

**Village of Cazenovia Planning Board  
Meeting Minutes  
February 10, 2014**

5 Present: Richard Huftalen, Chair; Adam Walburger; Anne McDowell; Diane Webb; and Jennifer Gavilondo.

10 Others Present: James Stokes, Village Attorney; Don Ferlow; Kevin Bernstein; June Haley; Dorothea LaGinestra; Robert Cowherd; Janet Cowherd; Nick Kagey; Nancy Whiting; Elizabeth Whiting; David Widrick; Donna Widrick; Helen Stacy; Paul Curtin; Jo Anne Gagliano; Steve Breitzka; Deborah Barnes Dougherty; Tom Dougherty; Gayonne McDonald; Wallace McDonald; Matt Vredenburg; Robin Curtis; Bill Carroll; Beth Carroll; Peggy VanArnam; Sally Ryan; Eric Burrell; Leanne Burrell; Alicyn Hart; Dick Mitchell; Nitzi Bonney; Carlos Gavilondo; Pringle  
15 Symonds; Todd Lipschutz; Catherine Newton; Wallace McDonald; and many others who did not sign in. There were more than 50 people in the audience.

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

R. Huftalen asked for any changes to the January 13, 2014, minutes. There were none. R. Huftalen made a motion to approve the minutes as submitted. A. McDowell seconded. The motion carried  
25 5 in favor, 0 opposed.

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**Public Hearing, Cazenovia College, Site Plan Review of Proposed Perimeter Fence.**

30 R. Huftalen explained that this is a public hearing regarding consideration of an application by Cazenovia College for site plan approval for a proposed perimeter fence on the college's athletic field. The subject premises are located in a C-2 zoning district at the northerly end of Liberty Street.

J. Gavilondo: I recuse myself at this time. (She left the front table.)

35 R. Huftalen: I will ask the applicant to give us an overview and then we will get public comment. For Marlene's sake, I want to make sure that everyone has signed in. If you have not signed in, you need to sign in. When you speak, please state your name before adding your comments. Thanks very much. I would like to turn over the floor to the applicant to describe the current state of the  
40 project.

45 Dr. Mark Tierno: Thank you very much. Hello, everyone. The college is back to continue the discussion about our athletic property and fencing it. We are very excited about the proposal that is going to be reviewed tonight that has been developed by the colleagues from EDR, who are here to describe this proposal. So, I ask that you introduce yourself and your colleague and explain this project, if you would.

Jo Anne Gagliano: Hello, everybody. I was here last time we spoke. My name is Jo Anne Gagliano and I am the President of EDR. With me is Steve Breitzka, who has worked on the project along with me and the college. We were here, as you know, and we had a proposal before you. We had a

50 lot of great feedback that night and further research and study. What we had done is take your  
feedback in. Luckily, there were some people here from the community so they could speak as well.  
We did entertain that, which was very helpful. One of the things that we talked about is: Where  
should that fence location be on the property? There was a lot of discussion about the intent of the  
landscape buffer. We had come back to you with a proposal for a 6-foot high wood fence, which is  
55 what we had interpreted, at that time, as allowable in this area in the ordinance. The fence is not  
located just in one position in the landscape buffer because we felt it was very important to consider  
the trees that were there and to keep as much visual buffer as possible of the fence. The fence now is  
in green on the drawings. There are also openings in the trees, the existing landscape that is there,  
which is volunteer vegetation. Those openings would also require the 25-foot buffer vegetation  
60 plantings that are shown on the plans. We did show the location of the gates on the drawings. You  
have a detail of the fence that is located on your drawing set as well. This is where we left off from  
last time. We feel that it meets the ordinance as discussed. The planting also specifically follows  
the regulation, which is 75% evergreen. There is a mix of evergreen trees, shrubs, and some  
deciduous shrubs. I will take some questions. Steve and I are here to talk further about the detail of  
65 it. We also want to answer any of your questions and, of course, the public hearing.

D. Webb: I need orientation again.

Steve Breitzka: North is up on your plan.

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D. Webb: Where are the streets?

Mr. Breitzka: Lincklaen Terrace is to the north. Lincklaen Street is over here, to the east, beyond  
this row of residential properties. This is the existing parking lot north of Edwards Hall. The  
75 college is to the south. In terms of the fence location, you will recall from last time, it varied in its  
offset from the property line as well. Jo Anne mentioned that it does that now. Starting here, it  
would abut the existing wooden fence that is north of the property line. It is 12 feet 6 inches from  
that western property line. Then to the north where it turns, 10 feet off the northern property line,  
here, to the existing rhododendron mass. We don't intend to cut through that in any way. The fence  
80 would stop there and pick up on the eastern side 10 feet off the property line again. It extends across  
where the gates would be for that small peninsula of land that extends up to Lincklaen Terrace.  
Those are two 10-foot wide gates. There is a jog 6 feet to protect some existing vegetation about  
half way through on that northern property line. The fence then continues at 15 feet off the property  
line to the northeast corner where it turns south at 12 feet 6 inches off that entire property line on the  
85 eastern side to its final point where it turns into the containment fence around the tennis courts. As  
Jo Anne mentioned, we are supplementing the existing vegetation. We did go out and do a GPS data  
survey to find and locate all of the existing trees and then supplemented that with the planting plan  
that we have for you.

90 R. Huftalen: Any questions from members of the Board?

D. Webb: So anything that has the sunrays coming off of it, the spikes coming off of it, exist  
already?

95 Mr. Breitzka: No, those are new trees, new evergreen trees. The light shade, the gray trees are  
existing.

D. Webb: I'm looking at your legend and it has a dark circle with the rays coming off of it and then it has a circle with an X in it. Are those existing trees?

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Ms. Gagliano: The darker color is proposed. In this mix, the lightly colored ones are evergreen trees.

R. Huftalen: It would be most helpful, if you have questions, if you would identify yourself.

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Nitzi Bonney: I am looking at my existing trees and vegetation. I'm just wondering . . . There are a lot of dead trees back there. There are a lot of blackberry bushes, which I happen to like because I make blackberry jam every year. Is the college going to cut down the dead trees? I actually thought they were mine. There is a little stone fence there too.

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Ms. Gagliano: We won't change the existing vegetation that is there today.

Ms. Bonney: So those dead trees are going to be on there?

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Ms. Gagliano: It is wintertime and we don't know which are dead or alive. When we walked through, there were an awful lot of them on the ground as well, but it provides habitat for wildlife.

Mr. Breitzka: We will leave as much of the existing vegetation as possible—dead or alive.

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R. Huftalen: Any other questions that the Board would like to have addressed before we open up to the rest of the public?

A. Walburger: The planting schedule has not changed from the last presentation, has it?

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Ms. Gagliano: Yes, it has changed.

R. Huftalen: We have a number of trees identified on here as evergreen 10-12. Do you have a particular species or typical species?

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Ms. Gagliano: They are actually being donated to the college. We are assuming they are going to be spruce or hemlock. We don't have the exact type of tree yet at this point because they would have to be located and then transplanted here. Certainly native. They could be pine. They could be hemlock. They could be spruce.

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R. Huftalen: The Village Engineer has looked at the plans and has some concerns, in addition to a number of items that were raised by the Cazenovia Advisory Conservation Commission (CACCC). A representative is here tonight. I will let them talk about their concerns. One of the issues that came up . . . I would like to just get it clarified that in the event that a wooden fence gets placed, will there be any impact to drainage either way?

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Ms. Gagliano: No change to the contours. It will be just postholes only. It will not touch the ground. So it will be 2-3 inches above the ground. There will be no impeding of drainage. You will notice on your plans, and as you walk out there, there are a couple of debris piles. I don't know if they came from the neighbors' side or the college side, but there are a few places where it is artificially humped up. Those would be removed. That would actually help with the drainage situation if it is impeding drainage. Those would be removed.

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A. Walburger: This fence profile shows what looks like an 18-inch bore and 6 inches of concrete. That is going to be a fairly substantial amount of dirt. Will that be spread on the college property?

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Ms. Gagliano: Most of the time, what comes out of the hole is usually spread out around the base and in depressions around on college property. You have the same situation with planting trees and shrubs. You would be putting in a planting mixture in the soil besides returning the soil, so there would be a little bit extra that would be raised around the plant and then tapered out onto the site.

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R. Huftalen: As you know, we asked for the input of the CACC. I am in receipt of a report, which I forwarded to the Planning Board members. We have the chair here. I wonder if we might get some comments from Mr. Ferlow.

160 Mr. Ferlow: One correction, I'm not the chair. Damian Vanetti is the chair now. I'm a member.

R. Huftalen: Thank you for your work. Don put together some comments and concerns.

165 Mr. Ferlow: Our report is the compilation of input from several of our members. It is about six pages long, or so. It offers a number of comments and suggestions. It relates to the typical regulations that are included in it. Rather than going into the specifics, I will just go to the conclusions. I think that is most important. We reviewed one drawing, which was the 3-February drawing, and we made a statement: Cazenovia College proposes to establish what appears to represent a planted buffer zone of significant length and visual character for the college and the neighboring residents, one that includes a fence integrated within the existing and new plantings. Assuming the above statement is the goal, the CACC suggests that the Planning Board consider:

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175 *1) The proposed fence, with its location as depicted on the submitted plan, and as it is proposed, is appropriate as it will place the fence in a position integrated within the buffer and associated with plantings on both sides, thereby reducing its potential visual impact.*

180 *2) Depending upon what is identified as the purpose of the fence, and there are two questions in the report: Is the fence being proposed for privacy, screening, or for protection (security)? Is the proposed fence being proposed to meet the requirements of the college or of the neighboring residents? The Planning Board may want to consider alternative fence design, including black chain link fence, metal fence, or reducing the height of the fence. We discussed that in the report.*

185 *3) The maintenance of the plantings and fence should be maintained such that the area will be maintained in a visually desirable character. It appears to be a landscape oriented planting. The maintenance requirements for the fence should consider accessibility once the vegetation buffer is well established.*

190 *4) The number of plants proposed by the applicant is appropriate for the project. But the listed plant sizes, which are all listed as 2 feet minimum (for shrubs in particular), which is the basic statement from the zoning regulations. The plant sizes should be revised to include plants of different heights and spread in order to establish a strong visual character within the buffer at the time of planting so that everything isn't just dead level. Some of the shrubs should have different heights and characteristics; some spreads, some vertical.*

- 195 5) *The existing trees and understory growth should be identified with species, size, and number and how the new plantings will integrate with existing plant growth to comply with the regulations.*
- 6) *The Board should consider that the basic goals in the plan presented to the Planning Board are implemented in the field and observed by the landscape architect to assure proper spacing and intended visual character is achieved with the new plantings and the existing vegetation.*
- 200 7) *The character of the debris piles should be identified. And what would be the basis for deciding if they are spread on the site or removed from the property?*
- 205 That is essentially a synopsis of what we put together.

R. Huftalen: Thanks very much for the work on that, on behalf of the Planning Board. Any comments or questions in response to those issues?

- 210 Ms. Gagliano: As we discussed the last time we were here, we are trying to have you understand the needs of the college, but we are also trying to understand the needs of the surrounding community. To answer your question, it is a facilities fence. It is very typical of an athletic facility. It is also a protection fence. I was under the impression, when I was here last, that people didn't want to see through it because a chain link fence that was proposed previously was not entertained. So we
- 215 looked through the Code and understood that a wood fence is allowable. And there is a wood fence on the property there. We started to look at concepts and options. We looked at the difference between the existing view and a proposed wood fence, which is the fence that is on your plan and on the existing property now around the parking lot. (Pointing to and describing a rendering): This is the way it looks now if you are standing in the right-of-way that the Village owns. Standing on the parcel is somewhat similar to standing in a residential back yard. We were trying to simulate what it feels like to live in a location there. What you are seeing here in the foreground, you are seeing the lawn that is in that lot. You are seeing some posts that are there and the snow in the field itself. This is actually the property of the athletic field. And there is the building beyond. So it gives you an idea of what it looks like from the outside looking into the campus. (Pointing to and describing a
- 220 second rendering): These are the proposed trees. The existing trees would be the large ones here, and how they integrate with the others. This is a complete open view. The idea here is to plant vegetation through here that is going to have some vertical. This is the lower story of vegetation that Don was speaking of, the shrubs, and then these are the gates. These are of different type species. These would grow differently, but they are all planted at the zoning ordinance requirement. This is a
- 230 view if it was a chain link fence. This gets to your question. I personally thought the chain link fence would give you the same transparency, or close to it, that is here. But also allow for protection of the field. Again, you can see the same vegetation philosophy, so each one of these is a shrub that you would see. This is actually a model of what is on that sheet. They occur on both sides of the fence now. My understanding is this is what is in the ordinance. This is a wood fence option, which
- 235 has also been modified slightly. The fence on the property now, and the fence that we showed in our last submittal, the fence boards do not have a space between them. The boards are actually touching or just overlap each other so it is not transparent at all. That has been modified slightly so that it is still in character with that existing fence that is out there today, but it lets some light and view through it without it being radically different and having yet a third kind of fence. So there would be
- 240 a wood fence that ties into the existing chain link over by the tennis courts and the rest would be wood. In this option, this would be chain link from the tennis courts all the way to the other wood fence. We did think about it. We thought about what you were saying. But it comes down to what

is desired. The college needs a fence. We understand that it is what is allowed. We want to hear what you have to say about it. There were some different opinions on the Board last month.

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D. Webb: Where is the existing wooden fence?

Ms. Gagliano: It is essentially around the parking lot. Here is another view from the east.

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Mr. Breitzka: It runs along the western side of the parking lot.

Ms. Gagliano: We looked at three different views. You had mentioned you wanted to see what a cross section might look like. On this one, we stopped the fence so you could see the end. The fence would actually continue on, but this way, you can see both sides of the fence because it sounded like a cross section would help too.

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R. Huftalen: I know there are some public comments and questions for the applicant. If there are no further comments or questions from the Board, we will turn it over to the public. Again, I remind you to identify yourself please.

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Pringle Symonds: I used to live on Lincklaen Terrace. There was a narrow path, sometimes muddy, considering the drainage flowing through that area when it was either raining or snow was melting. Is there going to be a path so one could walk around the perimeter of the college and get onto Liberty Street or Union Street?

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Ms. Gagliano: Walking on college property on the outside perimeter is pretty much wooded. How would you propose doing that now?

R. Huftalen: The short answer is, no such path is provided for on the plans.

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Ms. Gagliano: It was not obvious to us when we were out there, except if you are crossing the property. Where volunteer shrubbery and trees have taken over is quite thick.

Ms. Symonds: We used to be able to walk into the college at the back part of the parking lot on the north edge. I would walk down through that public right-of-way that is there and the boundary of the college and go into the college.

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Ms. Gagliano: There is no opening on this plan.

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Carlos Gavilondo: I live at 93 Lincklaen Street. I really appreciate the mockups that you did. We didn't have a chance to see them very well. Can we come up and see them?

Ms. Gagliano: There are two 10-foot gates for a total of 20 feet.

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Dorothea LaGinestra: I live on Lincklaen Terrace. I am concerned about the gates. Are there going to be locks? I don't see a mechanism to operate them. There are no hinges. What is the purpose of the gates?

Ms. Gagliano: There has to be secondary emergency access.

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Mr. Gavilondo: I want to repeat what I said earlier. This is really helpful for the neighbors to see these mockups. It is difficult to try to visualize what we are going to see based on reading it on paper. I also appreciate the listening you did at the last meeting—incorporating the fence to try to mitigate the visual impact. But let's make no mistake—this is a fence that is going to be over a 295 ¼-mile long all the way around the perimeter of an athletic complex adjacent to an historic district. I do want to ask a few questions before I mention some other remarks. We talked about a wooden fence, and I know Ms. Gagliano had a misunderstanding at the last meeting in terms of the interest of the neighbors and whether or not they wanted to be screened from the field or what the purpose of the fence was. I think the current understanding is correct, which is that the neighbors don't 300 necessarily want to be screened from the field. And the current fence still provides a substantial amount of screening, albeit better than the original design. One question I have is: Why the choice of this fence as opposed to the sorts of fences that we see at schools like Colgate, Hamilton, and Le Moyne—the metal, wider picket, much more transparent fences than this wooden fence? Or are you going to make it a chain link fence?

305 Ms. Gagliano: There is a wooden fence that exists on the college property now. There is also a chain link fence. When looking at the character of an area, I need to say: What is the best fence that would fit the character? I think the transparency of the chain link is the most transparent fence you are going to see. The wood fence does match with what is existing, but again, it provides screening, 310 which it sounds like is not desired. You talked to us last month about the ornamental fence. I am familiar with Le Moyne. We do a lot of work for Le Moyne. The fence that is on the street and the gateway with that ornamental system with the pillars is definitely different. It is much higher. Granted, you could have it smaller. But our feeling was that we would like to see this fence disappear as much as possible. The characteristic that everyone was talking about that they enjoyed 315 was the fact that it felt natural. Another issue that I would like to bring up is that the ordinance calls out evergreen plantings for 75% of the plants that are there. I think that if we look at where you have no visibility of a fence, it is going to go to deciduous materials that have been left to naturalize versus a cultivated planting. To me, I felt it would be a better situation to have an ornamental fence with tiers that really stand out and actually feel like a front and not the back of your yard. My 320 opinion is that I think it feels too formal and it changes the character from something that is really native vegetation that is volunteered and a natural backyard to having kind of a man-made ornamental type look. It's not that we didn't consider it. It is just that I didn't think it was the best alternative from what I was hearing.

325 Mr. Gavilondo: It wasn't a cost issue? It was a visual issue?

Ms. Gagliano: Cost did not come up as being an issue at all. It really was more a character issue. Reading and trying to understand the intent of your ordinance and the Comprehensive Plan, it sounds to me that the naturalistic feature in the back yard is really what people tend to like. When I am back 330 there, it is private with the blocks of vegetation that are there. Even in the winter months, they did a pretty good job of filtering the view, not screening it. If so inclined, and maybe the letter from CACC will talk about the vegetation, I was going to see if it was a benefit to all to have more deciduous vegetation versus evergreen. With evergreen, you don't have as many choices. It grows a little bit more slowly in some cases. I think we could make it feel more consistent and that chain 335 link fence would disappear and give everybody that natural characteristic.

Mr. Gavilondo: Because that is an alternative that you proposed for the wood is chain link?

Ms. Gagliano: Yes.

- 340 Mr. Gavilondo: The wooden fence that you mentioned, you know that it really is used as a screen for the parking lot. Is that correct?
- Ms. Gagliano: It is much higher than the parking lot.
- 345 Mr. Gavilondo: But it is around the parking lot, correct?
- Ms. Gagliano: It is above the parking lot. I'm not aware of why it was placed there. I'm assuming it was for the same reason. But, yes.
- 350 Mr. Gavilondo: I'm not sure if I have any additional questions, but I did want to make a few statements, if I may, Mr. Chairman.
- R. Huftalen: Sure.
- 355 Mr. Gavilondo: Submitted a letter dated February 3<sup>rd</sup>, I think the same date as the college's submission. It is signed by 16 of the 18 direct abutters of the property that the fence is going to abut. The two that weren't able to sign, one the house has been sold and we don't know who currently lives there. I was unable to contact the 18<sup>th</sup> neighbor. But 16 of the 18 neighbors signed on to a letter. I did bring additional copies of the letter. The neighbors did get together and we did discuss this at some length. We felt as though the style of fence should be as transparent as possible and proposed a wide picket wrought iron style fence similar to what is around the lacrosse fields at Colgate, Le Moyne, and Hamilton. This is going to be a very long project. It is over 1,400 feet long, at least in the original proposal. It might be 1,350 or something like that now. I have seen that number somewhere. The fence should be no taller than is needed. We think that 4 feet is adequate for the purposes that have been proposed by the college. The fence should be at least 25 feet from the property line. I know that the college has proposed 12-1/2 feet from the eastern boundary and, I believe, 12-1/2 feet from the western boundary, and somewhere between 10 and 16 from the northern boundary. The college fought quite vigorously to demonstrate that the fence is a separate project from the field. The only project that is being proposed now is the fence. The Code requires a 25-foot landscape buffer between any development and the neighboring property lines. So the fence should be set back 25 feet from the property line. Incorporating the fence within the buffer is the equivalent of incorporating the development, the project, within the buffer, which is not allowed. The gates on the northern side, and I understand that you have pulled them back, the gates on the northern end where the right-of-way enters the property, there should be some sort of restriction, if and when the fence is approved, there should be some sort of restriction on the use of that gate and that right-of-way so that it is only for emergency access purposes. I also wanted to mention that in the CACC's report, Mr. Ferlow asked two questions. He asked whether the fence is being proposed to meet the needs of the college or the fence is being proposed to meet the needs of the neighbors. I don't think that is the right choice. That is a false choice because whatever fence is proposed has to meet the needs of the Code—the requirements of the Code. The Code requires that any development in the C-2 zone be compatible with the surrounding residential neighborhoods, which includes the historic district along Lincklaen Street. So whatever gets developed, clearly, it should meet the needs of the college, but it also must meet the requirements of the Code and be compatible with the residential district. This is an opportunity—this fence and President Tierno's letter to the Republican where he talks about Christakos Field being a highlight of tours of the campus—this fence has the ability to complement Christakos field. I think that it is short sighted to go in with a, pardon my term, but a cheaper chain link fence that will cheapen the aspect of that field for
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390 prospective students and their parents. Having a high quality and attractive fence there will be a  
source of pride for the alumni, for the students, for the entire college community, and the Cazenovia  
community itself. So I would urge the college to consider a fence that is more in keeping with the  
fences that are used at the other colleges in the area and would ask the Board to take into  
consideration our comments.

395 R. Huftalen: I have a couple of questions. The first being one of our big concerns as we look at the  
project is, of course, the visual impact. There is no visual impact meter, unfortunately, that tells us  
which is less or greater than another. I think opinions can vary. It is clear the neighborhood would  
prefer, it sounds to me, a wide picket style fence that they talked about in the letter from  
Mr. Gavilondo. If I could understand better the rationale between wood, chain link, or the wrought  
400 iron wide picket style. I think there are some sections of fence that are like this near the entrance of  
the field now. Is that something the applicant would entertain?

Ms. Gagliano: I don't think it is allowed. That's why we came to wood. The way we read the  
ordinance, it says wood or a wall. A wall is a screening device and that's not what everyone wants.

405 R. Huftalen: That leads directly to my second point. You have been looking at this with regard to  
the Code. There are a couple of different sections of Code and a couple of different ways of looking  
at this project. As Mr. Gavilondo stated, this constitutes a project. Some would say you need to  
buffer the project. And yet, there are other sections in the Code where it expressly states that a fence  
410 can be located within a buffer zone. It is not clear from just those two different interpretations which  
one would prevail. In the case where there is ambiguity, I might defer to our attorney on that. But I  
also think that as a matter of principle, there has to be some deference given to the applicant. With  
regard to whether the Code says that a fence needs to be buffered by 25 feet or if a fence could be  
within a 25-foot buffer zone, I think is not necessarily a settled matter. Given that, I'm not sure  
415 whether it is a wooden fence that is allowed or a chain link fence and therefore that is not allowed.  
The thing we have to settle on is: Where are the visual impacts of this construction going to be?  
The buffer is, obviously, an attempt to mitigate that.

Mr. Stokes: To continue from there, the buffer zone is required because you have a non-residential  
420 use adjoining a residential use. What are you trying to buffer? Are you trying to buffer the fence?  
Or are you trying to buffer some larger aspect of the educational use? In terms of interpretation of  
the Code, the wooden fence or masonry wall is intended to be part of the actual screening that a  
buffer zone is intended to provide. There are other provisions in the Code that say you cannot have  
425 certain things in the buffer zone that pertain to the facilities such as mechanicals or garbage  
dumpsters, but that list is fairly short and specific. In my review, I did not see anything in the Code  
that said they could not have some other type of fence, provided that the vegetation that is proposed  
provides the necessary screening in accordance with the Code. A wood fence or a masonry wall is  
intended to enhance the screening effect of the vegetation. A chain link or wrought iron type fence  
430 would not provide that visual barrier. It is my opinion that a chain link fence is not necessarily  
prohibited, particularly if it were viewed as a buffer zone between the athletic complex and the  
residential zone. It depends on which way the applicant wants to proceed to the extent possible to  
accommodate that.

Ms. Gagliano: I thought you were very clear last time that wood is allowed inside of the buffer. We  
435 did not have a number in our head of where it should be. We just wanted it to be within. We placed  
the fence where we would not have to take down any trees. It wasn't precluded at the 25-foot mark.  
It was just where the fence should be. Sometimes there were tree trunks on the line, but we were

440 able to find a place within the buffer. The application was to meet the needs of the directive. Folks wanted to see through it. The character of the vegetation could then be first and foremost and not the fence. A chain link fence was proposed originally. I was listening to the neighbors.

Mr. Stokes: In my opinion, legally, interpreting the Code, all the options are on the table.

445 R. Huftalen: The challenge the Board has is trying to determine the visual impact and what the preferred visual impact would be. When we looked at the screening, one of the questions raised by the CACC report and one of the questions raised when looking at the depictions, if we are shooting for an 8foot high opaque barrier, it doesn't look like there is enough vegetation here to create that.

450 Bill Carroll: I live at 89 Lincklaen Street. I just have a question for the Board. Is what the college is proposing the development? It is my understanding from the Code that, to minimize the impact to the neighbors, there should be a 25-foot buffer. And within that buffer there could be a fence. Or you could have a fence to buffer the fence. But the fence should still be 25 feet from the adjoining property line.

455 Ms. Gagliano: That's not how it reads.

R. Huftalen: I'm not sure everybody would read the Code that way.

460 Mr. Carroll: A development is what we are discussing and it needs a 25-foot buffer. That buffer could include another fence. But the development is the fence and that needs to be a certain setback from the neighboring properties, I would think.

R. Huftalen: I would rely on Counsel for that.

465 Mr. Carroll: My other comment is if it was 25 feet back, I think that the neighbors probably would not care as much about the materials or if it was a chain link fence if it was properly set back from the adjoining properties and if there was a buffer left in place and not even necessarily care as much about the plantings. I can't speak for everyone, but if there was that buffer in the natural landscape that is already there that was promised to always be there and was left in its vegetative state, I think  
470 the neighbors would probably not be as restrictive on what type of materials would surround it. Or better yet, a fence that leaves everything the way it is.

R. Huftalen: Understood. Are there other comments or questions?

475 Catherine Newton: I live at 107 Lincklaen. I have a couple of different comments. I just want to make sure the Board is aware that there are some boundary issues. Just as a scientist, I'm very careful. I've had a back and forth with Mr. Tierno in writing about some errors in the survey that were provided. And he has responded to me in writing that he recognizes the errors and that those have been corrected. I have not yet seen the revised survey. I just don't know whether all 18 of the  
480 owners around the field are this kind of super careful scientific types who took surveying. I just want to make sure the Board is aware that there have been some back and forths about the property lines. I think it would be pretty regrettable to approve something and find there is a lack of understanding about where that boundary is.

485 R. Huftalen: We are in receipt of a survey with a number of encroachments noted on it.

Mr. Stokes: There was a revised survey submitted.

490 Ms. Newton: I have not seen that yet. I believe one will be forthcoming to me. He and I are in good conversation. But I think it would be quite regrettable. I do not know the status of the others. Isn't it important that people know where, relative to their properties, this is going to go?

495 R. Huftalen: Yes, I would agree that is an important consideration. Again, we have a number of abutting properties. I'm hopeful that everybody is looking out for their own interests when it comes to those encroachments. I think the bigger challenge this Board faces is: What is an appropriate buffer and fence to consider? Again, go back to wrought iron type fence, which is a preference of the neighbors. The neighbors might be persuaded that a chain link fence would blend into the associated buffer and disappear.

500 R. Huftalen: I welcome anybody's comments about that because it is important for the Board's consideration.

505 Ms. Newton: I have a comment about that. I want to say that for my own part of the stretch, because there is almost no visual barrier along most of it, that certainly I oppose the chain link set as proposed today. I believe the neighbors have been pretty consistent about this, so there must have been a misunderstanding. Even with a wooden fence of this kind, I would really advocate some sort of visual barrier, evergreens or others, were it set even as close as the intermediate model you proposed. I don't know what 25 feet as a setback would look like, but I just really, really oppose the notion of juxtaposing, essentially, a raw wooden fence to some of the most distinctive historic properties of the Village. It just doesn't seem correct.

510 R. Huftalen: The wooden fence does provide for landscaping and a visual buffer on both sides. I just want to make sure that is clear to you.

515 Ms. Newton: The version I saw, which may not be this version, the version I saw had fairly low lying shrubbery. It was not, for example, a tall evergreen visual barrier. So perhaps I have misunderstood.

520 Ms. Gagliano: The planting plan that is shown is direct from the requirements, so it is a mix of taller trees. But I think the intent of the Code is not to have all tall evergreens so it becomes more or less a fence, but a mix of plant material. So that is what is shown here in the application.

525 Mr. Gavilondo: Just picking up on what Ms. Newton said, and Counsel may suggest differently or use different words, but I think the responsibility of the Planning Board is not to just look at each project as it comes up one at a time, but look at what the impact of projects are on the character of the neighborhood and the character of the community in its entirety. When you are looking at a project and trying to evaluate what sort of fence to approve, that should be a significant consideration, particularly in this instance, as Ms. Newton mentioned, the homes on Lincklaen Street that are part of the Historic District. You should not approve something here that adversely affects those properties because everyone suffers as a rule. The entire community is affected by that sort of thing. So that is the consideration I think you need to take into account. We proposed a 25-foot buffer. That is what the Code asks for. The college proposed 12-1/2 feet—certainly an improvement over 3 feet. I heard Ms. Gagliano say tonight that it is a 12-1/2-foot line and there are some trees that happen to be right in the way of that line.

535

Ms. Gagliano: Not on the 12-1/2.

Mr. Gavilondo: No where around the college there is an interruption by trees?

540 Ms. Gagliano: We actually moved it. It is not all 12-1/2. It is in different positions around the site. But, there may be a branch that would have to come off if not in compliance. We did our best job to pick up every location and thread the fence through the trees.

545 Mr. Gavilondo: My comment on that score would be to the extent the fence needs to be moved to accommodate an existing tree, that the movement not be done so as to reduce any proposed buffer—that it be done to increase any buffer that might exist. Again, the neighbors did get together and we did consider and there was some pretty strong opinion against chain link. There was also some strong opinion against wood. We did settle on this wrought iron style based on what we did see in other locations. We haven't seen any facilities or photos of any facilities that show a wooden fence  
550 other than the parking lot at Cazenovia College. There may be some out there, but certainly ones in the area or reasonable examples of materials that have worked at some very good institutions that do attract very good students and people are proud of what's there. I urge the Planning Board to take that into account.

555 Mr. Ferlow: Matt Webber, an environmental person on the CACC, sent me an email this afternoon, which was not included in the CACC report, which was very simple. When thinking about what should be included in the college's buffer zone plantings, it would be a huge mistake to not take into consideration the types of plants deer feed upon and even relish. He does mention that in that neighborhood, up on Ten Eyck and those areas, there are a number of deer and they roam the  
560 neighborhood. One of the plants on your list, I believe, Jo Anne, is one that deer like and that is the viburnum.

R. Huftalen: Are there any other questions from the Board?

565 A. McDowell: How would the neighbors feel if there was a 25-foot buffer from the fence to your property? Would that make it less intrusive to you if you had the whole buffer?

570 Mr. Carroll. What else are we buffering? We are talking about the development being the fence. And the Code says there needs to be a buffer between the fence and the neighbors. I think we are confusing whatever materials they deem appropriate. I think the stone or wood fence would be the buffer. Maybe a building or something else. I don't think when it was written it was intending to talk about the development being an actual fence.

575 A. McDowell: Are you saying that if you, in fact, did have a good 25-foot buffer abutting your property, that the material of the fence would be less of a concern?

580 Mr. Carroll: It would be less for me. Again, I can't speak for everyone. I think if they were more sensitive to the open areas, but we have a nice wooded buffer already there. We would see the chain link fence, of course. A big wood fence viewed through the trees would not look natural and I don't think the material would last. It will rot. Who is going to stain it and paint it? For maintenance, I think that would be a consideration for the college.

Mr. Gavilondo: It is hard to take a poll of everybody—all the neighbors affected. I do think that if there was a 25-foot buffer, the concerns would go down substantially.

- 585 Nick Kagey: I live at 109 Lincklaen Street. I think our letter did a good job of explaining what we would like to see, which is a 4-foot fence set back 25 feet, similar to the fences at Hamilton and Le Moyne, the wrought iron style. Obviously, we don't get to decide what goes in. Carlos did a great job of summarizing our thoughts in that letter.
- 590 A. Walburger: I have a little contrary concern. Whenever you put a fence up, there is an implied concession of land "your side, my side." It has become apparent in the survey that even the determination of the property line as it exists now is contestable. There may be soon more potential future friction in unintended use of the 25-foot buffer from the residents' side that would need to be considered if the fence goes all the way back to 25 feet. Maintaining it, just unintentional use.
- 595 R. Huftalen: Back to the question of the buffer. It doesn't appear to me that with this landscape plan, the intent is to create an opaque 8-foot buffer. There are good depictions here whether it is deciduous or evergreen. I agree that breaking up that character is important. But a number of these shrubs that are called out aren't going to be 8-foot shrubs at maturity. I wonder if you would comment on that or the thinking behind that. And related to that, there are a number of areas where I know mature growth is existing. There may be a visually open understory that exists. It is different for each neighbor. Maybe you could comment on how your plan addresses those issues.
- 600
- 605 Ms. Gagliano: As I stated earlier with the plant selection, the Code requires 75% evergreen shrubs in the mix. The problem with evergreen shrubs is it really limits the kinds of plants that we have available to us. There are rhododendrons on site that have done beautifully, but those have been there a long time. We try to choose plants that we know do well in the area. We like to use native species when possible. When I get to choices in the evergreen palette, I don't have as many choices.
- 610 So it leads us to try to find deer resistant plants—junipers, using existing character rhododendron. But these plants, again, are evergreen because that is what is required and that's why I'm using them. What I was trying to explain is that I'd like to take my cues from the existing understory and plant more native plant material. But that would only be 25% of the whole. That is another point where we could talk about what is best for this project based on what was thought to be best for the
- 615 landscape buffer. I don't think anybody would want a row of large evergreens that eventually would be big and take up more of their yards. I don't think that is the intent. That's why I believe they ask for just a percentage of the taller trees. The truth of this is that you are seeing more green than the deciduous plant material. We are very open to that. If you are open to talking about less evergreen and more deciduous materials, we can pick plants that are going to be taller, more prickly. A lot of
- 620 the evergreens grow more slowly so you are not going to get that size laced with the other understory. If places were to have open views, as you mentioned, those plants are going to grow quite well. They will have sunshine and they will move up to their size fairly quickly. Plants that are in the understory, we would have to choose the right plant material to take the shade. What I call the existing screening, the native plant material, is quite dense. When walking through it, it is not
- 625 easy to get through. There are berries in there. So you are walking between the different berry plants that are in there. We can work together and with Don and CACC to talk about plant materials. I just point out to you that the requirement is that I use 75% evergreen. In this case, I think it poses a problem for screening of anything in a 25-foot buffer. We have chosen plants that we know will survive here. We have shown sizes as they are planted because we did not want to
- 630 misrepresent what they would look like and show you ten years out. Although when they do grow, it's going to be dense.

635 Mr. Gavilondo: On the point of plantings, in the winter, the field doesn't get much active use. In spring, summer, and autumn are the times when the vegetation buffer is going to serve its greatest purpose. So deciduous would probably be helpful there. There are provisions in the Code for alternative plantings, so it is appropriate to do that.

R. Huftalen: It poses a real challenge for this Board to try to get everyone to agree.

640 Mr. Carroll: I think everyone agrees no wood.

A. McDowell: Is a wrought iron picket fence a possibility?

645 Ms. Gagliano: We would need to talk to our client to see how it affects what we are trying to do. My professional opinion is that I felt it was out of character with the rear yards of these homes. The property is maintained and then transitions to a naturally wooded edge. Or in some cases it transitions from their lawns to the lawn of the college. For me, it was too formal and abrupt a change. It felt like the front of something rather than the rear. In essence, that is why the fence is at the field entry because it is a formal gateway. I felt that putting that around for fence takes the character from natural to Village setting. You have the benefit of being in an area that has a natural character, which is different from some of the other areas in the Village.

650 A. McDowell: It seems that the neighbors really are voicing an opinion that wooden and chain link are not what they want. What I get is that the wrought iron picket fence would be desired. I think they feel that it would be compatible with the surrounding residential area.

660 R. Huftalen: People prefer the wrought iron fence. Is that a fair statement? Getting back to the challenge that we have as a Board. We can work with the application that is presented before us. Right now, part of our suggestion might be to take a look at some of these alternatives.

665 Pringle Symonds: I think the college is a very important institution here in Cazenovia. A lot of us are far beyond the college age. I would think several hundred people every year take advantage of the college facilities, such as the gym and the classes. I know the business community uses the interns. There is a lot of interaction. To me, a 6-foot fence is cutting off the college. This indicates friction between the college and the community, which I don't think is true. I can see where they need a fence, certainly, and they have their problems in keeping that field going. I also wanted to comment on the wrought iron vertical fence. Black vertical lines disappear much more quickly in amongst shrubbery and so forth than that mesh of a chain link fence. I agree with Mr. Gavilondo that a chain link fence just doesn't make a campus look distinguished. And it is a distinguished neighborhood too.

670 Mr. Stokes: Rich, I suggest keeping the public hearing open for next month to give the Board and the applicant time to digest this. I don't think the Board is in a position to make any decisions tonight.

675 R. Huftalen: Because it is going on 9:00 and we have other business, I'm going to continue the public hearing to next month. We will work as a Board to consider the input we have had here.

\* \* \* \* \*

680 J. Gavilondo rejoined the Board at the front table.

**Ryan Homes, Lot 7, Emick Lane, Northborough Ridge (Greenleaf Station), Architectural Review.**

685 Todd Lipschutz came forward. Mr. Stokes explained that Mr. Lipschutz wants architectural approval so Ryan Homes can get a building permit. The property owner wants final plat approval.

Mr. Lipschutz said this is his first time with an architectural submission and he would like to get a building permit. He asked the Board what he needs to do.

690 R. Huftalen informed him that the primary things the Board is looking for are elevations, materials, colors, and compatibility. He asked Mr. Lipschutz to get the Board started with elevations.

Mr. Lipschutz presented a plan and stated that it is already contracted.

695 J. Gavilondo asked if the house has already been sold. Mr. Lipschutz answered yes. This plan was submitted for a building permit. This is Lot 7 and the entrance is on the right side. It will have Ply Gem vinyl siding. Samples have been provided to the Planning Board. It is a thicker gauge siding, which is 046 mm, tan color. It will have a shingle roof.

700 D. Webb asked if there was a reason why a composite material such as Hardie Board was not considered. Mr. Lipschutz explained that everything has to do with allowing his company to provide pricing to the market that meets the budget of first home buyers and first move-up buyers. He continued that his company has built 150 houses in Onondaga and Madison Counties. Nationally, they have built 10,000 homes, of which 80% have had vinyl siding. The company is protective of the product that is put on the house and the warranty and how they stand behind the house and they have not experienced any issues with vinyl siding.

705 A. McDowell pointed out that the plan says metal roof. Mr. Lipschutz said that the literature identifies that if somebody did select a metal roof, it would be that color. The option chosen for this house calls for 30-year dimensional shingles.

710 J. Gavilondo inquired if the garage is flush with the house. Mr. Lipschutz noted that the side elevation shows it sticking out in front of the house. It sticks out approximately 10 feet in front of the house. J. Gavilondo verified that is the first thing to be seen. Mr. Lipschutz answered, correct. J. Gavilondo commented that type of look is being avoided in the Village and the Planning Board has made provisions for previous developments to avoid that look. Mr. Lipschutz stated that the house is probably 50 feet deep with a morning room and the garage is probably 22 feet deep, so about half of the garage will stick out.

720 D. Webb pointed out that the garage is front loading as opposed to side loading. Mr. Lipschutz said that these lots do not accommodate a side load garage without the garage being totally in front of the house. These lots are 70-foot wide lots.

725 A. Walburger noted that the front of the house faces away from Burton Street.

R. Huftalen asked if Mr. Lipschutz offers any designs where the garage is at least flush. Mr. Lipschutz stated that he offers about 20 floor plans, most of which have some form with the garage in front—none recessed. The products are designed to what the consumer really wants and needs. The efficiency of the plan is designed around what the consumer wants on the first floor.

730

You can affect the space of the first floor layout by incorporating a garage. They are plans that we offer to achieve the consumer needs on space planning within the first floor.

735 J. Gavilondo wondered what is behind the garage. Mr. Lipschutz responded that on this plan there is a bedroom, a bathroom, and a mudroom.

R. Huftalen asked if this was one set of options. Mr. Lipschutz stated that these are stamped permit plan sets. These are the options that were selected and what is on the permit plan.

740 J. Gavilondo inquired about the possibility of having two garage doors instead of one big one. Mr. Lipschutz replied that this is a standard plan from his architectural services, but the actual garage door is carriage style with a row of windows at the top and hardware on the doors.

745 R. Huftalen wondered if there is an opportunity to put in windows or break up the façade on the side as seen when driving onto Emick Lane. Mr. Lipschutz answered that they are selected in the process. The company also has very restrictive windows on the side of the house to perform for Energy Star. His company is the only Energy Star builder in the State of New York 3.0. There are limitations with that to achieve an Energy Star value with the windows. There are design criteria for houses and there are limited window options for the side of the house.

750 A. McDowell observed a note on the plans that says Hardie Plank. Mr. Lipschutz explained that color schemes are put together and they are either for vinyl or Hardie siding. His company does not offer Hardie as an option because he can't provide it at a price that meets the market. He came to the area with the intention of providing housing for first time home buyers. His product is sufficient and effective in meeting that market. There are cost efficiencies both in the design and materials so it  
755 doesn't turn into a \$300,000 house. With the morning room, first and second floors, the house is little over 2,700 square feet. The morning room is an additional room option he offers to be adjacent to the kitchen. People use it for an informal dining area or sitting area. It is approximately 10 feet by 16 feet. Mr. Lipschutz continued that his company provides a full spectrum of housing in the \$170,000-\$400,000 range and the average is \$240,000.

760 A. Walburger asked if the trim boards would also be vinyl. Mr. Lipschutz answered, correct.

765 Mr. Stokes pointed out that the purpose of architectural review is essentially so there is no disharmony within a particular neighborhood. It does not mean that every house has to look the same.

J. Gavilondo commented that this house would be setting the standard for the neighborhood.

770 Mr. Stokes believes Mr. Lipschutz would like to have three or four prototypes approved in advance, as was done with South Village.

Mr. Lipschutz stated for clarity that he would come back with the plans that are offered for the community and have the discussion for all of his plans.

775 A. Walburger questioned if there is a landscape plan for this lot. He noted that this development will back up to a string of raised ranches and this design is a substantially different look from the houses on Burton Street. He wondered if there are any accommodations for ensuring some sort of separation. Mr. Lipschutz replied that there are no landscaping plans along the adjacent property



780 and his company does not offer landscaping. That is left to the homeowners. But they do get a hydroseeded lawn.

785 R. Huftalen noted that according to the Code, the Board has to review for reasonable compatibility, consistency and harmony of the height, scale, proportions, nature and quality of materials, colors and related architectural design characteristics. This house would be setting the precedent.

A. Walburger pointed out that this house will be on a hill and be 20 feet taller than Favro’s house and be two stories tall. It will be a monument without screening.

790 Mr. Stokes stated that the Planning Board does not have site plan review for individual residential lots.

795 R. Huftalen declared this a Type II action under State Environmental Quality Review (SEQR). There is no other agency involved. The approval of this application will not have any significant or adverse effect on the environment. No further SEQR action is required.

D. Webb voiced her concern about setting a precedent of vinyl sided houses in a development. J. Gavilondo agreed.

800 A. Walburger said he would like to see more uniformity in the window distribution. R. Huftalen asked if there were any alternatives in regard to that. Mr. Lipschutz said he did not know and that he is still learning the process. But the buyers did not select additional window options if they were available.

805 R. Huftalen commented that this is the character and it is going to be a neighborhood to itself within the Village. That is something the Board bought into when it agreed to the subdivision request.

R. Huftalen made the motion to approve the submittal and grant architectural approval. A. McDowell seconded. A roll call vote was conducted with the following results:

- 810 R. Huftalen - in favor.
- A. McDowell - in favor.
- J. Gavilondo - opposed.
- D. Webb - in favor.
- A. Walburger - opposed.

815 The motion carried with a vote of 3 in favor, 2 opposed and architectural approval was granted.

\* \* \* \* \*

820 **Eric Burrell, Pro-Tel Properties II, LLC, 4 Chenango St., Site Plan Review.**

Eric Burrell, President and CEO of Pro-Tel came forward. He explained that he is seeking a zone change from the current zoning, which is both R-10 and R-20. Some of the northern edge of the property is in the R-10 zone. The majority of it, 80%, is in R-20. He is seeking a zone change to planned development so that Circa Restaurant can move into 1,475 square feet of a proposed 2,950 square foot, two-story addition to the existing building, which is 30 feet wide by 63 feet long. 825 18 feet of the 63 feet on the bottom floor is a proposed covered patio for outside dining. Mr. Burrell gave some history of the property. He found an article in the Cazenovia Republican from 1973 that

830 mentions the projected Chittenango Creek walk that crosses Owahgena Medical Center, which is  
what this building was called. The doctors allowed the creek trail to be developed. In 1974 the  
Future Farmers of America (FFA) built a 30- foot walking bridge across the creek to a little park that  
was across from the town garage. Mr. Burrell pointed out that this area was heavily used and  
promoted. He bought the building three years ago and there were still three doctors upstairs.  
835 Dr. Konys is still downstairs and he has a long-term lease. Mr. Burrell purchased the building from  
Dr. Konys. In the other half of the downstairs is one of his businesses called Pro-Tel People, a  
staffing/temp service agency. The upstairs is fully occupied by engineers and executive managers  
from his businesses. He has offices in Maine, Texas, North Carolina, and Norwich, New York. A  
lot of his senior executives live in this area. This building was purchased to avoid commuting to  
Norwich five days a week and it is currently being used for that.

840 Mr. Burrell continued that the proposed use for the building is for Alicyn (Circa) to be downstairs.  
The upstairs would be additional office space for future growth of his businesses and for shared  
receptionists, shared conference facilities, shared gym that is downstairs, break rooms, and other  
shared facilities. He would provide some potential cubicle space. He is very open to talking to  
whatever local organization would like to potentially open up the walking trail area for public use.  
845 This is a 4-acre piece of land. There is a big pond. There used to be art shows on the creek walk and  
he would be happy to see that happen again. Mr. Burrell stated that he has spoken to a few of the  
neighbors that are most immediately affected by this, the Mitchells in particular. He is aware that  
the three basic concerns will be sound, light, and smell because of the restaurant. He referred to a  
sound study included in the application. This was a study of noise coming from the creek dam. He  
850 cited the Code requirement of sound no louder than 70 dB. An average restaurant generates about  
70 dB. The restaurant area would be a covered deck area approximately 18 feet deep by 30 feet  
wide. On the first floor, there is an entry way into the 18-foot deep by 30-foot wide seating area  
under the roof with a railing around it for state liquor laws. It would only be used in nice weather.  
Alicyn is going to lose space compared to where she is now because there will be two bathrooms,  
855 instead of the one she has now. There is a mechanical room for a pump because the building is  
lower than the grade of the sewer system. Mr. Burrell reiterated that a restaurant generates about  
70 dB and by the time sound gets out, it will be less and there is also shrubbery to help reduce the  
noise. The average music in a restaurant is 60 dB. One of the neighbors is concerned about some  
existing lighting on the corner of the building. There are security lights on the corner of the building  
860 that light up the back. Mr. Burrell stated that he has turned the lights a little bit and he has ordered a  
motion light for that location so lights will not be on constantly. The lights on the outside of the  
doors that face toward three homes will be replaced with can lights above the door so there will be  
no glare out. Regarding lighting, he will do whatever is required by the Code. It will be dark sky  
compliant. There was a question about smell. That will be addressed when required with proper  
865 carbon filters or whatever it takes.

D. Webb asked if the covered deck would be for outside dining. Mr. Burrell answered, correct.

870 D. Webb asked if the restaurant would be run the same as it is now with no events or music.  
Ms. Hart replied, correct—same as it is now, no events—and added that she is not licensed as an  
outdoor music venue. She stated that twice a month a solo acoustic guitar player swaps music for a  
meal.

875 Mr. Burrell gave his own shortened list of the objectives of a Planned Development District: Greater  
choice of either residential or commercial use of the property. Patio dining for patrons of Circa.  
More space for Circa's local farm products, which benefits the local farmers. Office space with

880 shared receptionist and conference facilities, etc. Potential increased park and recreation area for  
Village residents. More usable space and recreation areas. More usable space for professionals  
looking for office space and incubator space. More usable space for local diners looking for outdoor  
seating opportunities. Potential additional recreation area for the Village residents. More  
conveniently located facilities, which serve particular community needs. More convenience for  
professionals seeking office space that provides ample parking and the ability to walk to the Village  
center. More convenience for diners seeking easy parking to get to restaurants. Potential  
885 convenience for an organization, such as Cazenovia Preservation Foundation (CPF), to continue  
their great work with the creek walk and willow patch on the other side of the bridge. Preservation  
of trees, streams, wetlands, topography, and other natural features. Reduction of runoff and potential  
flooding. Prevention of soil erosion. There are several additional plantings in the proposal. There is  
potential for forever preservation of the creek walk and pond and better use for the public of that.  
Use and development of land which allows an orderly compatible transition from existing built-up  
890 portions of the Village to surrounding less intensive use areas. Adding a small restaurant like Circa  
that focuses on food and not alcohol. Circa only has a wine and beer license, not a liquor license. It  
keeps Circa a small part of this business park. It is within walking distance for South Village  
residents. Providing orderly transition. There are already businesses operating from homes on Mill  
Street. The whole of that street is kind of a mix all the way up through it. Mr. Burrell continued that  
895 he doesn't think that putting a small restaurant in that business park adds some abrupt change of the  
transition that is going from the corner of Mill Street, where Circa is now, all the way out to South  
Village because there is currently quite a bit of activity on the street of different uses. Patterns of use  
of land resulting in reduced and more efficient networks of utilities and streets. It is walking  
distance from the Village center and from South Village. Dr. Konys only uses the building on  
900 Mondays. Circa is closed on Sundays and Mondays. Mr. Burrell's people only use the building full-  
time only three days a week so there is a lot of overlap when people are there and not there. Any  
other environmental or other community benefits gained by use of a Planned Development District  
as compared to strict application regulations of the district now applicable to the land in question.

905 J. Gavilondo inquired about the setback from the property line to the proposed addition. Mr. Burrell  
answered, 43 feet.

Mr. Stokes advised that the Planning Board will be making a recommendation to the Village Board  
regarding the requested zone change.

910 D. Webb asked if there was anything on the property prior to the building being built in the 1960s.  
Mr. Burrell replied that he believes nothing was on the property.

915 J. Gavilondo wondered if any more parking on the south side would be proposed. Mr. Burrell stated  
that he went through the Code and found that 25 parking spaces are required and there are currently  
31 spaces, but there is plenty of room to add more parking.

920 J. Gavilondo asked if cars would be parked on the side closest to the Mitchells. Mr. Burrell  
commented that there are four cars parking there now and he is not proposing additional parking  
there.

Mr. Burrell described the proposal: The back of the building will be a poured concrete wall. A  
concrete wall will follow the drive to provide another buffer area for sound in addition to a tree  
buffer. There will be room for Alicyn to have herb gardens.

925

J. Gavilondo inquired how high the wall would be. Mr. Burrell guessed that the wall at the back of the building will be about 8 feet, but it will also be raised up so no one can fall off or drive off of it.

930 Mr. Stokes asked if deliveries would be made in the back or front of the building. Mr. Burrell answered that local farmers would be making the deliveries, not semi trucks. Deliveries would be taken into the kitchen in the back corner.

935 R. Huftalen wondered if Mr. Burrell had considered having a fence on the southern corner. Mr. Burrell said there certainly could be a fence, but there is already a lot of vegetation there. He is concerned about headlights and he had discussed adding vegetation to block headlights. He believes it would be too much work to take down trees to put up a fence, which does not make sense to him. The activity would be on the bottom.

940 R. Huftalen noted that the Board had received submittals from Sparky Christakos and Bob Constable raising concerns about lighting and noise, and making sure the Board is taking those into consideration. Part of the Planning Board's job is to make a recommendation to the Village Board.

945 D. Webb observed that the existing landscaping off of the parking lot is not attractive right now. She is hoping that this will be made more attractive along the creek. Mr. Burrell said that he would like to discuss rebuilding the trails with CPF, or whomever, and that will be part of the process.

950 D. Webb noted that on the other side of the street and other side of the bridge, people are fishing along the path there and below the dam. She is not sure how they access that. Mr. Burrell replied that there has been quite a bit of public use of his parking lot. He continued that several residents use it as an exercise track, people bring their dogs there and unleash them, and people come there to fish. He said it is mostly people bringing their young kids there to fish.

955 J. Gavilondo asked if Circa is planning to limit meals to only breakfast and lunch. Ms. Hart answered, no.

R. Huftalen commented that a public hearing was not scheduled for tonight, but it would be helpful to get input from the neighbors.

960 Paul Curtin, an attorney representing Helen Stacy, spoke. Ms. Stacy is a neighbor of the proposed project. Mr. Curtin stated that he is a friend of Eric and Leanne Burrell and also frequents Circa and said this is not about personalities or friendships. He is here to speak to about land use and planning and the appropriate use of the property. This is a unique application because Mr. Burrell is advancing the notion that this could work as a Planned Development (PD) overlay. The Village has adopted standards for review for that overlay. He commented that Mr. Burrell went through the  
965 seven elements of criteria that the majority of the trustees must find that conform to the application. Mr. Curtin continued: The property itself right now is a prior existing nonconforming use. It would not be allowed in an R-10 or R-20 district. It is strictly prohibited in an R-10 district because it does not fall under the permitted uses or the special uses upon permit. It is, per se, by the Code, prohibited. Any recommendation the Planning Board makes to the trustees must take into  
970 consideration what the underlying zoning is presently and what the uses are in the immediate vicinity, which are residential in character for the most part. The fact that the building is there and has been used for professional uses predates the zoning classification. But the expansion of a prior existing nonconforming use, in most cases, is not allowed in most jurisdictions. It is allowed here. But special findings would be needed. Mr. Burrell has the notion that a PD also includes

975 recreational possibilities, preserving green areas, and maintaining buffers. The biggest concern for Ms. Stacy and her neighbors are the buffers that would affect her because she is immediately contiguous to the property, as well as the Mitchells. The potential change in the classification would introduce traffic they are not normally subjected to. On a 9:00 to 5:00 basis, it is used as an office building. As a restaurant with afternoon seating and evening seating, it introduces traffic in an area  
980 that has a very residential character and that is a concern. Looking at the underlying zoning classification and looking at the PD, I know that PD can be, and oftentimes is, used in special circumstances and that is the appropriate way to go. Some heavy lifting needs to be done in order to prove that this is consistent with the uses in the immediate area. The more immediate uses are residential in character. Mr. Curtin urged the Board to take these points under advisement.

985 R. Huftalen asked if Mr. Curtin's client does not believe the proposed screening is adequate.

Mr. Curtin answered that would be getting into site plan issues and is getting ahead of the zoning. There is existing screening that could probably be enhanced. There would be concerns about  
990 headlights and the impact on the residences in the immediate area. Life that they presently enjoy would be potentially altered. Mr. Burrell did touch on issues that were brought up, those being traffic, parking, noise, deliveries, and odors. Storage of garbage is a concern, but that is a site plan issue.

995 R. Huftalen agreed and said that part of the Planning Board's duty is to consider issues that can be mitigated and issues where there might be trouble mitigating.

Mr. Curtin mentioned that the Board would go through the issues under State Environmental Quality Review (SEQR). Some impacts are measurable and can be mitigated. He wanted to get to the  
1000 character of the underlying uses as they exist in R-10 and R-20 zones. Both of Mr. Burrell's properties are in an R-10 zone. The only way to consider expansion is a PD. But the character of the area around it needs to be considered. In the past, the Village has used the PD vehicle for cluster development to create green areas, preserve areas for recreational purposes, and preserve  
1005 viewscapes. PD has been used for residential development. Look at where it is and look at what the underlying zoning is and see if it works and then deal with the impacts and the effects on the quality of life for people like Ms. Stacy.

Wallace McDonald, 9 Mill Street, outlined his concerns with a zone change. He is on the borderline  
1010 between the business district and the residential district. His neighbors to the south are in a residential area also. He would like to see Circa be successful. But he is concerned that if a restaurant is allowed and Circa moves out, a restaurant will still be there. He is concerned about a commercial use jumping from the business district to across the creek into a residential area. A restaurant use is much different from an office use. Mr. Burrell's office is not disrupting the neighborhood at all. This is a wonderful residential area. This is one of the gems of the Village of  
1015 Cazenovia. He is concerned that if a commercial use is added with a restaurant, it will jeopardize this residential area. It is also taking away from historic business district. There are open storefronts there now and if Circa moves, there will be another one. There is no shortage of commercial space in the business district.

1020 Pringle Symonds stated that she used to live at 9 Mill Street. She is very concerned about losing more village residential area or having it be become more densely used. When going up Chenango Street, there is more pressure. People say it will be quiet and not so noisy, but noise carries in a peculiar way. Even at a distance it reverberates. It could be quite noisy above the building. She

1025 observed that where she lives now, some distance from the main street, there are houses, trees and big back yards, and it is amazing how noisy it is in the summertime. Traffic is also a concern due to another new development just up the street. She would hate to see the Village give up more residential zoning as it is important to keep people downtown so they are circulating within the Village proper.

1030 Mr. Burrell cited a legal notice from March 21, 1966, when the original lot was requested to be rezoned from RA to RB. The lot was zoned RB and it got overlooked and encapsulated with the larger zone. It is by itself.

1035 J. Gavilondo stated that Code Section 180-70 says that a PD should be at least 5 acres. Mr. Burrell countered that it says that lots over 3 acres will be considered.

Mr. Curtin read aloud Code Section 180-70:

***§ 180-70. Size of a Planned Development District.***

1040 *In general, a Planned Development District shall be at least five acres in area. Smaller areas of one or more acres may be considered where the location and character of the lot, the scale and concept of proposed development, and relationships of the lot to surrounding uses and patterns of uses may be suitable for establishment of a PD district and consistent with the above objectives.*

1045 J. Gavilondo posed the question to the Village Attorney: How would this not be spot zoning? Mr. Stokes answered: If the Board finds that it satisfies the criteria for a PD. By definition, it needs to be compatible with the uses in the PD. Code Section 180-71 talks about the uses within the district being compatible with the uses in the adjoining district. That is one of the findings that has to be made by the Village Board, and should be part of the Planning Board's recommendation.

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D. Webb commented that at the beginning of Mill Street, there are other uses—commercial and professional uses. On the side street across from the Constables is the Windstream garage.

1055 J. Gavilondo wondered if the Windstream garage was a prior nonconforming use.

A. Walburger said he has a noise concern and it could be addressed by the time it gets to site plan review.

1060 R. Huftalen commented this could be handled in a couple of different ways. The Board could continue to ask for more developed mitigation strategies from the applicant prior to making a recommendation to the Village Board. Or the Board could make a positive recommendation to the Village Board contingent on site plan review with the presumption that concerns could be mitigated.

1065 D. Webb expressed her concern about the issue of creep—other properties becoming commercial. The property has been used as professional, nonresidential space for years, even though it is nonconforming. The use would remain as it is now—nonresidential. J. Gavilondo interjected that the property could be converted to residential use at some point.

1070 R. Huftalen summarized that the nature of the use being proposed is different from what is there now, and there are impacts to that—noise, light, traffic, odors. The Board has dealt with those issues before in site plan review and has been able to successfully mitigate those types of issues in the past.

He said he would be confident with this application and this proposed use with the scale of it being a lot smaller than a large commercial restaurant.

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D. Webb pointed out that the request is for a zone change and that is where she is struggling.

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Mr. Curtin reiterated that this is not about personalities or Circa. What the Board is wrestling with is that it wants to be helpful to the community. But once the Board classifies a piece of property and its acceptable uses, does not mean the second operator would close at 10:00 like the first one did. It could be restricted with a special use permit. The proposal for a zone change would expand a use and allow another use and would do so without limitations. A restaurant could operate, serving alcoholic beverages, and could operate until 2:00 in the morning. Mr. Curtin pondered the question: Is that appropriate? This proposal is not coming to the Board as a special use permit. He believes most people would like to see this happen so that everyone benefits and there is no detriment. But he is concerned that something is being overlooked that will be very apparent on the space at some point in the future.

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R. Huftalen said the Board has explored alternatives. The Board recognizes the risk that once a use is approved, the use is built in.

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Liz Whiting, of 16 Mill Street, spoke. She stated that she loves Circa. But her concern is that once Circa is gone, what would be there. She is afraid that something bigger will move in there. For that reason, she would just as soon not have anything there. She loves her historic house in her Historic District. She wants to know she is safe where she is.

Dick Mitchell, 6 Chenango Street, requested some clarification: With the move to PD, there is no ability to put restrictions on that?

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Mr. Stokes answered that there is ability to add restrictions in terms of size of use, or percentage of use, that is devoted to a restaurant, etc. But in general, hours of operation are not part of a zoning classification. In general, that is typically beyond the scope of the Board to actually dictate how a business is run as opposed to the purpose of zoning being to ensure that land uses are compatible and in accordance with the Comprehensive Plan. So some restrictions could be put on it, but not necessarily hours of operation.

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D. Webb recalled that hours of operation for the brewery were defined. Mr. Stokes stated that the applicant volunteered their hours of operation as part of the site plan approval.

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Mr. Burrell said that he and Circa would be willing to volunteer the hours of operation.

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D. Webb voiced her concern that if the zoning change goes through, the whole building could become a restaurant. Mr. Stokes stated that the Board could limit that in terms of total usage of space.

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Mr. Burrell said that he would look to do this addition anyway. Alicyn would bring her restaurant equipment with her and would take her restaurant equipment with her when she leaves. He continued that he would make more money if that space were used for office space, so he would not want another restaurant there.

J. Gavilondo cautioned that Alicyn can come and go, Eric can sell the building, and everyone has good intentions—her point being that circumstances change in the future.

1125 R. Huftalen verbalized that placing voluntary restrictions on the PD would encourage confidence among members of the Board. Two key items would be percentage of space devoted to restaurant use and hours of operation.

1130 Mr. Mitchell requested clarification on the following: The Board cannot set limitations, but Mr. Burrell can volunteer to put them in the proposal.

Mr. Curtin mentioned that if Mr. Burrell volunteers restrictions, he would need to record covenants on the property that first need to be reviewed and found acceptable by the Village Attorney.

1135 Helen Stacy, 6 Chenango Street, said that she has a very peaceful haven back there. She cannot hear the street noise. She can't believe that 70 dB of sound are allowable. She believes it totally changes a neighborhood to put a restaurant in a residential area.

1140 R. Huftalen responded that the Board will give that consideration. He asked the Board if more time is needed to research the proposal. All members of the Board said yes.

Mr. Stokes advised that the Board has 60 days to make a recommendation to the Village Board.

1145 Mr. Burrell said that he is expecting to receive drawings because he wants to do the addition to the building whether or not the zone change is approved. Mr. Stokes stated that the expansion of a nonconforming use requires Planning Board approval.

Mr. Burrell affirmed that Alicyn has no problem restricting her hours and that there is not going to be another restaurant there.

1150 R. Huftalen proposed to take these comments into consideration and talk more with the applicant about the execution of the project and then make recommendations at the next meeting.

\* \* \* \* \*

1155 **Northborough Ridge, Final Plat Approval.**

1160 Mr. Stokes stated that preliminary plat approval was granted some time ago. Once preliminary plat approval is granted, it is up to the developer to build the infrastructure of the development. The developer can either complete the improvements to the satisfaction of the Village or they can bond with them. They could have bonded from the beginning, but they did not. There has been construction out there and the roads are in. In order to build that house that Ryan Homes wants to build, they need final plat approval. The email from John Dunkle, the Village Engineer, is his estimate of the value of the work that needs to be done. The street lights are National Grid, so that does not come under Village jurisdiction. To grant final plat approval, which would allow them to actually file their subdivision map in the County Clerk's Office, they need to file a letter of credit to the Village, according to the Village Engineer's email, for \$137,500. It says if the developer does not complete these things to the Village's satisfaction, the Village can draw on that letter of credit and have the work completed based upon those funds that have been put up as security by the developer. They also need approval from the County Health Department to file the map. That is generally for the water and sewer improvements. The request is to grant final plat approval subject



1170 to final legal and engineering review and conditioned upon them posting security in favor of the Village in the amount of \$137,500 or such other amount as recommended by the Village Engineer.

D. Webb asked if that amount is needed to accomplish the required work.

1175 Mr. Stokes answered that the Village Engineer is estimating that it will cost \$137,500 to finish the work on the streets, the sewer, the water, and water management facilities.

D. Webb asked if the applicant puts up this money in addition.

1180 Mr. Stokes replied, correct, it is a letter of credit. The bank has to be satisfied that there is \$137,500 worth of assets behind it. It is a binding financial instrument whereby once the Village notifies the bank there is default, the bank would turn over the money to the Village to complete the work. This is how the Village is assured that it will get finished. As the applicant completes the work, the number could go down.

1185 R. Huftalen asked if the sidewalks are done. Mr. Stokes answered that the sidewalks are not done. The sidewalks are usually installed last because they do not want the construction vehicles destroying them.

1190 R. Huftalen asked if sidewalks are on both sides of the street.

A. McDowell believes the sidewalk will be on the west side of the street up to the factory. From there, the sidewalk will be on the other side of the street.

1195 R. Huftalen noted that the sidewalks are not depicted on the plan. Mr. Stokes suggested making that a condition of approval. A. McDowell recalled that there was a lot of discussion where the crossing would be placed due to the hill.

1200 J. Gavilondo suggested that the Town/Village line be removed from the plat because the property was annexed to the Village.

R. Huftalen made the motion to grant final plat approval subject to the following conditions:

- 1205
1. Post a bond of not less than \$137,500 or such other amount as recommended by the Village Engineer.
  2. Depict the sidewalks on the final plat, consistent with the preliminary plat.
  3. Remove Town/Village line.
  4. Final legal and engineering approval.

1210 Mr. Stokes stated that the Planning Board Chairman has authorization to sign the final plat and he must sign the final plat before it can be filed in the County Clerk's Office. The Chairman will make sure it meets all conditions before signing it.

1215 A. Walburger seconded the motion. The motion carried 5 in favor, 0 opposed.

\* \* \* \* \*

1220 J. Gavilondo made the motion to adjourn the meeting. A. McDowell seconded. The motion carried 5 in favor, 0 opposed. The meeting was adjourned at 10:38 p.m.

Respectfully submitted,

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Marlene A. Westcott  
Recording Secretary