

**Village of Cazenovia Planning Board
Meeting Minutes
September 11, 2017**

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

Others Present: James Stokes, Village Attorney; Kurt Wendler; Greg Widrick; Lew Kibling; Ken Alweis; and Jason Shaw.

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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 changes to the minutes of August 14, 2017. R. Huftalen made the motion to approve the minutes as submitted. A. Walburger seconded. The motion carried with 5 in favor, 0 opposed.

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Aldi, Route 20, New Signs

R. Huftalen: I had spoken with Mr. Matzo when the application was received and advised him that the Planning Board was of the opinion that the application would require a variance and that he should contact Phil Byrnes to set up a Zoning Board of Appeals (ZBA) meeting to pursue the variance.

Ken Alweis: I’m Aldi’s attorney. We were a little surprised by the meeting, to be honest, because the signs that they submitted were part of the initial application. When they submitted their application for the building permit, it was part of the architectural drawings and they issued a building permit anyway.

R. Huftalen: I spoke with Mr. Matzo and had a long discussion with Greg and Kurt about this earlier in the summer. But I’m glad to discuss it further. Lew, Greg, Kurt, and myself had what I thought was a clear discussion back in early July. It is the view of the Village that the applications for the signs would require separate applications and a variance. Mr. Byrnes, Chair of the ZBA, talked about a strategy going forward. In follow up to that, in talking with Kurt and Greg, I think they suggested that Aldi was going to continue to pursue the applications. At that time, I advised them the same that I advised Mr. Matzo, that the Code provisions that we have are what made it of our opinion that would be required.

If you want to discuss it further or have a different opinion or want to present a different opinion, we are not a legal board. We hire legal counsel, namely, Mr. Stokes. We would be glad to listen to that argument. But at this point, it would be the most productive to proceed in a venue other than this.

Mr. Alweis: I guess they were under the impression they submitted to the Codes, their application which included the drawing with the elevations and they had the approvals. There is a provision in your Code that permitted signs including those permitted in writing by, it says, the Village. The

50 Village is defined in the Code as the Village and not much more. They acted under that and it incurred a six-figure expense. That's substantial. The building is up. That's why we are in a little bit of a jam right now because they were under the impression that they were already approved.

55 R. Huftalen: I feel bad at this point in September that you feel like you are in a jam. It has been consistently the position of the Village that signs would require separate approval. That was going to be process we needed to get through. You are trying to work to get that done sooner rather than later.

60 Mr. Alweis: Maybe it's asking too much, but since the signs were approved on what was presented to this Board, and ultimately submitted to Codes, I'm not sure if a recommendation from this board one way or the other would be appropriate. If you would do that, I think it would carry significant weight with the Zoning Board.

65 R. Huftalen: Part of the discussion that Mr. Byrnes, Chair of the ZBA, myself, Greg, and Kurt had was specifically about the monument sign, which is what brought the whole thing to everybody's attention. Oftentimes, the ZBA looks for input from the Planning Board. Our minutes and everything we have talked about here will stand for where it is now. We will let Mr. Byrnes determine if he wants to hear more from us or not. That would be our position at this point.

70 Mr. Alweis: When does your Zoning Board meet next?

R. Huftalen: Generally, Mr. Byrnes will schedule it at your convenience. There is a set schedule, but because applications to his Board are infrequent, he tries to accommodate applicants when he can convene the members of his Board.

75 Mr. Alweis: That's what we will do.

S. McEntee: It is your impression that the signs were approved?

80 Mr. Alweis: Yes.

S. McEntee: I think that's not the case, correct?

85 R. Huftalen: I think we made specific reference to signs needing further approval in our approval documents.

Mr. Alweis: There is a reference in the resolution that the signage as presented was appropriate. So, I think that's what they took to mean they were good with that. Then when the building permit was issued, which included the drawings which showed the signage, they acted on that.

90 S. McEntee: Was there other separate language in the resolution that called out the need for it?

Mr. Stokes: I didn't draft that resolution.

95 Mr. Alweis: I don't think there was. I looked at it pretty carefully. I don't recall seeing it. I could be wrong. I don't recall seeing anything that specifically said that. I'm sure you frequently do

approve something subject to variance approval, and I don't recall seeing anything in the resolution itself that said that, which is another problem.

100 R. Huftalen: I appreciate you showing up here tonight. Sorry we cannot advance the ball any more than this. I hope that you can get going on this quickly and get what you need that meets the needs of the ZBA.

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105 **Vet's Field, 26 Chenango St., New Sign**

R. Huftalen stated that the American Legion Post 88 is proposing a sign for the newly renovated field. This is in the R-20 zone.

110 S. McEntee added the new sign as proposed would be 15.3 square feet inside the posts and frame.

Mr. Stokes questioned if there is an existing sign at this location. D. Raleigh observed the presence of a photo in the file of the existing sign. S. McEntee commented that it looks like the sign is behind the dugout.

115 R. Huftalen noted that Gene Gissin is heading up this project and he dropped off the application when Bill Carr was not present to ask questions.

R. Huftalen suggested that since no one is here to represent the application that it be tabled until more information is obtained.

120 Mr. Gissin arrived and the discussion resumed. There is an existing sign and it is located by the ball stop. A major renovation is underway. The field was stripped and 260 tons of sand were put down. The soil was put back. Drainage was added. Areas were cleaned. It is almost time to put on the sod. The sign is going to say what is there. Mr. Gissin gave a bit of history of the field and stated
125 that 1937 was the first night game there. It was called Light Field at that time. In the 1950s, some work was done on the field, but since then nothing has been done. The problem with the field is that it was wet. They want to brag a little bit and tell people what is there. There is Legion Ball for the first time in 15 years. Cazenovia College is coming back. They were gone for two years. Youth
130 baseball and Caz Summer Recreation all will be using it. He wants people to know that this is a community project. He wants the bottom of the sign to say: Game Tonight, Cazenovia versus OCC, for example. It is to hype up the kids. They are all excited about coming back. The buildings all will be painted. It is going to look like a brand new almost major league field for what it is costing. The money came from volunteers who gave very generously, but expenses are still not totally covered. There is no sign on the building saying what it is. There is no street address. The proposal
135 is to put the sign between the two driveways.

R. Huftalen commented that he sees the need for the sign.

140 7:26 p.m. - Mr. Stokes called for attorney/client privilege to meet with the Board privately.

7:32 p.m. - The Board returned to regular session.

R. Huftalen made the motion to table the discussion. A. Walburger seconded. The motion carried with 5 in favor, 0 opposed.

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Shaw Residence, 59 Sullivan Street, Addition

Jason Shaw came forward and explained that he would like to put on an addition to the rear of the house.

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R. Huftalen noted that this is not in the Historic District. It is before the Board for architectural approval. It is a residence, so no site plan review is required. He observed that the plan contains 6-over-6 windows, the siding will be the same.

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Mr. Shaw stated that an 8-foot bump out would be visible from the street. He added siding will be Hardie with shakes on the top.

S. McEntee questioned what was being shown on A-4. Mr. Shaw explained that A-4 is the rear elevation facing due north. The second level is an enclosed porch. A-2 is the floor plan that shows a screened porch at the top. Mr. Shaw explained that the reason for the addition is for a therapy room. He has a daughter in a wheelchair and she is going for hip surgery. The addition will have a track system and swings for movement. There will be a stairwell in the back that is wide enough to receive a motorized chair that goes up and down the stairs. Mr. Shaw considers this a short time frame as his daughter goes for her surgery in March.

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A. Walburger commented that the addition is multifaceted. The roof structure and windows are compatible with the rest of the house. The overall size of the addition brings the whole structure in congruence with the two up the street. He had no objections to the addition.

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R. Huftalen asked for any further questions or comments. Hearing none, he declared this a Type II Action under State Environmental Quality Review Act (SEQRA). No further action is required.

R. Huftalen said that it is the Board's responsibility to review the application for reasonable compatibility, consistency and harmony of height, scale, and proportions with the existing home and the neighborhood. He made the motion to grant architectural approval of the application as presented. A. Walburger seconded. The motion carried with 5 in favor, 0 opposed.

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R. Huftalen asked for any other business to be brought before the Board. Hearing none, he made the motion to adjourn the meeting. A. Walburger seconded. The motion carried with 5 in favor, 0 opposed. The meeting was adjourned at 7:33 p.m.

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Respectfully submitted,

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Marlene A. Westcott
Recording Secretary

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