

**Village of Cazenovia Planning Board
Meeting Minutes
September 12, 2016**

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

Others Present: Kurt Wheeler, Mayor; James Stokes, Village Attorney; Greg Widrick; Kurt Wendler; Matt Napierala; William Hall; Don Ferlow; David Muraco; Louis Muraco; Thomas J. Dougherty; Deborah Barnes Dougherty; Carlos Gavidondo; Diane Webb; Sally Ryan; Carol D’Andrea; Norma Benck; Patricia Schilling; Polly Morley; _____ Steinhorst; Allyn Stewart; R. Shain Emerson; Jack Rooney; Kate Stewart; Dan Morgan; Susie Lucas; Bob Lucas; David Freyer; William Tillman; Shirley Davies; Gerald Davies; Barbara Clarke; Tom Clarke; Joseph Liberatore; McKenzie Houseman; Charles Macaulay; Geoffrey Navias; Tina McMurtrie; Gail Dougherty; 15 Bettina Frisse; Patti Christakos; Sparky Christakos; Dennis Gregg; Jane Nicholson-Dourdas; Kris Dourdas; Paul Weiskotten; Judy Gianforte; Steve Fisher; Larry Underriner; Cindy Underriner; Charles Andrews; Federico Meira; Dave Porter; Roger DeMuth; Don Raleigh; Anne B. Ferguson; John F. Rogers; Sally Hart; and many more who did not sign in. There were approximately 70 people in attendance.

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R. Huftalen called the meeting to order at 7:02 p.m. and introduced the Board.

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R. Huftalen asked for any revisions to the minutes of August 8, 2016. S. McEntee questioned the meaning of Line 894. Line 894 will be revised to read as follows: Mr. Muraco (pointing to the plan): It’s right there. It’s the overnight [drop box] in the passing lane. R. Huftalen made the motion to approve the minutes as corrected. A. Walburger seconded. The motion carried with 5 in favor, 0 opposed.

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R. Huftalen asked for any revisions to the minutes of the August 23, 2016, work session. There were none. A. Walburger made the motion to approve the minutes as corrected. A. McDowell seconded. The motion carried with 5 in favor, 0 opposed.

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Sims Lane Land Trust; Hanie Eng, Trustee; Sims Lane/Myrtle Street, Minor Subdivision

40 David Vredenburgh came forward as the representative. The property fronts partially on the easterly side of Sims Lane and partially at the southerly end of Myrtle Lane and is approximately 4.25 acres, Tax Map #95.45-1-47. The owner would like to divide it into two parcels. The proposal is the same as the last meeting. Mr. Vredenburgh said he met with Bill Carr, Zoning/Codes Enforcement Officer, about the turnaround and learned the required dimensions of it. The map has been revised 45 to show a 50-foot by 70-foot hammerhead turnaround at the end of Myrtle Lane, but other than that, no changes have been made.

50 R. Huftalen expressed the Planning Board's concern if these two lots would be buildable. He questioned if the Planning Board is doing its job if they allow a lot that is not buildable. In talking with the Village Attorney, one of the concerns is that there is not a real way for the Planning Board to address that, except that the Board has to make a State Environmental Quality Review (SEQR) determination. This is an unlisted action.

55 A. McDowell voiced her concerns. She lives in that area and she knows how high the water table is there. And any movement of land causes drainage problems. That is a big concern of hers. And it affects so many houses around the area. She would like to be assured it won't be a big problem for the neighbors.

60 Mr. Vredenburg suggested that these concerns be addressed at the time of a building permit application by going through site plan review to address the stormwater and utilities, etc.

65 R. Huftalen said that one of the challenges the Planning Board faces with a standard building lot for a residential property (this is zoned residential) the Planning Board does not have recourse to site plan review. The Planning Board has architectural review. At that point, the Planning Board would not have means to stop it on that basis. He does believe it is a valid concern. He asked for Board members' thoughts.

70 J. Gavilondo wondered if anything has been done to determine if they are actually buildable from a high water standpoint. Mr. Vredenburg answered that the owners are not at that point yet. They are just trying to get it subdivided so they can move on to the next phase, which is to determine what and where they can build on there. There are definitely buildable sites on both of the lots; one fronting on Sims Lane and one just immediately to the left and forward of the end of Myrtle Lane where there are high and dry spots.

75 R. Huftalen asked Mr. Stokes for advice and wondered if something could be added to the deed or filed with the deed that suggests that they might not be buildable lots. Mr. Stokes would be hesitant to do that because he would not want to interfere with the property owner's right to sell the property by suggesting it wasn't a buildable lot if that is not known for sure. One option he suggested was for the Board to request an engineering report under the scope of the SEQR review that lays out
80 buildable envelopes and what can be built there without creating any other stormwater or groundwater issues. Then a building envelope could be placed on each lot, but it would require the property owner to get an engineering report.

85 R. Huftalen commented that the file contains a description of the property, a list of adjoining property owners, and a short Environmental Assessment Form (EAF), which indicates there are potential Federal wetlands involved.

90 A. McDowell inquired how many neighbors are on the list. R. Huftalen handed her the list. A. McDowell exclaimed that there are a lot.

95 J. Gavilondo asked for clarification. There is no site plan because it is a residential area with a desire to build a residence. R. Huftalen answered that this is a subdivision request in a zoned residential area. Presumably, there would be a building permit for a residence. In that case, the Board would not have site plan review and that is where it becomes problematic.

R. Huftalen said he is inclined to ask the applicant to follow Mr. Stokes' suggestion to provide engineering support to the questions on the EAF as the Board makes its SEQR determination, then contingent on those conditions that it will not have a negative impact or change a watercourse.

100 S. McEntee inquired if that would be a condition of subdivision or a condition of building permit.

Mr. Stokes replied that it would be a condition of subdivision. Presumably, if they had an engineering report and the engineer was able to define the building envelopes and offer an opinion that it would not create any adverse issues, then the Board could go ahead and make the negative
105 declaration. The building envelopes would go right on the map. As long as the structures are built within the envelopes, presumably there should not be any impacts.

A. Walburger believes it is a valid course of action to prevent or to at least understand the constraints on the actual area that is buildable in the R-6 zone. There is the math area argument versus the
110 actual physical areas to build on to understand the number of structures that can go in there. Defining that prior to subdivision approval is prudent.

R. Huftalen opened the floor to comments from the public.

115 Kate Stewart spoke. She has lived on Myrtle Street since 1997. She has walked in the woods and it is very wet. She urged Board members to take a walk also. She had some comments. In the last hundred years, this property has never been developed in the center of the Village and there must be a reason behind that. Flooding on Burr Street has been documented. There are multiple streams running on the land in question. The water table is high. There is an urban legend that there is
120 quicksand back there. Regarding the 50- and 100-year rainfall drainage plan, Mr. Vredenburg mentioned that the land is partially in that drainage plan. She believes it is more than partially. She has concerns about access for residents and emergency vehicles because Myrtle Street is very narrow. In Mr. Vredenburg's document, Page 1, question #4, it is not checked that it is a forest. It sure seems like a forest to her. The document also mentioned that the area to be physically disturbed would be .75 acres and the entire property is 4.26 acres and she questions how that is going to work.
125 On Page 2, where it says: Will the proposed action result in a substantial increase in traffic above present levels? That box is checked No, and that is questionable. On Page 2, question #3: Will the proposed action physically alter or encroach into any existing wetland or waterbody? The box is checked No. Question #14, is another one about the forest and that box is not checked.
130 Question #17, which concerns her: Will the proposed action create stormwater discharge either from point or non-point sources? If yes, will stormwater discharges flow to adjacent properties? The box is checked No. She wonders how he can say that.

Dan Morgan of 24 Burr Street spoke. There is a nice creek that moves through the yard between his
135 house and the property in question. He can certainly testify to the flooding. Any sustained rainfall turns that section of his yard into a swamp. As far as impacting wildlife and such, that creek does in fact hold trout that move up out of Chittenango Creek. It is a spring creek. He feels that development of that wetland area would negatively impact the area.

140 Diane Webb of 37 Chenango Street questioned if the Planning Board really wants to take a bigger piece of property and chop it into small pieces.

145 R. Huftalen suggested that the applicant provide an engineering report on how the subdivision could be done and mitigate some of the potential impacts. A subdivision does not create these conditions, but it is the Planning Board’s job is to look ahead at the potential consequences of the subdivided pieces.

150 J. Gavilondo wondered if the engineering report should determine the buildable areas. R. Huftalen answered yes, it will be important to have. The course of action would be to ask the applicant to provide us with engineering data that would support the contention that those lots could be built upon without having an adverse impact on existing waterways. There are certainly some subjective considerations, but the flooding and water courses are very important to the SEQR determination.

155 R. Huftalen made the motion to continue the public hearing until the next regularly scheduled meeting in October. A. McDowell seconded. The motion carried with 5 in favor, 0 opposed.

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160 **Public hearing, Sphere Cazenovia, LLC, and New Venture Assets, LLC, Special Permit, Site Plan Review, Architectural Review (Aldi)**

Greg Widrick and Kurt Wendler of Sphere were present as well as Matt Napierala, engineer.

165 R. Huftalen: On August 8 this project was discussed at the Board’s regular meeting. The Planning Board had a public work session with the applicants on August 23 where everyone received input from Dan Kwasnowski and others. Subsequent to that meeting, the applicants made revisions to the application and presented some of that information today. I invite the applicants to share their modifications with the Board and the public.

170 Mr. Widrick: My name is Greg Widrick of Sphere Development. I am also going to update a couple of findings from the workshop that we left questioning. You have a color version and we have a black and white one so you can see our markings better. First of all, in that workshop meeting, we had just received that report from Dan on that day and really had not had a chance to digest it. We have gone through that. There are a couple of things I want to point out that I needed personal clarification for. I will share those with you. There was a lot of discussion on vision and what the vision of these Guidelines were. It became so narrow in the vision that it was that buildings couldn’t face Route 20. So I went back through again through the Guidelines to look for what the vision is. I will just read it for you really quickly.

180 *The vision for development of the Village Edge South zoning district is a mixed-use commercial area to the north, and residential area to the south with the ravine dividing the two areas and creating a natural buffer. Two zoning districts should be created within the code to that effect. The commercial area will complement the existing commercial development to the north of Route 20, but not detract from the Village Center a short way to the west. The development will also be compatible with the Village character, be walkable, and reflect or continue the unique architecture that is found in the Village.*

190 Mr. Widrick: It goes on to talk about principles of that vision. But I just wanted to focus on the vision itself. In there, it doesn’t talk about buildings facing any particular direction. It talks about what the overall look for that property should be. The next thing I wanted to talk about in Dan’s report were the three areas that he had identified where our site plan fell short of the Guidelines. The

195 first, and probably the largest of the three, was the buildings not fronting/primary entrance on a
Village street as intended in both the Design Guidelines and the Zoning Code. Again, I looked for
that intention. In the vision I see, I didn't see that intention for this site in particular and I will
explain that in just a minute. But just to review things again, (pointing to the plan) this is the
200 proposed Aldi facing Route 20 with a connection being made from the entryway on the corner of the
building. This is the proposed pharmacy. Then over here is the proposed "money store." That
intent was something I wanted to really focus on a little bit. This really deals a lot with the VES
(Village Edge South) Guidelines first. When you look at the Zoning Code, the purpose and intent of
this district is to encourage a compatible mixture of residential and commercial development along
205 with a preserved conservation area that will serve as a welcoming gateway to the Village as one
enters from the less developed lands to the east. Hard edge. That is where #3 is highlighted a lot—
creating the hard edge. The #3 I'm referring to is in the Land Use Site Plan of the VES Guidelines.
(Mr. Widrick holding up a drawing): I don't know if you have them in front of you, but if you don't,
this is the Land Use Site Plan. Don will have it in his presentation. (Mr. Widrick put the Land Use
210 Site Plan on the projection screen and pointed): This is where we are developing and this is where
the hotel is today, to give you a relationship, and this is Route 20. When I went through the VES
Guidelines and trying to find out and trying to read specifically where it says that the buildings
cannot front Route 20. I actually found it. It was in the Mixed Use Core section, not in our section.
The very first sentence of the very first paragraph of Mixed Use Core Area, which is #1 on the Land
Use Site Plan, that natural version field is where the hotel is, is the Core Area. It says:

215 *Mixed Use Core Area ("1") Buildings in the Mixed Use Core Area ("1") should front onto
a Village street, not Route 20, in relatively close proportion forming a street wall with
transparent façades that connect the businesses, or inside of the building, with the street and
sidewalk.*

Mr. Widrick: So then I go to the specific section labeled "3", which is where we are, there is
nothing until the second paragraph that says:

220 *In the eastern portion of the zone the buildings should be oriented in such a way as to
provide a positive image on primarily the Village streets ("C" and "D").*

225 Mr. Widrick: A positive image is different than the restriction that is specifically called out in the
very first sentence of the very first paragraph of Area "1", the Core Area. If you think about the
vision and that intent that I read in the Code, and you think about the area we're in, we are the edge
of the VES Guidelines. So we are the defining land coming from the rural countryside and the
different zone and then coming into the Village. That is what the intent was; to create the hard edge
and then the mixed use that was also talked about in the Design Guidelines.

230 A. McDowell: This was written January 26, 2014. Is that the one you are looking at?

235 Mr. Widrick: No. That was the version before. I did read the prior versions on the website. You
can actually see in those prior versions where they call out the differences between "3" and "1" as
far as orientation of buildings. I read some of the EHH (Economic Health and Heritage Committee)
and HPC (Historic Preservation Committee) minutes and a lot of the discussion focused on
creating . . . Because you have the depth in that property, creating that Village street with buildings
facing in on that inner Village street versus Route 20 in the VES. I think it is called Laker Lane
today.

240 Mr. Stokes: Anne, to answer your question. January 26 is the draft that was adopted. Greg, maybe you have the one that says adopted February 3, but it is the same as January 26.

A. McDowell: Why is it saying Village Street C and D if that was done in 2014?

245 R. Huftalen: They are projected Village Streets C and D.

Mr. Widrick: In working with Dan and it was called out in his report, about the Code mentioning that it should not face Route 20. Dan kept referring to 180-63C(1), but that talks about the build-to line and the front lot line, which didn't answer the question.

250 *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. The build-to line shall be established at the time of site plan review, consistent with the VES Design Guidelines. The build-to line shall form the street wall, and 40% of a building's front facade*
 255 *must meet the line. Up to 20% of the building may be set back if the space between the build-to line and the building is public space.*

When you look at 20 180-63E(1) and (2), it says:

260 *E. Route 20 special restrictions. Development occurring along Route 20 in the VES Mixed Use Zone is subject to the following special restrictions in accordance with the VES Design Guidelines:*
(1) Buildings fronting on Route 20 shall be located no greater than 65 feet from the Route 20 right-of-way line.
 265 *(2) Buildings located on a corner created by a Village street shall be considered to front on the Village street.*

Mr. Widrick: It doesn't say which zone we are talking about. It just says Route 20 special restrictions. So obviously, the intent was that some buildings were going to face Route 20. You
 270 keep going through it, and it talks about, in subsection 2, buildings located on a corner created by a Village street shall be considered to front on the Village street. Why is the language "be considered to"? Why doesn't it just say "shall" front on a Village street? That's typical in other zoning statutes that I have read when they are trying to determine addresses. If you have a house on a corner, they say whatever street they want it to be shall be considered to front on that street. So that is the
 275 address it would have. Again, that section is very broad and does not say specifically say Mixed Use Core Area or Mixed Use East Side. Again, that's where we draw our conclusion on which way the building should face.

J. Gavilondo: You understand that 5 in that same section, says:

280 *(5) Primary entrances to development shall be located on Village streets. These are prohibited along Route 20.*

Mr. Widrick: Primary entrances. It is not talking about building entrances. We are talking about
 285 parking lot entrances. There is an exemption for redevelopment property, right after which the Code

clearly calls out and identifies in the Guidelines it says a redevelopment area. It also does meet the statutory definitions.

290 R. Huftalen: Dan specifically references that in his initial report. He discusses the issue of primary entrances and curb cuts and that there is a distinction between the two.

Mr. Widrick: Going on, while you look that up, the second item of the three items that Dan brought up in his report as a shortcoming of meeting the plan. Even though we strongly feel in the redevelopment section that it is allowed, Dan said the parking between the building and the street is a deviation from the VES Guidelines, which I can reference it for you. It very clearly says in there that it is restricted, however, it might have special consideration for redevelopment sites, which is all negotiable. And that is in the VES guidelines.

300 Mr. Widrick: In any event, as you can see on our new plan, I will have Kurt highlight them.

Mr. Wendler (pointing to the plan): It is this area we are talking about right here. The parking has now been eliminated. Just a drive lane is in place now.

305 Mr. Widrick: Which is allowed in the VES Guidelines. We have foregone that parking at this point.

Mr. Wendler: That has increased the greenspace within the 65-foot minimum setback to pretty much accommodate everything else along the sides.

310 Mr. Widrick: Which is a huge concession for this development. I hope that is taken as us trying to work with you. The third and final thing that Dan talked about was a network of Village streets and complete pedestrian network.

315 Mr. Wendler (pointing to the plan): We had a stamped asphalt pathway going through here. That is how we read the Code. But after Dan's report and input from the Board, we determined that probably was not substantial enough. There are a few things we did along this Internal Drive D. We put a, not a fair weather path, but a path that can be maintained, a sidewalk. John Dunkle (Village Engineer) had made a comment that the turns we had on this road previously were too sharp, so we smoothed that out. In addition, the site lighting, which is located here and here and here, will have lampposts that come off of the back of the lights that will be lower to illuminate the pathway. But then we went a step further and we took that sidewalk straight up the parking field and connected the entries of these stores. One of the comments, I believe Adam made it, was he was concerned someone might get in their car here and drive over here [between stores] because there really wasn't a good pedestrian connectivity within the parking field. Really, to walk on a pathway, you would have to come out along Route 20. So we have accommodated that request by putting in a sidewalk from entry to entry. We also brought the pathway up along the western edge of Village Street C. After the meeting, we had another conversation with Dan. He felt that the fronting issue could be solved by making a pedestrian connectivity to this pathway. So you will see there is an additional sidewalk going from the Aldi entry right into this pathway on the western edge of the Village.

330 Mr. Widrick: Since Kurt talked about Dan's involvement on this, he did send out an addendum to his report. I think it was addressed to the Board too, stating that he feels now we have substantially met the VES Guidelines with some minor tweaking to it that are not deal killers for us.

R. Huftalen: That was circulated to the Board by email.

335 Mr. Widrick: One other thing too that Dan had mentioned in his prior report about the money
building—the bank—was the proximity of this building and he didn't like a lot of the asphalt in front
of it. He said it just wasn't really connected. What we did was pull that building right up tight to
340 Village Street C. Now you have the sidewalk which was always there. It now has direct
connections to the front entries. We moved the drive-thru over to this side (pointing). When you
pull in, you pull in this way. You go through the drive-thru. But every drive-thru has to have what
they call a "bail out lane" so that you can drive around the drive-thru and then back into Village
Street C. So again, moving it right up tight. More of the impervious area has been reduced and
345 greenspace increased. One thing Kurt didn't highlight about this street, is we had to shift the entire
Aldi building and street farther to the east to accommodate that distance we needed to put this in. Of
course, we still maintained a lot of landscaping and vegetation around the building and in the islands.
Again, those islands are 10 feet wide by 40 feet long. They are not small. I just wanted to make
sure we hit all those. Lastly, we met with Bill Carr (Zoning/Codes Enforcement Officer) and
John Dunkle prior to the last workshop meeting. It wasn't really exemplified here, and I know Rich
350 mentioned it, but we have agreed to, of course with the cooperation of the neighboring landowner
[Cowherd], which is a contingency, we are agreeing . . . For those of you who don't understand
today, water and sewer are on Route 20 so we can easily just tap into Route 20 sewer system and
bring it in. But at the request of the Village because it is an old system, they would prefer to have
new infrastructure put in place. We have agreed to do that. We would do what they call loop the
355 system on the other side of our neighbor's property where it is currently stubbed and that is
something the hotel performed. We agreed to change that design and connect in, providing we can
get a public easement through our neighbor's property. That is under discussion. In conclusion, as
we talked about too, these Guidelines were meant to be guidelines. People tried hard to predict and
direct something that is a nebulous concept when you are writing it. Then when it becomes a
360 reality . . . That's why you have language in here that states:

However, these design guidelines are recommendations and do not and cannot address every issue associated with development within this zone. These design guidelines leave room for designers to focus on buildings, layout, parking, stormwater management and other technical features. They also encourage developers to be creative in how they solve problems and address issues. The design guidelines are a communication tool to achieve a mutually desired result.

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Mr. Widrick: I think we have talked about how we were being inflexible. We have made several
370 changes. This plan was initially submitted to the public record in April. It is now September.
We've gone through numerous iterations of this plan. Our engineer is happy about that because we
get charged every time we do that. We have spent considerable investment in this already. When
you look at this property and the amount of money it is going to take to create all of this
infrastructure, roadways built to Village street specs, sewer lines, water lines, demolition,
375 remediation, abatement. All of those things add up. It is a lot of money. We are talking millions to
do that before the buildings even get built. If you want to see this come true and follow this plan that
we have, this is the only way in practicality to get there. We are trying everything that we have to
get us there. Otherwise, it is privately owned land. This is an opportunity to have this privately
owned land get on board with this vision that the community has had, which the landowner was
380 working with in the EHH/HPC process. And remember, this is one of the keystone properties
because this entryway extends and gives that possibility to develop South Meadow way in the back.

385 It gives you that connection. We have been very flexible and trying to meet every one of these
25 pages of Guidelines and however many pages of statutory Code. If there is a better plan out
there, then give it to Mr. Muraco and build it, finance it. Let's see it happen. Because we are sitting
on the door with a signed lease and ready to start construction at any moment to bring this vision
through. We are not asking for tax benefits. We are going to be paying taxes from day one. I think
that is all I have at this point. I hope you take it into consideration. I truly appreciate the time you
are putting into this because I am sure you get many calls about it, just by the number of people that
sit here and have attended all of the annexation hearings. So I appreciate your time and
390 consideration and I thank you. If there are any other changes you can think of that we can do that
don't require turning the buildings around and face Route 20 in the rear, we are open. But thank
you.

395 R. Huftalen: Thank you, Greg. Comments or questions from the Board members?

J. Gavilondo: The residential part hasn't really been a focus. It just occurred to me that, once again,
I have a thing against parking lots. I don't understand why there has to be parking lots in between
the buildings as opposed to having the buildings all front the street and having parking in the rear,
rather than have building in the front, building in the rear, parking in the middle, building in front,
400 building in the rear, parking in the middle. That is a comment not related to the commercial aspect
of the development.

R. Huftalen: I was just going to clarify, Jen, what I said before about Dan's report. One of the
points he notes on Page 5 of his report, it talks about the primary vehicular entrance will be from
405 Village Street C and the parking may be located in part on the street or side or behind a building.
Dan notes the application generally complies with this provision, even with a road cut on New York
State Route 20. That is specifically what I was talking about.

410 Mr. Widrick: I have one thing to add. Everything I said was handed to you in a report that was
submitted at the beginning of this meeting.

R. Huftalen: When you were talking about the primary vehicular entrance if that curb cut
constituted a primary vehicular entrance or how that gets defined. I just wanted to point out that in
Dan's initial report, in a couple of places, he talks about that. It concludes that the application
415 generally complies with this provision, even with the road cut on New York State Route 20.

A. Walburger: So that's the vehicular motion component of this. But then on Dan's original report
August 23, Page 6, second paragraph, he says:

420 *The general intent of the DG is to create a distinct streetscape on new streets C and D. That
is, that the buildings "primary entrances" meaning their front doors, would be oriented on
these Village streets, and associated sidewalk as well as the parking lot.*

425 A. Walburger: That's the part you were talking about, Greg?

Mr. Widrick: Let me answer that. First of all, I think he was wrong because that was "1" and we are
"3". He said one way. Unfortunately, I don't have an aerial of the hotel. As you know, in the
workshop, I asked you: Which way does the hotel face? He said that with this sidewalk making a
connection to Street C, then he is satisfied. The particular language I read about the sidewalk, and it

430 is in his addendum to the report. It says to be oriented to pedestrians and originating from the street
sidewalk in the parking area. It goes on further where he states, if you look at the hotel, this is how
the hotel met the same guidelines. (Mr. Widrick pointing): Just imagine this is Laker Lane and this
is the hotel facing the horizon, that this sidewalk that goes to the front entry of the hotel makes that
connection to the Village street. It doesn't say even in that one section that I read, if you have this
435 connection from the front entry to this Village Street C, he says you are meeting the Design
Guidelines at that point. Again, that is Section "1", this is Section "3", different requirements. In
the report that we gave you, on the fifth page, you will see what I am talking about where the
sidewalk connects to the internal drive. That is analogous to what we are doing with C and D. So
the answer to that question is in our report also and Dan put it in his.

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R. Huftalen: Thanks, Greg.

R. Huftalen: We have a representative from the CACC (Cazenovia Advisory Conservation
Commission). Mr. Ferlow has met with his committee and put together a substantial presentation he
445 would like to share with the Board. I would like to go ahead and proceed with that if that is all right
with everybody on the Board.

Don Ferlow (giving a PowerPoint presentation): Most people in this room probably know who we
are. But just in case you don't, the Cazenovia Advisory Conservation Commission, or the CACC, is
450 a constituted commission of the Town that has a charge to advise on development. We were asked
very early on to take a look at what was being proposed for this site and that call came from the
Town Board as well as Mr. Huftalen of the Village. So we have followed this project. There was a
cast of characters in our commission and their names are on the bottom of this slide. It is a polyglot
of people that don't always think alike, but think best for the Town and Village: Damian Vanetti,
455 Don Ferlow, Carlos Gavilondo, Matt Webber, Bart Feinberg, Gerry Rasmussen, Paul Curtin Jr. The
plans we reviewed are not the plan that is on the table tonight. They are the one iteration before and
it might have changed. Greg mentioned that they took parking out in front of the drugstore building.
We have been asking for that since day one. In essence, minor changes have been made. We have
heard a lot of words tonight. We tend to look a little differently when working on plans. We look at
460 safety. We look at practicality. We look at functionality. We also look at sustainability. Those all
build into a project for the community. In that regard, since you already saw the first slide. I know
the mayor is here. I don't know how many members of the mayor's committee sat for two years
working on this zone are in this room tonight. There is one anyway and it is me. We worked on the
site. But we started with something different than what we are looking at now. (Mr. Ferlow
465 pointing to a slide): We started with this piece of land here and came over here to there. So our site
bounded there and bounded here and encompassed this area. That was the first step. As this worked
through, we drew a lot of drawings, sketches, thoughts, elements before this finally developed. As
we worked through it, this piece here was added to the mix. Because in the two master plans that
went back into the 1990s, the eastern lands were considered for annexation into the Village for
470 potential development. We came up with a rather interesting plan. Randall Arendt came up and did
a workshop. We did some work over in this area here. We reflected that design workshop in this
final design drawing. We also did some other research about different areas, about senior citizen
housing, but couldn't come to any conclusions, but said this street here, which is D, might just wind
up into something. What we did focus on was display of access points into the zone and to the south
475 and from the north from Route 20, which, in this area here, is known as Nelson Street. Fauth, 60
Nelson Street; CAVAC, 106 Nelson Street are their addresses. The zone ended at CAVAC. We
said to ourselves: How do we get into this property here? There was a dedicated right-of-way that

was part of the Fauth application that established a 60-foot wide straight shot to just past his property line for access to the greater property. We said that was an entrance or potential entrance that existed. However, the thought was the better entrance might be over here. So that's an option. There are two shown. One is an option. The other one wouldn't be built if the option was built. It would service the western portion of the property and that would be the entrance from the west. We also looked at the eastern edge of the zone. We put an entrance here because our zone ended there. And that was on the eastern side. They both came into either the development or they came into a street that connected and would have gone out. We were pretty well locked. As the plans and work expanded, we added this piece into the study and then made the connection over to here. That gave the zoning study an opportunity to create what is now being discussed as Street C. And Street C literally, on the Design Guidelines, is shown as the major connector north and south into a subdivision of significant size into South Meadow. Though South Village is not directly connected, but they could go out and come back in, that has that connection. Number Nine Road and East Road all would be able to feed, in a convoluted way, up through, in and out, from Street C. We had that potential connector I mentioned east-west. We displayed that. We displayed the central ravine that divided the mixed use zone from the residential zone. We had potential development areas; 1 here, 2 here, and these numbers 3 and 4. They were for larger commercially oriented sites. And down here were environmentally oriented residential use. The plans that we came up with established a future linear park in this location and had a point of contact to an overlook that could continue on down to the street in front of Fauth. But there was a viewshed that was also considered in the development of these guidelines. The annexation of eastern lands were proposed and accomplished. The zone is almost totally within the aquifer zone for the Village aquifer. We have heard a lot of comments. A critical question: What is a Cazenovia Village street? We picked up three definitions. 180-9, 180-63, 152-14H. That's all I'm going to say about it. There is conflict and confusion, potentially, between words. Words you have been hearing tonight, to me, don't tell the story. We worked on a piece of land. We worked graphically. I don't know how many drawings we sketched out to see what would happen. In that sense, we began to understand how this land could be developed. Working with Randall Arendt for a day and then working his strategies together and then showing them to him, and getting them back, and then putting them on this. Those were ways we could understand how that land could be developed in a sensible manner. So what are we looking at? Simplify the basic drawing. We are looking at the VES-MU area here that carries over into this area here. There is a vision line at this point and the VES residential zone in this area. We were also looking at, based upon our original study, Route 20, Nelson Street in this area between Fauth and CAVAC. Bob [Cowherd] has held out. I call him the outparcel. Two of the three parcels in that area have been annexed and are now the subject of an application. With annexation, the site is in the Village. Route 20 is the only vehicular access point. It is stated that Route 20 is the only maintained right-of-way for vehicles to access bordering VES lands. The rest of the site consists of old buildings and derelict pavements. No other connections to highways. And that is for the entire zone as well. So that's the first part. The second part is the Village potable water aquifer. As I mentioned earlier, it is almost totally within the aquifer and therefore it is subject to special rules, regulations, and considerations. When you look at the pattern of development and the pattern of the land, the flow of water on that site moves toward the south and west to the central corridor where there is a watercourse that carries it down to the area behind the Village wells and into a large wetland system there. What we have been working with and thinking about as we have developed this was to create what would be, in our mind, the best use for manipulation of stormwater and to figure out a way to collect stormwater in little pieces, bring it to a final collection point, but not put all the eggs in one basket in case it fails and everybody gets slugged that draw water from that aquifer. And it can be done. Third: The zone requirements for the site. And I go back to the

10.7 acres. They look like three items: Establishment of the basic linear park, which is called a pathway. Establishing the configuration for Street C, which is a major feeder to go to the south. And establish a configuration for east-west Street D, which can't go through at this point in time. But again, when we were working on the zoning, we weren't thinking 5 years or 3 years ahead. We were thinking 20-25 years and trying to figure out how this community could develop best. So, put it in graphics. There is the outparcel where Route 20 is the only access. The pathway, potential C and the potential for future D. I threw this one in, though it is not germane to the access points, but it is germane to something that is very important in the creation of the pathway, and that is the trail system. Right now, on the other side of the watercourse, there is the existing Link Trail that goes up to the art park. And that is an important feature that needs to be considered. It needs to be connected off of the Lucas property or this property into whatever is developed. So now we go forward. Just some buzzwords. I don't like them, but they are necessary for zoning goals and requirements that we picked up and worked on. Rights-of-way for future streets. The linear park along Route 20. The wooded ravine as a conservation area. 50% of the property in viable greenspace. And development to consider future Village streets. The applicant needs to develop a plan with reduced and shared parking and they have been mentioning that. Provide functioning patron access and service areas—important. Provide a drive-thru for the system of a drugstore and the workings of a drugstore. Some people say no. But, as my wife has told me, you never took our three kids when they were sick to the drugstore to get the medicine in the rain and it would have been very nice. So there may be a need for that. Then meet the client's goals in general. That is important because that gives you sustainability. The Village requirements: They want a strong Village character. Not necessarily a strong down in the center at the bottom of the hill Village character because that is totally different. It is a special place. But have a Village character within the framework of what occurs in the VES zone. Develop multiple pathways within the stormwater control and create a stormwater management system that fits a Village site, not the general DEC (New York State Department of Environmental Conservation) approvable system of forebays and basins that fill with water when it rains, don't necessarily always drain down and have an ugly look, which are better suited to be out of sight and out of mind, not along a sidewalk that people are going to walk by, maybe not this year, but in the future of many, many years to come. And then limit development uses to those with acceptable traffic volumes. There are probably ten more, but I only wanted put one slide in. This was very interesting. There were early discussions with the Village. The property owner, Dave Muraco, mentioned that he would provide for a section of Street C as part of a proposed development. He put that on the table. As site planning has progressed, the original potential Street C, the alignment of it, has moved to the east to avoid a sensitive section of the wooded central ravine and its watercourse as well as to support the features of their proposed plan—a combination of efforts. It is environmentally sensitive that they did move it. They could possibly even move it a few feet more as this progresses. But that was on the table very early in the game. And so, our conclusion was very simple: Establishment of the alignment for Street C provides significant value for the Village when considering the potential for future development in the southeast Village area. We are not talking about 100 feet of street. We are talking about over 1,000 feet, a quarter of a mile. So it is significant. Fourth: Site plan considerations. We reviewed the applicant's submitted plan. We evaluated a number of potential development actions that might have occurred, that we got wind of in talking to various people, that maybe this is the way to develop. Trying to get my gang that I work with together on a lot of these is interesting. First, we looked at orienting the buildings and an entrance from Route 20 and made the buildings up close. As we looked at it, it is something they would do. They just did it in Manlius with the new CVS or whatever it is. If we put pedestrian access there, we put the buildings there, those little blue dots are the entrances for people. The black dot is the service yard. They are just dots. But that's what they

575 represent. They come in there. Who is out there for the next 20 years? You go to the left and there
is no sidewalk. You go to the right and there is no sidewalk. You have a drive-in distillery in the
next driveway and there is no sidewalk. Perhaps, a number of years down the road, there will be
somebody there. But right now, that really doesn't function. You could then bring the entrance in
from being right on the street, and the parking lot essentially fronts on Streets C and D. If the thrust
of the zone later is to move people off of Route 20, which is the main corridor, but still provide
580 interesting access, Streets C and D should be where the pedestrians, the bikers, and other people
utilize it. It connects over to the other development to the west. We looked at coming in that way.
We felt it really wasn't going to work too well right now. You put the service area right out on
Street C. We looked at taking the two buildings and orienting them to C. It doesn't quite function
too well. If you put the entrances on the street, you park in the back, wonderful. I have a shopping
585 cart and I have to go 170 feet before I even reach the parking lot. And that doesn't work too well.
We said, okay, we'll put the entrance in the back. Then you are really putting the back of the
building on the street. And that wasn't too good. We did this one and it works. But the poor
drugstore is a second class citizen way in the back and not really potentially sustainable. We didn't
feel that was appropriate. We said to future Street D, yeah if D was working with C going south, it
590 would work fairly neatly. But again, that is not for a number of years. Then we finally looked at
essentially what they are proposing and it would work off the access. It can work off the green path.
It can also be tied to D. And it can line up and be focused to have a build-to line on Street C. So
that seemed to have some reasonable character. So what we have said in this, the CACC review of
various alternative development plans is focused on safety, practicality, constructability, function,
595 and sustainability. The applicant's proposed entrance denoted into the parking area between the two
main buildings, which is allowed in the Code, provides several benefits, including future safety of
traffic ingress and egress for Street C to what probably will become a significant residential area.
Looking well into the future, connected to South Meadow and other lands to the south, and that is
the critical step is Street C. The ability to segregate the commercial traffic flow from residential for
600 ingress and egress to Route 20 is desirable. Queueing on Street C alone could create some safety
issues. With that, we then came to a conclusion. The applicant's proposed building locations and
requested access locations function now and for some time in the future. Street C as proposed
should be established as part of the plan. Street D should be considered and planned to function
when the southeast section of the Village develops and there is that cross connection made to the
605 west. If you work with it, Street D can function as part of a parking lot onto the cross street has
some viability. We said, all right, taking their plan, we could work with this, two entrances here,
there is a pedestrian connection here. There is a potential pedestrian connection there. The access,
the pathway, Route 20 come down through here and have the secondary access because you are
putting C in place and you are putting D in place, and you are putting the housing down here in a
610 place that people can come up and enjoy. Then you are also orienting the buildings on the street at
this location. That means they need more than one corner. They need to have good faces in
different directions. We then stepped back. We felt that the plan we are looking at, and people can
argue with me but I'll stay on this, has not really changed or improved significantly for stormwater
runoff in the system. We considered an engineering approach, an end of pipe system, with the
615 majority of runoff dumped from collection points into two basins. That could be a problem. We
recommended that the Planning Board request the applicant to configure the site plan with a
stormwater management system that applies a number of multiple pathways in its design. And it is
the best way to gain infiltration. You try to infiltrate with small basins and you put two feet of water
in it, it is going to soak up. If you put very little water in it and in a number of areas, it tends to work
620 longer and it is easier. We looked at suggestions for consideration and we played with a couple of
site concepts. Drugstore, food store their access. But not a straight shot into a parking lot. An

island here. An island here. An island here. An island here. Street D at this location. You notice the right-of-way lines are shown. Street C the right-of-way lines. Stormwater management here. And, on the corner, which I think is in the Design Guidelines someplace, the idea of a raingarden type small park that as this area of the community develops, this becomes a bit of a focal point. We said, all right, what happens 10-15 years in the future? It turns Street D into a real street. It can have parallel parking. It could have angled parking. Either way, it would work and it would function. And we added some trees. And one of the things we did was to say: We have to make this an entrance to the Village, but also have to make this space an entrance to each of these buildings. So this is the parking court. So you have street trees, a 15-foot wide sidewalk, very similar to downtown, and you have the street trees that overhang. You have nice facades on buildings. You have your stormwater management in a planted filtering system. The parking lot elements are small so you are not looking at a big sea of parking. That was Scheme A. For Scheme B, we said: They come in straight and may have to do that. You can still get stormwater, stormwater, stormwater, stormwater, stormwater, collection and filtration. Earlier tonight, Greg said 10-foot by 40-foot islands work. No. They have to be at least 20 feet by 40 feet.

Mr. Widrick: Our islands are curbed also.

Mr. Ferlow (continuing with his PowerPoint presentation): There is the linear park added to the system. Put the same type of planting on it. An urban court. Parking. This bay right here, for example, has not many more cars than what Peggy's Lot has between the Post Office and the Theater. Try to keep the number of cars small. You can get trees in it and get other vegetation in it. This is the frame we came up with as an alternative development. You will notice, they have brought the building close to the street, brought it out that way. Well, that has been on our plan for a while. Conclusion 1: Going back to their plan. The pathway park, and they changed it tonight, was compromised because they were putting parking in front. I don't see the viable Streets C and D shown cleanly with the right-of-way lines. It is still a highway, but not Village character as it is now displayed. They have not really documented the 50% greenspace. To us, it is still an end of pipe stormwater management with a couple of structures. Required tree inventory—Kurt and I talked about that. They didn't get to certain areas as much as they probably should have. They are going to try to disturb a section of the existing wooded edge here. We had mentioned that it can be disturbed because it contains primarily buckthorn—highly invasive, the honeysuckle—highly invasive, and other plant materials that would be good to get rid of before they spread around. However, when I take it down to the later plans, the restoration plan shows 1, 2, 3, 4, 5 trees in restoration. I am saying you haven't done the restoration that is needed to make it work as an edge of a viable woodland that you are going to maintain. Those were our conclusions. We then said, what are in Conclusions 2? The pathway with an entry landscape. I will talk about that in a second. In some of our discussions, people commented on Dudley Johnson's trees. As you come around the corner and down the hill into Cazenovia into the Village, there are Dudley Johnson's trees—bing, bing, bing, bing, bing. This site starts into those. What if you pick up that line of trees and carry it down farther into the Village? You might then start to say to people who are coming down the hill at 50 miles an hour, you are entering the Village of Cazenovia. You are making the hard edge. You start to see buildings. You need a good entry landscape. You need the multi-pathway, stormwater management, your greenspace, access from both north and south for today and the near future, from the south for the real future, a reduced number of parking spaces. You have the drive-thru so you can really cut them down and you can bank them too. You can use infiltrating materials. Village character from the parking court. It is a paved area, but if you line it with trees on the fringes, you put trees throughout the middle of it, small sections of parking, it becomes very village-like. And

670 you can have a good restoration plan for the woodlands. We made an Aa, a combination of the two of them. And that's it. We present it to the Board for their consideration.

R. Huftalen: Thanks, Don, for your work on the commission and your prior work on the Economic Health and Heritage Board, and putting all that work into that presentation for us to consider and for
675 the applicant to consider. We have a number of people here and it is a public hearing. We want to afford the opportunity for those who want to get their comments in to be able to speak. We ask that everybody be respectful of each other and the Board and be respectful of everyone's time. If you have comments, please keep them concise. The floor is open for comments.

680 Carlos Gavilondo: I just wanted to follow up with Don's presentation on behalf of the CACC. I am a member of the CACC and my name appears on the cover page there. I have tremendous respect for Don Ferlow and the work he does and for the other members of CACC. I also believe that the work he has done on stormwater is something the applicants really need to take into consideration because otherwise this plan won't fly. As Don said, it's in the middle of the aquifer. And we now
685 have some uses, primarily the brewery, that are taking a lot of Village water. Once our water goes, we are all going to be very sorry. Having said that, I want to state my disagreement with other portions of the conclusions of the CACC report. We did meet last Wednesday. I did submit some comments. The comments I submitted in an email I don't believe were reflected appropriately in the CACC report. I am going to have to respectfully disagree with it.

690 Jack Rooney: I have a question and a statement. I would like to ask a representative from Sphere. The HPC indicated the design of the building would not change. It would look like the DeWitt building. I would like to hear what your feelings are at this time about that.

695 R. Huftalen: As you know, Mr. Rooney, this is an opportunity for public comment. It is not an inquisition. You are free to respond if you want to. The HPC meetings are all a matter of public record. There is an application for site plan review, subdivision request, special use permit, and architectural review. That is certainly part of what we will be considering.

700 Mr. Widrick: For the record, I will respond just to make sure there are no inconsistencies. That is an incorrect statement. We have made 23 out of 25 requested changes. There were three meetings, all public, and it looks nothing like the one in DeWitt.

705 Mr. Rooney: I appreciate that, but could you be a little more specific?

Mr. Widrick: No, not at this point.

Mr. Rooney: I want to make a statement. After 15 shopping centers built in the State of New York and 23 office buildings from Portland, Maine, to San Juan, Puerto Rico, I have been before a lot of
710 Planning Boards. In the 70s, when I started, there would be one or two people showing up. Through the years, more and more people are showing up. It was clear to me at the last meeting I attended why so many people are showing up at Planning Board meetings and annexation meetings. What has happened is government is constantly looking to keep taxes down. They have continued to allow business as usual. Business decisions made. What I found at the last meeting was there was a
715 substantial difference between two or three or four members of the Planning Board. One group was more interested in cleaning up the dark areas. We heard today how a developer picked up on that and began the process of designing a redevelopment or development. I will let somebody else argue

720 that question. Their feeling is that it is a redevelopment and, therefore, their opinion is that we have
satisfied the business requirements. Other members of the Board said very clearly: Our job as
public officials appointed for 7 years is to reflect what the community's interest is. What, in fact, are
the rules and regulations, not the policies, but the rules and regulations that determine what we
should be deciding on? Not whether it is business interests or tax uses or millions of dollars of site
725 plan approval, but what the actual requirements are. I heard nothing from the developer tonight that
clearly identified his difference of opinion to the CPF (Cazenovia Preservation Foundation) report.
None. He focused all his attention on the questions that were up in the air. As you, Mr. Chairman,
have said, "the gray areas." I think that's inappropriate. I think those decisions made by this Board
should be made based upon the business interests of the community and this developer. I have a
great respect for Aldi's. I have shopped it. Last week, I went into the Aldi's in DeWitt. Great store.
730 I am happy to have them here. I love competition. Maybe do something better for all of us living
here. What I'm concerned about is how you make your decisions. It doesn't rest any longer within
the purview of the Village Board. They have turned it over to you. They are saying to you: You
make the decision as to whether it is a business decision or a community decision. I am really
hoping that you will follow the lead that this community has shown. When the commission report
was sent to the Village Board to determine whether we should have an historical preservation
735 commission, two gentlemen, Jim Ryan and Bob Gregg, formed a committee, the purpose of which
was to decide whether or not we should have an historic commission. These two gentlemen, during
the process, took a year and a half. They initially came out against it. They represented fathers,
uncles, cousins, six mayors, both Greggs and Ryans, through the years have determined what this
community is all about. Those two gentlemen decided what the community's needs are. What you
740 have to focus on is what the community asking you to do. Those who are for community interests
are really deciding based upon the community's interests—not Aldi's. We invite Aldi here. They
have said they came here, maybe risking the potential of not doing as much business. I don't think
Aldi's and Trader Joe's, their other company, are foolish. They are here because we have done our
jobs to maintain a wonderful community. I am hoping that you look at the decisions that have to be
745 made by you—not the Village Board—but by you as to what the community's interest is and not
business interests.

Gail Dougherty: I would like to say, as a member of this community, I am completely in favor of
750 allowing Aldi's to come. I think they have done a wonderful job making changes for us. I think
taxes are an important thing. Maybe not for elderly people who are all set and money is no object.
We have young children living here. We have grandchildren here. They need to be able to live here
and afford places to shop. I know many people in our community that have not come to these
meetings that are in favor of this happening. So, as a member of this community, I hope the Board
755 listens to all people—not just those that can afford to live in a community where taxes don't matter.

Norma Benck: I live in the Carriage House Garden Apartments. I agree Gail. I love Aldi's. They
760 carry good products. They have the most reasonable prices. They will give Tops some competition,
which I think they need because our Tops does not live up to Manlius or Fayetteville. I think we
need Aldi's. I sure hope that the Board will seriously consider it and not be so quick to turn them
down.

Bettina Frisse from New Woodstock: My concern is mainly aesthetic. So many small, beautiful
765 little New York towns have grown with that horrible commercial sprawl on the outside and that is
what I am really concerned about. A big box store or even a little box store is still a big box store. It
is hard to make them look like anything, unless you get Frank Gehry or somebody to design it. And

that might not fit the historic character. But, in the plan, it is not specified in detail, but there are plenty of trees. There are plenty of opportunities there, if there is 50% greenspace, to soften it so considerably. And then get that orange and blue sign diminished. You can drive in and you don't have to be smacked in the head with an ugly development. And you can get your taxes, get the services. I like Aldi's too. But I sure would like a nice drive into Cazenovia.

Gerry Davies: I am 78 years old. I lived in Nelson for my whole life. I shop Aldi's. I have shopped six Aldi's here in Central New York. The nearest one to me is 15-1/2 miles away in Canastota. I go there at least twice a week. From where I live to this proposed site, it would be 4.2 miles. I think you get my message. That place up there now as it stands, I have watched that thing deteriorate all my life. Those buildings that are around that decrepit looking site of a restaurant that can't hold people in it because every time it's got a new name on it. I would like to see a building that stays there for at least . . . They say buildings last 25 years before they are out of date. So I won't be here to see the end of it. But I would like to see a nice Aldi's sitting here in Cazenovia because I don't shop, only when I have to, at Tops. I go to Canastota. I go to other Tops because their prices are too high here.

Kurt Wheeler, Mayor: I just wanted to follow up on one technical point to provide the Board with some perspective on the history of how the Design Guidelines were written. And particularly with this notion of what the requirements are with regard to fronting on Route 20 or not. Don captured a couple of the important elements of this. There is some distinction of the core zone where the primary concern is protecting the viewshed. So the intent there, for much of that zone, was to build along interior Village streets and actually build very few buildings along Route 20. As Don alluded to when we decided to include these parcels, which have now been annexed, because of the preference and previous Comprehensive Plans, that was really a different picture. So, I think in some ways, the language that was in Dan Kwasnowski's initial report reflected his initial preference of everything being on Village streets. What happened late in the process, is we took that initial draft and it went back and forth between committee, and Dan, and me, and Dan. In fact, we recognized that these parcels are really quite different from the core zone where we could develop in depth. There is really only one lot of depth in that part of Village Edge South Zone. In fact, Don Ferlow and Dan met with the landowner and his engineer to actually look at, in a practical sense, how those parcels could be developed. Those meetings were reflected in the final language. I just wanted to highlight, as pointed out previously, if you look at the Mixed Use Core Area, the language is very clear. That is the area where the hotel is now. Buildings in the Mixed Use Core Area 1 should front onto a Village street not Route 20. The language is crystal clear. Now, look at the beginning of the Mixed Use 3 area, we purposely added context because this was the intent. This is what begins the Mixed Use 3 area. In this area, the sites for redevelopment are constrained by the proximity of Route 20, a designated scenic byway, and by the ravine, creating specific design challenges as well as opportunities. These parcels are redevelopment opportunities which also provide special challenges. We could have, at that point, said very similar to Core Area 1, these buildings must front on a new Village street. We didn't do that. Look at the language we did. In the eastern portion of the zone, buildings should be oriented in such a way as to provide a positive image on primarily Village Streets C and D. That language change was done purposely to create flexibility for the Planning Board in the future to be what was in the public interest. The intent was, it doesn't make sense to put the back of a building facing a scenic byway. That language was very specific on the part of the Board, very specific as to what the Village Board voted on and ultimately passed. Of course, in the zoning itself, which is even more important than the Design Guidelines, the very first bullet in the considerations for Route 20 is: Buildings fronting on Route 20 shall be

815 located no greater than 65 feet from the Route 20 right-of-way line. The reason we did that was we
wanted to mimic the character of the rest of the Village where the buildings are drawn up close to
Route 20, like Albany Street—not like the Town and Country Plaza where there are typical
multi-scenarios where you have parking in front and the buildings set way back from the road. We
wanted to draw the buildings up close to the road. That’s why we put that language in the zoning. I
just wanted to clarify that history in terms of why the language is what it is. That was what it was
820 intended to be. That is what was passed by the Village Board. I hope the Planning Board will
consider the whole application and really look at the broad intent of what this zoning was designed
to accomplish for the community and look at this application in totality and not get too mired in
details.

825 A. McDowell: Thank you for clarifying that. I think that’s very important to realize that Area 3 is
completely different from 1.

830 R. Huftalen: Thanks, Kurt. Just a little bit of housekeeping here. At the request of some members
of the community, we have incorporated the meeting minutes from the Town Board public hearing,
the Village Board public hearing, and the joint public hearings in our file. Now we have gotten
comments from Mr. Ferlow, Mr. Wheeler, and another letter from Mr. Hall that I think everybody
here on the Board received. They are also part of the file. They represent three of the committee
members of the Economic Health and Heritage Committee. They help us understand the
circumstances under which the Code was written and the Design Guidelines were developed. I think
835 that is very instructive to the Board. Thanks to all.

Roger DeMuth of Chenango Street: I love the entrance to the Village as you are coming down
Route 20. I would hope this new development will reflect that also. I loved Don’s report. I couldn’t
840 tell from the image on Slide Aa how much space was between Route 20 and the beginning of the
parking lot in front of those buildings.

845 Mr. Ferlow: Slide Aa shows a 40-foot green pathway, then the driveway began and that was at least
24 feet wide. Then there was another 20 or 30 feet that somebody called a canoe on that plan with
landscaping and stormwater management, and then the first frame of parking lot. You can add that
up, Roger.

Mr. DeMuth: It just helps to have a buffer zone. The new pharmacy in Manlius has no buffer zone
and it is inches from the edge of the road just about. It makes a big difference. Just do it right.

850 Dan Morgan: I think positive image is a phrase that has been bantered around a lot. Tonight, I think
Don showed a great example of how development can be done right, that Cazenovia can have this
positive image and not the bare minimum, sort of Northern Virginia strip mall look being proposed
by the developers. I think development is good and I believe that if we do it right and provide
enough greenspace, that Route 20 will remain a scenic highway instead of the other way around.

855 Anne Ferguson: I think it’s important that people remember this is not a discussion about whether or
not we want Aldi’s. Aldi’s is a great store. What we are trying to decide is how best to have it
developed in that area and how we want that area of the Village to look. Particularly, when you
think of the property on the other side—Dudley Johnson’s property—that is zoned potentially for 3-
860 5 houses. So you have to consider what they are going to be looking at, which right now is a big box
strip mall. I think when you look at the efforts that are going in, and mitigate the look of that big

865 box strip mall, and have it look beautiful, have it become the character of the Village, we have a long way to go. This is the first step in terms of how they are sited. I'm glad to see that they read the VES Guidelines several times. Because when you read that, what you are proposing right now does not reflect what those Guidelines are suggesting in terms of projecting roads. I'm also very concerned that this site allows for a drive-thru bank and a drive-thru Rite Aid, which are within the aquifer and they are no-nos. Communities across the country are dealing with faulty infrastructure and the quantity of their water. We are setting ourselves up for that in the future. Again, this is not about whether or not we want an Aldi's. It's about how we want it done.

870 David Freyer: I stood here about 12 or 13 years ago when Mr. Muraco was trying to build an Extended Stay Hotel and a lot of big box stuff. My opinion has not changed. To build something like that does not fit the character of this town unless you put that buffer in. To look at a big box store, it absolutely does not fit without that separation, that greenspace, where these things are set back. Once it's built, it's built. If this is built minimalist, that's what we are going to look at forever. The town character will be changed forever. I have driven to Canastota to go to Aldi's and I don't mind that. Part of the charm of Cazenovia is that we are not Cicero and we are not Fayetteville. If I wanted all that stuff in my backyard, I would go live there if that was so important to me. But it's not. The preservation of how things look is important to me. Unless you get these guys to really make it look like something that really fits in Cazenovia. You guys all know. That's why you are in those seats there. We are trusting you to say, hey, we know what people like. You have listened to us. I would hope you would really put it under a microscope and really make that greenspace. Obviously, being on the aquifer is a huge impact. Once the water is gone, there is no way to change it. Once you build this, it's built.

885 Federico Meira: I heard the mayor mention that they tried to reproduce downtown Cazenovia, that was the intention of the planning and zoning originally. But what happens to those blocks between Harris and the lot we are looking at now? These are basically houses that go back years and years. What happens to the houses on both sides of the street? That's a gap between what we have in the downtown Village, which are buildings that go to the edge of the street, commercial. We have three or four blocks that go from Harris/KeyBank to the lot that we are looking at. What happens when this development that tries to get together what we have in the historic part of the Village and the future of those people and houses. Most of those houses are for sale. The houses are slowly decaying. Eventually they are going to be the link between one side and the other. Eventually, when some of those houses fall down, some of them are already, then they will be replaced by something commercial because it is the link in the middle. I haven't heard anything about what is going to happen with that in the future. I think it is important to make sure that whatever planning or consideration—we are talking 25 years in the future—that those two blocks are in peoples' minds.

900 R. Huftalen: As I heard from Mr. Ferlow and the Mayor, this area is not supposed to mimic the character of the downtown. In fact, it is totally different in character.

905 Mr. Wheeler: To clarify, the Design Guidelines talk about . . . When I said mimic the character, I meant in terms of having the buildings in close proximity to the street as opposed to the typical development where you have a sea of asphalt between the road and the buildings. That is what we are trying to avoid. Things in this zone don't fit in the existing downtown business district. They complement the downtown business district—not try to reinvent it. They are two different animals.

910 Sparky Christakos: I came to the last meeting and went to the annexation meetings. This is an issue.
I compliment the Planning Board for your robust debate from the last meeting. It is obvious you
take your job seriously. I compliment the developers. They have been at this since April. It is only
five months. It's not a real long time. I think they are trying. I don't think they have a tenant in
Aldi's that is very flexible in trying to meet the Village Edge South Guidelines. I personally like
Aldi's. I would not have a problem having Aldi's there. But I think it is very important that
915 whatever goes there should meet the guidelines that we put in place. During the annexation
hearings, the Mayor made several comments—don't worry, people, we have strict guidelines in
place and everything is going to be okay. I feel that slipping away. The Mayor just said don't get
worried about the details. I want to go back to the last meeting when, at the end of the meeting, it
seemed like the issue was: Where is the Village street? Where is the front of these buildings? Is it
920 Route 20 or is it Street D? Which would do the interconnecting of the whole Village Edge South. Is
it Street C? It was pretty clear, I think, in the Guidelines, certainly in Dan's comments here, that
Street D and Street C were Village streets. Dan made it very clear that Route 20 is not a Village
street. He said it is too wide, too fast. Don Ferlow just said they come 50 miles per hour down
there. If they follow the law, if they follow the guidelines, the stores really should front on C and D.
925 I think that's pretty clear. I don't know if there is a hang-up on whether it is called Nelson Street or
Route 20. Mr. Ferlow used Nelson Street as an address for Caz Dental and Nelson Street as an
address for CAVAC. But you didn't mention that the motel is 2392 Route 20 or Cowherd is 2350
Route 20. It is not a Village street. I think you should follow the Guidelines. Bring Aldi's here.
Ask them to change their entrance to where the Village wants it, which is on C and D, which follows
930 laws that the community passed.

Mr. Ferlow: When we started our study, we looked at the area between the Lucas house and the face
of the property, the west face of CAVAC. Each of those properties—Fauth and CAVAC—have
Nelson Street postal addresses and nothing more. That is a fact. That's all we try to do is put the
935 facts on the table.

Deborah Dougherty: Why would we want to come down Route 20 and look at tractor trailers
emptying their products into Aldi's? When you talk about these beautiful trees on Route 20, do you
think a tractor trailer sitting there would be pretty? I don't think so.
940

R. Huftalen: Mr. Ferlow's presentation addressed a lot of the orientation issues, I think. There are
clear provisions in the Code that speak about buildings fronting on Route 20. Again, as a point of
fact.

945 Carlos Gavilondo: I live in the Village of Cazenovia. In addition to other hats I was wearing today,
I am the President of the Cazenovia Preservation Foundation (CPF). CPF submitted a letter on
August 22nd. I was in the Village Office on Friday to check the file and I didn't see it in the file. I
understand it has been placed in file. Is that correct?

950 R. Huftalen: That's correct.

Mr. Gavilondo: I also didn't see the revised plan. Was that in the file on Friday?

Mr. Widrick: We just did it this evening.
955

Mr. Gavilondo: So it wasn't in the file on Friday. Also, I didn't see Dan Kwasnowski's supplemental report. So if those are in the file, there will be an opportunity to review those?

R. Huftalen: Certainly.

960 Mr. Gavilondo: Just a couple of things. I'm not going to read the letter that CPF submitted, but
there was a lot of discussion today about the vision. What's the vision of the Guidelines? A lot of
visioning going on. The Guidelines are intended to try to embody the vision of the community for
this development, for this area. We've had a lot of discussion about it. Two years of the Economic
965 Health and Heritage Committee to look at what the community envisioned. It's not what the
Guidelines envisioned. The community knows what it wants and it's really hard to put it on paper.
And the Guidelines are an attempt to do that. There is going to be ambiguity. There is going to be
vagueness in those Guidelines. But, nevertheless, it is the community's vision. I'm glad, Chair
Huftalen, as you indicated, that the Planning Board has taken into the administrative record the
970 minutes from the various annexation meetings. I attended all of those annexation meetings, except
one. I would say that 75-80% of the comments during those meetings didn't reflect the vision for
the kind of development that is being proposed now. It is a suburban style development. It is not the
kind of development that I think reflects on the character of this community and what the community
envisioned it wanted. It has nothing to do with the tenant of the individual property. It has to do
975 with what the community envisioned it would look like. I would say, based on what I heard at those
meetings, and what you will see in the minutes, what is proposed here, which has not changed
substantially, is not what the community envisioned. I just want to clarify for the Board and for
members of the community that are listening here, there has been some talk about Street C. And
Street C is going to be a significant asset to the community in the future. Street C is a requirement
980 for this development to even work. They can't do this development without Street C. Because they
are relying on residential, which, by the way, is in Zone 4, which is a residential zone, to access that
residential zone to bootstrap it and make these three commercial properties "mixed use." You can't
do that without Street C. I would say that if they don't do Street C, they don't have a mixed use
development. So to suggest that it is really great that they doing Street C, it overlooks the fact that
985 they can't do this development without Street C. I also want to point out that Mr. Widrick spoke
about the fact that north of the ravine is the mixed use zone. South of the ravine is Zone 4, which is
residential. When you look at the Code, and I will cite the section of the Code, Section 180-63B(1):

990 *No building with a gross floor area greater than 5,000 square feet shall be permitted unless
it incorporates mixed uses within the building (whether on a single story or with multiple
stories) or is a building devoted to a single use but is associated with one or more separate
buildings devoted to other use(s) on the same site or on a separate parcel within the VES
Mixed Use Zone. Alternatively, a building may be greater than 5,000 square feet with a
singular purpose if at least 1/3 of the square feet are on a second floor.*

995 Mr. Gavilondo: The Mixed Use Zone, which is designated by number 3, are those parcels north of
the ravine. Those are described in the Guidelines. They are described on the map. They are
described on the map that the CACC put up there [on the screen]. The parcel to the south of the
ravine is residential and it was intended to be residential. This proposal, this plan, is relying on that
1000 residential portion to make the rest of it mixed use. I'm sorry that I'm getting animated about it, but
I have heard a lot of discussion about how Street C is a gift to the community. And it is not. I just
want to point out that with respect to the letter that CPF submitted, we have heard a lot about
flexibility. Flexibility is intended to allow this Board to accept projects that the community desires.

1005 We did hear from people that want Aldi's. And nobody is questioning that Aldi's is a responsible corporate citizen and would probably be a good addition to the community. What people are concerned about is how this works. I will stop there. Thank you.

1010 Mr. Wheeler: Just a clarification. When these lands were annexed in they were Village Edge South Mixed Use. This entire parcel was zoned Village Edge South Mixed Use. There was no residential or other component involved. It is all mixed use.

1015 Thomas Dougherty: I jumped on this situation late, but I did have a chance to look at the Code in the last couple of days. One thing that I liked in the Code is that it said, and I don't know the exact words, but it said the developer shall present a document which lists all the requirements of this Code. In addition to that, they should say whether or not they meet that. So each and every requirement in this Code, the developer is supposed to submit to you, as a Board, and tell you whether or not they met it. And then if you review that document that they presented to you and you don't agree with them, then that's where the discussion should start. Not this vision stuff. My vision is that it should look like this. His vision says it is supposed to look like that. That's not it. 1020 It's the Code. The Code is what you should be working with here. If someone has a problem with what these developers say, what they are or are not doing, then that's where we should sit down and decide what's right. And where do we go from here. Can we compromise? What do we have to do to change it?

1025 R. Huftalen: I will speak for all members of the Board in that I know that is what ultimately guides how we will decide on this to the extent that we believe this project complies with the Code and complies with the Guidelines. We listen to the input. We will continue to listen to the input. We will continue to work with the applicant. Obviously, we have people with the community's best interest at heart expressing opinions on different sides of the issue. And you all have the luxury of 1030 expressing your opinions. We have the luxury of listening [audience laughter] and also the burden and responsibility of considering those opinions and considering the Code and making a decision based on it. I can assure you no one up here [on the Board] takes that lightly. Nobody up here is making some flippant decision without regard to the Code. It is a serious undertaking that we have here. We appreciate the input and will work hard to come to a determination that we feel is in the 1035 best interest of the community. Are there any other comments for the members of the Board?

1040 Matt Napierala, site engineer: I just want to kind of do a little bit of a rebuttal. I'm an engineer. I'm not going to apologize for being an engineer. But I am going to talk about stormwater because I take stormwater very seriously. I take aquifer protection very seriously. Mr. Ferlow and I have had a relationship for many years. Mr. Ferlow is a great advocate for the community. His concepts are concepts. They are not engineering designed plans. This evolution of the stormwater design is not an end of the pipe system. We've had conversations with the Village Engineer, John Dunkle. John Dunkle is an adjunct professor at ESF [SUNY College of Environmental Science and Forestry] teaching stormwater. We have worked with John in the past. And John will not be light on us. John 1045 will do a great job for the Village. I guarantee that. The stormwater system of which Mr. Ferlow is basing some changes of this layout and what he, in bubble diagrams, has shown, I will tell you in 30 years of experience will not satisfy the requirements of a 100-year storm event. Infiltration will be the way we have to do this to satisfy the groundwater recharge that we have to deal with for the aquifer. As well, we have to protect that aquifer. In order to protect that aquifer, we have to collect 1050 the pollutants from the surfaces and we have to treat them properly prior to getting into any type of infiltration. I think during the annexation process we talked about the different levels of protection

that we are proposing for the water quality treatment prior to getting into an infiltration system. What you have to understand about infiltration systems is the amount of volume that we are dealing with. The 100-year storm event is a 6-inch rain storm event. We haven't seen a 6-inch rain storm event in a very, very long time. Think about the biggest storm that we have seen in the last five years. Nothing greater than a 25-year event. You can look it up. That is within a 24-hour period. So the biggest storms, and when you talk about the amount of impervious area here, think about the roof water coming down in the storm that we had probably two weeks ago and the amount of water that was flushing down. My wife and I have a rain barrel and we water our plants. That rain barrel filled up in the first two minutes. Rain barrels won't work. We need to have volume for stormwater to infiltrate into proper groundwater recharge. We have gone to the point of preliminary calculating the size of certain areas for infiltration. As an example, the bank and the small retail is going to have a water quality system and an infiltration system prior to allowing that to slowly release and further drain into the flow of the direction of the stream and the ravine. The residential component will have its own stormwater system of water quality and water quantity prior to slowly releasing two grades less than existing conditions. For the Aldi development, we are going to take and we are going to collect that surface water. During the annexation process, we talked about a baffled water quality treatment manufactured by CrystalStream Technologies. And this baffled system has the capability of maintaining and collecting and storing a volume of oils and sediments within that chamber prior to getting into a water quality basin, bioretention type of a system, an enlarged raingarden per se, prior to discharging into a sand infiltration base. Right now, the hotel development does not have that baffled system. They only have the bioretention system prior to discharge. We are providing that additional protection for the aquifer. The same is going to go for the pharmacy. We are going to have a baffled chamber, water quality, and then the infiltration basin. Again, I certainly appreciate the CACC and what Don has put up there [on the screen]. I'm just saying we have done the calculations. We have not submitted them because our conversation with Mr. Dunkle was: Let's get the layout to work first. Because every square foot of impervious area changes those calculations and we need to get the calculations precise when we make the submittal so that when John reviews them, we are starting at a good square one. We will be making that submittal. The document will be 2 inches thick of engineered calculations. Not to discount what Don is saying, but I wanted to reiterate to the Board that it has to be an engineered system. It has to be precise and it has to be right so we get the protection that the Village wants and needs and the aquifer needs. I take this very seriously. I have done it for 30 years and I do a damn good job of it. I can guarantee that.

1085 Mr. Widrick: One question Matt. What is our current greenspace percentage?

1090 Mr. Napierala: We have 55% greenspace and this is engineered calculated based on this to-scale CAD drawing. Every piece of greenspace has been calculated in CAD. 55% greenspace to 45% non-green.

S. McEntee: Is that the whole 10.7 acres?

1095 Mr. Napierala: Yes, sir. I wanted to say that. Again, I appreciate Don, but I just had to say that. I'm an engineer, so I'm a blockhead, but I have to be precise.

R. Huftalen: We have licensed engineers on the Board, so I don't know if throwing around blockhead is a good idea. Just clarification for the public, even though we do have licensed engineers, the Board will rely on the Village Engineer's counsel. With every project that we

1100 approve that requires a SWPPP (Stormwater Pollution Prevention Plan – pronounced “swip”), the
details of that SWPPP are almost always developed after the site plan. And because it is an
engineered process, a lot of things can happen during the development of that SWPPP in order to
meet the requirements of DEC. That’s not to say the Planning Board can’t make sure that things that
are important to the Planning Board are incorporated in those. And if the deviations are significant
1105 enough, we will do another review, which is the case with the Empire Brewery, for instance. So
that’s part of how that process works. Any other comments or questions?

1110 Diane Webb: Is there someplace in the Village Office of what is being proposed? For what the
buildings are going to look like? The architecture of the buildings? Are they approved yet?

R. Huftalen: Yes, there are currently elevations in the packet. No, they are not approved yet. This
public hearing is to consider site plan review, special use permit application, subdivision request,
and architectural review. At this point, I would say we are largely working on the basics of the site
plan. We haven’t done a lot of discussion of the architectural. That will be for further discussion in
1115 the future.

Mr. Wendler: I can offer to put those plans on our website for people to access. It will be
www.spheredevelopment.com. I will have them up by the end of the week.

1120 R. Huftalen: Again, we should have elevations in the file.

Mr. Stokes: Rich, I think it is important for the record. This public hearing covers special use
permit, site plan, and architectural. It does not include subdivision.

1125 R. Huftalen: I’m going to make a motion to continue the public hearing. I think, as a Board, we
need to confer with counsel prior to our next meeting. At this point, I think the best thing would be
to continue the public hearing to the beginning of our next regularly scheduled meeting.

1130 S. McEntee: Second.

A. Walburger: Aye.

J. Gavilondo: Aye.

1135 A. McDowell: Aye.

R. Huftalen: Aye.

S. McEntee: Aye.

1140 R. Huftalen: Thanks for your presentation tonight.

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1145 **Don Koglmeier, 83 Chenango Street, New House**
There were no representatives present to speak about this application.

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1150 **Nicholson-Dourdas, 22 Corwin Street, New Porch**

Jane Nicholson-Dourdas and Kris Dourdas were present. Ms. Dourdas explained that a variance had been granted by the ZBA (Zoning Board of Appeals) because the porch would be pretty close to the sidewalk. She referred to a photograph of the existing porch. It is small and undersized for the house. The columns are puny, rotting, and ugly. The bigger issue is that water runs into the basement. The house was built in 1869 and has the original foundation and there is a newer foundation on top of that. In the corner on the two sides of the front porch, rain comes straight down into the basement and they would like to fix that. Mr. Dourdas said there is a significant amount of hydrostatic pressure against the northeast side of the house. The inside of the foundation cannot be patched from the inside. Digging up around the foundation would compromise the foundation. This is the only way to capture and divert the water. Gutters cannot be installed because they would go across the windows. Working with an architect, the plan is to have a full porch across the front of the house. It would fit with the character of the houses on the street. A lot of them have full front porches. They are considering natural wood, stained columns. They intend to repaint the house with a more earth tone color.

1165 R. Huftalen questioned if the porch would extend to within 4 feet of the sidewalk.
Ms. Nicholson-Dourdas answered: On one end because it is angled.

1170 R. Huftalen made the motion to grant architectural approval as presented on drawings by Hamel Architects, PLLC, dated 6/17/16. S. McEntee seconded. The motion carried with 5 in favor, 0 opposed.

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1175 R. Huftalen asked for any other business to be brought before the Board. Hearing none, he adjourned the meeting at 9:30 p.m.

Respectfully submitted,

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Marlene A. Westcott
Recording Secretary