

**Village of Cazenovia Planning Board  
Meeting Minute  
January 9, 2017**

5 Present: Richard Huftalen, Chair; Adam Walburger; Stephen McEntee, Don Raleigh.

Absent: Anne McDowell.

10 Others Present: James Stokes, Village Attorney; David Vredenburg; Kevin McGreevy; Kate Stewart.

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15 R. Huftalen called the meeting to order at 7:00 p.m. and introduced the newest Board member, Don Raleigh, and the rest of the Board.

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20 R. Huftalen asked for any changes to the minutes of December 12, 2016. There were none noted. R. Huftalen made the motion to approve the minutes as drafted. S. McEntee seconded. The motion carried with 4 in favor, 0 opposed.

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25 **Sims Lane Land Trust, Hanie Eng, Trustee, Public Hearing, 2 Lot Subdivision**

David Vredenburg came forward. The proposal is for a two-lot subdivision of 4.276 acres of vacant land located on the easterly side of Sims Lane and at the southerly end of Myrtle Street (Tax Map #95.45-1-47).

30 R. Huftalen recalled that an engineering report had been requested at a previous Planning Board meeting. The Board is in receipt of a letter from Wayne C. Matteson, Jr., PE.

35 Mr. Vredenburg explained that he and the engineer walked the property and the maps now outline building areas for each lot. Otherwise, there are no changes. Mr. Vredenburg described the T-turnaround. There is nothing constructed on the property now. The dead end street ends just short of the property line. Mr. Vredenburg stated that he had conversations with Bill Carr, the Zoning/Code Enforcement Officer, and he proposed this as a turnaround. Currently, there is no turnaround. The plows go in and back out or turn around in a driveway. This turnaround will help that problem.

40 R. Huftalen inquired if the turnaround would be dedicated to the Village. Mr. Vredenburg replied that it would be dedicated. A structure in the building envelope would need to have a driveway built.

45 S. McEntee questioned the rationale for the areas selected as buildable. Mr. Vredenburg answered that the areas selected are high and dry areas. He noted that the Sims Lane area is fill that has been there for 50 years or more. On Myrtle is a stand of larger hemlock and spruce trees on a slope and that could be suitable for a building site. Mr. Vredenburg noted that if anybody walks there it is not really dry because there are depressions that collect water, but it is a gradual slope.

50 R. Huftalen read a portion of Mr. Matteson’s report: *“It is my opinion that if construction activities on these parcels is limited to within the building envelopes shown, those activities will not create impacts on the groundwater or watercourses on or near the property beyond those typically encountered with residential building construction.”*

55 R. Huftalen asked for questions or comments from the public.

Kate Stewart, Myrtle Street, spoke: From what I am understanding, the environmental impact report is claiming that there will be no effect on the surrounding houses. Is that correct? I would love to see it.

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R. Huftalen: We have a copy here. It has been in the file.

Ms. Stewart: You don’t let people know that these are in the files, do you? I would like to take a photograph of this so I can see for myself what areas are supposedly buildable. I know we are just doing zoning right now. Is there a process after that?

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R. Huftalen: This area is already zoned. It currently exists in a residential zoning district, so a house could be built, and could have been built for the last 50 years or so. This proposal is for one parcel to be divided into two parcels.

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Ms. Stewart: I have spent quality time out there and it is very, very wet. I am really shocked that this is being considered at all. I am concerned. When the streets were repaved, everybody’s yards and basements changed. The amount of water that came into our basements changed after construction. I am wondering what the Village is going to do when my property is affected again. They are claiming that there will be no environmental impact.

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S. McEntee: It says: *“will not create impacts on the groundwater or watercourses on or near the property beyond those typically encountered with residential building construction.”*

80 Ms. Stewart: There is a loophole in *“beyond those typically encountered.”* If my basement starts flooding, I’m not going to be happy.

R. Huftalen: They would not even need a subdivision to put a house on that lot because it is already zoned for building.

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Ms. Stewart: The next step is to find a builder and to approve building a house. Am I right?

R. Huftalen: They have gone to the expense of getting an engineering report saying where it can be built. It is a safe assumption that is their intent.

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Ms. Stewart: How are you going to deal with a narrow street and construction vehicles and those who live on that narrow street? How is that going to be dealt with?

95 R. Huftalen: Right now, without any action from this Board, they can put a house right there. It is zoned for that and without adhering to the building envelope that has been dictated. They would only need to adhere to the setbacks required in an R-6 zone. This would impose more restrictions than currently exist.

100 S. McEntee: They are not restrictions yet until we vote to make those restrictions on the subdivided lots.

105 Ms. Stewart: I bought this property because it is a dead end street. I was told by my realtor that this was called the Cazenovia Woods and it was forever wild. That's why I bought that house. This was a private dead end street and it would never change. My realtor lied to me. The quality of my life will change once houses are built there and this road changes. I am concerned about my lifestyle.

R. Huftalen pointing to the plan: This turnaround will be publically dedicated for the snowplow.

110 Ms. Stewart: They are going to knock down all those trees there too. They have to. There are tons of trees there.

Mr. Stokes: They could cut them all today.

115 Ms. Stewart: I know what you all are saying. But look at it from my perspective. Do you understand my concerns? I have lived here since 1997. That's my little quiet end of the world. And you guys are giving a stamp of approval on changing something that I have wanted since 1997.

120 R. Huftalen: Any changes we would potentially approve here would actually restrict what could happen on that lot. The owner of this property could build a house in the middle.

A. Walburger: And start bringing in fill. That is a fairly unrealistic potential outcome the way it stands today.

125 Ms. Stewart: I am annoyed that none of my neighbors are here. I am the only one who has come to every single one of these meetings. I'm not even right next to the property. I wonder where the other 37 people are. Everyone will be affected by this, not just me.

130 Mr. Stokes: I would like Ms. Stewart to understand that we are certainly empathetic with your concerns. The Board is hearing your concerns. The Board is constrained by the Code. The property owner has certain rights in the matter too. Your comments certainly will be taken into consideration.

135 Ms. Stewart: Not too long ago, there was a group of people planning on building a home for people with disabilities. It was like a 6,000 square foot building. That came and went very quickly. The rumor was that the soil was too wet.

R. Huftalen: I think that was a lot more intense use—almost commercial use.

140 Ms. Stewart: What am I going to do when my back yard is wet and construction vehicles block my driveway?

A. Walburger: From the construction vehicle standpoint, that is a municipal traffic enforcement issue, so you would have to talk to Police Chief Hayes about the traffic. All activities must adhere to all Village ordinances during construction. Police are the enforcement of that.

145 Ms. Stewart: What if my property value goes down because of this?

R. Huftalen: The reality is that you moved in next to a vacant lot that was zoned residential. There is not a lot you can do. You can buy the property.

150 S. McEntee: Wayne Matteson’s report does refer to compliance during the building project. It talks about residential construction activities. They have to comply with thresholds pertaining to ground disturbance, flood plain impacts, and wetland disturbance. The developer of the parcel would be required to acquire the appropriate local, state, and/or federal permits before beginning construction activities.

155 R. Huftalen: Bill Carr is the Zoning/Code Enforcement Officer and he will be responsible for making sure it gets built in accordance with all the codes. The Planning Board will have architectural review. The Planning Board does not have site plan review. There is no public hearing. It is presented at a public meeting. We will listen to people who comment.

160 Ms. Stewart: Will I be seeing a sign at the end of my street about the next meeting? Or are we done with this?

R. Huftalen: We are going to be done with this.

165 Ms. Stewart: I want to know when this will start. How will I know?

R. Huftalen: Bill Carr is the one to talk to. He will be able to tell you if there is a building permit application on file.

170 A. Walburger: To be explicitly clear, there is no building permit application on file right now. If there is space inside the proposed area for two R-6 lots, in reading the Code, 50 feet of street frontage is needed. The hammerhead is 70 feet wide, so there is not enough room to have two lots back there. There can only be one principal building off of Myrtle Street.

175 R. Huftalen: We should reference that accessory structures be contained within the building envelope.

R. Huftalen solicited any further questions or comments. Hearing none, he made a motion to close the public hearing. A. Walburger seconded. The motion carried with 4 in favor, 0 opposed.

180 R. Huftalen asked for thoughts on any more restrictions for the subdivision. He believes the Board should require construction of all structures, principal and accessory, within the building envelopes.

185 A. Walburger was wondering about special use permit issues for the future. But they might resolve themselves when presented. Right now, this is in an R-6 zone with residential primary use.

Mr. Stokes added that on occasion the Board has required site plan review. Or the Board could require a grading plan that would be reviewed and approved by the Zoning/Code Enforcement Officer. This is a condition that is not too burdensome, but reasonable, and it would not need to come back to the Planning Board.

190 S. McEntee stated that he likes that idea. A. Walburger agreed that would be fair and he supports the idea.

195 R. Huftalen made the motion to declare this an Unlisted Action under State Environmental Quality  
 Review Act (SEQRA). There are no other agencies involved. Approval will have no significant  
 adverse impact on the environment. No further SEQRA action is required. It is recommended that a  
 Negative Declaration be prepared and filed. The reason for supporting that determination is the report  
 200 from the Licensed Professional Engineer that construction of residential structures can take place  
 without any adverse impacts. A. Walburger seconded. The motion carried with 4 in favor, 0 opposed.

R. Huftalen made the motion to approve the subdivision as presented with the following conditions:  
 1) All construction shall be contained within the proposed building envelopes. 2) A grading plan  
 shall be submitted at the time the building permit is submitted for approval by the Zoning/Code  
 205 Enforcement Officer. 3) Formal dedication and design of the hammerhead to be constructed to  
 Village specifications on Lot 2 shall be subject to review and approval by the Village Engineer and  
 the Village Attorney prior to dedication and final plat approval. 4) A note shall be added to the  
 drawing prior to final plat approval indicating that all construction shall occur within the designated  
 building envelopes. S. McEntee seconded. The motion carried with 4 in favor, 0 opposed.

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**Cazenovia Bagel Company, Town & Country Plaza, 79 Nelson Street, New Sign**

Kevin McGreevy came forward. The proposal is for a sign at 79 Nelson Street. There will be a  
 215 couple of gooseneck lights from the top to illuminate the sign. The proposed sign is slightly thinner  
 than what is there now. The sign is 72 inches wide by 24 inches high. It is a bagel with a bite out of  
 it. It is an externally illuminated sign with vinyl graphics. It is a pan sign.

R. Huftalen noted that signs are on the list of locally adopted Type II actions for State Environmental  
 220 Quality Review Act (SEQRA), pursuant to the authority of Section 617.5(B), no further action is  
 required.

R. Huftalen made the motion to approve the sign as presented. A. Walburger seconded. The motion  
 225 carried with 4 in favor, 0 opposed.

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R. Huftalen asked for any other business to be brought before the Board. Hearing none, he made a  
 230 motion to adjourn the meeting. S. McEntee seconded. The motion carried with 4 in favor, 0 opposed.

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The meeting was adjourned at 7:36 p.m.

Respectfully submitted,

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Marlene A. Westcott  
Recording Secretary