

**Village of Cazenovia Planning Board  
Meeting Minute  
November 14, 2016**

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

Others Present: Amy Kendall, Special Counsel; James Stokes, Village Attorney; Greg Widrick; Kurt Wendler; Dave Muraco; Louis Muraco; Don Ferlow; Nick Irvine; Michael Pettinato; Jason Emerson; Allyn Stewart; Kate Stewart; Lindsey Cowherd; Bob Cowherd; Anne Ferguson; Sarah Webster; Bob Ridler; R. Shain Emerson; Dennis Gregg; Dick Mitchell; Bob Lucas; Jonathan Holstein; Sharye Skinner; Julia Gabilondo; Mairin Rogers; Salo Ferreira; Elijah Harper; Justin Streeter; Cole Strong.

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R. Huftalen called the meeting to order at 7:04 p.m. and introduced the Board and Special Counsel, Amy Kendall.

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R. Huftalen asked for any changes to the minutes of October 10, 2016. There were none noted. A. McDowell made the motion to approve the minutes as drafted. R. Huftalen seconded. The motion carried with 5 in favor, 0 opposed.

25 R. Huftalen asked for any changes to the minutes of October 24, 2016. There were none noted. R. Huftalen made the motion to approve the minutes as drafted. S. McEntee seconded. The motion carried with 5 in favor, 0 opposed.

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**Cazenovia Restoration Corp., 11 Chenango St., 3-Lot Subdivision**

R. Huftalen recapped that there was a prepared resolution before the Board at a previous meeting. The resolution was discussed with Counsel and some changes were made.

35 Mr. Stokes reviewed that the Zoning Board of Appeals (ZBA) granted a variance in terms of lot frontage. A change to the resolution was to reflect the Board’s concern about the private drive only being used for single family residential purposes. A provision was added to that effect. As with any parcel of land with any approval, any property owner is always free to come back in the future with an alternative development plan and ask for approval. The way this is worded, it can only be used for single family homes on those lots, as well as the accessory and home occupation uses that are allowed in the R-20 district, unless the property owner comes back with an alternative development plan, which in this case, presumably, would mean a different means of access to the property. They would also have to go back to the ZBA. If you read the ZBA resolution together with the draft resolution before you, the ZBA resolution requires that driveway to remain private. The Planning Board resolution requires that it can only be used for single family homes. Any future proposal would need to go back to both Boards. This requires that a notation be made on the plat to that effect that it can only be used for single family use as presently drafted.

50 R. Huftalen asked if the detail in the additional provision in the resolution was clear enough for everyone and asked for comments and discussion. He noted that the Board received input from the public at the last meeting.

A. Walburger commented that he is pleased with the draft resolution.

55 In the absence of any discussion, R. Huftalen made the motion to approve the resolution as presented. S. McEntee seconded. The motion carried with 5 in favor, 0 opposed.

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60 **Empire Farmstead Brewery, Rippleton Road, Site Plan Modifications, Trees, Shed, Fence**  
Nick Irvine came forward as the representative.

65 R. Huftalen summarized that at the last meeting, the placement of trees was discussed. The primary modifications this Board was interested in were the ones that did not require variances and that included repositioning the trees to more effectively screen the hop fields and the addition of some fences. A building permit application has been submitted for fences. At the time, the Board contemplated that the applicant would review placement of the trees with the neighbors and come to some agreement. There seemed to be initial agreement and then less agreement as reality set in.  
70 Due to constraints of the season and the timing, R. Huftalen advised the applicant to plant the trees as per the discussion and document that. This plan is a reflection of how those trees have been planted.

Mr. Irvine stated that the trees have been moved toward the east.

75 J. Gavilondo wondered about the added fences. R. Huftalen answered that fences were constructed at the request of some of the neighbors, but the fences were never added to the approved site plan. The site plan has been amended. Typically, a split rail fence does not require Planning Board approval, but the Board asked them to put it on the site plan amendments so it is memorialized.

80 R. Huftalen asked if there is an application to the ZBA for the shed location and the trailhead sign. Mr. Irvine answered yes.

85 R. Huftalen (pointing to the plan) noted that the little deciduous trees are planted in the bioretention area. All of the fences in red currently exist. Mr. Irvine mentioned that several of them are for life safety around the back basement area. The only one added after that was the one for the neighbors on the southwest corner of the property.

90 J. Gavilondo inquired if all the trees are planted now. Mr. Irvine replied that the trees are about half done.

R. Huftalen made the motion to approve the modifications to the initial site plan as indicated on the drawing dated 10/12/2016, Revised Screen Planting. The elements include moving of the trees and the incorporation of the fencing in red. S. McEntee seconded. The motion carried with 5 in favor,  
95 0 opposed.

R. Huftalen instructed Mr. Irvine to proceed to the ZBA with the other applications requiring a variance.

100 Mr. Irvine asked if he needs to return to the Planning Board after the ZBA. Mr. Stokes answered yes.

105 Mr. Irvine asked for the Planning Board’s approval contingent on ZBA’s approval. R. Huftalen replied that the trees and fences do not go to the ZBA. The shed location and the trailhead sign need to go to the ZBA. If the variances are granted, then Empire needs to come back and amend the site plan again to include the shed and the trailhead sign.

Mr. Stokes stated that the Planning Board is the one to grant final site plan approval.

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**Milback Custom Homes, Lot 12, Atwell Ridge, Architectural Review**

115 Dennis Gregg came forward as the representative. He stated that this is the same house plan as Lot 8 in South Meadow that was previously approved a few months ago. He is now asking for approval for this same house plan to go on Lot 12 in Atwell Ridge. One difference is that this plan calls for Smart Board or Hardie Board as opposed to vinyl siding.

120 R. Huftalen observed that the plan includes: Carriage house details on the garage, windows on the sides, architectural shingles, Hardie Board siding.

R. Huftalen made the motion to grant architectural approval for the drawing labeled Castle Cottage, Milback Construction permit set for Lot 12, Atwell Ridge, as previously approved for Lot 8 in South Meadow. A. McDowell seconded. The motion carried with 5 in favor, 0 opposed.

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**Harrington Homes, Lots 9 & 10, Northborough Ridge, Emick Lane, Architectural Review, New Home**

130 Michael Pettinato, representative from Harrington Homes, came forward as the representative. He explained that this is a single level frame house with a motor court garage, which is side loaded. No garage doors will face the street. Garage will have carriage style doors.

135 It will be located right on the bend. There is a house on Lot 11 and a house on Lot 7. There is still a vacancy on Lot 8.

A. McDowell inquired about the price of this house and whether it is sold. Mr. Pettinato stated that this is a sold project with a lot of upgrades. This is the Benthall residence. It has cultured stone detail, horizontal vinyl siding, and Cedar Impressions vinyl shakes. It will be above \$300,000.

140 R. Huftalen asked about the colors. Mr. Pettinato answered that it will be Certainteed seagrass, which is a light grayish/green with a taupe color trim, and Certainteed weathered wood roof shingles that are a black/brown/tan mix.

R. Huftalen noted that this would not be incongruous with other homes in the neighborhood.

- 145 A. McDowell noted that it was specific at the beginning to have moderately priced homes in that neighborhood. She asked if Harrington Homes only builds if they have a buyer. Mr. Pettinato answered: Ideally yes. The buyer acquired the lots directly and he is just the builder.
- 150 R. Huftalen declared this a Type II action under State Environmental Quality Review Act (SEQRA). There is no negative environmental impact.
- 155 S. McEntee asked if other Board members are concerned about the south elevation, which is the back side of the garage. It faces away from Burton Street. There are three windows on the whole side of the house. He wondered if the Board would allow the back side of the garage to be blank (without windows).
- A. Walburger responded that the house is not blank since it has windows. He has never asked for windows on the back side of a garage. It does have windows facing the street on the garage.
- 160 R. Huftalen placed a note on the drawings: Carriage style doors.
- R. Huftalen made the motion to grant architectural approval with the following conditions: Carriage style doors on the garage and otherwise follows the detail of the elevations provided on the drawing dated 10/12/16 from RAV Architect PC and Harrington Homes for the Benthall Residence. The colors are to be Certainteed seagrass, taupe trim, and weathered wood architectural shingles.
- 165 S. McEntee seconded. The motion carried with 5 in favor, 0 opposed.

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- 170 **Sphere Cazenovia, LLC, and New Venture Assets, LLC, Subdivision, Special Permit, Site Plan Review, Architectural Review (Aldi)**
- R. Huftalen: We have had some recent updates and some new information to incorporate into that application. At this point, with the agreement of the rest of the Board, I'm going to move on to the next agenda item and deal with that at the end of the meeting. (All agreed.)
- 175 R. Huftalen: We will continue our discussion on the application from Sphere Cazenovia, LLC, and New Venture Assets, LLC, for special permit review, site plan review, subdivision application, and architectural review for the proposed demolition of the existing residence, diner, cabin/motel facilities and construction of a new mixed use development including an Aldi grocery store, a pharmacy with drive-thru facilities, a banking institution with drive-thru facilities, and residential apartment complex on the properties known as 2364 U.S. Route 20 and 2390-2392 U.S. Route 20. We have been conferring with special counsel for a couple of hours before our meeting tonight and anticipate continuing to confer with special counsel. We have received a determination back from the Madison County Planning Department returning the application for local determination with comments. We have had some modifications to the plan since our last meeting, incorporating some stormwater green infrastructure facilities. And we have had some elements of a resolution to consider from our special counsel. We were in the process of discussing a number of those elements prior to the meeting. And we can continue to do so. We feel it may be more productive to enter executive session and discuss the legal aspects of the resolution. For right now, I would be glad to entertain a discussion on the elements of the resolution that we have in front of us and get some of the Board's thoughts. Clearly, it is a multifaceted and complex project. We deliberated for a couple
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195 of hours over point one. We can continue to do that. Other than demonstrating to the public that we  
are acting transparently, I'm fine to continue to have that discussion with them here and proceed. I  
think we came to the agreement that we did not agree on the compliance with the provision that the  
building be between two and three stories tall and 20 feet tall at the front façade. We were talking  
about the fact that the subdivision application, the special use permit application, the site plan  
review, and the architectural applications are all separate. We don't even have an architectural  
200 application for anything other than the Aldi building. I'm glad to take any recommendations from  
counsel or just go through different elements and see if there are things we can agree on. From the  
point of view of productively using our time, determining how we want to draw up these findings  
will be instrumental in getting us to a resolution that we can consider and then schedule a vote on.

205 Amy Kendall: One of my suggestions would be, if there is a representative of the developer here to  
discuss the additions that have been made since your last meeting, to advise the public on everything  
that has occurred to try to address some of the Board's concerns.

210 R. Huftalen: Don Ferlow helped convene a meeting with the intent of improving the site design.  
We don't have a representative of the applicant here at present. But the public should know that as a  
result of that meeting, the applicant incorporated some new green infrastructure facilities in the plan.  
In fact, we have an update to the plan. It is part of the public file and open to review. As you recall,  
there was a sidewalk here in the center. That has been replaced by two green islands that will act as  
part of the green infrastructure.

215 A. Walburger: For reference, it was just these four 40 by 10 islands. That is a pretty substantial  
change to the parking course.

R. Huftalen: The guidance we have from John Dunkle is and I will just read this letter into the  
record:

220 *I have reviewed the attached Stormwater Treatment Pathways Plan dated 11/11/16 by Napierala  
Consulting. The plan incorporates the following practices:*

- *Three green infrastructure bio-retention practices installed in the parking areas.*
- 225 • *Three green infrastructure perimeter vegetated swales*
- *Four infiltration basins*

230 *It is my professional opinion that this collection and treatment train of stormwater management  
practices can meet the regulatory requirements of NYSDEC [New York State Department of  
Environmental Conservation], and can satisfy the Village's Wellhead Protection objectives for  
groundwater recharge, water quality treatment, and peak flow mitigation through employment of GI  
[groundwater infiltration], and source control. Engineering review of the detailed design and  
SWPPP [stormwater pollution prevention plan] will be required to confirm conformance.*

235 *Sincerely,  
John C. Dunkle, P.E. CPESC, CMS4S  
Village of Cazenovia Engineer*

240 R. Huftalen: The engineer for the applicant has a 100+ page partially complete stormwater management plan that will be submitted to our engineer and the DEC for approval when the final determination of site plan configuration is made. That's the large part of the changes. In order to effect that change, the applicant needed to move the retail 2 building probably some 10 or 15 feet to the west and reconfigure the site plan accordingly.

245 A. Walburger: I guess the other thing to let the public know about is that the Madison County Planning Department released their second finding at 3:55 p.m. today.

250 R. Huftalen: We have a copy of that. It is part of the record. They returned the project for local determination with comments raising some similar objections to their initial determination.

255 A. Walburger: I think some salient points from this County feedback, and just to read some excerpts: The Aldi is not permitted to happen without the residential component and they cautioned the Village from approving one component of this project without a completed application for another part of the project. I think that is something we had discussed earlier tonight and merits consideration, which is further information on the residential component may be required for us to keep moving forward.

R. Huftalen: Any other points from the Planning Department review you care to opine on?

260 A. Walburger: No. I think the rest of it can go in the record.

265 R. Huftalen: Mr. Muraco, welcome to the meeting. We are updating the public on where we are on the application. We discussed some of the modifications you made at our meeting with the engineers, specifically regarding the green infrastructure. I don't know if there is anything you want to add about the changes you made to the site plan. We did receive, returned for local determination, comments from the Planning Department with some suggestions. We are considering elements that would lead to a resolution, but we have a lot to cover and will be working together with our counsel to try to develop that in executive session. Is there anything you care to add before we do that?

270 David Muraco: I think the plan we had before had internal sidewalks. We talked about drainage. I think we had a meeting with the engineers and we talked about additional drainage and mitigation with removing the internal sidewalks that would be concrete or asphalt. Then we made that area, those islands, all green. I think we designated three or four areas where we could do additional drainage in the parking lot. I think we had to eliminate 10 or 12 more parking spaces to  
275 accommodate that. That is down the center of both Aldi's and the drugstore.

280 R. Huftalen: By way of an example, but not exhaustive, one of the elements of the resolution that we are talking about is the proposed uses in the site plan, in this single respect, comply with all regulations of the parking areas for the project are not larger than the building footprints, and the greenspace requirements set forth in this section is met. It is relatively noncontroversial because it is just math. Greg or Kurt, if you have anything to add, we have just been discussing the modifications that were made over the course of the past week. If you wanted to comment on those, that would be fine. We would be glad to hear it. At this point, we are going to continue to discuss elements of this resolution and work together as a Board.

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290 Mr. Widrick: Remember the last time we met and said we had to make changes to the plan. I think the most recent one was a meeting with John Dunkle with our engineer, who said our current design met the Guidelines and the WPO [wellhead protection overlay] the way we had proposed it. He was also at a meeting with CACC [Cazenovia Advisory Conservation Commission], Don Ferlow, and one other member, Matt Weber, and trying to get some raingarden greenspace incorporated, which I heard Dave talking about when we walked in. We added two raingardens in the parking lot to help break up the parking lot and add more greenery to it. This is not required in the WPO, but we added it in for some natural infiltration.

295 R. Huftalen: As part of the record, Mr. Ferlow added extensive comments on the heels of that meeting, including some discussion about the plant species noted on the plan and had some alternate suggestions for some of the plant species. He also commented that at one point, Mr. Muraco thought that capturing the visual impact of the Dudley Johnson tree planting on the other side of Route 20 would help to make this be a more pleasing gateway to the Village. I think some of those elements  
300 are incorporated in the linear pathway. That would be part of what we would want to see is that specifically spelled out and updated in the landscaping plan. We have a landscaping plan that was pretty detailed, but prior to the incorporation of the new stormwater stuff. Mr. Ferlow further commented that in addition, the green infrastructure, in addition to being a stormwater management item, it significantly reduces the overall appearance of a large parking lot, and has the potential to  
305 provide improved visual character to the development. In essence, the site plan would have more of a Village character. The green infrastructure features an added benefit for providing natural irrigation for the new plantings adjacent to the store and parking lot. We will incorporate the CACC review and update into the record and file. At this point, I think it is appropriate to move to executive session to discuss the elements of the resolution and refine our procedures. I think the  
310 expectation is that we would work through the resolution, identify elements that we can agree on, identify those that we cannot agree on, identify things that we feel need to be clarified in the application, and then proceed with a more complete resolution for us to bring before the Board to discuss and eventually vote on. That is not going to happen tonight based on the volume of stuff that we need to review and consider.

315 R. Huftalen: I will make a motion to move to executive session to discuss the resolution with counsel. A. McDowell seconded. The motion carried with 5 in favor, 0 opposed.

320 R. Shain Emerson: Rich, I have a question on the status of the request to the Village Board to possibly reopen the SEQRA process.

R. Huftalen: At the Village Board meeting last Monday night, Mr. Stokes can correct me if I'm wrong, but there was a resolution adopted determining that the Village Board found that they did not have the authority to reopen SEQRA, and, therefore, the negative declaration remains in place.  
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Mr. Stokes: That is it. It is based on existing case law. It was really just a question of law and the fact that there had already been an approval granted. Under those circumstances, the Village does not have the authority to reopen.

330 Mr. Emerson: When do you predict you will have your next public meeting?

R. Huftalen: It will be duly noticed. I am not certain if we will have a special meeting or it will be at our next regularly held meeting.

335 The Board went into executive session at 7:55 p.m.

The Board returned from executive session at 9:50. The meeting was adjourned at 9:50 p.m.

Respectfully submitted,

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Marlene A. Westcott  
Recording Secretary