

**Village of Cazenovia Planning Board
Meeting Minutes
August 23, 2016**

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

Others Present: James Stokes, Village Attorney; Greg Widrick; Kurt Wendler; William Hall; Don Ferlow; David Muraco; Louis Muraco; Judy Gianforte; Sarah Webster; Bob Cowherd; Bob Lucas; 10 Susie Lucas; Jane Dourdas; Phil Byrnes; Kris Dourdas; Anne Ferguson; Deborah Barnes Dougherty; Roxanne Jackson; William McDowell; Geoffrey Navias; Bob Sampson; Joan Sampson; Roger DeMuth; Shirley Davies; Gerald Davies; Bob Ridler; Steve Fisher; Anne Saltman; Chuck Macaulay; Graham Egerton; Jack Rooney; Cindy Underriner; Larry Underriner; Patti Christakos; Sparky Christakos; R. Shane Emerson; Carlos Gavidondo; Bettina Frisse; Dan Kwasnowski by speaker 15 phone; and many others who did not sign in. There were approximately 50 people in attendance.

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20 R. Huftalen called the meeting to order at 7:34 p.m. and introduced the Board.

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Cazenovia Market (Aldi) Work Session

25 R. Huftalen: Welcome, everybody, to our work session on the project for the Cazenovia Market. I just wanted to advise everybody that we are not going to accept any public input at the meeting tonight. It is a work session. The members of the Board are going to take the opportunity to discuss the project with the developers. Of course, everybody is free to listen in. I just want to make sure in case that influences anybody as to whether they want to stay or not. For right now, that's where we stand. At our last meeting, we set up this work session as an opportunity to try to engage in a 30 productive discussion with the developer to help the Planning Board and the developer look for possible alternatives to the proposed plan in order to get something that could be viewed as a positive for all parties and move the project forward. The intent of the meeting tonight is to try to have a constructive discussion. We are not going to get into any legal parsing of words and details about how this would stand up in court, etc. That being said, we have had the opportunity to engage the 35 services, per the Code provision, of Dan Kwasnowski, who is injured. He helped author the actual guidelines for the Village Edge South Design Guidelines. He is unable to join us in person tonight, but said he would like to be part of the meeting, so we are trying to get him on speaker phone first.

40 Dan Kwasnowski: (Phone ringing). This is Dan.

R. Huftalen: Hi, Dan. Rich Huftalen, Village of Cazenovia. How are you doing? Thanks for joining the meeting. Thanks for putting together the study. We have you right here front and center with the members of the Planning Board. And the developers are here. And a large audience. I have Adam Walburger, Jen Gavidondo, Anne McDowell, and Steve McEntee. I would first like to start off 45 by giving you an opportunity . . . We have an 11-page report here where you detailed some of the findings of how you found the application and a number of ways in which you found it conformed to the requirements of the provisions of the Code and the Guideline and some areas where you think there needs to be some changes. I don't know if there are any opening comments you'd like to begin with. If so, fire away.

50 Mr. Kwasnowski (garbled on speaker phone): This is a big opportunity and it's a big project in an
area that has been studied by the Village for its impact for a long time now. Everybody in the
community takes it very seriously. They are very outspoken and very interested. This is a tricky one
because the Village has put a lot of time and money into plans for this area. There are competing
55 visions and there are competing ideals. What I tried to do in my report is to give a rationale, to give a
voice to all the voices that I heard and all the people I talked to when I developed the Design
Guidelines for that area. The proposal in the grand scheme of things is great, but it is a tricky dance
between the government, the public, and the applicant. I think what I have written is: This is how
you got from not wanting anything to develop in the area across from Tops, and now there is a hotel,
60 and zoning. It doesn't mean there isn't going to be any negotiation. There is nothing in that vision
that is going to be perfectly implemented. What I tried to do is identify what the core principles were
and that's the Village character. There are lots of books on it. There is Village character and the
function of the site in the community. It's not an easy thing to balance. It was hard to represent the
collective vision for that area at the time, which was three years ago, and it has been developing for a
65 long time.

R. Huftalen: Thanks for those comments, Dan. I think we'll ask you to just stand by. The members
of the Board just got this report mid-afternoon today. We have not had a chance to digest it
completely. So it is likely there will be questions. I know the applicants got it after we did. Kurt and
70 Greg, if you wouldn't mind, we would love to have you up here to facilitate the dialog and to give
you guys a prime spot. It might be easier for us too.

R. Huftalen: Following up on our last meeting, there were issues. There are big issues and little
issues. There are a ton of issues people want to talk about. One of the things I am hoping to
75 accomplish in a meeting here tonight is to try to lay out some of the bigger issues. I asked the
members of the Board individually to think about what things are important. I know some of the
members have ideas and concerns they would like to express. I would like to give them the
opportunity to bring those out and give you the opportunity to respond or absorb or whatever the case
may be. Steve, you have a list. Thanks for sharing that with me. I will give you the floor.

80 S. McEntee: Just to start off, admittedly, I am kind of new to the process. I have been on the Board a
year now. I wasn't real involved in the annexation process and learning about the development until
it was before us. Also, I wasn't involved in the development of the Design Guidelines for the Village
Edge South (VES), so I wasn't real familiar with that. Since the last meeting, it has forced me to take
85 a closer look. Based on your narrative, looking at what you said, versus what I think the Code says,
and not having that perspective of how that Code was created was kind of tough. There is a little bit
of ambiguity, it seems. But, I guess it has been explained. I had a sense that some things were a little
bit clear and then there were some clarifications made later on by statements. I'm going to say some
new things here that I didn't say before based on taking a closer look at what I think the Code means.
90 One of the things we talked about last time was the sanitary sewer and the water service. They have
got to meet the Village standards. You can't pump. I think that's probably pretty clear. Your stance
of Route 20 being a Village street doesn't work for me. Therefore, the way the Code reads, the store
can't front on Route 20. In my opinion, that's what the Code says. The development has to front on
a Village street. No primary entrance to the parking lot from Route 20 or to the development from
95 Route 20. Perhaps negotiable. But the way I read it right now, there can't be a primary means of
ingress and egress to the development from Route 20. Stormwater mitigation: It seems like all the
stormwater mitigation is south of Village Street D. I'm looking for mitigation in the very large
parking area. It seems like a lot of impervious surface and you are treating it when it rolls off that

100 surface. So I'm looking for more there. The next thing we talked about was a sidewalk south of
Village Street D for better connectivity for pedestrian traffic. The next one I looked closer at was:
Must meet the 50% glass requirement for the facade of a one-story building. I don't think the design
meets that currently. There is kind of a mixture of: Is it a one-story building or is it a 2-story
105 building because it is 20 feet tall? But really it is a one-story building. So the way I read the Code is
50% glass on the facade that faces the Village street. Loading zone against a Village street: It is
actually on the corner of two Village streets, the way I see it. To me, clearly, the Code says you can't
have a loading zone fronting a Village street—a zone. No blank facade against a Village street:
There are no windows on the side of the developed building that faces Village Street C. I understand
the architectural treatment. It is not truly blank based on the additional architectural treatment. We
would have to take that into account. The parking issue we did talk about last time. Parking between
110 the pharmacy and Route 20 doesn't seem to float with me. The last one on my list is the 40%
greenspace on the lot that you are developing for the food market. Maybe it is 40%, but I would like
to see that calculation for that lot. That's all I have.

115 R. Huftalen: Thanks, Steve. I do know the developers had a meeting with Bill Carr (Zoning/Codes
Enforcement Officer) and John Dunkle (Village Engineer) about resolving the sewage and water. I
think there was rough agreement in ways that would accommodate the requirements of the Village
Engineer and Bill Carr. As I understand it. I don't want to speak for them. But that just happened
very recently.

120 Mr. Widrick: It happened last week. We met right after the meeting. There is no reason we can't
agree to that. Obviously, it would require Mr. Cowherd's cooperation.

125 R. Huftalen: The 50% glass requirement is one of the things that was a concern of mine over the
course of the discussion. I think we first saw the application back on April 11. It was the first time
we reviewed it informally. You had three meetings with the HPC (Historic Preservation Committee).
You initially proposed glass and then part of the HPC recommendation was to remove the glass. On
those two issues, those are the things that agree in the context I see those. I invite Adam, Jen, Anne
to comment.

130 A. McDowell: I, too, was very concerned about the water and sewer. I'm so glad to hear you have
arranged to have that fixed so there are no pumps involved. I am concerned about the connectivity,
the sidewalks, and the greenspace. I think if you are willing to work with the HPC on architecture of
the building, I think you could certainly set some new standards. The 20 feet, which is in the code,
but I think you could make an architectural design that would fit in well with the community.

135 A. Walburger: On further input from several of our advisory committees, I still have concern about
the full extent of the buffer between Route 20 and the development, parking in front of the building.
Upon review of Dan's memo report today and his understanding of and intent in developing the
Design Guidelines and the strength of his argument about the Village street orientation proposed in
140 the Design Guidelines and roughly followed through in the existing plan. I'm concerned about
building orientation, the spacing between the buildings, that these are, for lack of a better term, errand
buildings that are separated by substantial distance and possibly requiring patrons to drive in between
them inside the same parking lot, as opposed to being walkable. I have concerns about the limited
access right turn only curb cut on Route 20. I have already stated that. I have desires for increased
145 primary stormwater management at the impervious surface, detailing some issues identified by Don
Ferlow's report, especially if the orientation of the buildings is altered to front a fully developed
Village Street D, then I feel that there is opportunity for increased stormwater management between

the buildings and Route 20 in their new orientation. I think that is about the extent of my concerns right now, Rich.

150 R. Huftalen: When you talk about the orientation, and I'm just trying to amplify . . . There is a discussion as to whether it should front on Village Street D or if Route 20 is a Village street. We have clear and differing opinions over the orientation issue. The discussion is: How do we interpret this? This is clearly one of the big items that Dan identified. I think it is worth discussing. What is the consensus? Maybe there is no consensus. What is the feeling about the orientation of the building relative to Route 20 and the Village street?

160 A. Walburger: Dan's memo made it exceedingly clear that the intent was to have the buildings front on Village streets. Given the current orientation of those streets and the layout, that's C or D for the proposed Aldi and D for the pharmacy building. However, it has occurred to me and I need to interject my own thought on that, is that a successful retail establishment is detrimented by putting the non-brand facing front away from the highest traffic street, which is obviously Route 20, Village street or not or arterial or not. However, nothing precludes the design of the building to have an attractive front or orientation facing Route 20, yet still having the consumer operations end oriented to Village Street D. It is not disallowing any of this. It is just not conventional practice. We are dealing with a constrained site. We have to entertain that option to make this work and be in alignment with Dan's very explicit indication of what he intended in the Design Guidelines.

170 R. Huftalen: Obviously, any time you want to interject. The idea is to have a dialog here. Dan, go ahead. The same goes for the developer. I think this is a pretty critical issue. To me, it makes perfect sense that a retailer would not want to turn the face of the building away from the road/street that has the high traffic count. The particulars of that lot are such that you have a street that you are trying to establish in the back that doesn't have any traffic and you are telling the developer they need to front their building on that. I'm not sure that the Code explicitly says that. I think it needs a pleasing facade on streets C and D. I'm not sure there is a specific reference saying it needs to front there. Clearly, there are places in the Code where it mentions fronting on Route 20, so that was contemplated. Dan, we're glad to have your input.

180 Mr. Kwasnowski: What we were trying to do was accomplish two things at once, which is always a bad idea. The first reality is that the property may never annex in. The second one was that somebody may want to buy the existing buildings and want to do something with them. The provisions in the law would allow them to reuse those buildings with some modifications, but allowing for retention of some curb cuts, or reducing some of them, and some of those buildings did have parking in front of them. It certainly carries over some of those provisions legally. The way it is written is some of those carry over to new or a broader redevelopment of the property when you take a building down and develop new, still subject to site plan review. The next thing we tried to do was to manage for the creation of new streets. Because now we have a comprehensive redevelopment proposal for the site. They proposed creating new streets in accordance with the Design Guidelines. The idea was to have a continuous alignment of walkable commercial properties along Village Street D or C or both, depending on what the proposal was. That language with the glass and the sidewalks and the openings and all that was trying to create that village character so you can walk from the grocery store to the drug store to the bank. Or if you live in the proposed apartments, you could easily ride your bike or walk, to try to give a viable option rather than automobile. This is the long game. If we can get somebody to build these streets, then we know we can connect over to the hotel. Then this would be a great commercial district. These are going to front on stormwater ponds or park land, which is not a bad thing. It was my understanding of the

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zoning and the way that I wrote it, was that this is the desired vision for the area. It is really up to the Planning Board and everybody in that room to decide if it is feasible. It is kind of out of my hands at this point. The idea was—the long game—was to create a continuous walkable commercial corridor along streets B and C that would connect to the area down the road. A lot of things could happen. That is the fundamental question—and one that I can't get past—the way the zoning was written or the Design Guidelines. I don't see any loopholes there. I'm not a lawyer and this isn't a legal proceeding. The discussion of the difference is probably more valuable to the Planning Board and the community. A decision will have to be made at some point. It was the long game strategy to make a continuous commercial walkable development that would benefit all of the businesses along it. As far as retail facing on the road, I can dig up studies. I have owned my own retail business. I have managed retail businesses. I managed a very successful retail business that had a rear entrance and a rear parking lot. A lot of it depends on the market and the applications. That is just my understanding of it. Carousel Mall has street frontage. The outlet center in Waterloo has street frontage. They all have a walkable environment. It's a really good question and it's an old question. There is lots of information out there. Okay, I will take your questions.

J. Gavilondo: This is Jen Gavilondo. I wasn't going to ask a question, I was going to maybe state the obvious that some development would be more amenable to fronting a Village street than other development. And maybe this particular proposal, as it stands right now, isn't that amenable to doing that because it's not appropriate for the site. Or at least in its current iteration, it's not appropriate for the site.

Mr. Kwasnowski: That's entirely possible.

R. Huftalen: And the flip side of that might be that part of the reason why flexibility was built into the Guidelines was so that when an actual proposal came up, you would have the flexibility. If this is a redevelopment proposal, you are afforded that flexibility to determine whether it is beneficial to the community or not. I think that is the challenge we have as a Planning Board. For me to say these rules are set up to cause a project like this to orient the building so that it does become like the Waterloo shopping center. To me, that runs directly counter to the idea of a pleasing entrance to the Village. Driving by the Waterloo development on Route 90 is the exact opposite. I think that is a perversion of the way the rules are written.

S. McEntee: It is not screened either. When you drive by on 90, it is not screened at all.

Mr. Widrick: Just to respond to your point. You are comparing Waterloo Outlets to Cazenovia, New York. We are talking three tenants that face Route 20. Co-tenancy gives you the ability to do a lot of things. We don't have co-tenancy here. We are a stand-alone kind of island. I would say that is different. I heard Dan say there were many different examples he could bring up. I have been in this business over 20 years now. I could bring up exceptions; Saratoga Springs. I could throw out all kinds of very big, strong markets with very big demographics. The rules aren't the same for those versus some more marginal markets and smaller rural markets. That's in our experience.

R. Huftalen: Again, because we just got this mid-afternoon today, I don't think we have had time to fully digest what you put in front of us. You have outlined five points that you feel the applicant has generally complied with the Design Guidelines. Then you have identified three shortcomings. Two of them seem to be pretty manageable. The one big one that is important to our discussion is buildings not fronting on a primary entrance on a Village street. That becomes a fulcrum. If you are able to achieve the ends of pleasing facades on street D and pedestrian access, would it be possible to

solve and still allow for fronting on Route 20? In my mind, that doesn't seem too farfetched of a concept.

250 J. Gavilondo: I think what Dan said is there is not too much leeway in that because that's actually written in the Code, that they can't front on Route 20. So it is not as if there is flexibility there. There might be flexibility elsewhere.

R. Huftalen: The Code clear contemplates buildings fronting on Route 20.

255 S. McEntee: Dan, in your memo, what Rich is talking about is that the Village has an exception in the Code about a development on Route 20 and you explained that in your memo. Could you explain it for everybody, please?

260 Mr. Kwasnowski: There is an exception for both existing buildings and their reuse or a lot-by-lot proposal and how to handle it. There are provisions for that. But the real problem that I found in the zoning—the sticking point—is that it specifically says in 180-63C1: *The front of all principal buildings on new blocks or streets shall be aligned along a "build-to line," which is a line parallel to the front lot line and set back a fixed distance.*

265 Mr. Kwasnowski: For all new blocks or streets, then the provision applies. I couldn't get past that part because I know what the intention was. It doesn't mean that there isn't a way to deal with this. The question is can everybody agree on it? From an impact standpoint, I think that is something that would have to be considered or take some time and figure out what procedures to follow to accommodate fronting on Route 20, or maybe you have a different take on it altogether. To me,
270 buildings should be fronted on Village streets.

J. Gavilondo: Dan, let's say somebody bought the Caz Motel and wanted to renovate. That could remain fronting Route 20?

275 Mr. Kwasnowski: Absolutely.

J. Gavilondo: But if you tear that down and build new buildings and add Village streets, the new buildings have to front Village streets. At least that is my understanding.

280 Mr. Kwasnowski: Right.

R. Huftalen: But that gets into the definition of what a redevelopment is. We are not going to get into a legal brief here, but I see it as a redevelopment and I interpret it that way.

285 J. Gavilondo: We should probably move on because you are not going to convince me and I'm not going to convince you.

R. Huftalen: Fair point.

290 Kurt Wendler: Rich, on this topic, for our education and understanding . . . This isn't the first time the Board has wrestled with fronting on Village streets. The point of reference we keep looking back on and getting confused with is the hotel. We struggle to understand how the hotel was allowed to not front a Village street and how this has become such an issue for our location. Jen has an issue

295 with it, Steve has an issue with it, and Adam has an issue with it. Maybe those Board members could help us understand how they came to allowing the hotel to not front on a Village street.

Mr. Kwasnowski: I can answer that question, Greg.

300 Mr. Widrick: I would prefer the Board answer the question.

J. Gavilondo: I would like to hear Dan's.

Mr. Stokes: He's our consultant. Let him speak.

305 Mr. Kwasnowski: It's the same paragraph I just read and it has to do with the "build-to line."

The front of all principal buildings on new blocks or streets shall be aligned along a "build-to line," which is a line parallel to the front lot line and set back a fixed distance.

310 Mr. Kwasnowski: If you set that "build-to" line to the hotel, where they built it, it fronts on a Village street. A similar matter applies to your buildings. But for some reason you want your entrance to be set back farther. As long as there is a direct connection to the sidewalk, you would be okay. It really has to do with that "build-to" line. You are talking about fronting on a Village street. There are a few things involved. The main thing that may be confusing about the hotel is that the "build-to" line
315 is in a slightly different place because it is a four-story building. Because of the viewshed, it was appropriate to that part of the Design Guidelines. The key thing is to make a pedestrian connection between the hotel front door and where the sidewalk would be.

320 Mr. Widrick: I'm sorry, Rich, that didn't answer the question for me. I don't follow his logic of connection. I'm not saying that I can't understand a little bit. He was talking very fast and it is mumbled. I'm having a hard time. I'm looking at what I'm reading—front lot line. So front lot line, by definition, is between the street and the building. I guess I can get together with Dan separately.

325 R. Huftalen: Again, from a legal point of view, you can construe it differently. Jen and I would construe it differently. From a practical point of view, Dan, you said it is gray area. What is the benefit to the Village versus what is the cost? What harm is there in having a building facing the street relative to the alternative of saying we want the back of the building facing the street?

330 J. Gavilondo: It's because it is inconsistent with the vision the community had at the time. The vision the community had was what Dan has said, which is: This was going to be a connected development and the focus would be the Village streets, not Route 20. Route 20 is not supposed to be the focus of this development. Otherwise, it's going to look like the Nice N Easy and the bank on Route 92 because that is the focus. Route 92 is the focus of those developments—an entry and exit off of Route 92. That is basically what this looks like, except it's over here.
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Mr. Widrick: I would have to respectfully disagree. There are distinctions.

340 J. Gavilondo: That's fine, but let me finish. What I think Dan said and what he wrote in his report is that we have to look forward. We can't just focus on this one project. We have to look forward to the whole concept of what this was. And it was to create a village-like feel not fronting Route 20. That's my reason.

R. Huftalen: I think Dan also said it is possible a limited market may not support all the investments the vision requires.

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J. Gavilondo: It may not.

R. Huftalen: So I think that's the job of a Planning Board; to determine where there are gray areas, where there are judgment calls to be made, what we feel the greatest benefit to the community is. So my question is and I understand what your intention is, Jen. I would ask Steve, Adam, Anne to weigh in. What is the cost? What do you think? In this particular project, not some hypothetical one out in the future, but this particular project. Is it better to have the loading dock facing Route 20? Is that a problem? Is it manageable?

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S. McEntee: My issue is it doesn't fit the vision that Jen just described. If that is what the community wrote into the Code, how can we change that?

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J. Gavilondo: How can we disrespect that?

R. Huftalen: I respectfully disagree. It is not disrespect to take a concrete project and try to examine the practical implications. Is there a way to make it so it would be a benefit to the community? Rather than just saying it doesn't meet this provision of the Code right here. The Code clearly allows flexibility when it has language like "to the maximum extent practical." Dan talked about it in his discussion and preview. Part of the reason why the language is cloudy is because they are contemplating all these different scenarios that could happen in the future. If someone wants to make the Bird's Nest Motel, then they could have one set of rules. If they want something else, they have another set of rules. So there is some vision that you can have another main street, a connection up there that would have some specific gravity. We don't have that with this application. How do we deal with that?

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A. Walburger: Speaking to what Dan has mentioned, also an ongoing concern of mine, the overall street C D layout has existed in documents preceding the Design Guidelines. It was one of the initial concepts for the combined annexed lot and the VES zone. What I am very wary of is cutting those streets off at the knees with statements like: Why would you want a building to front on a road that has no traffic. We can face facts. It will not have traffic at the time of construction. There is nothing connecting it right now. But the concept is: This is an annexation to our Village that is intended to be a 30-, 40-, 50-, 100-year extension. Through all good intents and purposes, those streets should have traffic eventually. I still stand by what I said earlier. It doesn't mean you can't make the end facing Route 20 be aesthetically pleasing. It doesn't even mean you can't put the entrance facing the parking lot and making the parking lot still subordinate to the building accessible for people and accessible from Street D. It just means that you shouldn't discount this section of the property as something as a cast-off area. This is one of the portions of the plan that has existed before this development or the Design Guidelines were in existence. Maybe that configuration is totally wrong, but it has the most precedents.

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R. Huftalen: One of the main amenities and community benefits I see in this plan is the development of that optional connectivity D. Traffic access to this amazing Link Trail and you've got a conservation area set up in a vastly underutilized portion of our village. If this project goes by the board, what is the next one that is going to allow for that kind of benefit to be realized?

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J. Gavilondo: Who knows?

R. Huftalen: That's not a laughing matter, Jen. It is a very serious matter. I don't know what the next one is.

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J. Gavilondo: Nor do I.

R. Huftalen: So to have one that is sitting there that is economically viable and say "no," there are consequences that reach far beyond saying: It didn't meet the Code in this and that provision. Or it didn't meet this vision.

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J. Gavilondo: It doesn't meet the laws, but we will do it anyway? Is that what you are saying?

R. Huftalen: No, you are totally misconstruing it. That's just rude, Jen, for you to say that I would say that. It's not clear cut. For you to sit there and pretend that it is clear cut is disingenuous.

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J. Gavilondo: I think it is clear cut.

R. Huftalen: Again, we disagree. The thing I was hoping we could achieve is some type of way to shape the vision that the community has into a project that would make economic sense and meet the criteria that the Board needs to consider. I'm not hopeful that we are in a position to get that done based on what I'm hearing here now. I think that is really unfortunate because I think a project like this has potential to be developed in a way that could improve the community in accordance with the vision of the broader community. We talk about how we don't want sprawl. This is on the Village Edge. This type of development either happens in the Village or it creates sprawl by happening someplace else—in Nelson or in the Town of Cazenovia. People that I have talked to that live in Morrisville, or Georgetown, or DeRuyter would utilize this facility. There is a market for this or Aldi doesn't propose it. That's why I mean saying "no" has consequences. Something like this can happen in other places.

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J. Gavilondo: I haven't heard the developer offer one thing in response to any of this.

R. Huftalen: They have been working on this application since April 11. They got the report this afternoon.

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J. Gavilondo: I took a look at it. So we're not going to ask them for any input? You and I are just going to argue?

R. Huftalen: I offered them to add input.

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Mr. Widrick: I was going to offer some input, but I got interrupted.

J. Gavilondo: You were going to interrupt me.

Mr. Widrick: The distinction I would like to draw because I have seen a lot of misconceptions about our project; calling it a strip mall, calling it urban development. It is not a strip mall. What you just mentioned at Enders Road, that is a strip mall. It's a big building with several retailers all in a line. Where is their linear park? I don't see it. Where's the connectivity—a street that goes back to the housing development that is behind it? I don't see it. We have three retailers up in front. They have a heck of a lot more than that in the strip mall portion of it. To compare it is not apples to apples

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comparison. I'm just giving you the site plan differences. As far as Rich is saying, and obviously I agree, this has been very hard. This isn't just us putting our feet in the ground to say we need to have buildings face Route 20 in principle. We are doing that because that is what our tenant says they need to have in order for them to come to Cazenovia. Quite frankly, I've said I have been doing this
445 for 20-some years. I'm not surprised they are saying that. In a marginal market, in a county like Madison, they need vision, they need eyeballs, they need easy access to the store for their customers. I'm just saying that because that's what I get. I'm trying to bring this project together. You ask me what it will be like in 30 years, I could tell you probably just the same as it is today. We are working to do this. What we are not focusing on is everything we ARE doing. It's a 25-page guideline very
450 broadly drafted and written. It's not black and white. I think you would agree with me on that. We are meeting the guideline. In our opinion, we meet it 100%. Even in Dan's . . .

R. Huftalen: He says it's clear the applicants have read, understand, and are willing to comply with the VES Design Guidelines to a high degree.
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Mr. Widrick: We are. We can. We will. You talk about drains and impervious parking lot and that's really a question for our engineer, but if it's feasible, of course we will do stuff like that. Putting the entry on access drive D will absolutely necessitate pushing the loading dock on Route 20. That is going to look horrible. I don't think anyone in the Village wants to see a loading dock on
460 Route 20. There is no way, from a safety perspective, we can allow an entry and a loading dock to be positioned on the same corner of the building. By necessity of design, they have to be on opposite ends of the building. When you say you want this to front Street D, basically you are telling us to put the loading dock on Route 20.

J. Gavilondo: I'm not saying it. The Village Code says that, and the Design Guidelines say that, and the community has said that. It's not just me.
465

Mr. Wendler: The Code allows for circumstances to adapt to reality. When that Code was drafted . . .
470

J. Gavilondo: It also requires flexibility and creativity by the developer. To be honest, I haven't seen a whole lot of flexibility and creativity. I understand the commercial constraints.

Mr. Widrick: There is only so much we can do. It is a constrained site. We have Route 20 in the front and a ravine in the back. We have a very narrow property.
475

J. Gavilondo: And you have a constrained tenant. You have a tenant who is not flexible.

Mr. Widrick: These are standards that make all retailers successful. It is not specific to our tenant. Any national tenant, and believe me, for the investment that is needed for this project . . .
480

Mr. Wendler: We are in the wellhead protection area and that has a very specific cost to it. We need to protect the aquifer. We need to protect it for our sake as well as the whole Village. So there is a premium to developing in this area. You are not going to get a mom and pop business, which really doesn't belong out here to begin with. That belongs in the Village—a small retailer that can live off
485 of street parking. But this is not that type of development. You need a national retailer who can front the investment to make this happen. No one else is going to come in and build these streets. These are major infrastructure costs that we take very seriously. There are street specs that we have to meet. We are not just going to put in a stone road. They have to withstand plowing and

490 maintenance. I don't know that you guys understand. That's what we are a little frustrated with. We
are bringing you a project that has that financial wherewithal to do this and you laugh at us. I don't
understand that. I scratch my head at that.

Mr. Widrick: These Guidelines are written and trying to fulfill a long-term vision. This opportunity
495 is doing that. It is getting extremely close to doing it in Dan's mind. The connectivity—yes,
absolutely. We talked about putting the sidewalk on Street D on the southern side. No problem.
Dan talked about a sidewalk that goes from Route 20 to the Link Trail on the side where the grocery
store, Aldi, is. We can do things like that. But you have to help us to fulfill this vision. I strongly
disagree. In a market this size, I have never seen a development that has put this much money into
500 infrastructure and change. Who else is going to put those roads in? You know what I'm talking
about—long-term vision. You are never going to have a road from Route 20 going back to a housing
development because it won't be there. There just won't be a development.

Mr. Kwasnowski: I think the key question has already been asked and that is: What is the difference
505 between having these stores front on D street or C street, that's another option, and what is the
impact? I think that is the question the Planning Board has to grapple with. Give the applicant some
guidance on that. I think there has to be a two-way discussion. These documents are beyond me. I
have heard a lot of voices. I have heard a lot of things. Some are very clear. I wrote it and
developed it with the community vision. It could be a good plan for the right applicant and the right
510 frame of mind, the right retail whatever. It doesn't mean I have it perfect, obviously. I think the key
question is: What is the difference? What they have proposed for the Aldi store, just that entrance
alone, with the linear park in front and a pocket park in front of it. That's not a horrible thing. That's
a really good thing. I was actually surprised at how good it was. That is something you should
consider. I think the key thing is for the Planning Board to review those things, consider what the
515 vision is, and ask the question and answer it: What is the difference and how much does it matter to
us? There are some other things in my report that are fairly easy for them to address. What has
already been done to mitigate it? What more could be done to mitigate it?

R. Huftalen: I'm not sure if the developer would agree. This is the key question: What is the
520 difference? I do think, as Anne said, it is not written someplace in some Code section. It's not like
we are not following the rules. The burden is on the Planning Board to take a look, contemplate the
vision, contemplate what this application provides the community, contemplate what the cost is of the
way they are considering, and weigh the balance. I don't think it is clear cut. I appreciate that input,
Anne. Do you guys have anything else to add? Comments? Questions?

525 Mr. Widrick: This is not new to anybody. We have been vetting this project since we first went
through the annexation. It was suggested to come to the Planning Board. We have been telling you
all along what our plans were. We have made modifications as recently as the meeting with Bill Carr
and John Dunkle to loop the water system. There are costs for that. It is not free. We have agreed to
530 do that. We have agreed to build Village Street D to Village street specs. We will move sidewalks.
We will do whatever we can. It's the stuff we just don't have flexibility on to make this thing a
reality. To echo what Kurt was saying, we have an opportunity in front of us. Whether we seize it or
not, we have an opportunity in front of us to bring these guidelines to life very closely to the way they
were envisioned. I haven't read fully and compared it to the Code either. In my opinion, and we
535 worked with our designer on this, we are bringing this thing pretty darn close. I think we are there all
the way. I don't want to get into the legal aspects of what the definition of this and that and all this
other stuff is. But the reality is for a retailer to be successful to go into a market, he needs traffic
counts in front of the store. If you don't believe that, open a store in Cazenovia that doesn't face

540 Route 20 and see how successful it is. I stress that I live in this community too. I wouldn't be
touting it if I didn't believe in it. It is bringing in more affordable groceries. It is probably preserving
a pharmacy that we may lose if we don't get it up to specs in this community. We are doing
everything we can. We are trying to comply. We are putting a good faith effort in. We are not just
being bullheaded. There are just certain things that we just can't do in order to make these deals
work. As I have said, Aldi has a signed lease, but they do have a contingency. We need to deliver it.

545

R. Huftalen: Dan's question is the fundamental question. What is the difference? The way I
interpret what Dan said is: That's the burden on the Planning Board. Anne, Jen, Adam, Steve, I
think we are at a point where it is clear to me, not to put words in your mouth, but that fronting on
Route 20 is a vital part of the project that you are not willing to compromise on.

550

Mr. Widrick: Not only us, but our tenants also.

555 A. Walburger: Can I ask one detail, Rich? We are talking about fronting. Does that mean the patron
entrance? Does that mean the signage? Does that mean the orientation of the building? What do we
really mean by fronting on Route 20? I am an advocate for whatever faces the most number of cars
and the most number of passersby being one of the most attractive parts of the building. Otherwise,
why are we even talking about a commercial development at all? That certainly would have to pass
with me. Do I think putting the patron entrance on Route 20 is a good idea with parking to the side
insubordinate to the back? Absolutely not. What do we really mean by fronting?

560

R. Huftalen: You would want to put the entrance to the rear of the lot?

A. Walburger: Or put it on the parking lot side. That's the most practical answer. It does not
comport with the Design Guidelines.

565

570 Mr. Widrick: That's easy to say: Just throw the entrance somewhere. Again, if you're not in this
business, it's probably not a clear aspect. We heard it from Aldi when we met with the HPC. We
will work on doing whatever we can for the outside, just don't change the inside--the layout. The
distribution center in Tully is arranged exactly the way a store is. There is a lot of science and a lot of
layouts that go with that. In my mind, I'm thinking that is going to be an issue with them. If you
blow a door in the middle, it takes out some freezer. It is a big deal in retail. I faced it all through my
career when I worked for a developer that said, just attach a Target onto the side of the mall and blow
an entrance through the side to serve as the mall entrance. You would think that would be an easy
thing. It's not at all. Because that's where the shoe section goes or whatever. Now the store is all
575 messed up. So it is an important thing that they put a lot of money into developing the design. It is
an actual science. That's where we get the interior part of it.

580 Mr. Wendler: Adam, when you say facing the parking lot, does that mean anywhere along the face of
the building facing the parking lot? Could you be more specific on what you were thinking?

A. Walburger: One answer would be: It's a little where you have it now. However, Dan made very
good arguments on why, inside the basis of the Design Guidelines and the Code, he would like them
facing C and D. Having read this just this afternoon, I'm trying to digest and balance all that. I am in
agreement with Rich, or at least I may be putting words in his mouth, as a retail establishment, the
585 most attractive part of the building has to face the most number of cars or, in my opinion, this is a
non-starter.

Mr. Wendler: Would the solution be to address what would be along access drive D to make it more architecturally presentable?

590

Mr. Widrick: There are things that can be done to the building on D.

A. Walburger: Maybe that is a solution, that it's not just a 20-foot tall blank brick wall facing what is going to be the Village street.

595

J. Gavilondo: I thought that was going to be a loading zone.

Mr. Wendler: It is, but there is a wall there. The loading zone could be masked.

600 R. Huftalen: This gets right to "the extent practical." Steve, that's a big issue for you, so weigh in. What are your thoughts?

605 S. McEntee: My thoughts are that there are certain parts of what I understand to be the vision that are firm statements. Firm statements like: Prohibited. The thing about a loading zone fronting on a Village street is a hard statement. Primary entrances to the development shall be located on Village streets. These are prohibited along Route 20. That's what I'm struggling with.

610 R. Huftalen: Again, I think part of the reason why Dan would say it's beyond him, the answer to this problem, is because there are conflicting Code provisions. There are portions of the Code where it talks about buildings, and I know it's under the redevelopment exception. Again, in my mind, it is clearly a redevelopment. It talks about buildings fronting on Route 20. That was contemplated, in my mind. That's where you get into the burden is on the Board to look at an application and try to weigh it. There is no clear answer, in my mind, in the Code.

615 A. McDowell: Sometimes you have to look at the big picture and what is going to be the most beneficial for our Village. I think having a corporation come in that is willing to invest in the infrastructure, to work with us with the connectivity to the rest of the building on Route 20. I haven't found that you have been hard to deal with at all. I feel that you have been very open to our suggestions. I hope that we can keep working on this. I don't see any reason to get stuck on minutia when it's all debatable. If we stop this, I think we are losing a good deal.

625 R. Huftalen: To me, it is clearly a fulcrum point that the decision turns on. I think Dan identified it as a fulcrum point. I think the developers view it as a fulcrum point. One of the things that Dan states here: This application is a great opportunity to fulfil the ultimate vision for this zone. Unfortunately, there is a fundamental and required aspect described in my report that needs to be overcome, one way or the other, before the application can move forward to a more detailed review. I agree with that assessment. I don't think there is any sense in talking about the caliper of the trees and the landscaping if we can't get over this issue.

630 A. Walburger: We will never get to architectural design if we can't get to which way the buildings are facing. Where is the connectivity? I won't say the words: Village street anymore.

635 R. Huftalen: We could sit here all night and hold our breath and say we are not leaving until we come up with that answer. We are not going to make any findings at this meeting tonight, obviously.

A. Walburger: We are under the influence of new information as of 2:30 this afternoon. I don't see a reason to flog this too much further.

640 R. Huftalen: Right, fair enough, I agree. In the interest of being fair to the applicant and the rest of the Board, I would suggest that we address this at our next regularly scheduled Board meeting and make a determination as to whether the application, as it is presented now, is deemed worthy of consideration by the Board. I know Mr. Stokes will help me craft that a little bit more cleanly than I just said it now. But at the end of the day, we have to address that issue. If there are not enough
645 votes to say that we should consider further the details of the application, there is no sense of putting everybody through a bunch of malarkey to answer that one question.

Mr. Stokes: Rich, I don't think we can approach it that way. I think there is a process that is clearly outlined. Whether there are any changes in the application or not, we need to have a public hearing and a full record. Then the Board makes a determination on the application as a whole. You can't
650 make a determination piecemeal—certainly not without a public hearing.

J. Gavilondo: Do you mean we have to have a final decision so that people can do what they would with it.

655 R. Huftalen: We could deem that the application is not complete or not acceptable for our review.

Mr. Stokes: We can look at that.

660 R. Huftalen: That will be for further discussion. If we determine that's the way we can proceed, we'll do that. If we have a better solution, then we will begin the discussion anew at our next meeting. Any other comments or suggestions?

Mr. Wendler: Can run a parallel path where we also schedule a public hearing?

665 R. Huftalen: Yes, we will schedule a public hearing for the Planning Board meeting for September 12 at 7:00. We will get the notice filed.

670 Mr. Stokes: That's not a parallel path. That's you making a decision now. You are throwing away the option of declaring the application incomplete. It doesn't matter to me. I'm just pointing that out.

R. Huftalen: I relish the opportunity to get the public input, but I have heard a lot of it. We could maybe construct a public hearing that would enable us to consider new material. But at the end of the day, I think there is an issue that the Board could hear about all these other issues. If we agree that the application isn't going to be acceptable, why go through all that?
675

Mr. Stokes: My point is the Board can't make that decision without hearing all the input. That is what the public hearing process is for so there is a full record when you make that decision. Something may come to light in the public hearing process that influences the decision of the Board one way or the other.
680

R. Huftalen: We will proceed with that public hearing.

Mr. Widrick: Jen, we got everybody's comments except yours.

685 J. Gavilondo: I think I made my comments. The development, as proposed, doesn't comply with the
vision and the intent of the Design Guidelines. I think fronting on Route 20 undermines the whole
notion of connectivity and a pedestrian network because the whole idea is to have it be NOT
Route 20 focused. I agree with some of Dan's comments in here that the design is too much geared
690 to accommodate delivery rather than creating a positive space for pedestrians. Too oriented toward
the convenience of delivery rather than pedestrian safety and accommodation. Those are the things
that troubled me about it.

R. Huftalen: The next meeting is September 12, 2016. We will set up a public hearing and notice it,
and receive input then.

695 Jack Rooney: In reading the Historic Preservation Committee material, which I thought was
extremely well done, it indicated that Aldi's objected strongly to changing the design of the building.
That would be a building similar to that which is in DeWitt across from Wegman's. They may have
changed that. I don't know. Is there an answer to that?

700 Mr. Widrick: Ask Adam. He attended the meeting.

A. Walburger: My response is: We are not at the point to discuss architectural details on this right
now until we figure out which direction . . .

705 Mr. Rooney: If they are not willing to do that, doesn't that mean this dialog, which was very
interesting, doesn't make any sense anyway.

R. Huftalen: Not necessarily. That is another factor to consider is the architecture. We've had the
710 HPC report for months. I think we would be able to address that and it would factor into the Planning
Board's decision. But I don't think it's the vital issue, as Adam said.

R. Huftalen: We will have a public hearing on September 12, 2016, at 7:05 p.m. or immediately
thereafter.

715 R. Huftalen: Thanks for your participation tonight. Thanks for the robust and mostly polite
discussion. I apologize, Jen, and to any Board members. Dan, thank you. Have a good evening.

The meeting was adjourned at 8:53 pm.

720 Respectfully submitted,

725 Marlene A. Westcott
Recording Secretary