significant potential adverse environmental impacts associated with this action. A positive declaration would be that there is at least one significant adverse environmental impact statement that merits the preparation of an Environmental Impact Statement (EIS). Based on the Board’s review of Part 2 and the answers given there, as well as the analysis committed to writing that I just went through, I would suggest that it lends itself to a negative declaration. The first part of that document that I

1455

distributed to you, the first page is simply a group of recitals that refers to: The fact that the petition  
for annexation was filed, the location of the property, identifies the petitioners. The fact that there  
1460 was a joint public hearing with the Town Board on May 9 and May 25. That the Village Board has  
designated itself as lead agency. That the other identified involved agencies: The Town Board of  
the Town of Cazenovia, the Village Planning Board, and the New York State Department of  
Transportation have all consented to the Village's acting as lead agency. The fact that this is a  
1465 coordinated review of an unlisted action, that you have reviewed the Full Environmental Assessment  
Form, that you have reviewed Part 2 and Part 3 as well. That the information, in addition to the  
EAF, includes the traffic impact study; the Phase 1A and Phase 1B cultural resources investigation;  
aquifer report prepared by Napierala Consulting; correspondence from Mr. Carr, the Village Public  
Works Administrator, regarding the availability of adequacy of the Village water supply; similar  
1470 correspondence from Jim Cunningham, the manager of the Madison County Sewer District,  
regarding available sewer capacity; as well as email correspondence that I referred to earlier from  
the Village Engineer, John Dunkle. The fact that the Board has received extensive public comments.  
The fact that the applicants have made presentations to the Board, not only in the context of the  
May 9 and May 25 public hearings, but also at this Board's regular June 6 meeting. That the Board  
has given consideration to all the testimony and information provided. That you are mindful of the  
1475 criteria set forth in 617.7 of the SEQR regulations, which is what we just went over. The resolution  
itself starts on the following page.

K. Wheeler: We have a resolution supporting a determination of environmental nonsignificance  
under the New York State Environmental Quality Review Act.  
1480

Mr. Stokes: Someone on the Board can move a motion and then someone can second it and then  
there can be further discussion.

K. Wheeler: I make a motion to move the resolution. Is there a second?  
1485

F. Koennecke: I second.

K. Wheeler: Is there any discussion, adjustments, comments, modifications, questions regarding the  
overall document, the overall SEQR process?  
1490

D. Porter: I get the sense that the public and some of the people here are concerned about the  
character part. As far as the annexation is concerned, I think this has the potential to be a very nice  
project. It could be a great project. Everyone is worried about how it is going to impact the  
character of the Village. It is kind of creating a new part of the Village.  
1495

K. Wheeler: Thanks, Dave. The point tonight is that we are reviewing annexation. That is our  
focus. The Planning Board will focus on the site plan review. Any further comments or questions?  
If there are no further questions, we have a motion and a second.

K. Wheeler: Trustee Koennecke, how do you vote? F. Koennecke: I vote aye.  
1500

K. Wheeler: Trustee Joseph, how do you vote? J. Joseph: I vote aye.

K. Wheeler: Trustee Mann, how do you vote? A. Mann: I vote aye.  
1505

K. Wheeler: Trustee Porter, how do you vote? D. Porter: I vote aye.

K. Wheeler: I vote aye as well. 5 in favor, 0 opposed.

K. Wheeler: Jim, we have gone through the SEQR process. Do you have another draft resolution?  
1510

Mr. Stokes: The second resolution is a much shorter resolution with only two pages. This is titled  
Resolution and Order. There are recitals again: The fact that the petition for annexation has been  
submitted and describes the property. The property is also described by its survey meets and bounds  
1515 description. The fact that a public hearing was held jointly with the Town. That the Board has  
considered and deliberated on the testimony and other information as received and resolves as  
follows. Some of these are required findings under the statute. There is a multitude of proposed  
findings here.

1520



**RESOLUTION # 5  
OF THE BOARD OF TRUSTEES OF THE  
VILLAGE OF CAZENOVIA**

1525 \_\_\_\_\_  
In the Matter of the Petition **RESOLUTION AND ORDER**  
Of New Venture Assets, LLC for  
Annexation of Certain Lands  
Located within the Town of Cazenovia

1530 \_\_\_\_\_  
**WHEREAS**, a Petition for the annexation to the Village of Cazenovia of certain lands located in the Town of Cazenovia and owned by New Venture Assets, LLC has been duly filed with the Village of Cazenovia, and

1535 **WHEREAS**, 10.7 acres of uninhabited lands owned entirely by New Venture Assets, LLC adjoining the easterly boundary of the Village of Cazenovia and located along the southerly side of NYS Route 20, known as tax map parcel nos. 95.3-2-19 and 95.3-2-20, as more fully described in said petition, and as specifically set forth is Schedule "A" attached hereto and made a part hereof, and

1540 **WHEREAS**, a joint public hearing on said annexation was held by the Board of Trustees of the Village of Cazenovia and the Town Board of the Town of Cazenovia on May 9, 2016, which public hearing was continued to and re-opened, and then closed on May 25, 2016, and

1545 **WHEREAS**, this Board of Trustees has considered and deliberated on all of the testimony received at the public hearing and otherwise in considering the sufficiency of the petition and whether the proposed annexation is in the overall public interest.

1550 **NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the Board of Trustees of the Village of Cazenovia hereby makes the following findings:

- a) That the party signing the petition is qualified therefore, and
- 1555 b) That the party signing such petition is owner of lands comprising 100 per cent of the total assessed valuation of the lands described in the petition based on the most recent assessment roll of the Town of Cazenovia, and
- c) That the petition substantially complies in form and content with the provisions of Article 17 of the General Municipal Law of the State of New York, and
- 1560 d) That the subject lands are currently uninhabited, and
- e) That pursuant to the Code of the Village of Cazenovia, upon annexation to the Village the subject lands will be zoned Village Edge South Mixed Use (VES-MU) District, and
- 1565 f) That public water and sewer services will be available to the subject lands upon annexation to the Village of Cazenovia, and
- 1570 g) That redevelopment of the subject lands connected to public water and sewer services is beneficial to the environment and the public health, and
- h) That the Town of Cazenovia has no town police force, and
- 1575 i) That Village police protection will be available to the subject lands upon annexation to the Village of Cazenovia, and
- j) That future redevelopment of the subject lands as part of the Village is anticipated to have a net beneficial effect upon the Village of Cazenovia, Town of Cazenovia and the Cazenovia Central School District, and
- 1580 k) That the annexation of the subject lands to the Village of Cazenovia is consistent with the provisions of the Village of Cazenovia Comprehensive Plan, and
- 1585 l) That any future redevelopment following annexation would be subject to all state and local regulations, including, but not necessarily limited to, further review under the Village of Cazenovia Zoning Code
- m) That no detrimental impact to the Town of Cazenovia or the Cazenovia Central School District has been identified as a consequence of this annexation, and

1590

- n) That a finding has been made pursuant to the New York State Environmental Quality Review Act that the approval of this annexation and the subsequent redevelopment of the subject lands in accordance with the applicable regulations of the VES-MU zoning district will not result in any significant adverse environmental impacts, and it is hereby

1595 **FURTHER RESOLVED** that the proposed annexation is hereby approved as it is in the over-all public interest (1) of the territory proposed to be annexed, (2) of the local government to which the territory is proposed to be annexed, (3) of the remaining area of the local government in which such territory is situated, and (4) of any school district, fire district or other district corporation, public benefit corporation, fire protection district, fire alarm district or town or county improvement district, situated wholly or partly in the territory proposed to be annexed.

Dated: June 20, 2016

1605 s/ Kurt Wheeler, Mayor s/ Fritz Koennecke, Trustee

s/ Amy Mann, Trustee s/ David Porter, Trustee

1610 s/ James Joseph, Trustee

1615 **SCHEDULE A**

**DESCRIPTION OF PARCEL OF LAND PROPOSED TO BE ANNEXED TO THE VILLAGE OF CAZENOVIA**

1620 ALL that tract or parcel of land situate in the Town of Cazenovia, County of Madison, State of New York and being more particularly bounded and described as follows:

1625 Beginning at a point in the southerly highway boundary of U.S. Route 20 (also known as Cherry Valley Turnpike), said point being at the northwesterly corner of a parcel of land heretofore conveyed to McCarthy by deed recorded in the Madison County Clerk's Office in Book of Deeds 974 at Page 171; thence along the westerly line of lands of said McCarthy (974/171) and along the westerly line of a parcel of land heretofore conveyed to Maples of Madison County, LLC by deed recorded in the Madison County Clerk's Office in as Instrument Number 2015-7722, S 32° 55' 22" W, a distance of 852.91 feet to an existing iron pipe at an angle point in said westerly line of lands of said Maples of Madison County, LLC, said existing iron pipe being at a corner of lands reputedly owned by RODOR, LLC; thence along a northerly line of lands of said RODOR, LLC (reputed owner), N 86° 43' 18" W, a distance of 248.20 feet to an existing iron pipe at a corner thereof, said existing iron pipe being in the easterly Corporation Line of the Village of Cazenovia; thence along an easterly line of lands of said RODOR, LLC (reputed owner) and along said easterly Corporation Line of the Village of Cazenovia, N 28° 09' 07" E, a distance of 583.82 feet to an iron rod set at a northeasterly corner of lands of said RODOR, LLC (reputed owner); thence along said Village of Cazenovia Corporation Line and a northerly line of lands heretofore conveyed to Cazenovia Hospitality, LLC by deed recorded in the Madison County Clerk's Office as Instrument Number 2015-172, N 71° 35' 21" W, a distance of 529.34 feet to an existing iron pipe in said line, said existing iron pipe being at the southeasterly corner of a parcel of land heretofore conveyed to Robert Cowherd, Jr. by deed recorded in the Madison County Clerk's Office in Book of Deeds 1171 at Page 255; thence along the easterly line of lands of said Cowherd (1171/255), N 35° 30' 00" E, a distance of 550.81 feet to an existing iron pipe in said southerly highway boundary of U.S. Route 20 (Cherry Valley Turnpike); thence along said southerly highway boundary, S 54° 30' 00" E, a distance of 224.92 feet to an angle point therein; thence continuing along said southerly line of U.S. Route 20, S 55° 35' 48" E, a distance of 527.43 feet to the point of beginning.

1645 Containing 10.741 Acres.

Subject to easements and restrictions of record.

K. Wheeler: The last page is a technical description of the parcel. It contains 10.741 acres of land.

K. Wheeler: I move the Resolution and Order as prepared. Is there a second?

1650 F. Koennecke: Second.

K. Wheeler: Any comments or further discussion on the annexation Resolution and Order? Hearing none, I will call for a vote.

1655

K. Wheeler: Trustee Koennecke, how do you vote? F. Koennecke: I vote aye.

K. Wheeler: Trustee Joseph, how do you vote? J. Joseph: I vote aye.

1660

K. Wheeler: Trustee Mann, how do you vote? A. Mann: I vote aye.

K. Wheeler: Trustee Porter, how do you vote? D. Porter: I vote aye.

K. Wheeler: I vote aye as well. 5 in favor, 0 opposed.

1665

\* \* \* \* \*

K. Wheeler: Is there any other business to tend to this evening? Hearing none, the meeting is adjourned at 8:59 p.m.

1670

Respectfully submitted,

1675

Marlene A. Westcott  
Recording Secretary