

**Village of Cazenovia Planning Board  
Meeting Minutes  
June 13, 2016**

5 Present: Richard Huftalen, Chair; Adam Walburger; Anne McDowell; Jennifer Gavidondo; and Stephen McEntee.

Others Present: James Stokes, Village Attorney; David Katleski; Jing Zhaing; Bob Lucas; Susie Lucas; David Vredenburg; Christina Preston; Dave Preston; Keith Berger; Matt Valzania; Emily  
10 Valzania; Marc Kennedy; Mike Johnson; Jessica Johnson; Adelaide Krumsiek; Howard Krumsiek, Jr.; Dan Salamida; Donna Lysak; Dennis Gregg; Federico Meira; Lisa Baker; Don Ferlow; Dudley Johnson; Bob Ridler; Anne Ferguson; Jim Steinberg; Jonathan Holstein; and several others who did not sign in.

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R. Huftalen called the meeting to order at 7:03 p.m. and introduced the Board.

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R. Huftalen asked for any revisions to the minutes of May 9, 2016. There were none noted. A. McDowell made the motion to approve the minutes as submitted. S. McEntee seconded. The motion carried with 5 in favor, 0 opposed.

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**Adelaide Krumsiek, 44 Lincklaen St., Public Hearing Special Use Permit, Dog Grooming**

Adelaide Krumsiek came forward to explain. She would like to open a very small dog grooming  
30 business out of her home. It will be by appointment only. There will be no kenneling or holding of dogs for any length of time. There will be no parking on the street. There will be ample parking in her back yard. The only time she would need to kennel or hold a dog any period of time longer than the grooming time would be in case of emergency when a pet owner could not get there in time to pick up the dog when it was finished--maybe a half hour or hour. She would use a cage to hold the dog safely. This is required by American Kennel Club (AKC) standards. She has kennels (stainless  
35 steel cages—one large and one small) on the premises for dogs with behavioral issues or a situation when the pet owner could not come immediately. Hours of operation will be normal business hours—probably just 9:00 a.m. to 5:00 p.m. or less Monday through Friday and possibly Saturday. No grooming on Sundays. All grooming will take place inside of the house. She has spoken to a couple of the neighbors and has received positive feedback. She has been attempting to speak to  
40 other neighbors, but has failed more than three times with the neighbor to the rear. The next door neighbors are very supportive. The business will be very discreet. One dog at a time. A client will pull in, drop off the dog, and pick it up about two hours later. At best, there will probably be 2-3 dogs per day to start. If she is wildly successful, there will not be more than 5 dogs per day.

45 R. Huftalen commented that a yellow sign notice has been posted on Ms. Krumsiek’s lawn for a month.

50 A. McDowell questioned if the applicant would want a business sign. Ms. Krumsiek answered no, not in the beginning because she has a following already. She may want one later. If she does become wildly successful, she will want a storefront.

55 R. Huftalen asked for any public comments. Dan Salamida, the neighbor to the rear, asked if there would be any kennels outside. Ms. Krumsiek answered absolutely none. There will not be any dogs outside. Owners must keep dogs leashed when picking up and dropping them off. There will be no running dogs on the property. Her dog is a 12-year old pug that is deaf.

60 R. Huftalen made a motion to declare this an unlisted action under State Environmental Quality Review (SEQR). There are no other agencies involved. Approval of this application will have no significant adverse impact on the environment. No further SEQR action is required. A. McDowell seconded. The motion carried with 5 in favor, 0 opposed.

65 A. McDowell expressed her concern about the location and dogs having altercations and keeping other dogs in the neighborhood safe. Ms. Krumsiek said she is safety certified with the AKC with dog handling. She is very keen on handling dogs in that situation. She will be very clear with her customers about how to walk their dogs in and to keep all dogs safe in the neighborhood.

70 There was a discussion for a motion to grant a special use permit within the following constraints: Hours of operation shall be a maximum of 9:00 a.m. to 5:00 p.m. Monday through Saturday. There shall be no outside kenneling. There shall be no unleashed dogs on the premises. The special use permit shall expire in one year and is subject to review at that time.

75 Mr. Stokes advised the Board to be very specific in its motion regarding a dog grooming business, such as number of dogs on the premises at one time, a site plan for parking facilities and consider if off-street parking is adequate. The application should give further details about parking. He would be more comfortable having a written resolution.

80 A. Walburger remarked it would be prudent to wait another month to consider the in and out traffic of the driveway. He asked the applicant if she feels there is adequate room, with her family cars in the driveway, for clients to park and turn around and drive out and not back out onto Lincklaen Street. She believes her clients would be able to circle around and drive onto Lincklaen Street.

85 R. Huftalen suggested that the applicant provide a site plan or survey of the property. Waiting a month will give the attorney time to draw up a resolution for the Board to consider. Ms. Krumsiek agreed to submit a survey of the property to the Village Office.

J. Gavilondo inquired about the worst case scenario of how many dogs there could be at any given time. Ms. Krumsiek answered there could possibly be two.

90 R. Huftalen made a motion to close the public hearing. J. Gavilondo seconded. The motion carried with 5 in favor, 0 opposed.

Mr. Stokes suggested making a motion to table the application. A. McDowell made a motion to table the discussion. J. Gavilondo seconded. The motion carried with 5 in favor, 0 opposed.

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**Robert L. Kent, 47 Albany St., Special Use Permit, Restaurant and Residential Use**

100 R. Huftalen explained that this is an application for a special use permit for establishment of a combined commercial first floor restaurant and upper floor residential use. This is the current Teitsch-Kent-Fay Architects building. This requires a review by the Madison County Planning Department. In order for the Planning Board to take any action, Madison County’s comments need to be received.

105 Keith Berger came forward to recap the plans and address any questions. He would like to change the current commercial use of the second and third floors to single occupancy residential use. The first floor is currently a restaurant, Emma’s Café on Main, and will remain as such. The restaurant owners would like to purchase the upstairs and use it for their residence. There will be no changes to the exterior. The upstairs will undergo partition changes and some electrical and plumbing updates. There will be less of a requirement for parking because this will change from 5 employees at the architectural firm to one residence.

110 Mr. Stokes inquired if there are dedicated parking spaces that go with the building. Mr. Berger answered no.

115 R. Huftalen noted there is a Short Environmental Assessment Form (EAF) in the file. He opened the discussion to Board members for questions and comments.

120 A. Walburger commented that it is a matter of buyer beware moving into a place with no dedicated parking spaces. It is fine if that is a risk the owner is willing to take.

125 Dave Preston and Christina Preston spoke. They have owned Emma’s diner for 15 years. They had the opportunity to buy the building from Bob Kent. They are fully aware of the parking situation. They rented a spot from the Village in Peggy’s Lot for overnight parking. They have sold their house in the country. They are waiting for approval to get renovations done upstairs and move in. They want to live in the Village now and continue to run the restaurant. The restaurant has been there since the 1940s.

R. Huftalen solicited public comments and questions. There were none.

130 R. Huftalen observed that there is precedent for residences above businesses on Main Street.

135 R. Huftalen made a motion to declare this an unlisted action under State Environmental Quality Review (SEQR). No other agencies are involved. Approval of the application will have no significant adverse impact. No further SEQR action is required. A. Walburger seconded. The motion carried with 5 in favor, 0 opposed.

R. Huftalen made a motion to close the public hearing. S. McEntee seconded. The motion carried with 5 in favor, 0 opposed.

140 R. Huftalen polled members of the Board to see if they would be in favor of scheduling a special meeting once Madison County’s comments are received. Everyone was agreeable to the idea.

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145 **Matt Valzania, 47 Nelson St., Renovation and Addition**

Matt and Emily Valzania came forward to explain. They bought the house at auction sight unseen. It is currently a 1-1/2 story house. The half story is not functional. They would like to have a full second story. The roof is already in poor condition and is sagging and leaking. The plan is to level cut at the floor level and then have fresh framing and trusses above and bring all electrical and plumbing up to Code. All current electrical and plumbing will be removed. There is no insulation in the house. Once the second story is up, the exterior will be resided. Most of the house will be colonial blue vinyl with white vinyl. Windows will be white vinyl. It will be accented with natural cedar in the gables and inside the front and side porches to tie in some charm. They will hire all the trades to do the work. There will be no change to the footprint.

155 J. Gavilondo inquired if the first floor is structurally sound. Mr. Valzania answered that the house is post and beam style with planks. The majority of all of the sill beams have been examined and they seem to be fine, except for the front corner that has some rot that will need to be corrected. Along the driveway, there was a point where the old foundation had started to come in and there is already a masonry block secondary foundation to hold it together.

165 A. McDowell asked about the new roofline. Mr. Valzania pointed out the old and new rooflines on the drawings. The second story will have eight foot ceilings. Part of the roof will be 6/12 pitch and part will be 8/12 pitch.

R. Huftalen wondered if the Valzانياs will reside there. Mr. Valzania answered that is the intent. Hopefully it will be completed by fall.

170 R. Huftalen explained that the purpose of architectural review is to make sure materials are consistent with Village character and other homes in the area. The Board would like information about colors and materials. He asked the Valzانياs if they could provide some samples.

S. McEntee mentioned that the thickness of the vinyl siding should be at least .046 inch.

175 J. Gavilondo inquired if the driveway would still be gravel. Mr. Valzania answered yes.

J. Gavilondo asked if the windows shown on the drawings will actually be installed. Mr. Valzania replied yes.

180 R. Huftalen declared this a Type II action for State Environmental Quality Review (SEQR). No further SEQR action is required.

185 A. McDowell made a motion to approve the application subject to the information here tonight: Drawings entitled 47 Nelson Street by Corey King, Drawing #1, dated 5/25/16.

A. Walburger wondered if the approval would be contingent based on receiving a color sample. Mr. Valzania remarked that the house across the street is the same color they are proposing. Board members agreed that a color sample is not necessary.

190 R. Huftalen seconded the above motion made by A. McDowell. The motion carried with 5 in favor, 0 opposed.

195 **Dudley Johnson, Chenango St., Subdivision**

Dudley Johnson came forward and explained. The property has approximately 5 acres with a house. He would like to subdivide it and have two lots in addition to the house. This is the property where the greenhouse was. Mr. Johnson believes it would be nice for the house to have a little more space. It is a joint use driveway and has been since one of the sections was sold.

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R. Huftalen noted that there is a subdivision application on file, some maps, and an Environmental Assessment Form (EAF).

205 J. Gavilondo inquired if the property is one lot now. Mr. Johnson answered that it is two lots and two tax numbers. Mr. Stokes clarified that the application is to go from two lots to three lots.

R. Huftalen cited 155-10A(4) of the Code:

210 *(4) The subdivision plan shall provide each lot with satisfactory access to an existing public street or to a subdivision street that will be ceded to public use at the time of final plat approval.*

Mr. Stokes remarked that there are two alternatives: These can become flag lots or have a 30-foot access easement for the benefit of both lots. There need to be utilities, sewer, and water.

215 Mr. Johnson pointed out an existing pole where electric was previously for the greenhouse. The greenhouse has been removed. The water comes to there and the gas comes to there. Sewer would be two separate ones for the two lots.

J. Gavilondo asked if it would be a dedicated easement. Mr. Johnson answered yes.

220 Mr. Johnson gave some history of the property. This was going to be cut into a pie shape for a developer. He thought it was tacky, so he purchased the property so that would not happen. He would prefer to sell it as one lot, but if he can't, he would like to sell at least two.

225 A. Walburger questioned why this does not follow 180-5E: *Flag lots are prohibited*. How is this not a flag lot? R. Huftalen answered if it is deemed to have satisfactory access to an existing street by way of easement or other means.

230 R. Huftalen let Mr. Johnson know that due to subdivision procedures, the Board cannot take any action tonight, but a public hearing will be set for the next regularly scheduled meeting at 7:00 p.m. or as soon thereafter as can be heard.

R. Huftalen invited comments from the Board and the public.

235 Jim Steinberg, a resident of 9 Chenango Street, who has the shared driveway, spoke. He expressed his concerns about the proposal, particularly what it means in terms of the implications for his property, since any access to the subdivided lots would need to go past his house. He owns all of the frontage to the north of the driveway. There is no other access to that property. Mr. Steinberg has worked with Mr. Johnson and appreciates all that he has done to preserve this property. It is a unique property right on the creek. The wildlife and ecological implications of this property are enormous. This is a unique ecosystem. He is very sympathetic of Mr. Johnson's interest in moving on with the property. If there were to be a subdivision, Mr. Steinberg would like to acquire the property behind 9 Chenango Street to protect it against further development. His concern is that if it

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is subdivided without clarity of what is going to be done with the property behind it, what the use might be, not only the impairment of Mr. Steinberg’s use, the access to his own driveway. The space is tight and is only 4 feet across. He questioned what this would do to other areas. He would like to try to find a way to accommodate Mr. Johnson’s desire to move on from the property. But his concern is if the Board makes a decision about the subdivision before there is clarity about what is going to go there. He is concerned about approving the subdivision without clarity about what that would allow in terms of development or access to the property behind the house.

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J. Gavilondo wondered how this is not a flag lot. Mr. Stokes said he would investigate further.

Hearing no further input, R. Huftalen set a public hearing for the next meeting.

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**Gregg Development, Subdivide Lot 69 and 70 From Lands of South Meadow, Including an Application for Area Variance**

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R. Huftalen informed Mr. Gregg that the Board cannot take any action tonight because a public hearing will be needed.

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Dennis Gregg came forward and spoke. When the original subdivision was done, he had intended to donate a section to the Cazenovia Preservation Foundation (CPF) and a section to the Village. His intention was to include a small strip to be donated to the Village because sidewalks will go through the side of the property. Mr. Stokes advised that the map will need to be revised. Mr. Gregg said a 60-foot right-of-way will be kept for the road. There will be a little road to access the park area and for access to the stormwater system dam. Mr. Gregg stated he is applying for a variance because there is no road connected to it. It is strictly to donate to CPF for a park area off the hiking trail.

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J. Gavilondo inquired if this is ready to be donated to the Village. Mr. Gregg answered that it is not ready because he is just starting the subdivision process and he still needs to do something with the stormwater.

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R. Huftalen asked for any further questions or input. He commented that this was part of the plan right from the beginning and this is not a surprise, but just another step in the process. He set a public hearing for the next meeting.

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Mr. Stokes inquired if Mr. Gregg had submitted a variance application yet. Mr. Gregg answered yes.

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**CNY American Homes, Architectural Review, Lot 21, South Meadow**

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Marc Kennedy came forward with Dennis Gregg and presented two plans. The customers have not picked out a color yet, so he asked the Board to give him colors not wanted. On one plan, the garage door will be on one side or the other (not on the front) depending on which lot it is placed.

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A. McDowell inquired about the price of these houses. Mr. Kennedy answered that if they had all standard features (carpet and vinyl floors, no hardwood) they would probably cost \$235,000-

\$255,000. Most people go to the \$270,000 range because of options they have chosen. One plan has a first floor master bedroom and the plan is wide open.

295 Mr. Kennedy presented a second plan of a smaller two-story house. He is considering placing it on Lot 2. He would like to get approval on both plans and get approval on final colors later. He would like to put either house on either lot.

300 R. Huftalen informed Mr. Kennedy that the Board discourages front garages that project out. Mr. Gregg replied that they are trying to go along with that, but sometimes not much else can be done in order to fit a house/garage on a lot.

305 R. Huftalen remarked that the Board is very sensitive to the first set of houses because the goal is to establish a nice neighborhood going forward. Mr. Kennedy said that the house on Lot 6 will be set the first week of July.

310 Mr. Kennedy reiterated that he would like to get approval for both plans for Lot 21 and Lot 2. J. Gavilondo asked if the houses would be built now or if he would wait for a buyer. A. Walburger asked if they were going to be spec houses. Mr. Kennedy answered that how soon he moves forward with building them depends on cash flow.

315 R. Huftalen recapped the first proposal. The elevation is a single story that incorporates many of the elements the Board prefers, such as a side-load garage, windows on both sides, upgraded vinyl to .046 inch, and architectural shingles. He asked if the Board believes this model would be compatible with either Lot 21 or Lot 2. All agreed either house could go on either lot.

R. Huftalen cited the Code Section 180-141(c)1:

320 *The Planning Board shall review and evaluate building permit applications in terms of the reasonable compatibility, consistency and harmony of the height, scale, proportions, nature and quality of materials, colors and related architectural design characteristics of proposed new or altered buildings and other structures and related site development with the dominant and traditional architectural design characteristics of surrounding existing buildings and site features.*

325 A. Walburger expressed his understanding for the need for flexibility. He would like to approve the plan with 7/12, 9/12, or 12/12 roof pitches. A steeper roof pitch will allow for full habitability of the second floor at a later time.

330 R. Huftalen declared this a Type II action under State Environmental Quality Review (SEQR).

335 R. Huftalen made a motion to grant architectural approval on drawings by Manorwood Homes, Number 1, NG605–A1, 1,674 square feet, with a roof pitch of 7/12 or greater. Approval is contingent on approval of colors to be determined later. A. McDowell seconded. The motion carried with 5 in favor, 0 opposed.

R. Huftalen declared this a Type II action under State Environmental Quality Review (SEQR).

R. Huftalen made a motion to grant architectural approval for the two-story model that has a porch detail and front-loading garage that is set back. The drawing is by Manorwood Homes, Number

340 NSS093, 2,196 square feet and is dated 1/16/2015. Approval is contingent on the garage having carriage door hardware and approval of final colors to be determined later. S. McEntee seconded. The motion carried with 5 in favor, 0 opposed.

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345 **Michael and Jessica Johnson, 77 Forman St., New Deck on Existing Boathouse**  
Mr. and Mrs. Johnson came forward to explain. The deck will be off the back of the existing boathouse. Because of the elevation change, it does not go onto the lawn very far. It steps down 5 or 6 steps from the boathouse so it is not such a drastic change. There is no change in the lake  
350 frontage. There are currently steps on either side, but they are falling in. They are going to install a better drainage system and retaining walls to hold the water from pushing the existing stairs in. There is a shelf drop off. It is dangerous the way it currently exists. The deck probably will not be visible from the lake. It will serve as a landing pad to service the boathouse. There is already decking there and the intent is to keep the new decking consistent with the existing decking. The  
355 stonework is being replaced in the existing location.

R. Huftalen commented that this is way more than the 10-foot setback requirement from an accessory structure.

360 J. Gavilondo inquired if any trees or vegetation would be removed. Mrs. Johnson answered there are no trees or vegetation present.

A. McDowell commented that the Lake Association does not need to be involved because it does not have anything to do with the lake. R. Huftalen added that no other agencies are involved because it  
365 is not extending out over the water. Mr. Carr, Zoning/Code Enforcement Officer, has to make sure erosion control measures are in place and the building code is followed.

R. Huftalen asked if the deck would be pressure treated material. Mr. Johnson answered yes. Mrs. Johnson added there will be storage underneath the deck.

370 R. Huftalen does not think impervious surface calculations are necessary because water will go through the deck. Mrs. Johnson confirmed that water will go through the deck, just like the existing deck.

375 R. Huftalen asked for any further questions or comments. Hearing none, he declared this a Type II action for State Environmental Quality Review (SEQR) purposes.

R. Huftalen made a motion to approve the application as submitted. J. Gavilondo seconded. The motion carried with 5 in favor, 0 opposed.

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**Empire Farmstead Brewery, Signs, Outdoor Cooker, Lean-to, Fence, 2 Gas Fire Pits, 2 Flagpoles**

385 David Katleski came forward to explain: This all started when we put a sign on top of the silo. We thought it was part of the building. We didn't think it constituted an actual sign. It is set back a substantial amount from the building itself. I am not fluent with the codes. I had the architect take a look at it. Bill Carr, Zoning/Code Enforcement Officer, suggested we take down the sign or cover it until I could present it to the Planning Board. At that time, I met with Mr. Carr and told him about

390 all the outstanding things that the Board is probably not aware of. I said I wanted to be completely  
transparent with no surprises. We covered the sign. If it is not approved, we would have to paint  
over it because it is permanent. The sign itself is indigenous to breweries all over the country that  
have silos. I took a picture of it from the road with a little bit of a zoom. There is a 750-foot setback  
from the road. There is a hops field in front of sign. From the road, there is limited visibility,  
395 especially when the hops are mature. The majority of the sign won't even be seen. It is a method to  
brand the building. In addition, there are some directional signs that are very simple. We have  
temporary signs up right now for deliveries, public parking, employee parking, etc. They are fairly  
makeshift in nature. Keeping it farm-like. The third sign is a directional sign at the end of the public  
parking that tries to direct folks to the Burlingame trails. There is a lot of interest in using the  
Burlingame trails. Part of this whole business was to expose folks to the outdoors and hiking, etc.  
400 There are trail signs that will be placed and will be in keeping with New York State Parks and trying  
to keep the element of a farm/park. There is a sign above the entrance. It is a simple lowercase "e"  
that is backlit. It is the entrance to the tasting room itself. It is roughly 3 feet tall, 36 inches in  
diameter. The only people who will see this sign are the folks parked in the customer parking lot  
that would face the north. We have signs on each side of the glass vestibule entrance. The sign at  
405 the road was already approved and is under construction. There is currently a temporary sign at the  
road.

R. Huftalen: Are there any questions or comments on the proposed signage? S. McEntee: The one  
on the building, the highest elevation above the doorway, is it lighted? Mr. Katleski: Yes, it is  
410 backlit by LED. The only thing you are going to see is the actual outline of the "e." It is a metal box  
with a cut out of the "e" and it is backlit with LEDs. S. McEntee: The question is: Is a backlit sign  
to Code?

Mr. Stokes: It is not internally lit. It is backlit. Mr. Katleski: It is internally lit because it is a  
415 completely boxed sign. The lighting is within the box itself.

A. Walburger: Is the "e" translucent or opaque? Can light shine through it? Mr. Katleski: Yes, so  
the light can shine through it. A. Walburger: So that's internally lit. S. McEntee: Which is illegal,  
420 right? Mr. Stokes: This is a Planned Development District (PD), so I will look.

J. Gavilondo: Is it square? Mr. Katleski: Our logo is circular. It is just an "e" with a circle around  
it.

R. Huftalen: Dave, I'm going to share my inclinations with the Board. I think the community is  
425 very excited about the brewery opening. Some people are excited in one way and some people are  
excited in a different way. These modifications—the signs, the outdoor cooker, the lean-to, the  
fence, and the fire pits—I appreciate you getting all these items out in front of us. I think we will  
want a public hearing to be set to allow for public input. The combination of all these items is  
enough of a substantial change from the original PD resolution that we will want to consider all  
430 these in detail. I would like to get questions and concerns out on the table so you will be a position  
to address them. We have talked with Mr. Carr about the Certificate of Occupancy (CO) and the  
issues around that. I view these as additions and changes to the PD approval that we will want to  
consider separately.

Mr. Katleski: If you look at the original architectural drawings there were approved, there was a  
435 sign that had Empire Brewing Company over the door. Those plans were approved. I think it would  
be prudent that we have some type of indicator when the public comes as to where the entrance is.

440 R. Huftalen: The Board has no problem with the things that were approved. But there are considerations like the internally illuminated sign.

Mr. Katleski: According to Mr. Carr, the actual details of the sign still have to be approved based on the initial resolution. Is a public hearing necessary for that portion of it?

445 R. Huftalen: I am specifically anxious to allow public comment on the signage on the silo, signage that happens to be internally lit, and on the other elements of this proposal. There are items that are closely in keeping with the original proposal. We discussed signage in the front. There was a sign depicted initially and we approved that. The way I read these minutes, that signage in front is the one that is now replaced by the one we approved at the special meeting three weeks ago. Those  
450 things are perfectly fine. They have gone through the process. It is these additional uses or features of the property that merit opportunity for public comment.

A. McDowell: I agree that a public hearing would be prudent.

455 J. Gavilondo: Absent those things—the cooker, the lean-to, and fire pits—Dave could get a CO or not? R. Huftalen: Those things are not holding up anything. I am suggesting having a public hearing to consider if they should be allowed.

460 R. Huftalen: There are no obstacles to Dave getting a CO from the Planning Board point of view based on the plans the Board approved. These additions or modifications to the plans we approved are not obstacles to getting a CO, but they are a point of additional consideration that would require our approval. He could get a CO, but he could not incorporate these additional items.

465 Mr. Katleski: Do you recall if there was some fencing approved back in the area where the mechanicals are? If there was, we can take that off the list for the hearing and move forward with it.

R. Huftalen: The elevations did not show those fences.

470 Mr. Katleski: During this process, we had to put in a full fire suppression system. We had to bury a 31,000 gallon water tank and some other mechanicals that would be best fenced in. R. Huftalen: Those are minor site plan changes relative to the signage, the fire pits, and operation of an outdoor cooker. I think the fencing Mr. Carr was talking about was up front. Mr. Katleski: It was ornamental, but after all the site work, it would not even be functional and would look ridiculous.  
475 R. Huftalen: Those are more Code enforcement issues. I don't think there is a strong concern about an 8- or 12-foot section of fence.

480 R. Huftalen: Unless I hear any strong objections from the Board, I think the more important things are the signage, the cooker, the lean-to, and the fire pits. I am going to set a public hearing to consider this application and work with Mr. Carr on these other separate issues. I think the Board would like to get more information about each modification tonight to help us in our consideration.

485 Mr. Katleski: I asked Mr. Carr if it was acceptable to have a cooker outside. We checked on codes and talked to the architect. As long as it was 10 feet away from the building itself, it didn't appear it was a problem. The cooker arrived, then Mr. Carr suggested that we come before the Board to do a formal review. On the back patio/deck, it is called an "Ole Hickory Pit." It gives versatility to do a lot of different things, including smoking, cold smoking, low temperature cooking. It goes both

490 inside and outside. If we put it inside, we would vent it outside. We decided to put it outside because of space constraints inside. The menu is designed around this particular unit. The Dinosaur Bar-B-Que in Syracuse has 7 of these that are inside and outside of their facility. We are not into heavy barbequing, but this is really an accent piece that accentuates flavors and gives us some additional versatility that we normally would not have. I was always intending on getting this. We put it outside and looked at the codes and it didn't seem like a problem. And now it is sitting there. Having it outside, I would like to have some type of lean-to to cover it. It would be a simple barn wood construction, repurposed barn wood, with a corrugated metal top. It is outside and far enough  
495 away from the building.

A. Walburger: Is the cooker on a frame with wheels? Is it permanent? Mr. Katleski: For us it is permanent. It is not going anywhere. It is on casters, but we could easily take the casters off.

500 A. McDowell: The cooker will be on the patio? Mr. Katleski: Yes, it is sitting on the patio now. I thought it was not going to be a problem.

505 S. McEntee: The intended use is for the menu? It is part of the kitchen? Mr. Katleski: Yes. We are hoping to open next weekend. I would say 85% of the menu is affected by this unit. We are smoking Syracuse salt and putting it on a pretzel. So we would have to change the entire menu because of this particular unit. We thought it wasn't a problem.

510 R. Huftalen: You were initially contemplating it for utilization inside? Mr. Katleski: Yes, but the line was too tight and we moved it outside.

R. Huftalen: So the lean-to is part of that? Mr. Katleski: Yes, in the event of inclement weather.

515 R. Huftalen: Do you have a depiction of the lean-to? Mr. Katleski: I don't. It is four posts with a wood frame and a leaned top on it. Mr. Carr suggested that I describe it verbally.

A. Walburger: Park pavilion style? Mr. Katleski: Much smaller, 10 feet by 4-1/2 feet to sit over it and protect it in the event of inclement weather. Of course, we would cover it in the winter.

520 A. McDowell: Is there such a thing as a cover for it, like the grill in your yard? Mr. Katleski: We would have to cover it in the winter. The lean-to would be a permanent structure.

S. McEntee: Are there any planned events surrounding the smoker/patio area—wedding receptions, banquets, graduation parties? Mr. Katleski: We have no events planned.

525 J. Gavilondo: I think that is probably part of the issue that is causing angst. There seems to now be a lot of outdoor activities with the outdoor cooker and fire pits. We have gone to great lengths to keep the neighbors happy and try and keep the peace. Part of the concern of all this is not necessarily the cooker, but what it means. It means there is going to be more activity outside. Mr. Katleski: People aren't going to be outside to hang out with the cooker. The patio has always  
530 been approved.

J. Gavilondo: Where will the fire pits be? Mr. Katleski: Off of the patio area. They are gas fire pits. There will be Adirondack chairs around them. One house will be affected by the fire pits.

- 535 Mr. Stokes: Is the constructed patio larger than on the approved plan? Mr. Katleski: Not that I am aware of. I think it is the same size. The patio has been reduced in terms of the amount of seating. The smoker took over some of that area. Instead of adding a pad for the smoker, we reduced the amount of seating.
- 540 R. Huftalen: The positioning of the fire pits, are they about 50 feet off the end of the patio? Mr. Katleski: Maybe 30 feet. R. Huftalen: Is the area between the patio and the fire pits grassy area? Mr. Katleski: Just grass.
- A. McDowell: Will you put tables and chairs in that grassy area? Mr. Katleski: The intent right now is just grass.
- 545 A. McDowell: What is the seating for the patio? Mr. Katleski: I think it is 70 or 80 seats. That is down from 120 originally, I think.
- 550 J. Gavilondo: The fence on here is just a fence around the mechanicals? Mr. Katleski: That's it. It is in keeping with the same fencing we have for our garbage containment area.
- Mr. Stokes: You didn't answer the question. Will there be seating in the grassy area with the fire pits? Mr. Katleski: We don't have anything proposed for that area. We are intending on having grass with some Adirondack chairs. Mr. Stokes: Tables? Mr. Katleski: I have no tables purchased. There will be tables and chairs on the deck area.
- 555
- Mr. Stokes: What is the purpose of the fire pits? Mr. Katleski: I thought aesthetically it would look nice. I have seen them at hotels and various areas. I thought aesthetically it would be nice. It would add some light to the area as well. They are strictly gas fired.
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- Mr. Stokes: In hotels where you have seen fire pits, did they put Adirondack chairs for people to sit around them? Mr. Katleski: Some tall seats. There are many different various applications.
- 565 A. McDowell: It would mean a lot of people out there at night. Mr. Katleski: We are intending on stopping service at 9:00, so it is not a late night operation.
- Mr. Stokes: Are the fire pits installed already? Mr. Katleski: They are not. I pulled the gas line out and I pulled the electrical. Then I decided to put it on hold until further review.
- 570
- A. McDowell: I think a public hearing would be prudent. R. Huftalen: I agree. We should set a public hearing for our next meeting.
- Mr. Stokes: How does the Board feel about the cooker? If the deck is substantially the same or within the limits already approved, how do you feel about a cooker on that deck?
- 575
- A. Walburger: It is on casters. It is not a permanent installation. I'm not quite sure what it is we are regulating.
- 580 Mr. Katleski: I thought it was to Code. I'm surprised that a public hearing would be necessary, but I will do whatever. I have always accommodated. I will do whatever you guys want.

585 Mr. Stokes: I tend to agree with Adam. I'm not sure a portable piece of cooking equipment on a deck that was constructed as approved falls within the Board's jurisdiction. It might be a fire code issue for Mr. Carr. I think there may have been a concern if the deck had been enlarged. We can compare it to the original approved plan. I wanted to get the Board's sense. I'm not sure the cooker itself is a Planning Board issue. Technically, the lean-to is a modification to the exterior of the structure.

590 Mr. Katleski: If you were to approve the cooker, I won't have to change the menu and alter the operation.

595 Mr. Stokes: For the record, someone could make a motion that the cooker is a piece of portable cooking equipment and not subject to Planning Board review.

J. Gavilondo: I will make that motion—the cooker is a piece of portable cooking equipment and is not subject to Planning Board review. S. McEntee seconded. The motion carried with 5 in favor, 0 opposed.

600 Mr. Stokes: The lean-to is subject to Planning Board jurisdiction, as well as the fire pits. If the patio/deck has been expanded, that would be subject to Planning Board review.

605 Mr. Katleski: I just realized it when I was sitting here, we would love to have two flagpoles at the entry. I would like to have a New York State flag and a U.S. flag at the entrance. You would see it only when you drive up and park.

R. Huftalen: Not at the front of the property? Mr. Katleski: No, at the side, off the main entrance.

610 Mr. Stokes: What height poles? What flags will be flown? If it is another advertising flag, that would be an issue.

R. Huftalen: I think it would be great if you could provide us with more details such as where on the site plan it goes. Just incorporate that with the other items.

615 S. McEntee: Internally illuminated signs are not allowed in your zoning district. Mr. Stokes: We checked the Code. The way it is written, they are not allowed in any district other than the Village Edge North (VEN).

620 Mr. Katleski: What kind of sign is allowed?

625 R. Huftalen: The classic one everybody uses is the gooseneck sign. They illuminate it with a gooseneck light projecting back onto it. That is the most typical. A pretty neat application that we deemed non-internally illuminated is like a shadow box where you have a light and it provides a shadow. A. Walburger: A light source behind an offset. Your "e" would be offset from the building and opaque so light cannot go through the "e" because it is not translucent. It provides just a light shadow outline of your logo.

J. Gavilondo: Instead of the "e" being lit, the "e" is the shadow and the light is around it.

630 R. Huftalen: The additional signs require special approval. Jim, would it require a variance? Mr. Stokes: It wouldn't require a variance. Signs in this district are up to the Planning Board. For

the internally lit one, there is a specific section 180-117(c)4 that specifically says you may not have an internally lit sign anywhere other than the VEN.

635 Mr. Katleski: Jim, what about the silo sign? Is there anything that has size requirements or setbacks? It is challenging for me to have the same size requirements. I understand I am in the Village. It is a 22-acre property with a 35,000 square foot building. I have the exact same size requirements as a wine store that is 500 square feet on Albany Street.

640 Mr. Stokes: That is not the issue. You don't have the same size requirements. When your district was created, the Village specifically said that all signage is subject to review of the Planning Board.

Mr. Katleski: Because it is PD? Mr. Stokes: Quite frankly, the problem is that you didn't present it before when you presented the other sign and all of a sudden it appeared. The Board will have to consider the size, the visibility, extent it is necessary, whether it is aesthetically appropriate, and all those issues.

645 Mr. Katleski: Do we have to wait a month? Is it possible to have a public hearing prior to that? Specifically on the silo sign? Mr. Stokes: We had a special meeting for you last month. Keep the sign covered. It doesn't keep you from opening.

650 R. Huftalen: We need to offer the opportunity for public input. S. McEntee: I agree.

Mr. Stokes: Given the nature of all the proceedings that got us to where we are today, I agree with the Board's sentiment that it would be prudent to have a public hearing.

660 R. Huftalen: We made a finding on the cooker. I will talk with Mr. Carr about all the other issues. We will discuss the signage, the lean-to, the fire pits, and the flagpoles at the next regular meeting. The temporary signs are an issue to talk to Mr. Carr about.

Mr. Stokes (to Mr. Katleski): Update the site plan with all of the little additions: The fire pits, the flagpoles, and all the directional sign locations.

665 Mr. Katleski: For the "e" sign, what if there is a night light on it. Mr. Stokes: It has to be downward.

670 R. Huftalen: We had a long discussion about architectural lighting and what constitutes architectural lighting. I sent that for everybody's review. It was three years ago. We don't have to rehash it again now.

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### **Proposed Aldi/VES Development Informal Discussion**

675 There was no representative in attendance. R. Huftalen wanted to create an opportunity for Board members to discuss this. The property is not annexed to the Village yet. There have been some developments. The Board has a preliminary report from the Cazenovia Advisory Conservation Commission (CACC) that Mr. Ferlow authored. The Board also received some input from the Historic Preservation Committee (HPC). Mr. Stokes provided some aerial views.

680 Mr. Stokes advised the Planning Board to pass a motion to consent to the Village Board's designation of itself as being the lead agency for State Environmental Quality Review (SEQR).

J. Gavilondo asked for clarification. Mr. Stokes explained that the Town Board and the Village Board adopted a joint resolution consenting to the Village Board to act as lead agency for the project. The Planning Board is an involved agency as well as the New York State Department of Transportation (DOT). DOT has already submitted their consent to allow the Village Board to act as lead agency. By the Planning Board doing the same, that would mean the Village Board would make the SEQR determination for the extent of the project as it exists at the time of the annexation. To the extent there are deviations and refinements to the project, the Planning Board will continue to have some jurisdiction over that.

690 J. Gavilondo thought the particulars of the site plan were not being considered as part of the annexation. Mr. Stokes continued that there is a specific plan of development for SEQR purposes. It is not approving a specific plan of development, but the Village Board has to consider it for SEQR purposes.

J. Gavilondo questioned if the Village Board finds no adverse impact, what does that mean for Planning Board purposes? Mr. Stokes explained that the Planning Board would be bound by that as long as the plan is essentially the same as it is currently proposed. J. Gavilondo wondered if this would pertain to the last iteration. Mr. Stokes answered it would be as it exists at the time the Village Board makes the SEQR determination. The Village Board is not approving every last detail. The Planning Board still has all the site plan authority, including the right to reject it. The Village Board will make a SEQR finding regarding all the typical SEQR issues such as traffic, drainage, etc. It is not making a finding that the plan is in compliance with the zoning. It is just finding that the property can be developed in substantially this fashion without having an adverse impact. Or they may find that it has impact. It is not an approval of the plan. The Planning Board certainly has the authority and jurisdiction to disapprove the whole site plan, even if the Village Board approves the annexation.

700 R. Huftalen added that if there is concurrent review, somebody has to be lead agency. The action is annexation. The Planning Board does not give up any right for site plan review. If there is a SEQR determination of no impact, it does not mean the Planning Board does not have all the authority to reject a site plan. The Planning Board is an involved agency, not the lead agency. If there is no site plan to consider, that would be segmentation. If it is annexed without a plan, that is segmentation and that cannot be allowed to happen.

715 S. McEntee voiced his concern about runoff and the watershed for the Village water supply. If the Planning Board votes to make the Village Board the lead agency, is the Planning Board saying they have lack of concern for runoff and the effect on the watershed? Mr. Stokes replied that the Planning Board still has approval authority for the site plan, including the grading plan, and all the stormwater control measures. The Village Engineer will review all of that information.

720 J. Gavilondo questioned how the Village Board can make a SEQR determination if they don't have that information. R. Huftalen answered because there is a presumption that those things can be engineered and the Planning Board has the authority to reject or accept those constructed items.

730 Mr. Stokes continued that the Village Engineer, John Dunkle, will submit something in writing. He has already verbally stated that stormwater can be managed. For SEQR purposes we rely on the Village Engineer. A final stormwater management design and stormwater pollution prevention plan (SWPPP) (pronounced “swip”) are not required before a SEQR determination is made.

735 Mr. Ferlow spoke. The CACC has done a very detailed study and there is a final report. The report identifies certain issues that need to be determined or resolved from a legal standpoint based upon conflicts or changes or differences between segments of the report. There may be about three items of that nature. Managing stormwater on the site has been investigated. There are several ways of doing it. A presentation given last week had mechanical structures. Stormwater should be managed by something that does not need to be constantly maintained. It should be done naturally and correctly to put water back into the ground. The applicant has submitted a two-page report, which is correct, that the recharge for the aquifer in that 10 acres is approximately 3,000 gallons per storm. If 740 you have 3,000 gallons per storm, that equates down to 405 cubic feet. If you have a 10-foot by 40-foot lap pool, the pool has one foot of water in it. It is really not that much water, but it is required under the Comprehensive Plan to be put back into the ground. However, there is opportunity on this site for the applicant to capture much more and actually enhance the groundwater recharge through the use of innovative stormwater management rather than standard ways. In that 745 regard, that is where CACC has tried to address some of these issues. There are graphics and 18 pages of text in the report. The CACC plans to meet Wednesday evening. Then the report will be issued to the Village and the Town as a comprehensive document from CACC.

750 R. Huftalen pointed out that Mr. Ferlow’s comments are illustrative of the point that stormwater management is achievable. Whether the specific plan does it to the degree that this Board thinks it is good for the community or not is still the Planning Board’s decision.

R. Huftalen made the motion to consent to the Village Board’s designation of itself as lead agency. S. McEntee seconded. The motion carried with 4 in favor and 1 opposed.

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### **Cazenovia Hospitality, Discussion/Review of Landscape Modifications**

760 R. Huftalen stated that this is an informational item. A number of months ago, the landscape contractor for the Hampton Inn suggested some modifications to the plant species. For instance, hostas and day lilies that were on the planting schedule submitted by Matt Vredenburg and approved by the Planning Board were replaced with some alternate species. At the time, R. Huftalen made the determination that the changes were minor enough that they did not require full Planning Board review. He had some conversations with Don Ferlow from the Cazenovia Advisory 765 Conservation Commission (CACC). This led to an on-site meeting with R. Huftalen, Mr. Ferlow, Matt Vredenburg, the landscaper; Dan Kuper, the owner of the hotel; Tom Tait from the Village Tree Commission; Adam Walburger; and Bill Carr, Zoning/Code Enforcement Officer. There was a prolonged discussion about the modifications. The planting schedule was marked up and Mr. Carr currently has possession of that. R. Huftalen wanted to make everyone aware that those changes 770 were made. There was a subsequent discussion about the caliper of the trees with the landscaper. Specifically, honey locust and some other species were swapped out for other species. All species will be the same caliper as specified on the planting schedule: 2-1/2-inch caliper trees. He offered Mr. Ferlow an opportunity to comment.

- 775 Mr. Ferlow urged to get an updated plan in the file for the Planning Board because this is the first major project in the Village Edge South (VES) zone. Tom Tait believes the trees should be smaller (not necessarily the size on the plan) because he has good luck with those. Mr. Ferlow continued that this is a major project and is a taller building.
- 780 R. Huftalen said he had talked with Mr. Vredenburg to confirm that sizes specified on the plan will be maintained and not reduced. Mr. Vredenburg confirmed this. It is Mr. Carr’s responsibility to make sure the right trees are planted. R. Huftalen stated he would make it clear to Mr. Carr which trees are specified.
- 785 A. Walburger voiced that it would be a prudent best practice to have an as-built landscaping plan filed. Mr. Ferlow agreed with that statement because the long-term maintenance of this is important as well. This is a special project in the Village. The odd part is that you don’t buy trees under nursery rules. You buy them between 2-inch and 2-1/2-inch and between 2-1/2 and 3-inch. Technically, a 2-1/2 can be a 2-inch tree because it is in that range. There is a 2-foot height differential.
- 790 In that regard, you should be looking for the tallest that you can get for that 2-1/2-inch. That is a maximum of about 16 feet. That is still a small tree against a large building, but it will grow. To put in larger trees at this point in time is an idea that is okay, but they will grow slower and the others will catch up.
- 795 Mr. Stokes said that a revised landscaping plan should be filed.

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- 800 Mr. Stokes requested to go into a brief executive session with attorney-client privilege as he had some legal issues to discuss with the Board.
- R. Huftalen made the motion to go into executive session for attorney-client privilege. J. Gavilondo seconded. The motion carried with 5 in favor, 0 opposed.
- 805 The executive session ended. A. Walburger made a motion to adjourn the meeting. S. McEntee seconded. The meeting was adjourned at 10:30 p.m.

Respectfully submitted,

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Marlene A. Westcott  
Recording Secretary