

**Village of Cazenovia Planning Board
Meeting Minutes
August 8, 2016**

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

Others Present: James Stokes, Village Attorney; William Zupan; Geoffrey Navias; Greg Widrick; Kurt Wendler; Kathleen Bennett; David Muraco; Louis Muraco; Matt Napierala; Charles Macaulay;
10 David Vredenburgh; Judy Gianforte; Paul Brooks; Carlos Gavilondo; Jacqueline Silberberg; Sarah Webster; Jim France; Susie Lucas; Bob Lucas; Anne Saltman; Diane Webb; Pat Carmeli; Ava Carmeli; Don Ferlow; Dennis Gregg; John Cawley; Mimi Weber; Allyn Stewart; Stanley Maziuk; and several others who did not sign in.

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

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R. Huftalen asked for any revisions to the minutes of July 11, 2016. There were none.
A. McDowell 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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Salt Point Rental, 3 Fenner St., New Garage

Jim France came forward. R. Huftalen explained that since this is a residential area, the Planning Board would be doing the architectural review. He pointed out that there is a limit to the lot
30 coverage in the Code for R-6. But in order for the Planning Board to consider this, a complete application is needed, especially regarding the use. There are some concerns about whether it is a residential use. It needs to be a residential use since this is an R-6 district. At a minimum, the Board needs to see calculations that would indicate that the lot coverage is less than 30%.

35 Mr. France said he met with Bill Carr, Zoning/Codes Enforcement Officer, who told him the garage needed to have a 4-foot setback from the property line, but did not receive any further information. He stated that this is his second design and he has already spent \$1,000 and he would like the Board to take that into consideration.

40 R. Huftalen agreed to discuss this with Mr. Carr. He continued that it is the applicant's responsibility make sure that the project conforms to the Code.

Mr. Stokes asked if a business would be run out of the garage. Mr. France answered that it is for the rental property. There are four units. There is currently a small two-car garage. He has tenants who
45 have canoes, kayaks, and winter tires and they want a place to store these items. The tenants are stacking those items outside on the property. He wants to offer garage space so they can put their personal property into the building.

50 J. Gavilondo inquired if this project would need to go to the Zoning Board of Appeals (ZBA).
Mr. Stokes replied yes.

A. Walburger pointed out that this is a 16,500 square foot lot, there is a 3,500 square foot house, and Mr. France is asking for a 2,400+ square foot garage. Excluding pavement, this is already at 36% coverage. And there is a lot of new pavement on the plan.

55 R. Huftalen directed Mr. France to the Code section that talks about permitted uses and special uses that are allowed in the R-6 district. It also gives the lot and structure requirements. Those are Sections 180-30, 31, 32, and 33. He believes this would require an area variance and a use variance since it is a rental space. Mr. France stated he would not charge his tenants extra for the storage
60 space, therefore, it would not be rental space.

Mr. Stokes asked if each tenant would get a bay in this garage or how it would be decided who gets to use the garage. Also, what is the need to have it so large? Mr. France answered that there are three 2-bedroom apartments and one 1-bedroom apartment. The three 2-bedroom apartments would probably get to use the garage since they pay more rent. His goal is to make the garage big enough
65 to park two cars in each bay (stacked one ahead of the other), or a car with a kayak or boat in front of it. Mr. France stated that if he needs to get it designed smaller, he will.

70 R. Huftalen wondered if the maximum lot coverage would include pavement.

Mr. Stokes advised the Board to hold onto this to take a closer look, to talk with Mr. Carr, and to defer consideration until the next meeting.

75 R. Huftalen agreed that the Board does not have enough information to act on this tonight. If an area variance is not needed, the only jurisdiction the Planning Board has is architectural review. If Mr. France wants a garage bigger than what is allowed, he would need to prepare a site plan and go before the ZBA. R. Huftalen noted that it took some research to discover that it was close to the maximum lot coverage. Mr. Stokes and Mr. Carr will get together and look over the Code and the application materials. A letter will be sent to Mr. France stating what the Village is looking for.

80 Mr. Stokes instructed Mr. France to provide the exact footprint dimensions of all structures--both existing and proposed. R. Huftalen continued that calculations should be done to make sure it conforms to the Code. Code 180-32 gives the side yard requirements and building height limitation of 30 feet.

85 S. McEntee noted there could be a pavement limitation. R. Huftalen said that is one more reason why more research needed.

Mr. Stokes reiterated that it is the applicant's responsibility to know and understand the codes.

90 S. McEntee suggested that Mr. France talk with the neighbors about concerns of runoff. If a lot of roofing and pavement are added, it may affect the neighbors and it may have an influence on approval of the plan.

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Sims Lane Land Trust, Sims Lane/Myrtle Street, Minor Subdivision

100 David Vredenburgh came forward as the representative for the owner. The property fronts partially
on Sims Lane and partially on Myrtle Lane and is approximately 4.25 acres. The owner would like
to divide it into two parcels; one fronting on Sims Lane with the required frontage and one with
access to Myrtle Lane. To get the required frontage there, Myrtle Lane would need to be extended
and a turnaround would need to be provided to get the proper frontage and to allow plows and
105 Village trucks to turn around. The turnaround configuration may need to be changed. After this
plan was submitted Mr. Vredenburgh talked to Mr. Carr, Zoning/Codes Enforcement Officer, who
said that perhaps the turnaround should be wider and not so long. There is sewer and water available
to both parcels, they just need to be extended to the lots.

110 R. Huftalen recapped that per the application, these would be two legal lots with no variances
required as long as the required turnaround is constructed. The turnaround would need to be
accepted by the Village.

115 R. Huftalen stated that no action could be taken tonight and that a public hearing would need to be
scheduled. He asked for questions and comments from Board members.

J. Gavilondo wondered if the property was wet. Mr. Vredenburgh answered that the front part of
Sims Lane is above the wet area. J. Gavilondo asked if the idea is to put a house on each lot.
Mr. Vredenburgh replied he assumes so.

120 A. McDowell expressed her concern about the impact of drainage on abutting lots and residences.
Mr. Vredenburgh said there is an existing stream that goes down through and crosses under Burr
Street. Drainage will be considered in the site plan.

125 S. McEntee inquired about the difference between each of the elevation lines on the plans.
Mr. Vredenburgh replied about 2 feet.

R. Huftalen observed that the short Environmental Assessment Form (EAF) does recognize that a
portion of the site contains wetlands or other water bodies regulated by Federal, State, or local
agencies. He instructed Mr. Vredenburgh to make sure those approvals are obtained.
130 Mr. Vredenburgh said there are no State wetlands, but there are wetlands with Federal jurisdiction,
but building should not have any impact on the wetlands.

135 R. Huftalen set a public hearing for September 12, 2016, at 7:00 p.m. or as soon thereafter as can be
heard. A yellow public notice sign will be posted by the Village.

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Fennaway Green, Fenner Street, New Sign

140 Jacqueline Silberberg came forward. R. Huftalen noted that application materials have been
received and are in the file. Ms. Silberberg explained that she is looking for permission to replace
the old sign with a new one as the old sign is decrepit and she would like a nice pretty sign. It will
have wooden posts about 5 feet tall in total and the sign will be of a vinyl material for longevity.
Colors are creamy white with red and black. The size is 68 inches wide by 32 inches tall, which is a
145 little bigger than the old one. There is currently a roof over the existing sign, which will be taken
down and not replaced. The existing sign is lit and will continue to be lit with two little lights that
shine up from the ground and only hit the sign.

S. McEntee commented that this in the Village Edge North district.

150 R. Huftalen said that lighted signs are allowed in the Village Edge North district, but lights must be projecting downward. A. Walburger cited Code Section 180-117C(4):
Illumination. Any illuminated sign or lighting device shall employ only lights emitting constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights and shall otherwise be in compliance with § 180-112 of this chapter. Internally lit signs are
 155 *permitted for use only as individual, building-mounted, business identification signs in the VEN District only, and are prohibited for all other purposes and in all other districts, except that neon signs are permitted as window signs in the B-1 District. In no event shall an illuminated sign or lighting device associated therewith be so placed or so directed as to cause any glare or distraction to motorists upon a public street, or to permit the illumination therefrom to exceed 0.1 vertical footcandle measured at ground level along any boundary line of the premises upon which the sign is located.*
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R. Huftalen noted that the sign meets size and height requirements and asked if it would be located in the same spot. Ms. Silberberg confirmed that it will be in the same location.

165 Mr. Stokes said that in the absence of prohibition, the existing lights can still be used. If there is an issue, maybe it can be addressed with a smaller wattage bulb.

R. Huftalen declared this a Type II action under State Environmental Quality Review (SEQR) per the Planning Board’s adopted local list, which includes signs.

170 R. Huftalen made a motion to approve the application as presented with the existing lighting since this is an existing condition. If there is an issue, the Code will be enforced and modifications shall be made to achieve compliance. J. Gavilondo seconded. The motion carried with 4 in favor, with S. McEntee opposed due to unknown intensity of the lights and whether they are in compliance with the Code.
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CNY American Homes, Lot #21, South Meadow, Garage

180 Dennis Gregg came forward to explain. He referred to a previous discussion about the garage on Lot #21 coming out toward the street. The conversation was about whether the garage was on the inside or the outside. Mr. Gregg has discovered that it cannot be on the outside because there is not enough room. When coming down the hill, the garage doors would be directly ahead and he would like to avoid that. He prefers to have the side-by-side double hung windows be the view coming
 185 down the hill, as opposed to having an interior driveway where the whole front lawn would be blacktop. When entering the South Meadow development, the view would be the garage door. Therefore, the door needs to be at the end.

R. Huftalen recalled that the Board granted architectural approval based on the garage doors not being out in front. The Board did not want a prohibition on snout houses. The Board did not want to have the same effect as South Village. This seems to be a unique situation because of this particular lot. He solicited comments from Board members.

S. McEntee said he has no issue with the change.

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J. Gavilondo worries that this would set a precedent if the Board makes an exception this time and she does not want to set a precedent. Mr. Gregg replied that approval will be done for each individual lot, on a case-by-case basis.

200 A. McDowell said she has no problem with the change.

R. Huftalen agreed with J. Gavilondo about setting a precedent.

205 R. Huftalen said that with the caveat that this will not set a precedent, he made a motion to alter architectural approval to allow the applicant to shift the position of the garage door to the south elevation rather than the west as proposed. The west elevation will have the windows as shown.

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

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210 **Sphere Cazenovia LLC & New Venture Assets LLC, The Cazenovia Market (Aldi), Route 20 East, Site Plan Review**

215 R. Huftalen: We have some representatives from Sphere and New Venture Assets LLC. We are in receipt of a formal application for development, which includes a new Aldi in the VES-MU (Village Edge South-Mixed Use) newly annexed territory. It looks like you've got some stuff to discuss or present to us. I would like the applicants to go ahead and talk to us about what this application is all about.

220 Kathleen Bennett: Hi, I'm Kathy Bennett. I'm an attorney with Bond, Schoeneck, and King. I represent Sphere in connection with the proposed site plan and subdivision application that is pending before you. We certainly appreciate the time that has been spent by everyone on this board and other boards and commissions who have reviewed the plans and provided comments for this proposed development. As noted at the last meeting, this is a challenging review process because
225 each board and commission that has looked at this, and, in fact, we heard last time from each member of this board, that you guys have different priorities. And, as noted by Chairman Huftalen, these priorities sometimes conflict with each other in terms of trying to satisfy them in something practicable on a site plan. Chairman Huftalen also noted that in interpreting exactly what the Design Guidelines call for is challenging in this particular case. In addition, this afternoon, we received
230 comments from the Village Engineer, John Dunkle. His very first comment is that the site plan submitted did not reflect some of the comments that we had heard from the Planning Board last month. I will note that Mr. Dunkle's email noted that he had not reviewed those plans for compliance with VES guidelines. It also does not appear that he reviewed the narrative that was prepared by the applicant demonstrating compliance with the guidelines.

235 R. Huftalen: May I interrupt, Ms. Bennett, for a point of clarification? You were saying Mr. Dunkle didn't . . . I just wasn't clear about the first part.

240 Ms. Bennett: His first comment was that the site plan that was submitted did not reflect some of the comments that the Planning Board had presented to the applicant last month. That was his first comment.

R. Huftalen: He said the plan doesn't reflect the Planning Board's request to reduce the number of driveway cuts on Route 20 to two. I spoke with Mr. Dunkle just as a point of clarification. I think

245 he was probably referring to the minutes that he was reading. For sure, Mr. McEntee brought up some of that section. I just wanted to clarify exactly what you were talking about.

Ms. Bennett: What I thought I would do at the outset before turning things over to Matt is to just try and address the comments that we heard last month that are reflected in those meeting minutes based
250 on our reading of the Zoning Code and the Design Guidelines. Most of this information is set forth in the narrative statement that you were presented with the application. And so considering the challenges involved in interpreting the Design Guidelines, I think it is important to note that the Design Guidelines are only recommendations. I am not making that up. They say that themselves on Page 3 and that they are intended to allow developers to be creative in how they address issues.
255 The Design Guidelines and the Zoning Code are clear that compliance is only required to the maximum extent practicable. I think we are seeing some of the challenges and the fact that it is not possible, let alone practicable, to comply with each and every guideline as they are written. During the last meeting, one of the primary concerns involved village streets and how buildings front on those streets. The land use site plan that is on Page 6 of the Design Guidelines contains a reference
260 to Village Street C, which enters the proposed development site from Route 20. The site plan before you includes this proposed village street C. The land use site plan also contains a reference to village street or connectivity D. It specifically says connectivity on the land use site plan and the Design Guidelines. Later in those Design Guidelines it states, with respect to village street or connectivity D, that it may be some time before the street is constructed and an internal drive may be
265 included in the design rather than a street. So until the parcel immediately to the west of the project site is annexed into the village and submits a site plan, the site plan that is before you this evening provides internal drive D that will serve the proposed grocery store and pharmacy uses.

Mr. Stokes: Kathy, I hate to interrupt, but can you describe what the difference is? Not the location.
270 What is the difference in the applicant's mind when the plans call for a street or the plans call for connectivity, particularly with relevance to adjoining lots?

Ms. Bennett: This internal drive D would not be proposed to be dedicated to the Village until such time that the intervening lot was developed and those roads could be all connected up to join the
275 village street that is in front of the Hampton Inn.

Mr. Stokes: So it is the applicant's intention to dedicate that as a street in the future? That's what I read.

280 Ms. Bennett: In the future, yes. But we don't know when in the future that might be.

Mr. Stokes: So wouldn't that have to be constructed to Village standards now in order for that to make any sense? In other meetings, the applicant said they would be constructing up to Village standards. It is in the transcript somewhere.
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Matt Napierala, site engineer for the project: Essentially, when we look at the cross section of materials for a village street compared to what would be proposed, and in an engineering sense, we talk about the strength of materials as far as the base gravel, the thickness of the binder course, and the top course of the asphalt. That particular cross section that we are proposing in that internal
290 drive D is the same as the village street criteria. The difference that we would see would be potentially the village street has a bituminous kick up requirement, or essentially a sloped curbing, and the particular location of internal drive D and how that kick up would be placed is something

that we have to finalize and work out. But essentially the structural and engineering strength will be the same as a village street.

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R. Huftalen: I think I can speak for the entire Board. And if I misspeak, please go ahead and correct me. I don't think anybody on this Board disagrees. We would want the connectivity, or whatever you call it, to conform with village street standards so that it could be accepted as a village street at some point in the future.

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Mr. Stokes: If they expand beyond it. The only way it could be accepted as a village street later is if there was an enforceable commitment to dedicate it. Because, obviously, a cross reciprocal agreement between these two developers means nothing if the Village, i.e., the public, does not also have a right of passage over there. For you to say you will dedicate it later, we don't have any control of what happens later. It is not just the standards. Even if you build the pavement to those standards, if you haven't built it to street standards, who do you expect to pay for that in the future? There is the legal aspect of it. The Village has to have, in hand, some kind of public right-of-way, otherwise this is all meaningless.

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310 J. Gavilondo: Why is this an issue?

Greg Widrick: It is an issue for us because there is uncertainty of time, if ever, of the Cowherd property. We don't control the Cowherd property, nor do we have any intention to. There are requirements that are placed upon this being a village street that implicates the site plan layout and design at this point before we even know what the intentions of the property are going to be next to us.

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David Muraco: We are putting it through a parking lot right now. I have parallel parking on the back side, trying to preserve the detention . . .

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J. Gavilondo: I still don't understand.

Mr. Widrick: The difference between calling that an internal drive and a village street, I assume when that was drafted and that right was given in the document, there was a reason for it. From our interpretation, the reasoning was . . . There are two scenarios. 1) It connects to Laker Road or Laker Street.

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Mr. Stokes: That was always the intention. It is not just a scenario. That is clearly the intention laid out in the plan.

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Mr. Widrick: The intention and the scenarios. I'm giving two. So say that happens. Now this is a village street and the intention of the overall plan occurs and happens. Fine, this becomes a village street. Tell me what happens if this [Cowherd property] doesn't become developed. I have no control over it. It is in the control of the property owner today.

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Mr. Stokes: But that is the problem every subdivider faces. I'm not telling you anything you don't already know. You always have to plan for the future connectivity. No developer ever comes in saying, "I control a piece of property that I don't have any legal right in." Have you even looked at the logical crossover point? It is pretty laid out where the hotel drive ends. And that was done strictly according to the plan. There are just so many options.

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Mr. Widrick: This is pretty clearly right across the property from it. There is no smoke and mirrors going on here. Maybe I turn the question back over to you. Why was that section written in the VES Guidelines?

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Mr. Stokes: I didn't write it. And it is not my job to tell you that. It is your job to show the Board what options you considered and why you can't do those.

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Mr. Widrick: I only got through scenario 1. Scenario 2: If this isn't developed and somehow blocked from us being able to connect the roadway through here, this remains an internal drive. Its only function is to work internally with these buildings as it is today. If that is the case, we have to look at the conditions the way they are today.

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Mr. Stokes: But even if you look at the Design Guidelines and you look at your own report, it talks about that eventually becoming a village street. So why wouldn't you build it as a village street in the beginning, other than items of cost?

Ms. Bennett: The materials will be up to Village specs. They have to be.

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Mr. Stokes: But it also requires sidewalks and curbs.

Mr. Widrick: You didn't let me get to it.

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Mr. Stokes: But you are dancing around it, Greg. I want you to get to it.

Mr. Widrick: I'm giving you a complete story.

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Mr. Widrick: The second reason is, Jim, is because if it isn't connected today as a village street, there are certain other requirements in our layout of the design of the site, i.e., parking, which street does it front.

Mr. Stokes: Did you give the Board a drawing that shows how you analyzed that?

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Mr. Widrick: It is in the CACC [Cazenovia Area Conservation Commission] report. Don Ferlow laid all those out.

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Mr. Stokes: Your report. Not the CACC report. Have you shown how you analyzed it and you cannot make it work? When the zoning says, as was accurately quoted by your attorney, to the maximum extent practicable, it is your burden to show that it is not practicable. You have shown us nothing other than conclusory statements that it is not practicable.

Ms. Bennett: Jim, I don't think we are saying that it is not, in the future, going to be a village street.

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Mr. Stokes: Good. So why wouldn't you build it the same design as a village street now-- sidewalks, curbs, everything?

Ms. Bennett: Because we don't know what is going to happen in the interim.

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Mr. Stokes: Nobody knows for sure.

Ms. Bennett: Sidewalks can be a condition. Right? That if the intervening parcel ever gets developed, there is a condition and it can be bonded for that those sidewalks get put in place.

395 Mr. Stokes: Nobody knows for sure. So that would be your proposal to bond for the future improvements?

Ms. Bennett: That would be a suggestion, yes, as a way to address those concerns.

400 Mr. Stokes: Is that your client's wishes? Because they don't seem to be paying attention to this.

J. Gavilondo: Can I just say something? I understand that you all are looking at the conditions presently. One of our jobs here is to be a little bit forward thinking and have to plan for future development and what this is going to look like in the future. Your concern is what it is going to look like right now. Our concern is how it is going to look in the grand scheme of things. That is one of our concerns. We can argue back and forth about it now if you want, but I think you heard from our attorney and from the Chair that one of the criteria is that will have to be a village street.

410 Mr. Widrick: It will be built as a village street. But it is not going to be called a village street so that our ability to design the site isn't limited.

Ms. Bennett: We have talked about putting in those sidewalks on the southerly side. Is that something we can consider at this point, or as I indicated could be a condition?

415 R. Huftalen: Ms. Bennett, Jim, applicants, we are not litigating this right now. I would prefer to have a descriptive conversation and let the Board members weigh in on what is important to the Board collectively. Certainly, we will take our legal input and we will try to understand the rationale for what you are doing. But let's carry on with the discussion about the proposed project.

420 Mr. Stokes: Rich, with all due respect, we are probably going to be litigating this at some point. I think it is important to get these issues addressed early in the process.

425 R. Huftalen: Fair enough. With all due respect, Jim, when we litigate it, we would have to litigate something . . . We are trying to take a look at the whole picture here and get through this presentation. Then at that point, we will talk about some legal issues. We will take your input on every issue that we think is potential litigation.

430 Ms. Bennett: That is kind of where I was going was to the extent that sidewalks are required. Certainly, that is something that you guys come back to us and say we want to see them now. Then we will look at putting them in now. It is also something that could be conditioned.

R. Huftalen: For instance, that is one of the points I was going to bring up. In my mind, the way the sidewalks are laid out right now do not conform to what we would want for a village street. Let's get through the issues.

435 Mr. Napierala: I don't want to belabor the point. The design thought was, because another question became the internal pedestrian access, so we were providing that internal pedestrian access with the pathway system that essentially provided that internal circulation and had that dual functionality, albeit not the specific criteria of the sidewalk with the landscaping in between. Certainly, that is why we are here today under concept is to hear the input and see where we have to go to reach this.

440 At the same time, we still have the Link Trail system on the south side of the ravine that provides the connectivity to other parts. But that is why we are here, to hear comments.

R. Huftalen: Let's carry on with the presentation.

445 Ms. Bennett: One of the other issues is designing the buildings to front on village streets.

R. Huftalen: Yes. Fronting on village streets is obviously an important particular problem with this site.

450 Ms. Bennett: As you know, the site has been designed so that the buildings are proposed to front on Route 20, creating the hard gateway to the Village's eastern edge as envisioned in the Design Guidelines. The CACC noted in its report that following annexation, Route 20 is a village street. We heard last month from member Walburger that Route 20 was an arterial and not a village street. But I believe that member Walburger's interpretation relies on the classification of streets that is
455 found in the subdivision regulations and the priority to front buildings on a village street is found under the zoning law in the Design Guidelines. So it is not appropriate to consider definitions found in those other regulations when there are definitions in the most applicable Code that would apply to the situation. Section 180-8 of the Village Zoning Code is clear that various words and terms used
460 in these regulations shall be interpreted and defined as indicated in Section 180-9. Section 180-8 further provides that all words and terms shall be interpreted and defined in accordance with their commonly accepted meaning. So to the extent that words and terms are defined in the Code, then they must adhere to the definitions provided, not to other meanings, and that only when a word or term is not otherwise defined may other resources be consulted. The Zoning Code defines street and it defines village. It defines a street as a publicly dedicated and maintained right-of-way for
465 vehicular traffic affording the principal means of access to adjoining lots. Village is the Village of Cazenovia. Route 20 is a publicly dedicated and maintained right-of-way for vehicular traffic affording the principal means of access to adjoining lots and it is located in the Village, making it a village street for purposes of the Zoning Code, on which frontage of the buildings would be permitted.

470 Mr. Stokes: I'm sorry. Could you say that again?

Ms. Bennett: The way that the Zoning Code defines street is as a publicly dedicated and maintained right-of-way for vehicular traffic affording the principal means of access to adjoining lots. Route 20
475 satisfies that definition. Village is simply the Village of Cazenovia, following annexation, that portion of Route 20 is now located within the Village.

Mr. Stokes: So you are saying that just because Route 20 is in the Village, that makes it a Village street?

480 Ms. Bennett: The way that street is defined, Route 20 satisfies the definition of street.

Mr. Stokes: Thank you.

485 Ms. Bennett: Another comment dealt with parking between the buildings and Route 20, and you see that in front of the proposed pharmacy. But other than the pharmacy, there is no parking located between Route 20 and the other buildings. The Zoning Code Section 180-63F2 and on Page 13 of the Design Guidelines, it provides a special exception for redevelopment projects that would allow

490 for limited parking between Route 20 and Retail 1. In fact, would allow for limited parking between all of the commercial buildings and Route 20.

J. Gavilondo: Are we in agreement that is a “may,” a permissive, not a requirement. I just want to make sure we are on the same page with that.

495 Ms. Bennett: The Zoning Code allows for the parking in a redevelopment project.

J. Gavilondo: It says “may.”

500 R. Huftalen: I think what Jennifer is bringing up is part of the function of the Planning Board is to determine and allow those things. When it says “may” . . .

J. Gavilondo: It also means “may not.”

505 R. Huftalen: Again, I think that is something that there is wide agreement on the Board. That is something that has been widely discussed in prior developments and it is a priority of the Board that we don’t want to allow parking in between buildings and Route 20.

Mr. Muraco: Could you take into consideration that my tenant is requiring it and have some mercy? We have reduced the parking, we believe, by 100 parking spaces by combining the projects—the buildings. We reduced by 100 parking spaces. We had an agreement done before we went to any Board members or anyone outside of this Board. We discussed this. It is just a requirement. I know we keep beating on it. It is 9 parking spaces and 2 of them are handicapped accessible. It is very standard in a drug store for the people to be able to pull right up on the front. We have made some changes to the front, the main entry way to the right. We pulled it in. We made it more green, more landscaping. So we have made some changes and we keep hearing about it.

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Mr. Stokes: The Board can take that into account, but they are not making any decisions tonight on anything.

520 R. Huftalen: I think my comment, from a practicable point of view, is that the Board could take that into account. I can’t speak for the entire Board, but I would say that is something the majority of the Board would find desirable.

Ms. Bennett: In Mr. Dunkle’s email, he noted that the driveway in front of the bank was not eliminated. But I don’t believe that was a comment that we heard from the Planning Board. That also appears to be contrary to the Code Section 180-63E3, which specifically allows accessory driveways for internal circulation to be located within the setback from Route 20. So that I don’t believe we heard from the Planning Board last time. I just wanted to point that out. There were comments about the creation of a bermed-like park area between the buildings and Route 20 to screen parking. This has been included in the site plan presented before you with the creation of a linear park that was designed in accordance with the streetscape design on Page 8 of the Design Guidelines. Another comment had to do with the number of curb cuts proposed. And we would agree that it is the purpose and intent of the Village Zoning Code and the Design Guidelines to reduce the number of curbs cuts from Route 20. Today, the properties as they exist have a total of 6 curb cuts that exceed 400 linear feet in width and include 90-degree parking directly on Route 20. On the site plan presented, the applicant has removed a curb cut that was initially proposed on the easterly portion of the site. If you recall, this curb cut came in off of Route 20 for the bank parcel,

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they eliminated that. It is the applicant's position, based on its reading of the Design Guidelines, that village street C, as a dedicated village street that serves multiple lots, is not counted as a curb cut as defined by the Design Guidelines. The Design Guidelines identify a curb cut as a cut that singly serves a private lot. So under that definition, village street C is not a curb cut. And the only proposed curb cuts are the major curb cuts into the shared parking area and then the minor curb cut right in/right out on the retail site. Again, the Design Guidelines would allow redevelopment projects to retain one existing curb cut per parcel along Route 20. I know there has been some discussion about whether this satisfies the definition of a redevelopment project. Looking at the definition in the Zoning Code, redevelopment is defined as the planning, development, design, clearance, construction, or rehabilitation of existing property and improvements regardless of whether a change in the principal or accessory use occurs. This project is clearly redeveloping an existing site. This could satisfy the definition of redevelopment under the Zoning Code. Then to say that the intention of the provision that allows for retention of an existing curb cut is not applicable here because it requires the retention of a curb cut as it exists today, as a result these curb cuts wouldn't qualify because they are different than what exists today is an overly strict reading and defeats the intention of the Guidelines to reduce the area devoted to curb cuts. Because if that were true, then the applicant could look to retain one of the existing curb cuts that would allow them to keep curb cuts that exceed the 50 linear feet that is currently proposed for the one major and one minor curb cut. So that clearly seems contrary to the intent of the Design Guidelines to reduce curb cuts. The applicant has received an email from New York State DOT [Department of Transportation] indicating that the concept plan with the two curb cuts; the one major and the one minor right in/right out and village street C is acceptable to the DOT. I believe member McEntee also noted at the meeting last month that it was important that the lighting be dark sky compliant. It has been designed to be dark sky compliant. And also indicated that the 50% greenspace guideline be met. And again that has also been satisfied in the site plan as it has presently been designed. At this point, I'm going to turn it over to Matt to discuss some of the more technical aspects of the site plan.

Mr. Napierala: Thanks, Kathy. I'm not going to get into a lot of detail. I certainly want to be available for questions and answers and talk about some of the technical aspects. Since the preliminary submittal and the annexation plans, a set of plans that we have provided start to get into the detailing of the grading, how we propose to make utility connections, and start to get into some of those finer engineering points, of which are certainly relevant and a point of discussion, especially between our office and the Village Engineer, John Dunkle. Some of those aspects that I just want to kind of reiterate from the preliminary discussions and kind of talk about deal with the stormwater mitigation with regards to the aquifer protection zone and what we are proposing to do here with the understanding of this particular package. We did not include the stormwater management plan, but we are at about 98%. I just have to do some final QCs of that and it will be part of our next package and submittal, of which will give Mr. Dunkle ample opportunity to fully review that. In plans and beyond just this rendering plan, you will see that each of the development sections, even though there are three proposed lots, we have essentially what we call four major development sections. We have Retail 1, Retail 2, Retail 3 and 4 along the frontage of Route 20 and then the townhouse style apartments to the south side crossing the ravine. And in each of those particular areas, we are looking at individual mitigation systems—both water quality and water quantity. The water quality will be in the forms of both swale systems and bioretention areas. At one point in time in early discussions, we talked about a specific, our acronym is a CST, but a control vault with multiple baffles to help with the pollutant upload prior to discharging into infiltration basins that we are going to utilize infiltration for that groundwater recharge. All of this will be in, essentially, a 2-inch binder that Mr. Dunkle will be reviewing and we can look at the calcs and work with John's office with

regard to that. So we are at about 98% ready for that submittal. When we review this grading plan, you will see some specific grades, some inverts, some piping systems, and such.

590 Mr. Stokes: Have you done any soil borings or anything? Mr. Napierala: Yes.

Mr. Stokes: Have those been provided to Mr. Dunkle? Mr. Napierala: Yes, it will be in the next package. We have done complete infiltration testing per the DEC [Department of Environmental Conservation] requirements. We have done essentially perc tests per DEC to show the infiltration as well as the soil, actually test pits, not borings. We had a backhoe on site, which we were excavating down about 8 or 9 feet and doing the infiltration tests at that point. So yes.

600 Mr. Stokes: Just as a matter of clarity, you have shown quite a bit of dark green on there, which I assume is existing vegetation to remain. Is that what the dark green is?

Mr. Napierala: Yes, sir. On this color rendering, per se, and there are some labels and such, but the darker green areas essentially are those vegetation areas that will remain undisturbed during the construction portion. The lighter green becomes green space that will be vegetative cover following construction. There will be some earthwork and grading in most of those light green areas to make the construction happen. That will correspond. If you flip to the grading plan, you see the heavy, solid lines and that is showing essentially some earthwork moving around to both create these depressionary stormwater basins and off grade appropriately to make a level site.

610 Mr. Stokes: How much of the dark green is actually on your property?

Mr. Napierala (pointing to the plan): The property line is the solid double dash line. On this section of it, there is a good chunk of dark green that is not. That really follows today's vegetation. We had an arborist come out to the site with us to define the sapling and brush trees compared to mature vegetation. In the landscaping plan, we have identified those particular species of the wooded area versus a brush scrub area. You will see a second line—a tree line and that kind of depicts more of that brush and scrub and not mature vegetation. So we will be impacting the brush scrub, but not the mature vegetation. So, again, I don't want to belabor some of these engineering points. I know that Mr. Dunkle's letter did talk about some aspects of the sewer and the water connectivity, of which we weren't aware of until that letter. I think we need to have some internal conversations with him. We are providing a sewer connection. There is an existing sewer manhole just to the south of our property, in front of the Cowherd property. We were looking at a sewer line extension along Route 20 with then a linear south extension to serve the apartments. Mr. Dunkle indicated that the hotel property, which would require easements through Mr. Cowherd, has a stubbed connection for sanitary sewer, which we weren't aware of. We weren't a party to that development, so that was news to us. The water connection—there is an existing waterline along Route 20 that we were looking at service connections, as well as a main water loop down on village street C. That is how we proposed it. And Mr. Dunkle's letter had thoughts of a loop. I think we will get into that over the next couple of weeks with Mr. Dunkle. With that, I'm going to sit down. But we are here, certainly, to talk about engineering aspects.

630 R. Huftalen: Just a couple of questions, Matt, before you have a seat. In one of the comments that we received that your stormwater management utilizes end of pipe. Could you describe to the extent that you have incorporated green infrastructure?

635 Mr. Napierala: That comment came early, early on when we did have end of pipe. So let me just
explain that terminology of end of Pipe. Essentially, DEC is telling us what we want to do is to take
development pieces and they are kind of leaning away from end of pipe. An example would be a
complete hillside development and essentially you are letting all that new runoff flow down and you
640 are going to put a big pond at the bottom of the hill. That would be end of the pipe treatment. The
problem with that is you are essentially allowing a lot of pollutants, as well as a large volume and lot
of power and speed of a large storm event, to come to that end of the pipe and at the bottom of the
system. We saw that comment early on and that was, I think, during the annexation process. We
took a look at the development and the stormwater analysis. I think that is where I was trying to talk
about that now for each of these development pieces, we are going to have mitigation—quantity and
645 quality—mitigation at every step of the way. Essentially, let's say that this is the top of the hill. It
isn't necessarily a perfect world, but this is the top of the hill and this is the bottom of the hill. Our
first scenario, we had a big pond essentially sitting down here, which would be somewhat considered
end of pipe treatment. But now, essentially, we've got that mitigation piece sitting up here for the
townhouse apartments. We've got a mitigation piece in this location for Retail 3 and 4. We've got a
650 further mitigation piece for essentially Retail 2. And then a mitigation piece for Retail 1. All of
those systems are, when we look at the analysis and calculations, and frankly what happens here is
the stormwater doesn't cross the ravine. So we are mitigating the flow here. The ravine essentially
comes off property. So this piece of the system is treated both quality and quantity per DEC
standards and discharges into the ravine. This system, as well, connects to this side of the ravine
655 crossing or the channel crossing and that will bypass our system. These two pieces, Retail 1 and 2
will connect together. But again, we are treating that water right away. So that essentially handles
the quality and quantity treatment in a staged effect and not end of pipe.

R. Huftalen: Then my other comment was with regard to the sewer and water connections. I know
660 that was something we talked about in the minutes last time that was an important consideration.
You had some initial discussions in a letter from Bill Carr that you have included that talks about the
water that is available. Then from Mr. Cunningham where you referenced the sewer district recently
constructed new sewer main terminating at a manhole near the new hotel construction, which has
sufficient capacity for the proposed project. If you had an alternate that was acceptable to
665 Mr. Dunkle, then we would be glad to consider it. But certainly, that has always been of importance
to Bill Carr and John Dunkle. I would not want to leave the impression that is something that just
came up today. We do have this preliminary letter from Jim Cunningham that we got today.

Mr. Napierala: Let me do a little bit more homework on the water and sewer aspects. Frankly, to us,
670 it becomes: Do we extend the sewer along Route 20 or do we extend the sewer back here? I haven't
done a cost analysis of it, obviously. But I don't think it is a problem for us. But we are not going to
build both of them. Then we can talk about the pressure systems and working with both John and
with Bill Carr as far as what we do with the water system.

675 R. Huftalen: This is part of the public record now, but one of the recommendations, or one of the
priorities for our public works administrator here is that we wouldn't accept any sewer sumps to be
owned by the Village. If that was the proposal, it would have to be privately maintained.

Mr. Napierala: Understood. Because we are at the far end, there is a potential of a unit here in
680 which we need to eject and get to the main. But it would not be a public pump. It would be a
private pump to pump to a main. The developer would essentially have that piece of equipment on
his property and his O&M and it would not be the Village's. I can't answer that specifically yet, but
I do know that the last unit is at the limits of gravity.

685 J. Gavilondo: Maybe you don't know the answer to this. I didn't do the math, but just looking at how the plan is laid out. There is a provision about parking cannot exceed the square footage of the buildings. I'm trying to figure out how it doesn't. There is an indication that the proposed parking area does not exceed the building footprint. If I look at this and I flip those buildings, it certainly seems like parking exceeds the footprint.

690 Mr. Napierala: That would be very difficult to accomplish in any development, quite frankly. For this parking, we are asking for a variance to begin with. We are already asking for a reduction in the parking as Mr. Muraco indicated.

695 Mr. Stokes: It is not really a reduction. In the Village Edge South it is determined case by case and it encourages reduction of parking. So I'm not sure where you get a variance. Are you looking for a variance?

Mr. Napierala: No.

700 J. Gavilondo: I am actually reading something that somebody here wrote. They wrote the proposed parking area does not exceed the building footprint. I am trying to figure out how that is so.

705 Mr. Widrick: Are you calculating the square footages of each parking space? Are you including drive aisles, not the drive aisles? How is all that defined?

J. Gavilondo: What we got from you is that the parking doesn't exceed.

710 Mr. Widrick: That statement is referring to square footages of the parking because that's the way the words are in the document. As soon as we add the aisles in . . .

J. Gavilondo: So you are talking about just where the cars go? Not the ingress and egress? I'm just asking where it is coming from, that's all.

715 Mr. Widrick: Those are the words we have to follow.

S. McEntee: It's on Page 10, under Code Section 180-63B2.

720 J. Gavilondo: This is probably more for Dave. I have expressed this concern before. My concern is that this is proposed as a mixed use. But will that residential ever get developed? I'm curious. I don't know if you know, but you probably do because you own most of them, but the occupancy rate of apartments in Cazenovia right now. Are you at 100%?

725 Mr. Muraco: Absolutely. I have a waiting list for Carriage Garden. You know, I built the 48 units behind the plaza in 2003. I have 100% occupancy in my apartments. If you are asking the question: Will they get built? Have you ever seen me not build what I say I'm going to do?

J. Gavilondo: I'm not sure.

730 Mr. Muraco: Well, research me. I'm not here for practice.

J. Gavilondo: I understand. But I know that commercial development is a lot more viable and lucrative than residential development.

735 Mr. Muraco: I'm ready to do this. I wouldn't have done it five or six years ago. But there is a need right now.

R. Huftalen: Just a question. Would you be receptive if the Board wants to see the mixed use component—the residential—constructed before the other? Can the residences be built before the retail?
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Mr. Muraco: I think we are here right now immediately for the Aldi's deal because they are under contract with time requirements. My deals are coming right along. If you need something, a guarantee from me, that the residential gets built, I guess I can give you that. I'm not doing it this year because we are moving at a slower pace right now, but in 2017. In fact, we will go in and do a lot of the infrastructure. All my applications are in for the crossing with the DEC and the Corps [Army Corps of Engineers]. I will probably go up and build the road in conjunction with the Aldi development. We've got to build the majority of that parking lot anyway. The pad will be prepared for the drug store. And the bank building will probably be built very quickly. And maybe put foundations in if we can get this done this year in good weather for these guys.
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R. Huftalen: Do you understand the nature of my question? Mixed use determination relies on the fact that there is a residential component, I think to address Jen's and others' concerns. That is important to the Board.
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Mr. Muraco: It's my money I'm investing. I'm really not doing it for practice. I think there is a need. The last project I did was 2003, Carriage Garden, and it's very successful. Paying taxes, no breaks.

760 Ms. Bennett: I would like to clarify for the record, although I'm not sure it's going to clarify anything. In fact, it might only confuse things further. Section 180-63F of the Village Zoning Code talks about special exceptions for redevelopment projects and says: Redevelopment projects, per parcel, shall be given the following relief in order to encourage redevelopment of existing sites. Then it notes the curb cuts and the parking that we talked about. Shall is directive.
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R. Huftalen: I hear you on that language. Then it says: Subject to site plan review, very limited parking may be retained in areas restricted by this section . . .

Ms. Bennett: You've got to square the "shall" with the "may."
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R. Huftalen: I understand your interpretation.

Ms. Bennett: Again, I don't know that I clarified anything, but I wanted to make it noted for the record.
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R. Huftalen: Did you have any further explication? I would ask the members of the Board for questions, clarifications, comments on some of the rationale.

A. McDowell: I would be interested in the connectivity—the sidewalks. Could you show me where you are planning them?
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785 Mr. Widrick (pointing to the plan): You see the term used a lot in the VES guidelines, also in the Zoning Code, about creating a linear park up front. This is not something that you see in a typical development where you are driving by and you see a sidewalk with lampposts and something very straight. This is meant to be a parklike experience. A sense of place is referred to a lot in here. What we tried to do is create that sense of space with the setbacks that are put forth in the VES guidelines. What this plan doesn't show you is all the landscaping that we have in here. This is supposed to be a cinder meandering path with lots of vegetation, creating spaces with some park benches for people when they are riding their bikes or going for a walk. Eventually when the 790 Cowherd property is developed and CAVAC has to somehow put this in, it will be a continuous connection. More of a cinder trail. More like a park rather than a straight linear sidewalk. That is what this is meant to capture your eye as you are driving by, rather than looking back at what else is here. This is the linear park, which continues around through down here. But then also, since this is a village street, creating a sidewalk here, connects back to this trail, which eventually connects to the 795 Link Trail or the art park. Eventually, this street, as it is planned, goes back here to the future residential development, which wraps back around up to by the Fauth property. So you are creating this internal circulation. The challenges with this site is you have this ravine back here with also a protected vegetative area. So it creates a very narrow area to develop in kind of grid-like type patterns. This is meant to be the street that connects to Laker Way, which, but for the Cowherd 800 property, would be able to be done today. We are trying to make this look as much like a village street as we possibly can.

A. McDowell: Which side? Where would you have it? On the south side of that road?

805 Mr. Widrick (pointing to the plan): This is the street. This would be your dividing line, your yellow typical line you would find in a street. Then we have parallel parking here for two reasons: 1) To get up to a parking requirement needed by the retail, but also this is conveniently located so you could park here and walk over to the Link Trail and then go in either direction.

810 A. McDowell: Excuse me. I don't understand. Where is the parallel parking?

815 Mr. Widrick (pointing to the plan): Where it bumps out, that's parallel parking. We used to have 90-degree turn-ins. But the comments from the Board last time was they wanted to make this look more like a street. So we are trying to make it look more like a street. But some of the comments we have heard here tonight is maybe take this and put it over here on the south side.

A. McDowell: I think that would be better. I don't understand where a sidewalk would be if you had parallel parking here.

820 Mr. Widrick (pointing to the plan): With the parallel parking here, you have your sidewalk here. What Matt brought up is in this design when we did this, because of the proximity of the Link Trail over here, it was like we've got two trails, so maybe this would be better served over here to help with the connectivity between the buildings. But it's okay. We can move it. We don't have an issue with that.

825 R. Huftalen: Again, just another point of clarification. In a preliminary review from Mr. Dunkle, he talked about parking in that street. I asked him for clarification as to why he thinks there shouldn't be parking on that street. In his experience, he has not accepted a village street with parking.

830 Clearly they exist. I would say that the majority of the Board would say that a sidewalk on the south side of that street would be better.

Mr. Widrick (pointing to the plans): Originally, that's where it was, in our plan before this version. But to try to make that . . . If you look at the plans of a separate village street, you would think it should be shifted. The street should be shifted this way more with some greenspace in between.

835 The only problem with that is what I just said before about the developmental challenges, which is acknowledged in the VES guidelines of the narrowness between the ravine and the road. You don't have a lot of room in here. If this wasn't here, you would envision maybe more buildings along this way and making this some sort of village street focus. But it's just not reality here because we want to preserve the conservation aspect and the trailways. This is Route 20, as everyone knows. This is

840 the property boundary. This dark green area represents the conservation area that we are not touching. It is hard to see probably, but this dotted line is the Link Trail that goes over to the art park, and this way back over to the ravine. What was being asked is didn't understand this parking situation here. I know it is probably hard over there to see, but feel free to come up. This bump back now has created parallel parking instead of 90-degree in parking. Because the comment was:

845 You rarely see streets with 90-degree parking. I have been to Cortland a lot lately and seen a lot of 90-degree parking off the streets. So we made it parallel parking to represent more of a streetlike presence, which you see right here in Cazenovia. Ideally, the drawing that was in the VES guidelines kind of shows almost another street coming here and creating some more greenspace. The problem is, we only have this much space to work with and we need to satisfy our stormwater

850 requirements. So in all practicability, we can't make that separation any more than what we can. We are trying to think creatively how we delineate this as a street to make it look to the common person as a street and not a driveway. We used to have the sidewalk over here, but we said: Maybe if we put it over here that helps draw that line to delineate a street, which is what you see here. It is very faded. It is a sidewalk that would be a red stamped concrete or whatever material it is to make

855 it look more like a street. We cannot make these curb cuts very narrow because then a tractor trailer can't get in to back in and deliver the supplies. So you have to have a wide curb cut there. We have tried, by moving that street over, but now Chairman Huftalen just said they would rather see the sidewalk back up here, which is no problem. We can move the sidewalk back up there to help that. That is no problem. That is not an issue.

860 R. Huftalen: Just reviewing some of the other items that were discussed. Tonight we talked about the sewer and water and how you access that. I'm not sure we've got that resolved, but it is obviously on the table. We were talking about the bermed-landscape corridor along the front of Route 20. It was raised last month. It was one of the things that is important to all of the Board. In

865 the Code there are restrictions on how far set back the buildings can be. So we have: Buildings fronting on Route 20 shall be no greater than 65 feet from the Route 20 right-of-way line. You've got that potential drug store right to the max of that.

870 Mr. Widrick: Which I think was contemplated in that redevelopment section by saying you must increase the amount of landscaping.

A. McDowell: How many parking spaces did you want in front of that drug store?

875 Mr. Muraco: Nine. Two are handicapped.

Mr. Stokes: So anybody can use the other seven. They don't have to be senior citizens or elderly. They can be well bodied.

880 R. Huftalen: Then we also discussed the number of curb cuts. I think you went through your rationale for why, in your case, those curb cuts are allowed. Questions from the Board?

A. McDowell: It's two not including the C front.

885 Mr. Widrick: One full access and one limited, meaning right-in and right-out only.

J. Gavilondo: There is a drive-thru plan for the drug store, right?

Mr. Muraco: Yes, it's in the rear.

890 J. Gavilondo: How about for the bank? Is there a drive-thru plan for that as well?

Mr. Widrick: Yes.

895 Mr. Muraco (pointing to the plan): It's right there. It's the overnight [drop box] in the passing lane.

R. Huftalen: Comments, questions, or clarifications?

900 S. McEntee: I'm still a little bit hung up on where it says in 180-63C(7): *No loading zones or blank facades may front on a Village street.* I understand your interpretation that if there were a loading dock door, the front of it would not be on village street D. But it says loading zone. I struggle with the whole zone being on the street.

905 Mr. Widrick: The answer to that is: I think Steve knows, but I will let the Board know. What he is referring to is: This is the loading dock. In this loading dock, there are two doors—two bays—that face this way. After many meetings with the Historic Preservation Commission [HPC] and speaking with Don Ferlow at the CACC, they would like to see a wall built here to screen any further . . . So this building is going to have a loading wall. So it will look like building, but treated with some nice treatments on it. So these doors are facing this way.

910 S. McEntee: How far up does this wall go?

Mr. Widrick: All the way up to here, I believe.

915 S. McEntee: To the western edge of the building? Of the main part of the building?

Mr. Widrick: It's got to cover the full truck.

Mr. Stokes: It's not a full wall. It says retaining wall. What does that mean?

920 Mr. Widrick: I can show you.

Mr. Napierala: The dock is recessed so it retains that recessed area. But it is also above grade as well. It functions as an architectural element.

925 Mr. Widrick: In those renderings you will see it. It's there.

Ms. Bennett: Then there is some greenspace provided as well between the wall and the parking area.

930 Mr. Widrick: That is a new addition too. We didn't have greenspace there before when we had the parking the other way. When we went to parallel parking, we were able to get this greenspace area, which I know Don should like.

935 R. Huftalen: Again, no loading zones. This is from the Code, not the Design Guidelines, but no loading zones or blank facades may front on a village street. So your contention is that it is not fronting on a village street? Or your contention is: That's not a village street?

Ms. Bennett: Both.

940 Mr. Widrick: Both.

Kurt Wendler: There is no other side of the building that we could for now without it fronting a village street. The other three sides do not offer an opportunity to not front a village street. That is the only surface that can be located without fronting a street.

945 Mr. Stokes: Did Aldi consider the design of their DeWitt store?

Mr. Wendler: I'm sorry. In what aspect?

950 Mr. Stokes: In relation to the loading dock, where it's located with that building.

Mr. Wendler: I'm not familiar with that store. I have never shopped there.

Mr. Stokes: Have you ever looked at it?

955 Mr. Widrick: We haven't considered an alternative design because I don't know how else you would position this where you wouldn't be on a village street.

Mr. Stokes: I just asked if you looked at how they did it in DeWitt.

960 Mr. Wendler: We will go look at it.

Mr. Widrick: We will. I do shop there in DeWitt. And I do drive around the back of it to get in. So I know what the loading dock looks like.

965 Mr. Stokes: Then you know how it is positioned in that store. It's not how it is positioned here.

Mr. Widrick: No, but how else could it be positioned?

970 Mr. Stokes: I don't know. I just asked if that layout was feasible here.

Mr. Widrick: If we position that way and we position this way, it's a village street, and we can't position it that way.

975 Mr. Stokes: Not if it's on the right. Or if you move the village street.

Mr. Widrick: I'm open to whatever you are saying. I'm confused because I do know how that dock space is and I don't see how that works. But I'm more than willing to listen to you.

980 S. McEntee: You talked about a rendering that would show how high that retaining wall is.

Mr. Widrick: Yes, it is included in our submission. It's in the VES in your binder packet. That was the most current.

985 R. Huftalen: We have a couple of elevations.

Mr. Widrick: It is supposed to be 11x17. We will send it to you. It shows it. It's like 3/4 of the way up on this wall. When the truck is down, you will never see it.

990 Mr. Widrick: We had previously submitted those before as part of the annexation process.

S. McEntee: That wasn't us.

995 R. Huftalen: Could you talk again about your choices for fronting the building and the positioning of the parking?

1000 Mr. Widrick: This is a long, old standing question. It started out when we initially looked at this site with a blank slate and doing bubble diagrams. Our site planner was using bubble diagrams to figure out how to make these work. But also how to meet the VES guidelines. How to meet the desires of the Village to make this not just the lines, but steadfast lines, but also the introductory paragraphs where it talks about overall intentions with this property and how this wants to be a transitional area from rural to the Village and creating a hard edge and something that is visually appealing from the street. I did not include those in the CEA report because I don't even know where those are at this point. But what we had was trying to move these around to hit those goals. As Kathy set forth about this determination: Is this fitting the absolute definition of a village street and meeting the overall intentions of everything that has been talked about over the last few years and trying to develop this property and trying to get it to create that hard Village edge transitional area. You don't want to see a lot of building along here. You don't want to see the long edge of the building running parallel to Route 20. Because you are just going to be looking at a road and you are not going to be able to visually see any of these conservation areas or anything through. The berms and the linear park create that initial boundary hiding or masking the parking so that you can see what is through here. With that in mind, we are putting the buildings this way and fronting them to the streets. A) To make a viable retail project. B) To create something due to the front of the building as the best part of the building and making it appealing. I mean, look at the Village. And facing Route 20. And then working with Mr. Muraco, because I don't know if everyone is clear on who owns what. Sphere is purchasing this portion of the property from Mr. Muraco, that's 3.5 acres. 1005 Mr. Muraco is going to retain this [5.1 acres] and this [2.4 acres]. So we had to work with him to get a cross easement so that we did reduce the parking. Because Aldi doesn't require what an industry standard normally is for parking. They call them parking ratios. Usually they require five spots per 100 square feet. Ours is much reduced. They did 70-80. Dave was saying the same thing—working 1010 with his potential pharmacy tenant that he knew he could get a reduced number. So we worked on that. And now, how do you design it? We can't put two buildings together because you'd be creating a massive wall, something that is not broken up and looking different. So we switched them and put them this way. Created this drive. This seemed very efficient. It works for the safety and concerns of deliveries with the trucks. It was set up this way. These buildings, Dave actually made 1020

1025 smaller. He could actually put more square footage over here. Architecturally, you have an idea of
what this building is going to look like if you didn't see our annexation process. You know what our
building is going to look like. Dave has committed that he will get his tenant to do the same design
as the Aldi design—same materials and design. But this one is going to be more with a gabled roof.
1030 Something more transitional into this. Then these apartments will be gabled also. With the bubble
diagrams, and I think we saw a similar analysis done by Don and the CACC report, talking about
how to make these practical. How to make shoppers' ability to get to the building fronts with
pushing carts. And make it for the safety of people shopping there and efficiency. And this is the
best layout we could come up with that works from a practicability standpoint and from ability for
these retailers to thrive and be a sustainable business in this area. It wasn't just throw it on paper and
1035 throw it in front of the Planning Board. We have spent many hours and many dollars in designing
and planning this. We are trying to put forth the best project we can.

R. Huftalen: Some of the things we have discussed tonight and some of the things that you have
heard with regard to, for instance, parking in front of Walgreens, or the sewer connection, the
1040 concerns about the fronting. Are there alterations you would be able to consider to the site plan,
such as sidewalks?

Mr. Widrick: Sidewalks, we will definitely do that. I am pretty certain we will be building this to
Village street specs at this point. We can play with more or less landscaping. We are not saying we
1045 can't do something in this linear park. We are willing to take exactly what is in the VES guidelines
and put it here and do it.

R. Huftalen: I am just trying to get to some of the issues that I know are problematic to the members
of the Board. I think a number of Board members read the Code provision 180-63E(3). It says:
1050 *There shall be no parking between any building and Route 20. Accessory driveways for internal
circulation and delivery may be located within this setback.* Reading that and then considering the
special exceptions that shall be limited. Those are the types of items that we will take into
consideration. We will take into consideration the Village's counsel and we will take into
consideration your point of view. But if there are not enough votes to approve a site plan that would
1055 allow for that, then it is not good use of our time to keep discussing a plan that has that incorporated.
So that's one consideration.

Mr. Wendler: Is there a scenario in which the Board could contemplate parking with that provision?

1060 R. Huftalen: I could poll the Board members right here now, but my gut feeling is no. I don't think
you'd get three votes that would say yes, we will allow a site plan that has that.

Mr. Wendler: Why does that provision exist then?

1065 Mr. Stokes: We are not going to get into that. We are not going to approve or disapprove it
piecemeal. The Chairman is trying to be courteous and give you comments. You are free to
disregard them as you wish. But we are not going to get into: Will you approve this or that?

Mr. Wendler: I'm just trying to gain some education and understanding.

1070 Mr. Stokes: You have very competent legal counsel that can help interpret the Code for you.

Mr. Wendler: She doesn't vote on the project.

Mr. Stokes: No, but she's your advisor, not us. We are trying our best to help you.

1075 Mr. Widrick: We are open to anything. But we have to understand from a community aspect that we have an opportunity . . . We are so darn close to getting that vision from that VES plan. I know Jen is clearly disagreeing with me. I am saying we are willing to work and sit down if someone can give us some special . . . I'm just saying from longevity and marketability of the site, this isn't Dave
1080 Muraco requesting these parking spots. We are trying to keep a pharmacy in this area by providing them.

Mr. Stokes: But you do understand that if the Board releases control of the zoning, we might as well not have zoning. We have zoning. We expect property owners to comply with the zoning, not the
1085 zoning to comply with owners.

Mr. Widrick: We are. You will see from our standpoint we are trying to comply with that zoning because it is offered in the Zoning Code.

1090 Ms. Bennett: It is a directive that is offered. It "shall."

Mr. Stokes: Understood.

1095 R. Huftalen: So that is one example of one issue. I'm not being dismissive of your arguments.

Ms. Bennett: No, and I'm not trying to litigate it either. The Code says "shall" in one sentence and "may" in another. That is difficult to square. But the overall sentence is: Redevelopment projects shall be given the following relief.

1100 R. Huftalen: Fair enough and I understand your interpretation.

Mr. Widrick: Can I ask one question? Would the Board consider fewer parking spots up front, but some?

1105 R. Huftalen: In my opinion, and knowing the various positions I've heard from the various Board members, I don't think that would get approved. That is pure speculation on my part. We are not having a vote and I'm not doing a straw poll. But I think an application that includes parking in between buildings and Route 20 is in jeopardy of getting voted down.

1110 Mr. Widrick: We are not asking for them here. And we are not asking for them here. We are just focused on this particular use. Is there a compromise position by the Village?

R. Huftalen: Again, that's one of the aspects of this project that makes it so difficult; there are five people with five votes. I can tell you what is important to me and what the priorities are for me.
1115 Whether I'm sympathetic or not to your arguments, each member is making their own determination. I think the most valuable thing we can do is get educated about what your perspective is, why you believe the thing you have proposed is to the extent practicable and how you believe it conforms to the Code. As a practical matter, I'm telling you I think it is a problematic thing for the Board. I'm speaking for the Board as a whole. Some of us see things differently. As Jim said, I'm trying to
1120 educate you about what I think the likely outcome would be. I think the same thing is true for the water and sewer situation that the Board would not be inclined to do anything other than follow the recommendations of Mr. Dunkle. Those are two issues. And I think there are others that make it

1125 important for me to say: Before we take the next step, the Board has to have some sense that the site plan is amenable to those things that would allow a majority of the Board members here to pass it. It wastes everybody's time to just keep going through this stuff and then it may get voted down.

Mr. Widrick: We have been going for eight months now. I agree. We were put through a very lengthy annexation process.

1130 Mr. Wendler: With regard to water and sewer, we would like the opportunity to speak with John a little further to further understand his direction. The parking is something that we feel pretty strongly about. I can't speak for Greg and Dave. It's hard for us to consider any change without understanding the scope of all the changes. We would like to have a public hearing so we have input from the public as well so we can make an overall decision on our own.

1135 R. Huftalen: I think probably the more appropriate thing might be to schedule a workshop where we are able to come back and discuss it with the Board with legal counsel. In advance of that, have a pretty robust discussion so that we don't waste everybody's time.

1140 Mr. Widrick: We would welcome a workshop because like we have all said many times; this is the first time that these have ever been put to the test. It might be the only time.

1145 R. Huftalen: Obviously, you guys have been in front of the public bodies for a number of months now and yet this is the first time the official application has been reviewed here. And people's positions evolve, certainly, as you hear different discussions.

Mr. Widrick: And we have spent much, much time with all the commissions and other boards that we were told to meet with.

1150 R. Huftalen: I would welcome the Board's input, feedback, receptiveness to having a workshop.

Mr. Widrick: Before you do that Rich, I would say we would welcome a workshop meeting, for the record and so we are clear.

1155 R. Huftalen: Is that something that would be of Board members' interest, having a workshop?

A. McDowell: I think a workshop would be very helpful.

1160 A. Walburger: Sure.

J. Gavilondo: Yes.

S. McEntee: Yes.

1165 R. Huftalen: Earlier tonight when we said we weren't going to litigate this, well maybe we have to discuss the legal ramifications and points and counterpoints of these various issues. As a Board, certainly, we have a 38-page narrative and a bunch of diagrams and stuff. There are things in there I find compelling, frankly. And yet, we haven't discussed it as a Board together. I think it would be important to take the opportunity. These guys ask me: What's important to me and what's
1170 important to the rest of the Board. If I speak for the Board, I don't know what is important to the

rest of the Board, except for when I talk to each of you individually. I think it would be important to create a venue to discuss it openly and get people's input.

1175 J. Gavilondo: It is going to be publicly noticed?

Mr. Stokes: Yes, it has to be. It is a public meeting.

J. Gavilondo: So it's a public meeting, but not a public hearing?

1180 Mr. Stokes: Correct. It doesn't necessarily mean there can't be public input. It's like any other meeting. There is no right to be heard. As I understand it, the point of having this ahead of the public hearing, and I heard Rich saying, and I agree with him, there is no sense in having a public hearing on a plan that we already know the Board is not happy with. So why not try to get to the next stage before we put it out to the public?

1185 Mr. Widrick: We would like to see what those concerns are and see if there is a simple solution.

1190 S. McEntee: If we have a special meeting in two weeks, we would still have to notice the public hearing for 30 days, right?

Mr. Stokes: No, the public hearing doesn't have to be a 30-day notice. The 30 days you are thinking of is when we send it to send to the County. But this is not ready to send to the County yet.

1195 S. McEntee: So, conceivably, the public hearing could still be at the September meeting?

R. Huftalen: It needs to be noticed in the newspaper.

Mr. Stokes: It has to be five days ahead. It depends on what day the September meeting is.

1200 S. McEntee: So that's the advantage, I think, Jen.

Diane Webb: Is this workshop for everybody connected with Sphere and the Planning Board?

1205 Mr. Stokes: The public can attend. It's just like this meeting. The public is free to attend.

Ms. Webb: Will the Board accept questions from the public?

1210 R. Huftalen: No, not at this point. We will schedule a public hearing if we determine it is appropriate. You are free to write letters.

Mr. Widrick: One last thing. I will email those other two renderings of the two elevations so you can see how it is a retaining wall and a screening architectural element.

1215 Sarah Webster: Can I ask a question just for information? Does this project connect to the hotel property behind Cowherd's?

Mr. Stokes: The land does. That is how it was able to be annexed.

Ms. Webster: The property itself connects, the land does, currently.

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R. Huftalen: Not across the Cowherd property, but the property is contiguous.

Ms. Webster: The Cowherd property is in front, but it goes behind it. This road, where it was placed on the drawing, would connect?

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Mr. Stokes: It would connect approximately across the middle or toward the back of the Cowherd property.

Ms. Webster: It would have to go through Town property to get to the Village?

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Mr. Stokes: As it stands now. It's not going to be built right now.

Ms. Webster: Why wouldn't they draw it to go behind in case the Cowherd property never comes into the Village?

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J. Gavilondo: It is connected in the back.

Mr. Stokes: Look at the Design Guidelines. It is all laid out in there. It clearly shows it going across the Cowherd property.

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R. Huftalen: The whole conversation we were having about the sewer and the water is they would need to secure an easement to connect the sewer, particularly, to the stub of the newly created sewer that is at the hotel. The way to do that would be to take a straight shot through the Cowherd property.

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The Board and applicants set **Tuesday, August 23, 2016, at 7:30 p.m.** as the date and time for the workshop at the Village Municipal Building.

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R. Huftalen recalled that the Board had directed Cazenovia Hospitality/Hampton Inn to give the Board a final as-planted drawing. The Board members were sent a copy of that by email. The Board was going to amend the final approval of the site plan and planting diagram at the Hampton Inn to reflect the as-planted diagram. He made a motion to approve that as-planted drawing received by email. A. Walburger seconded. The motion carried with 5 in favor, 0 opposed.

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The meeting was adjourned at 9:12 p.m.

Respectfully submitted,

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Marlene A. Westcott
Recording Secretary