

**Village of Cazenovia Planning Board
Meeting Minute
October 24, 2016**

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

Others Present: Kurt Wheeler, Mayor; Amy Kendall, Special Counsel; James Stokes, Village Attorney; Greg Widrick; Dave Muraco; Louis Muraco; David Katleski; Jody Reynolds;
10 Capt. Mike Wright; Anthony Hart; John H. Cawley; Miriam S. Weber; Tom Clarke; Lindsey Cowherd; Bob Cowherd; Danielle Tedesco; R. Shain Emerson; Diane Webb; Pamela Blom; Bob Ridler; Bob Constable; Bobbie Constable; Sarah Webster; David Webster; Bill Hall; Federico Meira; Sparky Christakos; Susan Smith; Matt Vredenburgh; Suzanne M. Hartt; Bob Lucas; Jim Lucas; Jonathan Holstein; Sharye Skinner; Bill Danehy; Jing Zheng; Monica Palmer; Don
15 Ferlow; Pat Race; William Zupan; Stefan Lutter; and more who did not sign in. There were approximately 60 people in attendance.

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20 R. Huftalen called the meeting to order at 7:03 p.m. and introduced the Board and Special Counsel, Amy Kendall.

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25 R. Huftalen asked for any changes to the minutes of October 10, 2016. A. Walburger suggested that the Board wait until the next regularly scheduled meeting to discuss the minutes. All agreed.

R. Huftalen: Amy Kendall is our Special Counsel from Rochester. Our normal Counsel, Jim Stokes, has recused himself from the case, so the Planning Board has retained the services of
30 Ms. Kendall and her firm. That brings up the first item I wanted to discuss among the Board before we open the public hearing. With regard to the issue that led to Jim recusing himself, as the Board is aware, there was a SHPO (State Historic Preservation Office) report noting that the property in question was eligible for listing on the Historic Register. It becomes an issue of SEQR (State Environmental Quality Review), in which Mr. Stokes represented the Village Board when they made
35 their negative declaration as lead agency. Because new information has come to light, Ms. Kendall has recommended that we make a request back to the Village Board to deal with that particular issue. If any of the Board members have a question for Ms. Kendall on that or want to get more information before we make that formal request to the Village Board, I would invite you to do so.

40 A. Walburger: Does it help everybody to go over what the mechanism and outcome can be of this if we ask the Village Board to go back and reexamine their SEQR?

R. Huftalen: Yes. Is that something we want to confer with counsel in executive session?

45 A. Walburger: I am agnostic whether we do it here or in executive session.

Ms. Kendall: Would you like me to put on the record the reason for the recommendation?

R. Huftalen: Sure.

50 Ms. Kendall: Probably everybody knows the Village Board was determined to be the lead agency
with respect to all of the different things: The annexation and the site plan. The Village Board is the
lead agency in terms of SEQR. It is the Village Board that needs to determine; 1) Whether it has the
55 authority to revisit the SEQR negative declaration. If they determine that they do have the authority
to take a look at the additional information and make a determination as to whether that impacts their
previous decision. So my recommendation was that the Planning Board formally request the Village
Board do that.

60 J. Gavilondo: If we don't make the request, what consequence will result?

Ms. Kendall: I would leave it to Mr. Stokes to advise the Village Board. But I believe that this is an
issue that needs to be buttoned up for the applicant, for the Village moving forward.

65 J. Gavilondo: It sounds like we should do that.

R. Huftalen: If there is consensus on that, I will make the formal request to the Village Board
through Mr. Stokes. (All agreed.) There is consensus.

70 R. Huftalen: We are going to make a request to Village Board to consider their SEQR determination
in light of new information that was presented. They are going to make a determination as to
whether they are going to rescind it.

75 Ms. Kendall: First whether they have the authority to review it again. And secondly, if they have
the authority, what their response is.

R. Huftalen: We are going to kick that issue back to the Village Board.

J. Gavilondo: If the decision is they don't have the authority to do that, what is the result?

80 Ms. Kendall: Then the SEQR determination of a negative declaration would stand.

R. Huftalen: Given that information is there still consensus?

85 A. Walburger: All information up to this point in time is subject to review by the Village Board or
just SHPO?

Ms. Kendall: The only information that would impact the negative declaration is information
concerning a significant adverse environmental impact that has come to light since the
determination.

90 J. Gavilondo: So anything that may have come to light after the negative declaration could be
reconsidered, not just the SHPO stuff?

95 Ms. Kendall: It would depend on if the Village Board feels they have the authority to do that. The
Village Board would have the authority to look at whether those newly discovered or new
environmental issues were significant and adverse.

A. Walburger: As the requesting Board, do we have to name the issues?

100 Ms. Kendall: I would say if you have a list of them, then provide the list to the Village Board. They can make a determination, again, as to whether they have the authority and if they have the authority, whether those issues identified are new, significant, adverse environmental impacts.

105 S. McEntee: Hopefully, a response would address each of those suggested items, right?

Mr. Stokes: I think it would be helpful if it were a motion and then list the specific items that you want the Village Board to look at. It doesn't mean it is exclusive, but it would be helpful to the Village Board if you listed the issues.

110 R. Huftalen: I am going to make a motion to adjourn into executive session and discuss this with counsel and the Board.

Ms. Kendall: Let me just clarify. Your motion is to move to executive session for the purpose of obtaining legal advice. Is that correct?

115 R. Huftalen: That is correct.

A. Walburger: Second. (The motion carried with 5 in favor, 0 opposed.)

120 Went into executive session at 7:13 p.m. Resumed the meeting from executive session at 7:31 p.m.

125 R. Huftalen: I am presenting a motion that the Planning Board will present a formal request to the Village Board to ask them to determine whether they have the authority to reopen the SEQ process. If they do determine they do have that authority, whether the SHPO letter received after they made their determination constitutes a potentially significant adverse environmental impact.

J. Gavilondo: Second. The motion carried with 5 in favor, 0 opposed.

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130 **Sphere Cazenovia, LLC, and New Venture Assets, LLC, Subdivision, Special Permit, Site Plan Review, Architectural Review (Aldi)**
Greg Widrick and David Muraco were present.

135 R. Huftalen: We can now move to the third continuation of our public hearing regarding the development on the eastern part of the Village. Mr. Widrick if you would care to update the public on any new developments since we last met.

140 Mr. Widrick: Unfortunately I got this (plan) before the meeting, so I don't have a board. I will set it down here (on the table). You are welcome to come up and look at it at the appropriate time. As you know, we all got the report from the County. I think we contest and disagree with a bunch of it. But there are some things we looked at to see what we can take from their recommendations to incorporate into our plan. The five scenarios they gave at the end, four of them violated one of the main tenets of the Code that you can't have parking between a building and the road. But the first

145 scenario looked pretty much like the plan we had. What we tried to do is incorporate their identified
changes. They had notes written all around the outside of the plan. So we numbered those. In our
response that we submitted, we addressed each one of those. Some of the changes we accepted and
some of them we didn't for reasons we feel are valid and practical reasons. The first change, they
150 were concerned that the linear park in the front of the development, near Route 20 and the buildings
of up front, that the pathway was to one side of the strip of land that was in the front. There are two
things to talk about. We have been following the cross hatched section that is in the VES (Village
Edge South) Guidelines. We are literally reproducing that here. I know that is difficult because that
is a cross section and this is flat. Our engineer wasn't coloring from the property line to the asphalt.
So it gave the appearance on our previous plans that we were building kind of half of that mound. In
155 the VES Guidelines, I believe that is labeled the snow shelf. So that wasn't being viewed very well.
So we had our engineer color that portion between the asphalt and our property line, which is also
known as the State right-of-way, green to show the actual depth of those islands. But, in addition,
we agreed with some of their comments that we ended up shifting it a little to the south to make it
look more in the middle. We made it more meandering, which was one of their recommendations.
160 We balanced the vegetation on each side of the pathway. So that's one change that we did make.

R. Huftalen: Is the path more of a cinder constructed path?

Mr. Widrick: Correct. Pervious and cinder. Again, following the Guidelines to create a park-like
165 experience. Obviously, not pervious at the cross walk sections. We balanced vegetation at the
recommendation and pushed it in a little bit more. But we also added the green on the plan to show
what actually will be green, which is the State right-of-way. You can see, those islands are quite
substantial. Another recommendation that we did consider, that the County Planning Department
was stressing, was that we run sidewalks on both sides of the Village Street C. That one we did not
170 agree with for the following reasons. There is a substantial depression in the landscape there that has
an intermittent stream. It is all protected with the DEC (New York State Department of
Environmental Conservation). Mr. Muraco has had to work with the DEC to get a permit to do what
we are proposing to do here. Their main goal is to minimize the intrusion on the environmentally
sensitive area--the ravine that goes through here. The County was suggesting that we connect these
175 (pointing to the plan). If that was not a ravine and not an environmentally sensitive area, we would
connect these. We are trying to minimize that impact. So that's why we have just one sidewalk that
crosses in this area. Connectivity is not destroyed here because we already had another kind of path
and park-like area in front of the apartment buildings that comes over and connects with a crosswalk
and then comes back once you get on the other side of the ravine back to the sidewalk infrastructure
180 here. You can do a cinder path here, but we also have a sidewalk for connectivity all the way up to
the front of the project, which you can then take over to the other two retail areas. Also, what they
tried as a suggestion, was to make this internal drive, Village Street D, whatever you want to call it,
for the southern side of the project. They wanted to see a continuous strip of green from Village
Street C almost to our property line next to Mr. Cowherd. Because of the narrowness of this
185 project . . . If we were to do that, we would need a separate internal drive, which would require that
the street gets pushed farther. Now you are into our stormwater mitigation and you are also into the
conservation area. That's what we have been challenged with is trying to make a hybrid that still
functions for the internal drive. The internal drive is needed for the truck traffic—the tractor trailers
that have to get in here and back in—but also try to make it look like a street. It's a challenge. What
190 we did discover is we could take this island (pointing to the plan). We used to have pull-in straight
90-degree parking. We switched that out to parallel parking. We have the parallel parking all along
Village Street D. We increased vegetation on the loading dock. And these other islands are also

195 green. So trying to create that village street appearance. But for maintenance and for practicality of people driving in and needing to get back around, you need openings in the island. They had no openings. So now that means you are forcing all of the traffic to come around to this end because they also removed a curb cut to Route 20. We have discussed that issue a million times. We need to keep that curb cut for safety and for ease of trucks to get back out onto Route 20.

200 J. Gavilondo: How wide is that? Do you know?

Mr. Widrick: Not off the top of my head. 1" = 40', so I would say around 80 or a little less than 80.

J. Gavilondo: This line through the middle of the parking lot is the sidewalk?

205 Mr. Widrick: Yes. That was added. We have been doing this for a while. This sidewalk has been the jumping sidewalk. It goes back and forth, back and forth. We had it over here. The last recommendation was that it be moved to the south, so we moved it back to the south. But we also added the sidewalk that goes down the middle of the parking field with some greenery in the middle here. We used to have the greenery here, but we moved it to here at a recommendation to balance
210 out the greenery. Then we have a hard sidewalk that comes in and tees off and goes to each building. You also remember that we removed all of the parking in front of the pharmacy—between the pharmacy and Route 20—so that's now just a circulation drive. We also removed the sidewalk and replaced it with green and plantings. We also did the same over here. We stopped it here for the
215 handicapped parking spots.

R. Huftalen: That stuff wasn't on Alternative 1.

J. Gavilondo: Is that at grade or elevated?

220 Mr. Widrick: We went back and forth with our engineer on that. I believe those sidewalks are at grade for the ease of plowing and shopping carts to get across to service the back of a car.

R. Huftalen: Is that also permeable sidewalk material?

225 Mr. Widrick: Yes. I will leave that to our engineer working with John Dunkle. The reason we don't have pervious walkways in here is because now you have parking lot runoff that can seep through it and into the soil before it is treated. This would have to be a separate treatment system. I know Matt Napierala and John Dunkle are working on our WPM.

230 J. Gavilondo: The sidewalks within the parking lot are at grade and asphalt painted like a sidewalk?

Mr. Widrick: No. These will be sidewalks with impervious concrete.

235 A. McDowell: Can you tell me the approximate size of these islands?

Mr. Widrick: 1" = 40'. This is probably a little less than 40. This one is probably close to 80. The width is probably 15 feet. We had to make sure we could get them deep enough to sustain vegetation.

240 A. McDowell: I can see how you couldn't extend this.

Mr. Widrick (pointing to the plan): No, the tractor trailer has to come in, turn, drive here and then back up, and then pull out this way and go out. Then we put the rest of the greenery on this side to kind of give balance. We are still maintaining the 24 feet for the drive aisles which is required by the Village and Mr. Carr. The County wanted this 90 to be more of a hard 90. But, as you know, if you keep that at a hard 90, a tractor trailer is going to run off of that and go into the grass. One more thing. I don't know if you got these. These are pretty recent. I just got this today, actually. Steve, your concern about the loading dock facing a village street. Looking at the elevations that we had before, we did notice that the wall was more of a knee wall height. It was a recessed dock and would go down. But the wall wasn't covering the height of the loading door. One thing that Aldi did explain to me is they do have a pilaster on that corner that extends out beyond the wall so that the door sits behind it. So it is kind of hard to see. But what they agreed to do was to take that wall as high as they could to cover the same height as the loading dock door and make it all of brick, keeping it thin so we don't get into structural issues. They carry that a third of the way across the loading area then they drop down to a middle height, then they drop down back to the original height. They will decorate it up. I do have some cross sections. It has a cap on it. (Showing pictures) You can see the height. Because the pattern is the same, it is hard to see, but you can see how it steps down. And they carry that across. If they were to carry it that high all the way across, then they would have structural issues and concerns. I think Adam made this suggestion. The columns in the front used to have these sconces that didn't really fit with the period. So they have been removed.

A. McDowell (pointing to the plan): Is that the dumpster? Mr. Widrick: Yes. A. McDowell: It's good to have that there.

Mr. Widrick: It is down in and buried. You can definitely not see that. So if you add the wall, in addition to, which I said would mirror the building, so it won't just be a solid brick wall. It will be interchanging with the pilasters and a decorative cap on the top. The increased vegetative area will create more of a pleasing environment and definitely only viewed from a distance. I think we discussed before with Mr. Muraco about the apartment buildings the way they are designed for very good reasons to keep them there and create more of a pleasing view out of the backs of the apartments. You get to see greenery and courtyard area versus the way they were suggested by the County as almost a row with a sea of parking behind and the road in front. Viewing from your living room, those views aren't as pleasing. So we took it into consideration and made the changes we felt were good ideas and could accept and that didn't interfere with the practicality of the operations of a commercial center and residential area.

A. McDowell: Is there a height for that building?

Mr. Widrick: It's over 20 feet. I can't say from the top of my head and the writing is pretty small.

A. McDowell: I couldn't read it either.

R. Huftalen: To me, it appears the major differences to the Alternative 1 proposed by the County are the curb cut and the configuration of the apartments. Is that fair to say?

Mr. Widrick: That we did not incorporate. Correct.

290 S. McEntee: And he explained that the greenery section from the loading dock all the way across the south end of the parking field.

Mr. Widrick: For the practicality of truck traffic.

295 R. Huftalen: Along Village Street D or Internal Drive D. Any questions or comments for the applicant?

J. Gavilondo: Actually I do. In the memo that you provided on Friday, there are a couple of numbers I am trying to get a handle on. The assessed value of the project is \$5 million. I am just wondering where that number came from.

300 Mr. Widrick (looking at a report): Assessed value of the projects?

J. Gavilondo (reading from a report): It's the enhanced tax base. Based on a future predicted assessed value of \$5 million and the 2016 Village tax rate of \$5.80 per \$1,000. I am just wondering where the \$5 million assessed value came from.

310 Mr. Widrick: There are a couple of ways to assess the buildings. They are assessed either upon the NOI or the leasing—what they are paying for the lease—income and comparables. Obviously we researched it. This is more Kurt's area than mine. We researched the current tax base and came up with that based upon Cazenovia plus our own personal experiences with other properties that we have in other municipalities.

J. Gavilondo: So that's how you got the \$5 million? Okay. So then it would generate \$29,000 for the Village.

315 Mr. Widrick: I'm sorry. Where are you?

J. Gavilondo: I'm on number 6. It's the last page of your report. No pilots, no tax reductions, will generate \$29,000 for the Village alone every year. I'm wondering because the Village tax structure is . . . We have the Village taxes. We have the school taxes. Is that \$29,000 total—Village and School?

Mr. Widrick: Just Village.

325 J. Gavilondo: Do you guys not pay school tax? I'm just curious.

Mr. Widrick: We do. Just like any property owner.

Mr. Muraco: School, County, Village.

330 Mr. Widrick: Also sales tax.

J. Gavilondo: That's in the next paragraph. Then it says it is an estimated \$280,000 in new sales tax revenue with equal amounts going to the State, County, whoever. Is it \$280,000 total divided into the County and the State? Or is it \$280,000 for each entity separately? So that would be a total of \$560,000 or more.

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340 Mr. Widrick: It's my understanding that is a total of the project. This is based upon numbers that we have been using based upon sales projections of the tenant, for the grocer, for the pharmacy. Banks are not taxed. I don't think we considered that in there.

J. Gavilondo: So the \$280,000 would be the total and then some would go to the State and some would go to the County.

345 Mr. Widrick: That is a very complicated formula that they like to use based upon land value assessments for the apportionments.

J. Gavilondo: The last thing is the 30-50 part-time and full-time jobs. I am wondering where that information came from.

350 Mr. Widrick: Right from our tenants. From Aldi and the pharmacy. The one across the street right now.

J. Gavilondo: So just Aldi and the pharmacy are going to generate 30-50 jobs?

355 Mr. Widrick: And the bank.

Mr. Muraco: And AmeriCU.

360 S. McEntee: Have you removed the deducts? AmeriCU and Rite Aid are current businesses. If 20 people are employed between those two now, are you taking 20 out of this number? It says 30-50 new jobs.

365 Mr. Widrick: I'm trying to think. Obviously, the Aldi is new. That's additional. That's not a reload. The AmeriCU will be expanding, so those are incremental. The pharmacy probably would just have a few incremental. I believe that is considered in this number. Again, I would have to verify that. Now you are creating more vacant leasable space in the community also, which will be filled.

370 J. Gavilondo: Do you have information nobody else has, that it will be filled? There is vacant space up there now that has been vacant for a while.

Mr. Muraco: I have tentative leases and just signed one Friday. I have another coming and another one.

375 Mr. Widrick: The lifecycle of a real estate deal is 18-24 months. That is an industry standard.

Mr. Muraco: For sure out here.

380 R. Huftalen: As long as we are talking about projecting the future, what is the potential impact of a Walgreens and Rite Aid merger?

385 Mr. Muraco: It could be bad. The way the location sets now without the drive-thru and it is the wrong square footage. I need to demonstrate that I have a free standing drive-thru with the right square footage.

390 Mr. Widrick: So you have a major conglomerate of pharmacies in the United States. You have heard the government question their ability to impact the cost of pharmaceuticals. They are merging or purchasing or absorbing Rite Aid. Any market where there is duplication, the better real estate will survive. In a marginal market like Cazenovia with a competitor like Kinney Drugs, they are going to look at the size. They are going to look at the facility. If it is not set up appropriately to maximize their sales, i.e., a drive-thru. You don't see any big pharmacies today, unless you are in a major metropolitan area where they definitely want to be in, without a drive thru. They will look at the investment they will need to make in the store to rebrand it. Again, they prefer free standing. I think this one would be right on the block to be cut if it's not promised a brighter future. That's just from my experience. We have dealt with Walgreens a bit.

400 J. Gavilondo: Dave, I don't need to know the details of your business arrangements, but did you say there are leases signed for the current vacant spaces?

Mr. Muraco: Three new deals I would rather not announce right now.

405 Louis Muraco: One being the vacant Sears and two over near MacKinnon's Liquors, which would basically fill the place.

410 R. Huftalen: Further comments or questions from the Board? Hearing none, I would like to turn it over to the public to offer their comments and questions. Once again, if you could speak loud that would be helpful for the Board and other members of the audience. Please come forward and identify yourself so you can be properly noted in the minutes. Who would like to take the floor first?

415 Sharye Skinner: I haven't been to very many hearings. I have a 98-year old dad that I take care of. And I have to pay \$15 an hour when I can get care. I read through the stuff. I have known Scott Ingmire, since before he was married, through the Madison County Water Quality Coordinating Committee. I think his concern about the impervious surface—that was one of the things that was a concern for Walmart—where this is located. It seems like with the changes that Aldi's is doing is you are trying to fit something that is 10 pounds into a 5-pound bag. And I question why. One of the things I really heard in the County report is that we are a special community. We are not Manlius. We are not Fayetteville. We are a special community. With this new development, we will just become like them. They have just knocked down houses. They have just put in a new Kinney's and a new CVS in downtown Manlius. Many people say we need the competition of a new grocery store. Morrisville has no grocery store. They have asked for Aldi's to come. And Aldi's has said no. I have a lot of respect for the mayor. I actually chaired his first election committee when he ran against an incumbent democrat and I am a democrat. What the County said to me is: Once we have done this, we have done this. And we can't go back. It is like hydrofracking. Once we have ruined the water, we can't make the water better again. To me, what Scott Ingmire was saying was: Let's really think this whole thing through. Because once we have this stuff there, we are not going to take it back. I was on the website and they were talking about how farmland comes into the Village and into the farmer's market. Not too much anymore. I know Dudley Johnson bought the land where Walmart was proposing to build. He has kind of had it. He

430 is ready to sell to the highest bidder. Is this where we want to go? Because this is where we are
heading. I say this in honor of Faith Knapp who always told me to go to these meetings.

Sparky Christakos: I am going to read this. It is a letter which I will deliver to the Board afterwards.
I will try to do it in an abbreviated way. First of all, thank you, the Planning Board, for the time you
435 donate to our community. It's a tough job and I really appreciate it. The eastern gateway
development has become a divisive issue. Unfortunately, it has gotten worse in recent weeks. I
have taken the time to review a vast number of public meeting minutes and documents from the
Village website regarding this development. What I found in these public documents is contrary to
the mayor's push for this development as currently proposed and somewhat disturbing. First, let's
440 consider this timeline. The 2008 Comprehensive Plan, using the guidance from the unbiased
recommendations of the New York State Rural Water Authority prohibited high intensity uses like
drive-thru banks and drive-thru pharmacies. It was a big deal—two years, \$200,000 spent on
experts, professional planners, reams of paper, countless hours, and dozens of citizens' participation.
In February 2016, just eight months ago, things started to change quietly. In one month's time, those
445 decisions from 2008 were reversed. Consider this, on February 1 of this past year at a Village Board
meeting, it was stated that there was ambiguity in the Village Edge South law. And really the intent
of the law was to allow drive-thru banks and drive-thru pharmacies. At that February 1 meeting, the
Village Board quickly set up a March 7 meeting to have a public hearing to change the law to allow
drive-thru banks and pharmacies. However, in the documents that I went through—23 documents
450 on the Village website, hundreds of pages from the EHH (Economic Health and Heritage), and the
Village Edge South Guidelines and minutes—there is no mention of any drive-thrus whatsoever. So
I don't know how the Village said it was the intent to have them. After the February 1 meeting,
Madison County had to weigh in. On February 22, through their GML report, commented that the
proposed change allowing high intensity uses was, and I will quote them: “. . . *pharmacies and*
455 *banks and bank branch offices with drive-in facilities as permitted special permit uses in the*
VES-MU District, we actually think this could go against the intent of the VES.” “. . . *it does*
open up the door to very different site design and configuration that could depart from this
zone's intent.” It seems that Madison County Planning had the foresight to predict the quagmire
we are in today. The Village ignored Madison County back in February. Then on March 7 passed a
460 law to allow drive-thru banks and pharmacies, going back on the 2008 Comprehensive Plan. Just
14 days later, on the mayor's desk lands a request from Mr. Muraco and Sphere Development for
annexation for a drive-thru pharmacy and a drive-thru bank. Does that make it suspect? Madison
County seemed to think so, writing in their GML recommendation to the Village: “*At the time our*
office had no idea what was on the horizon but now it seems the intent is pretty clear.” The
465 mayor has spoken out against Madison County Planning in recent days. He refers to many things in
the reports, but he doesn't refer to many quotes which I will share with you today. The mayor's own
EHH Committee writes in the record: The overall Aldi development plan and building architecture
itself falls short of Village streetscape concept of the Design Guidelines and of the intent of the
Village Edge South mixed use. The mayor's committee also said: The resulting visual character is
470 more like a suburban plaza, commercial development rather than Village extension. The HPC is
quoted as saying that the members feel the resulting building falls short of the Design Guidelines of
the Village Edge South. Madison County is on the record as saying: “. . . *we still see this proposal*
toward the weaker end of what the Village was hoping to achieve.” I am quoting now: “*Overall,*
as currently designed, this is auto-oriented development. The use of drive-thrus significantly
475 *detracts from the village feel of this development and it detracts from it being walkable . . .*”
Madison County went on to say: “*Overall, this isn't bringing something unique to the*
Village . . .” Third is Randall Arendt, a nationally recognized expert planner who came to

Cazenovia in 2008 and 2012. The mayor invited him and actually walked the site with him. In their Village Edge South guidelines, they say they want the development to model his designs. 480 When he was asked about this development, and he was sent the plans about 3-4 weeks ago, he gave it a grade. He said: It might get a C- or D+. But it is certainly not something I would be proud of. Arendt, the designer, went on to state that the residential portion is very mediocre as well. Then there is the Village's hired planner, Dan Kwasnowski, who wrote: The overall vision for the area will not be achieved as the project is presented. The mayor continues to say this is a complex site. I 485 disagree. It is really pretty simple. Size. Size of the development is what fits our laws. We require the development to meet the requirements of the law. The delays, the divisiveness, they are self-imposed by the developer trying to pack too much onto the parcel. You cannot blame him. He is profit driven. But all of these violations are self-imposed. Aldi's is also inflexible and that's a problem. Aldi's is a corporate giant with over 10,000 stores. They have told the developer that 490 Cazenovia is a "marginal market." It would be just one of those 10,000 stores. The EHH Committee confirmed that Aldi's flatly rejected any concept of rural detailing on the building. Flatly rejected any roof change. And the Aldi exterior must be adhered to. Aldi's is inflexible on so many key issues. So the question is: Who determines the future of Cazenovia zoning laws and Cazenovia's eastern gateway? Aldi Corporation? Or the citizens of Cazenovia and our citizens' 495 laws? You, members of the Planning Board, must, by statute, follow the law. There are so many instances where the development fails to measure up to the Village Edge South Mixed-Use Zone. For instance, buildings over 5,000 square feet must be, MUST be between two and three stories tall and 20 feet tall at the front façade. The mayor and his recent attack on Madison County said that his interpretation of two stories tall was just a measurement of height. However, in his Village Code 500 Section 180-9, under the heading: Definitions. It states that multiple story refers to usable levels in a building. The Village Edge South Mixed-Use Code also states in 180-63 that all new buildings and major additions must be between two and three stories tall and at least 20 feet tall at the front façade. AND, not OR. Two or three stories tall AND at least 20 feet tall. This development fails that test. Number of road cuts on Route 20 is limited to one. It fails that test. The main entrance to 505 each building should be on a Village street. It fails that test. The main entrance to the development itself should be off a Village street. It fails that test. The building's architecture should mimic the designs the community chose through its visual preference survey. The Aldi's building elevations show distinct Aldi's corporate architecture. Like a Pizza Hut roof. Not even close to what the Village Edge South Guidelines recommend. So, I ask the Planning Board members, don't give up. 510 Ask the developer to bring something before the Village of Cazenovia that meets the Village Edge South Mixed-Use guidelines. There are other options. It is not the end of the world, just the beginning of something better. Thank you.

(Audience applause.)

515 R. Huftalen: Thanks, Mr. Christakos. Just a question, Sparky, a point of clarification. You referred to the EHH Committee discussing the Aldi architecture. I think maybe it was the HPC (Historic Preservation Committee).

520 Mr. Christakos: EHH June 6 summary refers to the HPC's comments.

R. Huftalen: Thanks for the clarification.

525 Susan Smith: I am Susan Smith from the Village. I haven't spoken to this group before. I did come before the Village Board once before and got into a little banter with the mayor because I keep

530 looking for clarification to try to understand what purpose we are really trying to achieve by doing
this. I'm not opposed to development. I have listened to a lot of the different finer points. I'm not
even really opposed to Aldi's as a store. I just know there is one in Canastota. I know there is one
in DeWitt. I have heard people talk about how wonderful it would be if we could go back in time
535 and have everything that we need here in Cazenovia. But the reality of that time, I think, is past. I
think a large population of Cazenovia drives around enough already to and from work and goes
through all of these places—Manlius, Canastota, DeWitt—on a regular basis. We already have a
problem with transportation for our seniors that we are doing a really good job about with
CRIS-CAT. So I don't get why this is a development project that meets a particular need that we
540 have. I think the drugstores, the two big ones that we have in town already, have a lot of groceries
for seniors. I believe that our village is available for walking and I think we want to continue to
expand on that. I went to a meeting in Hamilton where the population is having a problem with their
hardware store and their grocery store and all of those things moving out, not far out, of their village.
Just out on the avenue, outside. But they can't walk to any of these things anymore. They have to
545 get in a car and go there. So we get in a car to go most of the places that we go. Now we are going
to get into a car to go closer to home. That's my major objection. I wonder why we are doing this.
If it is to raise tax money, which is a very good concern probably, it doesn't seem like it is raising
that much. I don't know much about Village finances, but it never sounded like a lot of money to
me.

545 Stefan Lutter: I live on 20 Center Street, right across the street. I have lived there for about a year
now. I'm a planner by training and trade and I'm also married to a planner and economic
development professional by training and trade. A couple of comments. The first is that in
550 reviewing the Comprehensive Plan and the associated guidelines for this site, I have trouble
identifying any means of not rejecting the project outright. It is interesting that we are here talking
about minor adjustments to the project. But for me, it is very difficult to even find a justification to
approve it in the existing Comprehensive Plan and Village Edge South Guidelines. I went through it
before I moved here. One of the reasons I decided to move to Cazenovia was because it represents
555 the opposite of what this development is. My first point is that there is ample justification for the
Planning Board, if it is so inclined, to be very strict with the developer about things they want.
There is ample evidence to support that standard in the community documents. There is no reason to
be intimidated in that regard. The second point I would like to make is that the proposal, as it stands,
is a suburban commercial development that jeopardizes existing Cazenovia businesses and overall
560 community vitalization. It is pompous for us to sit here and claim that the development that has
ruined almost every community downtown in New York State, never mind the country, is going to
have a different impact on the Village of Cazenovia. There is no reason to suspect that is the case.
There is ample evidence and literature to suggest that is not the case in the world of planning and
economic development. This is the impact you could easily get by approving this project. If that is
565 the direction you are going to go, then approve the project as it stands with minor variations. That is
a reality we should all accept because it is on display everywhere around us. Manlius is a good
example. There are more examples of that than there are not. My third point is that the development
is an extremely high opportunity cost. It is a poor use of space. We are talking about tax income
generation for the Village. It is an extremely poor generation of tax revenue for the amount of land
570 it would take up. You can do a simple calculation yourself. Look at the values of buildings right out
here on the main street and see what the tax revenue generation is for them compared to this project.
You might be surprised what you find. In comparison, the existing Village Edge South Guidelines,
which are actually very good. It is a shame that we seem to forget about them. They are actually a
very high planning standard. That would be a very good use for the land space. So we have these

575 guidelines sitting right in front of us that are an excellent resource and we are just ignoring them,
which is interesting. My fourth point is that the project reduces Cazenovia's competitive position in
Central New York to attract new residents and commercial development. I am a young person. I
moved to Cazenovia recently. I have very specific reasons for why I moved to Cazenovia. It is
because it is a unique town in that I can, when I get home from work, walk to anything I need to do.
I wouldn't live here if I couldn't say that. There are very clear trends that people prefer walkable,
580 livable neighborhoods. This is an opportunity, a huge open space within the Village to recreate and
expand walkable, livable neighborhoods in the Village. Once this is approved, that is a huge open
parcel in the Village that is no longer viable for that use. And, as I mentioned before, it jeopardizes
the validity of downtown and moving downtown. The fifth is that Sparky brought up a nationally
renowned planner. The project flies in the face of community planning standards and practices. I
585 went to both annexation meetings and I said that this kind of development is 40 years out of date. It
is the subject of a lot of angst, money, and intellectual thought to try to reverse these types of
projects in communities around the state and country. I can't imagine why we would move toward a
project that is 40 years out of date. It doesn't make any sense to me. It is of miniscule benefit for a
massive risk to long term prosperity. The sixth thing is that I'm a little bit concerned, as a tax paying
590 citizen, about the disregard for professional advice on this project, specifically from the County
Planning Department, which is one of the best county planning departments in New York State. We
pay for their opinions through taxes and their job as planners is to support and provide professional
assistance to communities to improve those communities, not to be anti-development. I would
suggest we strongly consider their proposal as a minimum going forward. And lastly, I would just
595 like to say that, as a planner, I'm very sensitive to the anti-development stuff. It is easy to come off
as snobbish when you stand up and say you don't want development or you don't want Kinney
Drugs or whatever you have to say. I say this as someone who is pro-development. I am of the
mind that villages need to grow if they are going to survive in comparison to neighboring cities.
This is not growth. This is reallocation and undermining of the thing that makes the Village good. I
600 went around the Village the other day. I counted 15 vacant commercial properties. I'm not sure
what impact this development will have. That is a pretty poor vacancy rate as far as Cazenovia is
concerned. And two existing businesses are relocating to the new construction, so it is worsening
right off the bat.

605 R. Huftalen: Thank you for your comments. This Board did retain a professional planner, in fact,
the author of the Design Guidelines, and has certainly considered his input and had him attend a
public meeting.

610 Mr. Lutter: There was an air of concern or suggestion that the County Planning Department had
some kind of ulterior motive in their recommendations on the site, which I thought was odd
considering we pay them for their professional advice to help us, particularly the Planning Board.

615 Bill Hall: I used to sit up there (with the Planning Board members). I left my 9-page letter home, so
I will just speak from the heart. I just wanted to say I don't know how this is going to end up. I
want to say that the Village is extremely fortunate to have a Planning Board as talented and as smart
as you have up there right now. I know that whatever does happen, if they move forward, you will
end up with the best project you could possibly have. It is going to be easy for them right now with
all the negative comments to simply say, to heck with it. Let's go home. I was encouraged to see
the developer try to agree with quite a few items that the County had recommended in their
620 Alternate 1. That was encouraging. If the developer isn't willing to do anything different, they
might as well go home. If the Village Planning Board isn't willing to do something different and

625 compromise that would make the best project, then just forget the whole thing. I just wanted to say good luck up there. I know how you feel. (To the audience): They are listening to your comments out here and they take it seriously. I know I did. There were many nights I never slept because I wanted to try to do the best thing.

630 Sarah Webster: I have a question procedurally. Maybe this isn't the right place for this. We have had a public hearing, three of them. The plans have changed. The intent has changed because they added a subdivision. It has been an evolving process where the developer has made some changes. We have not had the opportunity to know of these things in advance to make comments on them. If the public hearing were to close now, what is the next step? I think there is a process whereby you can make a determination based on this plan, but not squash it completely. That it could move forward with more adjustments and changes if you were to determine that it wasn't appropriate at this time. I am wondering about holding another public hearing and then keeping this going and reviewing another plan or a redeveloped plan.

640 R. Huftalen: I will take a crack at it to try to answer your question. I ask counsel to amplify or correct me. We could continue the public hearing and continue to receive public comment. We could close the public hearing and continue to receive written public comment. Then we would make a determination if there are any further changes that the applicant is willing to make or not willing to make. When we get to the point when we feel that the Board has deliberated and discussed all the issues we think are important, whether the applicant changes their plan or not, we would have a resolution either to approve or deny the application. If we deny the application, they are free to submit another application at another time. (To Ms. Kendall): Anything to add or amplify?

650 J. Gavilondo: Do we know the route? You mentioned the need for a turnaround for the large trucks for the grocer. Are they going to be coming from Route 92 through the main part of the Village to Route 20? Or are they going to be coming from the east down Route 20?

Mr. Widrick: I know they are coming from Tully. That's where the distribution center is.

655 R. Shain Emerson: A question. If the public hearing is closed, is there a time commitment on a decision or automatic approval or disapproval?

R. Huftalen: No, not that I am aware of. We can close the public hearing. We can accept written public comment. The Board can deliberate. There is a time limit with regard to a subdivision application, but not site plan or architectural review or special use permit.

660 Ms. Skinner: Will the new things that we never saw, are they going to be on your website?

R. Huftalen: They will be part of the file here at the Village Office.

665 Ms. Skinner: I went to the website and it was click to this, but it said: Not available right now.

Mr. Widrick: They will be posted on our website (www.spheredevlopment.com). You are more than welcome to look at them there.

670 Bob Ridler: It seems certain that there is a lot of difference of opinion on how this whole process
should be carried out and how the Board reaches its determination when they do. I know that from
my point of view, whenever you do make a decision, whatever that decision might be, is there some
explanation of why you have chosen to make the decision beyond it was 4:1 or 2:3 or however the
voting went. I think it is important to assure or reassure the community, whatever your decision
was, that they understand why you made that decision. Based on the fact that I suspect you will
675 make a decision at some point, and if that decision is to go ahead with the project, what kind of
oversight is built into the process that would ensure that going down the road that whatever the
developer has agreed to do, happens. I think there has been lots of development in the community,
both the Village and the Town, and it seems to me that a plan is accepted and that's the last the
Board hears about it unless there is a complaint or issues are brought forward about that. If you
680 could reassure the community that there will be some oversight and a means to hold the developer's
feet to the fire to ensure that whatever plan is accepted by the Board is adhered to.

R. Huftalen: Thanks, Mr. Ridler. To answer the first part of your question, as Sparky can attest,
there is a lot of information in the minutes about the questions that are asked. It has been my
685 experience on the Board that often the bulk of the deliberation occurs after the public hearing is
closed when we have received all of the new information that has been in place and the members
deliberate and come to their determination. Also, we will have to cause a resolution to be prepared.
And that will also contain a lot of information about why a vote is taken. To the second part, any
plans that get approved by the Planning Board, the project then gets turned over to Village staff,
690 which includes the Village Engineer who has to do things like approve the SWPPP (Stormwater
Pollution Prevention Plan), and approve the road specifications. And it goes to the Village
Zoning/Codes Enforcement Officer, Bill Carr, and that is a big part of his job. With recent
developments here with the brewery and the Hampton Inn, he has performed his duties really well in
my opinion. That's how the administration of the Planning Board's determination is carried out.

695 Pamela Blom: I live on Ten Eyck Avenue. I grew up here in Cazenovia along with a few others,
like Anne. I really love this community. We were self-contained when I was growing up. I was
very, very, very impressed with the young man who has a development background. I think his wife
spoke at one of the Town Board meetings. I was very impressed with what she had to say as well. I
700 think the thing that struck me was the number of buildings or businesses that he saw vacant in
Cazenovia. I am concerned about that. You become very much aware of what is empty as you are
walking through the Village. I think there is so much we have to focus on within our Village to
enhance the Village. I think something like this can wait. I'm sorry, but that's how I feel. I also
will tell you a story going back to when McDonald's was going to come here. A good friend of
705 mine had lived in Connecticut prior to moving here to Cazenovia, Sis Barnum. They had a
McDonald's go in in her community. She came and presented to the Planning Board and the Village
Board, whoever it was at the time, pictures of what McDonald's had done in Connecticut because
they wanted to be there. It didn't look like McDonald's. They met the requirements of the village.
The village had the background, the guts, the nerve, whatever it was, to stand up and make them
710 adhere. They said: If you want to be here, this is what you have to do. I think we are strong enough
to do that very same thing here and make a difference. I plan to be around for a little while longer. I
love it here. We have a beautiful community. I hope all of you will think very hard about the
direction you are going.

715 Jody Reynolds: I live on Rippleton Road. I have traveled to many communities up and down the
coast. A lot of what she said was what I was thinking of saying. Cazenovia's pendulum has swung

720 the other way over the last few years. We used to have a reputation of let's preserve. If you want to locate here, go to Nelson or go somewhere else. I think that is changing. I think maybe Cazenovia hasn't really adapted to its status as, somebody referred to last time, a gem. The developers are always going to say: You are marginal and we are not really interested in you. I think it's like other communities. We say we are open for business, but we still are a distinct and unique community. So please, if you want to come to our community, please submit some plans that reflect what our community is.

725 Capt. Michael Wright: What we have here is a classic case of shopping center head. We watched it and we griped about it in the 50s and the 60s and the 70s. We watched downtowns die. We watched the shopping centers expand, and expand, and expand, and eventually themselves die. This is a smaller scale, obviously. There are obviously some businesses that aren't going to go relocating down the road. The nice lady that sells the woolen goods, I doubt she will move. However, this is
730 not step 1. This is step 2. The shopping center up here with Tops and Rite Aid was the beginning of it. Now it is not good enough. We have to go out a little farther. We have to build new stores, relocating some of the stores we already have. Well, maybe another tenant will come into that store after a while, but maybe not. It is roulette. Do you want to play roulette? You know, the house always wins in roulette. Another good point was brought up about the supply lines. Aldi's is
735 evidently in Tully. That will bring the trucks down Route 80 and up Route 13, impacting more traffic onto Route 13 of a heavy nature. I don't know where the drugstore gets their stuff from, but it's going to pass through town one way or the other. Think about it. Do you want to go down the path of destroying your Village?

740 R. Huftalen: No. I think I speak for everybody on that.

Mr. Widrick: Just to clarify, Jen, I should have added one other thing. The delivery pattern for Aldi is one truck a day at 8:00 a.m.

745 Pat Race: I live on Lincklaen Street. I was a portion of the Comprehensive Plan in 2008. First of all, I would like to say that the answer to the question that Bob asked about what the motive is here, as anybody's motive is for sitting on any board is what is best for our community. All opinions don't necessarily go hand in hand. All decisions aren't always 100% accepted by whoever might be the case. But the fact of the matter is that the people that do these jobs have nothing but the best
750 interest of the community in mind. That is a fact that should be known and appreciated fully by everybody. Another thing is that our Comprehensive Plan of 2008 and Comprehensive Plans going all the way back into the 90s, if not before, have called out for these properties to be developed and be the hard edge of the Village. Town zoning and Village zoning have gotten together. Sharye brought up a point about Dudley Johnson's property. Well that falls under the Town now. Those
755 guidelines have been set in stone. We will adhere to those situations ongoing as far as the type of development that can go there and the greenspace and everything else. So those things have already been done. I have been here 59 years. My folks were here before that and their folks before that. One of the things in the Comprehensive Plan in 2008 that was called out was our ability or our desire to get back to a self-sustaining agrarian community. We have gotten away from the self-sustaining
760 part quite some time ago. Growing up here, you could get anything you wanted here. However, three stories of Aikman's in the middle of downtown is not going to happen ever again. It doesn't fit into the scope of things today—retail space—those types of things. But the only way to save those 15 locations that you have down here is to keep people in this community shopping. We leak millions and millions of dollars every year to Onondaga County in sales tax revenue. If you took a

765 poll, I would almost venture to guess that there are more people here who shop in Onondaga County
for their groceries than they do in Cazenovia. For the same reasons that everybody does—
convenience, selection, prices, those types of things. Overall, the fact of the matter is that the
community itself has to be open to development in order to sustain what we want and what we like.
At least it is the belief of a lot of people that spend a lot of time trying to do the right thing. I'm not
770 proposing that this is the final development or this is the intricate one or this is a make or break type
situation. But to be opposed to everything that comes, to be negative toward most anything new,
which is my opinion, is not necessarily a great thing either. None of us walked through the door
closed the gate behind us and took the key. We have some concerns that have to be addressed. We
have tax dollars. Some people want to say they are not substantial enough. That's a relative point.
775 Tax dollars are important. Sales tax dollars are important. Property tax dollars are important. But
the viability of the community is key. In my opinion, and I have one just like everybody else, part of
saving the downtown historic business district is going to hinge on keeping people shopping here in
town. One of the things I kind of take a little of offense to is that in a planning situation, I think
planning boards and everybody else, zoning laws are made. It is form over function. I agree that the
780 form, if we do it right, is critical. It has to meet the character. It has to fit into the scope and the
scale. But the function of them, that is the developer's job. It's not our job to stand back and decide
who goes where and who doesn't. That's basically my two cents, which added up to be about a
quarter. I would like to commend the Planning Board on your due diligence. One of the other
things I would like to recommend be taken into consideration is, I have heard in multiple different
785 meetings that the voice of the community, of the citizens, has to be heard. I take that responsibility
seriously all the time—day in and day out. The people that opposed the annexation process that we
went through had quite a bit of time. There was a two or three month process and they presented a
petition to us that had, I don't remember the exact number, but it was less than 300 names. There
are 7,000 people that live in the community here. That being said, I think the silent majority should
790 be heard as well, whether it is in actuality or whether it's just in the fact they aren't here telling you
not to do something or to do something.

Sparky Christakos: Pat and I worked on the Comprehensive Plan together. I just wanted to add
some clarity to what Pat said. This piece of land, as Pat said correctly, going back to the 60s was
795 always identified to be annexed. It was always identified to be annexed as residential land. In the
Comprehensive Plan of 2008, it was decided that it should be annexed still, but with no retail. Still,
today, the Town's Comprehensive Plan says that area should be no retail. But the Village changed
their side of it to say it should be retail.

800 Mr. Widrick: A letter to be read into the record by John Salka. John is the Town Supervisor of the
Town of Brookfield. He is also the chairperson of the economic and planning committee that
oversees the planning department. (Mr. Widrick read the letter aloud): *I would like to take this
opportunity to express my firm support for the Aldi project being proposed by Sphere Development
in the Village of Cazenovia. Economic development that is planned responsibly and incorporated
805 into a community can serve a multitude of purposes from having choice on where to shop to
providing for high quality goods that benefit the consumer. From a County standpoint, a project
such as this will result in increased sales tax revenue and help continue to provide the taxpayers of
your county the high quality of services that they are accustomed to. I would hope that the Village
Planning Board would allow every consideration for this project. As Chairman of the Committee for
810 Economic Development and Planning, I respectfully request that you consider approving this
project. Respectfully submitted, John Salka.*

Sharye Skinner: Maybe Bill Magee should have a comment since this guy is running against him.

815 John Cawley: Forman Street. I was just curious about the silent majority. Are these meetings advertised anywhere? I looked on the website. I looked everywhere. I didn't see anything in the paper. But they are, right?

820 R. Huftalen: Every one of these meetings needs to be noticed. The open meetings law requires it. When we have a meeting that is out of the normal course of business, the notice is required to the extent practicable. It was noticed. The Cazenovia Republican is our paper of record. Our Village Attorney put it in.

825 Ms. Webster: I saw it. It is in the Legal Notices in the back. It is very fine print. It is where they have always been.

Mr. Cawley: Is there a stormwater management plan available for public review? If not, when will it be available?

830 R. Huftalen: Typically a stormwater management plan, a SWPPP, does not get prepared until the project is approved. It is generally an engineering document that is prepared with the applicant's engineers and the Village Engineer has to approve it and suggest modifications.

835 Diane Webb: I just have a question. Is the design of the building itself, the architecture of the building, is that truly written in stone that it has to look like all other Aldi's in the chain? Does Aldi's have any other kind of architecture in any other state?

Mr. Widrick: Could you clarify the question?

840 Ms. Webb: Is there any Aldi building that looks very different?

845 Mr. Widrick: There is a standard prototype, but different from this building. Aldi has made 23 out of 25 requests to change this by the HPC. Contrary to what the young man who left already said about the architecture and the character of downtown. We had a visual survey done detailing out the commercial buildings in the Village, especially downtown, because that's what the VES Guidelines want you to focus on. I believe there are 14 buildings that are all red brick, flat roofed with shadow boxing. That's what the HPC focused on. That's how this was designed. This is not prototypical. The Aldi building has different types of exterior treatments, crown moldings. It has everything they asked for except a gabled roof, which really is not the character of downtown. They are an international company. I'm sure there are some buildings that are different. They are an old company, so they have from when they first started to where they are today. This is non-prototype. You will not see this architecture anywhere else. This is already on our website (www.spheredevelopment.com).

855 R. Huftalen: There are also elevations in the file in the office. Any other comments? Due to the ongoing ability of the public to submit written comments, I'm going to make a motion to close the public hearing.

860 S. McEntee: I second.

All were in favor. The motion carried with 5 in favor, 0 opposed.

R. Huftalen: Thanks for your input. The deliberations will continue. We will continue to accept written submissions. Thanks for your time tonight.

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R. Huftalen made a motion to adjourn to executive session to confer with counsel. S. McEntee seconded. The motion carried with 5 in favor, 0 opposed.

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Went into executive session at 8:52 p.m. Resumed the meeting from executive session at 9:03 p.m.

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875 **Empire Farmstead Brewery, Site Plan Revisions, Landscaping and Signs**

David Katleski came forward.

R. Huftalen gave some background. The applicant is asking for some modifications, specifically to the landscaping plan. The brewery came and asked about relief on some items such as signs and lighting bollards and the Board made some determinations at the last meeting. It was brought to his attention that there is an additional sign that needs to go to the ZBA (Zoning Board of Appeals) in order for it to remain in place. It is the trail sign that points out. Tonight, the Board will look at some proposed modifications to the site plan and see how they vary from the original site plan and determine what to do next. A number of Board members made a trip to the site and looked at the conditions.

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Mr. Katleski stated that the net end result of the plantings and the site work were different from the original plans from five years ago. Now that the earth has been moved and everything has settled, some things are different. He needs a determination on what is actually needed for the visual barrier. The bottom line is that 43 trees were approved. He would like to figure out where they need to go to make sure the neighbors are happy and make sure they fit with what was originally approved.

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R. Huftalen said that from a procedural point of view, this is not going to turn into a meeting about how the Village enforces what has been approved. Site plan approval was granted for 43 trees as depicted on the drawing. It turns out that it is not the optimal case. Mr. Katleski would be within his legal rights to plant the trees according to the site plan. But in the interest of everybody, if there can be some agreement on how to get the trees planted as soon as possible in an arrangement that is most agreeable, that would be the best outcome. With regard to other issues and enforcement, those are issues the Board has to continue to deal with, involving the Zoning/Codes Enforcement Officer, Bill Carr, to get those things worked out. The goal for this special meeting tonight would be to say what makes the most sense to the Planning Board after input from Jody Reynolds and Mike Wright and how it fits with what the landscape architect would recommend.

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Mr. Katleski commented that there are only a few things left and in an effort to eliminate his need to continue to come to meetings on a monthly basis, he would like to figure out a way to bring this to a head. The bollards issue has been resolved. They have all been installed and they look great and do what they are supposed to do. He would like to remove the fire pits from the plans. He will deal with those in the future. Then there is the shed issue. The shed has been on site for 2-1/2 years. He

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910 believes it was part of the original building permit. It was a construction shed that is movable. It is within 150 feet of the property line. It 12 feet by 12 feet.

R. Huftalen clarified that the shed's current location is not allowed.

915 Mr. Katleski continued that the shed is completely hidden in the woods. It is not in keeping with the approval received. So the shed has to be moved if the Planning Board says it is okay to have a shed. If he were to move it closer to the building, it would interfere with a sight line.

920 R. Huftalen made the distinction between what the Planning Board is doing here tonight and the other side of the office, which is Bill Carr in the enforcement role. Right now the shed is illegal. There was not a permit in place for it. That is under Bill Carr's purview. The Board can consider an accessory building as part of a site plan modification and make a determination. Then it goes to being an enforcement issue. The Board is glad to consider what is being proposed, especially with regard to the placement of the trees. As a practical matter, the sooner the trees get planted, the better they will thrive and reach their intended purpose. He asked if there is an alternate arrangement for the trees.

930 Mr. Katleski replied that he would like to stick with the original 43 trees and his landscape architect, Matt Vredenburgh, came up with alternative. This alternative was emailed to the Board and he also brought a copy with him. Ms. Reynolds and Capt. Wright came forward to look at the plan.

Capt. Wright wondered about the big gap. Mr. Katleski explained there are existing trees there. Ms. Reynolds commented that she can see the loading dock really well now that the leaves are off of those trees.

935 A. McDowell suggested that Ms. Reynolds direct the placement of the trees. Mr. Katleski replied that he is completely willing to work with her. Mr. Vredenburgh noted to keep in mind that trees cannot be planted in a bioretention area or a drainage area. There are certain restrictions. And they cannot be planted too close together because they will die.

940 Ms. Reynolds wondered what kind of trees they are. S. McEntee answered they are all evergreens; Norway spruce, white pine, and blue spruce. Ms. Reynolds commented that the reality of the brewery is different from where she stands. What she saw in the planning stage was an 18,000 square foot farmstead brewery with a tasting room. What it turned out to be is the sixth largest brewery in New York State, a restaurant, and a farm, which does function and is extremely noisy. These trees are not adequate. She would love to work with Mr. Katleski and Nick on where to plant them. It is better than nothing, but does not solve the problem.

950 J. Gavilondo inquired what would solve the problem. Ms. Reynolds replied than an acoustical fence, a berm, and some plantings would help a lot. Her property is worthless now because of all the noise and all the light pollution. Now that the leaves are gone, she has loading dock lights shining in her windows. The sample baffle looked good the other day and should help with the nighttime light pollution. But it will not help with the noise pollution. She gets noise from trespassers and people turning around in her driveway. There is a lot of noise, sight, and light pollution of having a full brewery, a full restaurant, and a full farm. She really appreciates the Planning Board and brewery personnel coming to her house and spending time to try to figure this out. The trees are a step in the right direction.

R. Huftalen would like to get something on paper so that Bill Carr can enforce it. If there is a marked up drawing with the basic outline and layout, that would be helpful to him.

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Mr. Stokes suggested that if everybody is in agreement to go out and put stakes out for the trees. That would get reduced to a drawing and it would come back to the Planning Board for approval as an amendment.

965 J. Gavilondo asked if Ms. Reynolds and Mr. Katleski have been out at night to see where the lights are coming in. She suggested walking the property in the evening when the lights are on because it would give a better sense of where the problems might be, as opposed to walking out there in the daytime.

970 Ms. Reynolds pointed out a law that she read, which she believes is 180-110, when there is an industrial zoned area next to a residential zoned area, there is requirement for six mature trees per 100 feet along the entire border. She questioned if that is relevant here.

975 Mr. Stokes answered that what is relevant here is that the Board approved this plan. As the Chairman said, the applicant can just plant according to the plan and be done with it. But everyone can work cooperatively, if they so choose, which he believes is the case here. Ms. Reynolds said she prefers to work together.

980 Mr. Katleski suggested that over the next couple of days to determine exactly where the trees will be placed and what kind they are going to be, flag them out, and get a revised plan. To quantify it, this is a \$30,000 project and he is hoping it helps. It is a lot of wasted money if it does not help.

985 R. Huftalen recapped that the Planning Board approved 43 trees that are 9'-12' feet in height. What everyone is trying to achieve is to arrange these trees in optimal locations.

Capt. Wright asked that the other neighbors affected by the loading dock lights be included in the placement of the trees.

990 Mr. Katleski understands that there are specially made caps for the loading dock lights. He suspects they are not working properly. He offered to extend them further and shine them down. He believes that is an easy fix. Capt. Wright urged Mr. Katleski to come to his house after dark so he can see the lights. Mr. Katleski agreed to visit at night and figure it out.

995 Ms. Reynolds inquired about screening the neighbor's property and said that a fence is needed in the woods.

R. Huftalen commented that will not be part of this process. The Board will be glad to entertain it another time.

1000 R. Huftalen made the motion to approve on-site modifications to the approved drawing by Mr. Katleski and the neighbors immediately affected to be memorialized and approved post haste after determination of agreed upon tree locations. J. Gavilondo seconded. The motion carried with 5 in favor, 0 opposed.

1005 R. Huftalen said the Board will approve an as-built drawing and that he would share this with Mr. Carr.

1010 Mr. Katleski wanted to talk more about the shed. R. Huftalen directed Mr. Katleski to submit an application and show the shed on the site plan and the Board will discuss it at the next meeting. He clarified that the shed cannot be within 150 feet of the property line. J. Gavilondo suggested putting it on the same plan with the trees.

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1015 R. Huftalen asked for any other business to be brought before the Board. There was none mentioned. A. McDowell made a motion to adjourn the meeting. S. McEntee seconded. The motion carried with 5 in favor, 0 opposed. The meeting was adjourned at 9:27 p.m.

1020 Respectfully submitted,

Marlene A. Westcott
Recording Secretary