

**Village of Cazenovia Planning Board
Meeting Minutes
May 13, 2019**

5 Present: Rich Huftalen, Chair; Adam Walburger; Stephen McEntee; Anne McDowell; and Don Raleigh.

Absent: Alternate, Zach Young.

10 Others Present: James Stokes, Village Attorney; Maureen Wigge; Jim Wigge; Andy Day; Dennis Gregg; Matt Vredenburg; Bob Lucas; Jerry Munger; Mike Horvath; Tom Harig; Cal Nichols; Nick Enders; Terri Enders; and Diane Webb.

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15 R. Huftalen called the meeting to order at 7:00 p.m. and introduced the Board.

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20 R. Huftalen asked for any changes to the minutes of April 8, 2019. S. McEntee mentioned that line 194 needs the word “that” deleted and on line 316 the word finalized is misspelled. R. Huftalen made the motion to approve the minutes as corrected. S. McEntee seconded. The motion carried with 5 in favor, 0 opposed.

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Tom Harig Residence, 103 Lincklaen St., Transient Occupancy Lodging Facility, Short-Term Rental (Airbnb), Special Use Permit

30 Tom Harig came forward. R. Huftalen recapped that this is the third time Mr. Harig has been before the Board for this application. The Board has gone through all the points in order to meet the requirements and Mr. Harig has affirmed that he understands and will comply with all requirements.

Mr. Harig stated that he and Bill Carr, Codes/Zoning Enforcement Officer, have gone through everything together.

35 R. Huftalen asked for any further questions or comments from the Board. There were none. He asked for any questions or comments from the public. There were none.

40 R. Huftalen made a motion to declare this an Unlisted Action under State Environmental Quality Review (SEQR). S. McEntee seconded. The motion carried with 5 in favor, 0 opposed.

R. Huftalen made a motion to approve the application as presented and discussed at two previous public meetings. A. Walburger seconded. The motion carried with 5 in favor, 0 opposed.

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Caz Barns, LLC/RODOR, LLC , Apartment Buildings, Minor Subdivision Site Plan Review, Public Hearing

50 Dennis Gregg came forward and summarized: This application is for 64 apartment units in four buildings on land across Route 20 from Tops Plaza and behind the old Lucas homestead with entry next to Dr. Fauth's dental office. A residential multifamily (RM) zone of approximately 5 acres exists next to the Village Edge South (VES) zone. To qualify for the density that we have requested, we have 8.22 acres when you take in the road and the other section to get to the RM district. We presently have an application in front of the Zoning Board of Appeals (ZBA) due to the limitation of 55 the RM. We are at odds with the limit of 10 units per building. We have 16 units per building. Our contention is that it should be based more on square footage than number of units. We happen to have 8 single-bedroom units in the center of each building. Each building is effectively three buildings connected. The center corridor has two one-bedroom units on one side of the hall and two on the other side, so four on the ground floor and four more on the second floor. You go around to 60 the outside of the buildings to enter on the ends and you have two 2-bedroom apartments on each side and upstairs is the same. One of the things we encountered initially was to create a village green. We decided that six buildings was not practical for a number of reasons. We had to deal with parking, stormwater management, and all of those things. But very important was to keep the green space in the middle. This is the design we have been working with. As far as the buildings 65 themselves, we have two buildings with red, which will be across from each other and two buildings with yellow that will be across from each other. We are fine tuning as far as how we are going to make all of this work regarding stormwater.

70 Matt Vredenburgh continued the presentation: Not a lot has changed conceptually from where we were. As Dennis said, we have done a lot of fine tuning of the grading and stormwater management. The buildings are all set down at an elevation of about 56-57. And the top of the hill is around 80, so that gives you a sense of how much farther down these are from up on the hill and from the road too. They are really sunk down in there. With this many units, we are required to have 96 parking spots. Right now we are showing 106, so we have met that requirement. There are two handicapped spots 75 in front of each building. The sidewalks have been modified to get them off of the curb so cars don't overhang the sidewalks and impede people's movement. The spur in the road has shifted about 30 feet so we can start dropping the road more quickly. The restrictive feature in that respect was the waterline and sewerline. We were tied into that elevation. We couldn't cut at that point without affecting the sewer and water. It makes the grading work a lot better. It allows us to balance the cut and fill on the site so we won't be hauling truckloads of dirt off site or bringing in truckloads of dirt. 80

A. Walburger questioned the sidewalk configuration and asked if the setback would be 2 or 3 feet. Mr. Vredenburgh answered that it will be 4 or 5 feet. Curbing along the parking areas is being proposed to eliminate cars rolling onto the grass. 85

R. Huftalen commented that many elements of the plan were discussed last month. The Board and the public gave positive feedback on the architecture. The Board talked about taking lead agency status for State Environmental Quality Review (SEQR) purposes. The Board needs to be concerned about making sure approvals are obtained from other involved agencies, so issues of traffic, water, 90 sewer, and stormwater need to be addressed. The Board needs well developed stormwater plans submitted to John Dunkle, Village Engineer, before proceeding.

Mr. Gregg said he has been in contact with Kevin Merchant at New York State Department of Transportation (DOT) and he has passed it along to the DOT Utica office to Clint King and Linda

95 Lubey and they will do whatever studies are necessary. Mr. Gregg said he is following the plan that
the Village developed 10-12 years ago when they were doing the VES and it was approved at that
point in time. The assumption is that nothing has changed dramatically since then. Traffic counts
are still roughly around 10,000 cars a day or whatever it is. It is up to DOT to determinate what is
needed in terms of crosswalks. It is a concern of his and the Planning Board's. He will be working
100 with the DOT on that.

A. McDowell asked if the curb cut for entering and exiting Route 20 has already been approved.
Mr. Gregg replied that it was approved during the VES process with discussions between DOT and
the Village.

105 A. McDowell inquired whether the DOT requires a traffic study to be done. Mr. Gregg answered
that DOT does their own study to determine if a traffic light is needed or whatever else might be
necessary. And the curb cut gets handled by DOT.

110 S. McEntee wondered what kind of feedback Mr. Gregg got from DOT. Mr. Gregg said DOT thinks
it was already approved in the past, but they need to do some homework before they can give their
blessing.

R. Huftalen recalled some history that if a second curb cut is required, it would force Dr. Fauth to
115 eliminate his curb cut. Mr. Gregg remembered that three curb cuts were approved as part of the VES
and the Comprehensive Plan. Mr. Gregg said he would make arrangements with Dr. Fauth.

A. McDowell asked whether the density of people using that entrance has come into consideration.
R. Huftalen presumes that DOT pulls data out of their tables or they may ask Mr. Gregg to provide a
120 trip generation study.

R. Huftalen expressed his concern and remembered that there have been instances where the
Planning Board approved something and then DOT said that curb cut could not be done. He does
not want the Planning Board to get too far ahead. That is part of the nuances of lead agency status.
125 DOT approval is needed before the Planning Board approves anything. From a practical point of
view, the Board needs to see that, especially knowing the history of the Fauth parcel and having two
curb cuts adjacent to each other. Does he need to move his entrance? Those details need to be
addressed. Maybe provisions for an emergency turnaround or for clearing snow need to be made.
The Board should not even discuss those details yet in case the other curb cut becomes a problem.
130 But there is no reason why these things can't run concurrently. In order to get something the Board
is comfortable with, guidance is needed from DOT first—something that says this plan is viable.

Mr. Gregg said he would have DOT copy R. Huftalen on all future communications.

135 R. Huftalen continued that a draft stormwater plan needs to be submitted to John Dunkle.
Mr. Vredenburgh commented that the stormwater plan is coming along, but it has been too wet to do
any infiltration studies.

R. Huftalen noted that architectural details have gone over well with the Board. But the Board needs
140 other details such as landscaping, trash enclosure locations, and lighting plans.

A. Walburger stated that stormwater management was a big issue at the last meeting. It is important to acknowledge that the post-development runoff will be equal to or better than pre-development runoff. He asked if there are any major constraints.

145 Mr. Vredenburg answered that the detention area on the northwest corner is going to only fill up 2 feet with a 100-year storm. The southwest corner will only fill up 3 feet. These will be fairly large shallow basins. Extra depth could be gained without a problem. There have been no significant changes. He said he has run the calculations and modeling already. Runoff will be significantly
150 better than the preexisting runoff conditions.

Mr. Gregg commented that a neighbor will be happy because right now drainage runs right through his property and the new plan will dam it up.

155 Hearing no further questions from the Board, R. Huftalen opened the hearing to public comments and questions.

Jim Wigge: My wife and I live at 19 Atwell Ridge. The question is about density. A couple of
160 good logic points were brought up with respect to the Code—16 versus 10 apartments. It is a good issue. Is the Planning Board going to make the decision whether there will be 10 or 16 or something in between? Or depending on the ZBA's recommendation? Will the ZBA decide? If there is something less than 16, is there a contingency plan? Everything is based on 64 units. There still may be 64 units, but not 16 units per building. It's a lot of planning changes.

165 R. Huftalen: From my point of view, the use density in that area with respect to the rest of the Village would be the same regardless of whether they are housed in 6 buildings or 10 buildings. The question is in front of the ZBA as to how that gets resolved. From the Planning Board's point of view, as long as the lot coverage requirements are met and things are within Code, and that is an RM zone and that use is allowed. The amount of people in there is an allowed use.
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Mr. Wigge: I'm not arguing. I did follow Dennis's argument. I don't see anything illogical about it. But the Code is pretty specific. The 16 versus 10 is a pretty steep and significant jump. Will the ZBA decide or will you?

175 R. Huftalen: That is their determination.

Mr. Gregg: The logic we were using was that the Code may not be written all that well. Theoretically, we could have 10 units, 5 on each floor, 2,000 square foot units and we could have a
180 10,000 square foot footprint and be within Code. Our footprint here is 7,200 square feet. It penalizes us trying to meet the market. Effectively, we are being penalized because we are doing one-bedroom units.

R. Huftalen: That's why the ZBA holds public hearings too. Those considerations are why
185 Mr. Gregg is in front of the ZBA.

A. Walburger: I would like to add that the Planning Board is not in the business of entertaining the hypothetical. We examine each project on the merits of the project in front of us. This Board will not entertain a possible other configuration, other than the one on paper, until that is required for us

190 to be considered by the ZBA's determination. I can imagine other ways to do the project, but there is only one on paper in front of us now.

Maureen Wigge: How much external lighting will there be? I'm concerned about light pollution at night.

195 R. Huftalen: A photometric plan will be required. There are certain dark sky requirements in our Code that imposes limits on lights.

200 Diane Webb: I'm not familiar with the project. I only learned about it recently. How many floors? Coming by on Route 20, I see the old barn and house, where is it in relation to those?

Mr. Gregg: Two floors. The new apartment buildings will sit down low. When you are coming down the hill, the elevation change is significant from the hotel to the new apartments. I'm not going to say you will not see anything. You might see the roofs.

205 Ms. Webb: You were mentioning the colors red and yellow. What is red and yellow and what shades?

Mr. Gregg: Red because barns are typically red. We are trying to emulate the yellow barn that is there now. (Andy Day showed her samples.)

210 Ms. Webb: Do we need more apartments? Are they aimed toward students or seniors?

Mr. Gregg: They are aimed more toward seniors and maybe divorced people, maybe a combination, nothing specific.

215 Ms. Webb: Is there enough open space, green space?

Mr. Gregg: The whole purpose of having four buildings instead of chopping it up into six or seven buildings is to have this green area, the dimensions of which are 300 feet by 85 feet.

220 Ms. Webb: Do the apartments have patios? Mr. Gregg: Yes.

Ms. Webb: Will you be taking care of the plantings and the landscaping? Mr. Gregg: Yes.

225 Ms. Webb: I have seen some of these developments and they are beautiful and they don't seem to take care of whatever plantings are there.

230 Mr. Gregg: One of the issues is that if you try to crowd too much into an area, you end up with configurations that don't make a lot of sense; for example, those median strips that are only a foot and a half wide. How do you plant a tree in that? What we are designing is realistic and practical as opposed to cramming too much into a small box.

235 Mr. Wigge: I have a question. Do you know the band of birch trees, etc., just north of the pond, the retaining pool at the end of Atwell Ridge, the storm drain, the big pond? There is a whole band of trees which does a pretty good job of isolating the area. Does Bob Lucas have any plans to cut those down?

Mr. Gregg: No. That's a long way away. We are way over here. There is a meadow in between.

240 Mr. Wigge: From our house we can see the barns and the dental facilities. The question is: Is there any intention to cut this back? Mr. Gregg: No, absolutely not.

245 R. Huftalen: Are there any other questions or comments from the public? After a couple of continuations of this public hearing—this is the third time we have had a public hearing—I'm inclined to close the public hearing. Obviously, we still have a lot to consider. In terms of the public's concerns, they are repeating.

250 A. Walburger: I agree. Of course, the Board is happy to entertain further written comments as they come in.

R. Huftalen: If there is a significant change to the project, we would certainly have another public hearing. At this point, I make a motion to close the public hearing.

255 A. Walburger: I second. (The motion carried with 4 in favor, 1 opposed).

S. McEntee: I am opposed. I don't see the damage in keeping it open. But Adam made a point that comments can be written.

260 R. Huftalen: We will gladly accept written public input.

Mr. Gregg: Will there be a cutoff to accept written public input?

265 R. Huftalen: There is a lot of detail we need to get in place. If we think going into the next meeting that there is plenty of detail, then maybe we would cut it off. But absent that, we will let the public have their input. It is getting to be quite a file that we have to make sure we have available for public view. The public has access to everything we do.

A. Walburger: We have that obligation regardless, but as lead agency it is doubled down.

270 Mr. Gregg: Our game plan over this next month will be in conjunction with John Dunkle—to give him all the information he needs: The lighting, the stormwater, etc. As we move forward with DOT, I will make sure that we are all in the same communication loop.

275 R. Huftalen: That is really important to the Planning Board. Please refer to last month's meeting minutes regarding traffic, water, sewer, other necessary permits, landscaping details, trash enclosures, lighting plan that meets dark sky codes, stormwater, a description of passive recreation spaces, garage plans, road layout, and a demonstration that impervious surface restrictions are met. This will be in last month's minutes.

280 Mr. Gregg: Can I be added to the email minutes?

Mr. Stokes: As lead agency, you have an obligation to take a hard look at the environmental impacts. I would suggest that you require the applicant to submit a long Environmental Assessment Form (EAF) instead of the short form that is on file.

285 R. Huftalen: Circumstances are not going to change, but this is the type of project that needs a long form EAF. We will go over that in public and review it.

D. Raleigh: Is a crosswalk necessary?

290 Mr. Gregg: That will be part of the whole thing.

R. Huftalen: Thank you. Keep the communication flowing between now and the next meeting.

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Cazenovia Abroad, 65 Albany Street, Special Use Permit
Cal Nichols and the contractor, Aaron Camp, came forward.

300 R. Huftalen recapped: This is for consideration of a special use permit application by Cazenovia Abroad Properties for construction and occupancy of two dwelling units on the second and third floors in combination with nonresidential use on the first floor at 65 Albany Street.

Aaron Camp stated he was before the Board last month. He solicited any questions.

305 R. Huftalen said that no other questions have been raised since the last meeting. This project is in keeping with getting residences on the main street above retail spaces.

A. McDowell commented that just knowing the outer façade is not going to change is a real plus.

310 Mr. Camp spoke: We have delved into the history. We have been digging into your local history. We did have to go into the city library. Oneida City Library seems to contain a lot of history for the local townships. That was where we were able to find details for restoration of the Eaton School, which we own. That seems to contain a lot. There are some historical pictures there. Not much has
315 changed. The façade has remained the same. It has just deteriorated. It is long overdue for restoration. We want to bring it back to its original. The façade needs to be updated, maintained, and brought back to its original character. Then some safety measures need to be done because of the ice drop and things like that. We have had discussions with the owners on how to mitigate those issues so it has less of an effect on traffic in the area. While we are dealing with the buildings
320 themselves, we are going to mitigate those issues with ice and water and how it comes off of those buildings.

A. McDowell: They don't have fire escapes anymore, do they?

325 Mr. Camp: There still is on the back of 69 and that ties in with 67. The plan is to set up the actual escapes again. It brings those back. There are internal requirements which were established as part of your fire and safety codes, which were adopted in 2014 and 2017. There was an update in August 2018. I reviewed all 219 pages. It does require third story elements: Steel fire escape ladders provided with inside windows for egress that can be opened, dropped out, and occupants can egress
330 at that point if there is ever a block of another passage. Our attempt is to provide a common fire escape that is steel in construction and will meet additional fire egress. If a common stairwell is not there, they are not limited to just a steel ladder. It gives them another point of egress. We just want

335 people to have safety options, but not take away from the façade of the building. All egresses will be in the rear. There is still curbside egress coming down in the front for 67, which has a front entrance. But 65's entrance is still in the back, where Mulligan's always was. But there will be an additional one inside each room as well as the steel fire escape coming down. I think if we get a three-way point for everybody to get out of the building that will be our safest approach.

340 R. Huftalen: The reason we are considering this application is because it is in the B-1 district. A special use permit is required for dwellings and dormitories in the upper stories of a building only in combination with a permitted nonresidential use on the first floor. Our consideration is to make sure that use is compatible. Clearly, we have those other uses along that block. I think it is an important component of mixed use infill in downtown that we like to see and encourage. The fire and building codes are within the Zoning/Codes Enforcement Officer's (Bill Carr) purview to make sure that all the things that are required to issue a building permit in addition to this special use permit are in place. He has been working closely with the applicant.

350 Mr. Camp: Yes he has. We have been working with engineers in Utica and Albany. We have one that is outside of Kingston and one outside of Binghamton. We did have a phone conference with one and I met with one from Binghamton with a local building inspector who has become quite knowledgeable within those areas. He has dealt with us with much larger building projects. We have one in Madison that is about 16,500 square feet. We are dealing with current fire codes. We are up to speed on those. In conjunction, there are two representatives from the State working with our engineer out of Utica, Ken Roberts. We already have some plans in effect and ready to go.

355 They are just waiting to properly tag that with a special use permit so that everything is documented and shows a clear sequence of plans. There will be a full large sheet on the set of prints just for coding and specifications to be met. Along with that will be the special use permit so everything can be followed clearly in the future. They can look back and see the process.

360 R. Huftalen: A lot of this work has been done in conjunction with Bill Carr. Are there any questions or comments from the Board or from the public?

A. Walburger: I was just going to ask about Madison County Planning Department's comments.

365 R. Huftalen: We have not received those yet.

Mr. Gregg: Is this the Mulligan's building?

370 R. Huftalen: This is Cazenovia Abroad.

Mr. Gregg: It will be fantastic to see something nice happening there.

R. Huftalen: I make a motion to close the public hearing. A. Walburger: I second. (The motion carried with 5 in favor, 0 opposed.)

375 R. Huftalen: I make a motion to declare this an Unlisted Action under State Environmental Quality Review (SEQR). S. McEntee: I second. (The motion carried with 5 in favor, 0 opposed.)

380 A. Walburger: I make a motion to approve the special use permit application. A. McDowell: I second. (The motion carried with 5 in favor, 0 opposed.)

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Robert Carnie and Benjamin New, 83 Chenango Street, Minor Subdivision, Preliminary and Final Plat Review

385 Mr. Carnie came forward.

390 R. Huftalen explained that this application is to divide Lot 4 of the Koglmeier Subdivision, Tax Map #95.17-1-65. Half of Lot 4 will be added to Mr. Carnie’s property and half of Lot 4 will be added to Mr. New’s property.

Mr. Carnie: The original description was unimproved property and that’s the way we are planning to keep it—just mow it and rake the leaves.

395 R. Huftalen: Are there any questions or comments from the Board? (There were none.) Any questions or comments from the public? (There were none.)

400 R. Huftalen: I make a motion to close the public hearing. S. McEntee: I second. (The motion carried with 5 in favor, 0 opposed.)

405 R. Huftalen: I make a motion to declare this an Unlisted Action under State Environmental Quality Review (SEQR). Since no other agencies are involved, nor will approval have any significant adverse effect on the environment, no further SEQR action is required. It is recommended that a Negative Declaration be prepared and filed.

S. McEntee: I second. (The motion carried with 5 in favor, 0 opposed.)

410 A. Walburger: I make a motion to approve the application as presented. A. McDowell: I second. (The motion carried with 5 in favor, 0 opposed.)

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Walgreens, 95 Nelson Street, New Sign

415 Mike Horvath came forward to explain: I’m with Cima Network, a sign company out of Chalfont, PA. It’s about a 4-1/2-hour drive. We are the sign contractor chosen by Walgreens. We are rebranding close to 200 locations on the east coast, one of which is at 95 Nelson Street. We will remove the existing Rite Aid signage on the exterior only and replace it with a Walgreens sign. We have submitted a full set of plans to the Board, I believe, 30+ days ago. I know Mr. Carr (Zoning/Codes Enforcement Officer) did have an opportunity to look it over.

420 R. Huftalen: You are not asking for a variance. You have made it comport with the sign requirements.

425 Mr. Horvath: The Code allows 75 square feet and we are proposing 49 square feet. There is an existing pylon sign that we will remove the existing Rite Aid faces from and put new Walgreens faces in the existing sign.

A. McDowell: Do you have a picture of the Walgreens sign that will be on the building itself?
Mr. Horvath: It is on drawing number 4.

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R. Huftalen: Is this internally illuminated? Mr. Horvath: Yes.

R. Huftalen: What is the background?

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Mr. Horvath: It is the siding where Hardy cement board will be patched with silicone. Then we will just replace the sign.

A. Walburger: Is it going to be the same configuration of letters? Extruded letters?

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Mr. Horvath: Yes. It is going to be a typical set of letters, aluminum returns, LEDs on the inside, and Plexiglas faces.

R. Huftalen: Are there any other questions for the applicant? We need to send this to the Madison County Planning Department for their comments and they will probably return it for local determination. Mike, we can make a determination without you having to drive up here next time.

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R. Huftalen: This drawing is: Walgreens, Cima Network, dated 1/29/19, rev. 4/16/19, job #7411, store #17301.

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American Homes, Lot #13, South Meadow, Architectural Review

Dennis Gregg came forward to explain. This is at the corner of Gregg Lane and South Meadow Drive. The house will face Gregg Lane. The side load garage will have carriage style doors and the driveway will be off South Meadow Drive. There are a lot of windows. This house has nooks and crannies and is not just rectangular. It meets all setbacks. It is 2,519 square feet all on one floor and it has a courtyard. It will have a full basement done with insulated concrete form (ICF), which is popular. There will be a sidewalk to the front.

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R. Huftalen asked if anyone had any questions. Hearing none, he made the motion to grant architectural approval as presented. A. Walburger seconded. The motion carried with 5 in favor, 0 opposed.

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R. Huftalen: For the record, these are drawings dated 4/18/19, rev. 1, builder is Manorwood Homes, Model Number NHS468.

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CNY Progressive Homes, Lot #17, South Meadow, Architectural Review

Dennis Gregg acted as the representative. CNY Progressive Homes is contemplating doing something on either Lot #15 or Lot #17. At one point, what was approved for Lot #17 was very similar to what is on Lot #21. What was approved for Lot #15 was the Binkley 3. It has a nice look, but it has the integrated garage, so part of the garage is in the house and part of it is out. He is seeking permission to do either plan on either Lot #15 or Lot #17. They are comparable homes. People want flexibility depending on who purchases which lot.

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R. Huftalen said that if the Planning Board has already approved the plan there won't be a grand discussion. But for Bill Carr's (Zoning/Codes Enforcement Officer) purposes, a specific drawing for a specific lot is needed so he knows which plan goes to which lot.

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R. Huftalen made a motion to go into executive session for attorney/client privilege at 8:12 p.m. S. McEntee seconded. The motion carried with 5 in favor, 0 opposed.

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R. Huftalen made a motion to come out of executive session at 8:28 p.m. A. Walburger seconded. The motion carried with 5 in favor, 0 opposed. No action was taken in executive session.

R. Huftalen made a motion to adjourn the meeting. A. Walburger seconded. The motion carried with 5 in favor, 0 opposed. The meeting was adjourned at 8:28 p.m.

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Respectfully submitted,

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Marlene A. Westcott
Recording Secretary