**Village of Cazenovia Planning Board**

**Meeting Minutes**

**February 10, 2020**

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

Absent: Zach Young.

Others Present: James Stokes, Village Attorney; Don Ferlow; Jeff Davis; Pete Karpinski; Ed Keplinger; Lisa Wennberg; Phil Byrnes; Maribeth Pavelchak; Nate Hickey; Colby Clark; Ben Lockwood; David Cox; Mike Wright; Jody Reynolds; Dianne O’Donnell; Alex Barnes; Jasmeen Barnes; Sarah Webster; Jordan Pollock; Scott Porter; Marjie Tormey; Cal Nichols; Charles Andrews; Ken Craig; David Tyler; Anne Ferguson; Diane Webb; Suzanne Munger; Jerry Munger; Baird Hansen; Susan Smith; Michael Roets; Ginny Krumsiek; Howard Krumsiek; Bob Ridler; Bob Feldmeier; Jeremy Thurston; and a few others who did not sign in. A total of approximately 54 people were in attendance.

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

R. Huftalen asked for any changes to the minutes of January 13, 2020. S. McEntee mentioned an error on page 6, in line 284. The word *payments* should be *pavements*.

R. Huftalen made the motion to approve the minutes as corrected. S. McEntee seconded. The motion carried with 5 in favor, 0 opposed.

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R. Huftalen: I had sent everyone an email earlier. We used to have work sessions. And because we don’t have work sessions, these types of meetings come up where we have a lot of information to digest. I feel like it would be awfully helpful to have a meeting in the interim between this meeting and our next regularly scheduled meeting. And so what I’m suggesting is we have a special meeting. And I’d like to get the Board’s opinion on that. It would be a special scheduled meeting.

All agreed that a work session is a good idea. There was a discussion about Board members’ availability. The Board decided to have a public work session with minutes on February 24, 2020, at 7:00 p.m.

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**Lisa Nichols, 69 Albany St., Short-Term Rental Application (Airbnb), Special Use Permit**

R. Huftalen: By recent local law, this requires a special use permit. Any time we consider an application for a special use permit, it requires a public hearing. So we are going to set that public hearing for our next regularly scheduled Planning Board meeting in March. In the meantime, we will get notices out and we will then consider your application and give the public opportunity to comment. I have provided some minutes from a prior Planning Board meeting that goes over all the questions we review in anticipation of the application review. So if you want to take that, I will set the public hearing for 69 Albany Street at 7:00 p.m. at our March meeting.

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**Maribeth Pavelchak, 13 Farnham St., Short-Term Rental Application (Airbnb), Special Use Permit**

R. Huftalen: By recent local law, this requires a special use permit. Any time we consider an application for a special use permit, it requires a public hearing. So we are going to set that public hearing for our next regularly scheduled Planning Board meeting in March. In the meantime, we will get notices out and we will then consider your application and give the public opportunity to comment. I have provided some minutes from a prior Planning Board meeting that goes over all the questions we review in anticipation of the application review. So if you want to take that, I will set the public hearing for 13 Farnham Street at 7:05 p.m. at our March meeting.

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**Rocale, LLC, (Brewery), 33 Rippleton Rd., Site Plan Review & Architectural Review**

R. Huftalen: We have a public hearing for consideration of the site plan review application by Rocale, LLC, proposing a redevelopment of the brewery at 33 Rippleton Road. I’ll ask the applicants to update us with any news since our meeting last month. And then I’ll give the opportunity for the members of the Board to ask any questions or make any comments. And then we’ll open up the public hearing for comments from the public. At this point, go ahead, Lisa, take the floor.

Lisa Wennberg: My name is Lisa Wennberg from Keplinger Freeman Associates. I’m here with members of the design team and the owners. We have Jeff Davis. He’s the attorney. We have Pete Karpinski, Nate Hickey, Bob Feldmeier, Lela Feldmeier, and Ed Keplinger from Keplinger Freeman. You don’t need a whole overview of the site, just the updated information?

R. Huftalen: You made a presentation to us last time and we’re in receipt of responses to the letter from our Village Engineer. And we’ve had a couple of meetings with Mr. Stokes (Village Attorney), with Bill Carr (Public Works Administrator), and John Dunkle (Village Engineer).

Lisa Wennberg: We made a couple of updates. I kept records. (Ms. Wennberg handed out the letter with responses). So basically, in red are the items that we changed for today. Anything else that was in black was what was already submitted. I have dates next to each one. We just kind of want to state that the objective of this project by the current owner is to make this a viable functioning brewery/restaurant facility. So our proposed site improvements have addressed many of the operational concerns that affected the previous facility. And we’re improving site aesthetics here. So that’s basically our goal. Since the last presentation, our updated site plan items include our revised parking area. Before, we had some parking that was along the north side of the existing entry drive. We shifted this, from comments that came in from CACC (Cazenovia Advisory Conservation Commission). They were concerned about this hedgerow. The trees are very old and any kind of impacts on this would greatly affect these trees. So we’re trying to keep all the improvements over here (pointing to the site plan). We’ve basically double-loaded the parking area. We still have our 35 grass paver area parking spaces. We’ve included a bunch of them down here on the south end next to the neighbor. We have a small section up here. There were concerns about pedestrian safety. So that’s why the reorientation is closer to the facility doors, less crossing or walking down drive aisles. The bollard lighting that is currently along the drive is actually going to remain now. And we have submitted a revised photometric plan that shows just the new light poles in the area. And that was also a recommendation by the CACC. We have had some comments about the viability of barley planting, so we have removed that from this plan. The owners are planning to review the soils and determine what type of crops we can actually grow in these areas. And we did show a nature play area. We don’t have a design for that yet. But we do have a play area designer that’s working on that.

R. Huftalen: I’m sorry, Lisa, just before you said, you’ve removed from the project, I missed that. Before you were talking about the soils.

Lisa Wennberg: We showed a barley area, but we’ve heard from some people that they tried growing barley and couldn’t do that. We will determine what soils are there and what types of crops can actually be grown there. Basically, those are the items that we’ve revised since we presented the last time. I do have our updated response letter. Do you need me to read that?

R. Huftalen: I think the Board all got copies of the February 3rd revision. Maybe you could update us with anything new over the course of the last week.

Lisa Wennberg: When we submitted before, we had not received our traffic impact assessment yet. Since our submission and preparing this letter, we have received it. The updated traffic impact assessment prepared by GTS Consulting has been provided to the Planning Board and the Village Engineer for review. The traffic study concludes that this facility will be a low to moderate traffic generator, which will have no noticeable impacts. Rippleton Road has low traffic volumes with ample gaps in traffic to accommodate movements in and out of the site. The traffic study indicates that this project will generate approximately—and I know there was some confusion—so approximately 1,000 trips, which really only means 500 cars and that’s a max possible per day. And that’s throughout the course of the day. That’s not all at one time. So peak traffic would generate less than one car entering and exiting the site per minute. The original traffic report prepared by Jim Napoleon quoted 400 trips per day generated by the Empire Brewery development. He was quoting vehicles accessing the site which should then be doubled to 800 vehicle trips. The 400 really was a car total. We’re really looking at an approximate increase in traffic generated in the range of 20-25% over the previous use, which is a minor increase and shouldn’t be noticeable on Rippleton Road. And then we just added to that that the parking had been revised per CACC recommendations. Number three for the signage we provided on the plan. We just kind of wanted to show it because we hadn’t shown it before. This is a concept of the monument sign that we are proposing. We just wanted to make sure that the public had a chance to see as well. Number four: We have removed the outdoor live music from this application. We’re not proposing to do that as part of this application. We just wanted to note that. If the owners decide that’s something they would like to pursue, they will come back with a separate application that addresses specifically the noise or volume.

R. Huftalen: Lisa, if you’d go back. We’ve got this conceptual picture of the sign, but that’s not specific?

Lisa Wennberg: Right. It’s not designed or detailed yet. That’s why it’s called conceptual. But that’s kind of what they’re thinking. Number five: Basically, it’s the same thing. Any facility noise that’s generated at the site without having outdoor music. We just wanted to stress that we would comply with the Village’s noise ordinance and that we’re not currently seeking approval for live outdoor music at this time. This is number nine. We revised. These should be easy to find because they’re in red. Once again, the bollard lighting, which we are keeping the bollard lighting along the existing drive in. And we have an updated photometric that was supplied with the site plans.

R. Huftalen: I have a digital copy of that. Is that part of this plan set?

Lisa Wennberg: Yes, you should have a separate sheet that was folded. We turned it in because it came in the day after. That happened a week ago. You should have a paper copy. And all of our other responses were as we submitted with the original response letter. I think I’ve hit everything on my list. Anybody have any questions?

R. Huftalen: Thanks, Lisa. You’ve certainly given us a lot to digest over the last week or so since the last application. At this point, I’d like to give the opportunity to any members of the Board or Mr. Stokes to ask any questions or make any comments on what we’ve received so far.

Anne McDowell: Well, I have a couple of questions. One, I’m really concerned about the neighbors. They were, unfortunately, kind of mistreated the last time we went around this deal. Noise was a big thing for them. Traffic was a big thing. People actually walking on their property. I want to know what measures you will take to ensure that the neighborhood is not going to suffer from this.

Jeff Davis: I’m Jeff Davis of Barclay Damon. I’ll answer that in a couple of different ways. I think one of the things on the plan that is noted is introduction of some fencing along that southern property line to try to address concerns raised of perhaps folks walking across. There are some visual changes. So addressing through fencing, some plantings, buffering, if you will. Not only a visual buffer, but a sound buffer by both of those.

Anne McDowell: What’s a sound buffer?

Jeff Davis: The fencing itself is a sound buffer, one of which. The plantings, as well, are considered buffers. And they’re recognized under your site plan criteria for those types of buffering criteria. The operations will comply with the Village’s sound Code, which requires a decibel level at the property line. So that is something that we will operate within. And keeping everything contained within the building, but also we’ve committed to, and we are required to under the Code, to comply with the sound criteria and requirements for the Village. Anything beyond that, obviously, if there is an issue or concern, it becomes either . . . Like anybody in the Village, if there’s an issue with breaking a sound decibel limit at a property line, then it becomes an enforcement issue, at which point we are committing to make sure that that is complied with right from the start. I can’t speak to how the operations were run previously because they’re not this design team. I’ll say that this design team and the new owners are committed to making sure that they run a compatible facility with what’s there now. It is an existing approved use under the PDD (Planned Development District). It’s had, I think, some operational concerns as to how it was run before. And this new group that’s coming in hopes to address those, not only with the changes they’ve come up with here, addressing some of the parking issues, the issues on Route 13, etc. Quite frankly, the prior operation had those type of, I’ll call them growing pains, for a business that came in and was put there. This new team and this new owner have, I think, gone beyond what they need to do to address those concerns. The parking was above what the Village criteria is for a use like this. We’re providing some more spaces than what is required under the Code.

Anne McDowell: How many spaces are indicated in this new plan?

Lisa Wennberg: 195.

Anne McDowell: Is it 195 with buses?

Lisa Wennberg: Yeah, the buses are intended to park there because they’re going to be infrequent. They will use sections of parking for their buses to park. And then 35 of the 195 are actually the green paver areas so they don’t appear as . . . They’re not an impervious surface. They actually look like a lawn, but you can park on them and you’re not running into parking issues with getting in and out.

Jeff Davis: And I will say one last thing. Despite the changes here, everything remains within the design footprint setback criteria established under the PDD, etc. Everything remains within the design footprint. But we believe that the introduction of the fencing, landscaping, the improvements of parking, certainly ensuring compliance with the sound Code all are important. With regard to the outdoor area, that area right now is currently an outdoor patio area. If you’ve been to the facility, it’s got a covered area that will be turned into more of a three‑season room. That almost itself will help from a sound perspective. And then there’s a slight expansion of the patio, beyond what is there right now, to allow for some outdoor seating in the summertime.

R. Huftalen: Mr. Davis, I know you’ve been in contact with the CACC and we’ve got a representative here from CACC. If you wouldn’t mind, whoever can speak to your interaction with CACC. I know we’re in receipt of a letter on file here from Mr. Curtain’s office. And if you can just describe that.

Ed Keplinger: I can speak to that. Last week, we spoke with Paul Curtain as we received his comment letter regarding CACC concerns. We recognize the concerns. The changes, in our opinion, actually made the site plan better. But the changes were moving the parking, as Lisa described earlier, was moving the parking from the north hedgerow down next to the building so you have a shorter walk from the parking lot to the building Also maintaining the bollard lighting along the driveway so that the lower lighting would still exist along the entrance driveway.

Anne McDowell: And maybe this is down the line, but I’m new here. I didn’t go to the last Board meeting. I’m just going over it. I see the revised traffic, but the wastewater is doubled. The water usage is more than doubled. The employees are the same. Beer production is the same until the future. I don’t know what that means. What does that mean, the future?

Ed Keplinger: Well, it may change. But the water usage that we show are projections and they’re based upon DEC (New York State Department of Environmental Conservation) standards. Whereas what was permitted, I believe 9,800 gallons per day was permitted.

Lisa Wennberg: It was actual.

Ed Keplinger: Lisa could probably describe it. She did all the legwork.

R. Huftalen: I know Anne is aware, and the rest of the Board members are aware, and I want to make sure the public is aware, we are in receipt here of the Town of Cazenovia Industrial Wastewater Discharge permit that was obtained by the brewery. This was a process that went through the Town and was completed on December 16, 2019. I think most of the members of the Board have seen it. This has been in the file. That was a concern of mine as well, Anne, when you see the big wastewater numbers. After reviewing the extensive permitting process, maybe you can talk a little bit about that.

Lisa Wennberg: Attached to the response letter at the very end, I included our calculations for the facility. What we’ve said was permitted originally was the 10,000 in, 10,000 out. When we provide our calculations, like Ed said, we’re using a manual. The manual is giving you a very, very conservative number when you’re calculating so that . . .

R. Huftalen: And by conservative you mean a high estimate?

Lisa Wennberg: Right. Right. As the facility was running prior, they were using actually 9,800 gallons per day when they were full build‑out. So our numbers do look very high, but that’s because those are calculated numbers when their actual usage is usually much, much lower than that. And we’ve spoken with John Dunkle on water in and sanitary out. He assures us that there’s sufficient capacity in the Village system to handle our actual projected numbers for usage—water usage in and then the sanitary out that the facility can accept.

R. Huftalen: Jim might be more familiar with the process. Please correct me where I’m off track here, Jim. But this determination that this applicant would be treated as a non-categorical significant industrial user set in motion some improvements over our prior administration of the wastewater there. Whereby the Town of Cazenovia by resolution issued a one-year permit with 11 special conditions, including duty to halt or reduce activity, civil and criminal liability, proper operations and maintenance in a pretty strict monitoring regime. So that’s comforting to us as a Planning Board. We feel like we’ve got the administrative controls to be able to address that much better than we did with the prior occupant.

Jeff Davis: We are taking the steps that we need to run it appropriately.

D. Raleigh: I have a question about the outdoor patio area whether it’s expanding. You said you’re going to enclose it. It’s not going to expand? It’s going to stay what it is?

Ed Keplinger: What’s happening is the existing awning area will be the three‑season patio room and then there’ll be a small expansion of the patio beyond that. And that’s shown in the light tan.

Lisa Wennberg: This is the actual pavered area. And this is pretty much similar to the awning area that’s there now. Like Jeff mentioned, instead of that area all being open with activity and noise being able to travel outside, it will now be an enclosed area. And only this one portion back here will be the actual outdoor patio.

Anne McDowell: So the footprint is actually the same?

Lisa Wennberg: The patio, I think, has been expanded a little bit. I’m trying to remember what they had for seating, but there was an outdoor area, maybe 12 or 20 seats outside now. I think the architectural plans should show that. We submitted those with it. I apologize. I didn’t do the seating, so number-wise I don’t know exactly what’s on the patio. But if you look at what’s there now, that patio area is not expanded tremendously.

R. Huftalen: Our calculations from the Village Engineer say it will have 264 total versus 213 in the Empire documentation prior.

Lisa Wennberg: Correct.

R. Huftalen: Other comments or questions from the Board right now? Okay. Mr. Ferlow, a representative from the CACC, is here to amplify the comments.

Don Ferlow: Just to hit a couple of items very simply. For the record, my name is Don Ferlow. I’m a member of the CACC. I need to make a correction to our Chair’s report. There are two wetlands on the site correctly. Only one is a Department of Environmental Conservation wetland. However, we feel that the two wetland areas should be delineated on the plan. And they would be delineated from the original site plans of the original brewery. It would be very easy to do. The proposed modifications to the road were very important to us. The parking along the road for several reasons, but the primary reason was one of the key factors of this site is its separation with that hedgerow from Lorenzo and the views from Route 20. These are older trees. Contrary to what a lot of people think, the roots will extend well beyond the drip line. And the original plan that had been submitted was filling out over that area. And we felt that would cause old trees to decline in time. So in that sense, we felt that would be important to keep that, but we also felt that the parking spaces as they mentioned were closer and more functional. The lighting, the bollards stay, which we support. As forthe elements of the south line—the only comment there was that you might want to consider beefing up the landscaping a little bit for buffering in that location. It would benefit the neighbors, filter the lights, and so on. That, essentially, is a synopsis of our report.

R. Huftalen: Thanks. Can you describe the additional landscaping proposed on the south side of the property? At this point, is there additional?

Lisa Wennberg: No. On the south side it’s not showing on this plan because we extended the fence along that south parking. But it looks as if there is some room back there, I think, in kind of that southeast corner.

R. Huftalen: At this point, we’re glad to take any comments from the public. One thing I would like to stress. We’ve received some input already and appreciate that. Jody got some stuff down in writing and it’s quite useful. And I don’t get paid to referee debates. I’d like to have people make their comments. I can assure you the Board members up here take all the comments from the public very seriously. But we’re not here to engage in a great deal of back and forth. I want to get everybody’s comments on the record and be in a position to consider them. And with that, I’d like to open it up to the public.

Jasmeen Barnes: I am Jasmeen Barnes. I really would like the opportunity to be really clear on the outdoor patio because we’ve often visited Empire, and that seating area that is proposed to be enclosed does house many seats. If you’re going to be making that same size, that is a large amount of seating that you’re adding to the property. It’s noisy and then that always extends out onto the lawn. Are you guys going to be using more of the lawn on top of the new patio? How are you guys going to control that? Because that’s, for us as neighbors, a big concern. I just don’t understand why we don’t have exact dimensions of that new proposed patio.

Jeremy Thurston: My name is Jeremy Thurston. I’m the contractor that’s going to be working on the facility. I feel like I can answer that question. Right now, the plan is that the existing patio will be entirely enclosed. What you recognized before as a patio area with lots of seating will become an enclosed three‑season room.

Jasmeen Barnes: I completely understand that. I just would love to know the dimensions of the new.

Jeremy Thurston: The new patio will not be as large as the old patio. I don’t know the exact dimensions. I don’t have that plan in front of me, but and I can tell you it’s going to be smaller than the old patio was. It won’t allow people to go way out onto the lawn. We’re trying to create a barrier so that people can go out on the lawn and it will have limited seating on that patio and it’s going to be more controlled than it was before. I understand before it was people out in lawn chairs out on the lawn everywhere. That is not the intent of the new patio.

Jasmeen Barnes: And lighting for that new patio?

Jeremy Thurston: That has not been designed yet. That’s a future phase that has not been fully designed.

Ed Keplinger: But we do have low powered lighting for out there.

Alex Barnes: Alex Barnes, Jasmeen’s husband. There is a lot of emphasis on the south property—Jody’s property—but we’re directly west of the patio and we catch the entire amphitheater of the place. We hear everything. So that’s our main concern. We want emphasis on the sound barrier on the bottom part of the property or the southern part of the property. But for us, we catch everything blowing west. So anything, any whispering, any sort of activity on the patio as it stands now. We hear *everything* and see all of the lights. So those are our two very big concerns. Also, we wonder why so many lights are on now as it stands. It’s pretty bright now. So it seems like it’s not going to change or the types of parking lot lights are not going to change. I’ve always been curious as to why there are so many on at night, including right now as we leave our house and come to this meeting, there are a ton on. So those are big concerns of ours.

Mike Wright: Mike Wright, Rippleton Road. We’re actually their neighbor. First off—events—nobody has mentioned anything about events. And I assume if you are parking buses, buses mean special things like events. Buses also sit and idle during the summertime to keep them cool so the passengers aren’t made uncomfortable when they get they get back aboard. I don’t see any heads coming up on this.

R. Huftalen: You have every opportunity to say your comments. It’s not an interrogation.

Mike Wright: Parking. The new parking, how far around does that come to the south now? You have added to it, right?

R. Huftalen: Yes, it’s on the drawing.

Mike Wright: Our concern with the parking is that it is head-in parking and where are these headlights going to shine? Right in my bedroom.

Jody Reynolds: I have a lot of questions. I’m Jody Reynolds. Mike and I live directly to the south of Empire. I would like to thank Anne McDowell for raising the questions about the neighbors to the south. Seven years ago, we were here for Empire. And I’m not going to go into the long history, so don’t panic. But I would like to read you one quote from the resolution regarding Empire and what was approved for that property. This is a wonderful quote as given and embraced by our community: *Whereas, as proposed, the premises would be used for the growing and harvesting of crops, specifically hops and lavender, for the on‑site brewing of beer under a farm brewery license and associated visitor tasting, food service facilities and retail sales, which would include a limited restaurant menu and associated cooking and baking facilities along with indoor/outdoor seating areas.* This is me. This property, which was annexed, rezoned, and supported financially by the Cazenovia community needs to comply with that vision as described above and approved following months and months of hearings and meetings and agreements, some of which, unfortunately, were not included in the resolution. I have a couple of questions. When you did your traffic study, could you tell me what day of the week it was? Because the problem is: For you, perhaps one car a minute isn’t a lot of cars. But for us living next door to Empire, one car a minute is a hell of a lot of cars. And you have more than doubled the amount of parking at that facility. And, actually, that may not be enough because you’ve also increased the size of the indoor facility. We would like to know the occupancy of that. When can you give us that? Although you haven’t increased the footprint, except for the exterior patio, you’ve dramatically increased the usage of the building and the entire facility is now way bigger. And one of our concerns seven years ago, as we stood in this room, was *when* Empire went under not *if,* because we all knew it was going to go under. We figured some company would come in and buy the facility and the property and that they would immediately ask for concessions from the Village. Well we’ve been promised repeatedly that that wouldn’t happen. But here we are. Now we’re being asked—we’re being told—the Village is being asked to approve way more parking, way more facility of a restaurant that’s going to compete with other restaurants, like the Brewster Inn. The previous owner said, “Is that really helping the beverage trail? Is that really helping the local restaurants?” Aside from that, Mr. Ferlow says that there are two areas that are environmentally sensitive. That whole property feeds into the lake when there are storm situations. It flows into the back to the west down to the little creek. And it flows to the north over Lorenzo. And I’ve lived there for years and I’ve seen it happen. Before, I was a little concerned for the Village and, to some extent, for us. But now the new plan with 195 parking places is just outrageous for that narrow, small piece of property. And that was one of the problems we have had with this development all along was that the property was too narrow, too sensitive and in the wrong location. And I’m not just talking as neighbors. It’s just too small for what you’re trying to do. And that’s been the big fear all along. And I’d like to reiterate again about that one car a minute may not be a lot to you, but it is to us. And regarding what Alex was saying about the lighting, if you drive into our driveway at night it’s like living under a huge UFO. Only it’s full time. It never goes away. Basically, our concerns are how many people are you planning to put in there? You say you don’t know how many people the patio will seat. Well, we’d like to know that because we’re the neighbors. We’d also like to know about the fence that you’re talking about. The fact that Mr. Davis stood up and said, “We’ll comply with the Village noise regulations.” Well, that’s wonderful. And I’m very glad to hear about the music. But you know what? We’re the ones that are faced with the car headlights. We’re the ones that hear the slamming doors, the car horns, the people screaming out of the driveway, the drunk people, the dogs that have been left in the cars barking, and all the other associated noise in the parking lot that you may not be aware of. Furthermore, that retention pond is right behind our property, which is right behind our house. So it’s a hell of a lot closer than it appears. And I’m sorry to be selfish here, but this new parking plan is a kick in the face. One too many. Thank you.

Anne Ferguson: To reiterate maybe some of the points that Jody was making. In 2013, if someone had come to you to annex this property to develop a restaurant, would this Planning Board have approved that? And the reason that I think the community ultimately got behind the project was because it was presented as a manufacturing facility with an agrarian use with a small tasting room. And what you have now is a seven-day-a-week restaurant. And if you Google restaurants in Cazenovia, what comes up second? Empire Brewery. So the idea that we have this little niche, quaint brewery growing hops and lavender, is shot. And in the sense that the old Empire Brewery was in essence, some might say, as a Trojan horse that has come in. And now we’re trying to figure out: *Well, now what do we do with what is now a restaurant?* Which I really wonder if it was the intent of the State million dollar grant given to this to promote the brewery industry. So my question is, that I think is legitimate for the Planning Board to ask, is: *How much is the viability of this business dependent on the restaurant component?* It was never intended to be sited for a restaurant. A site plan approval process for a restaurant, I think, would have a lot of different scrutiny than that being proposed for a limited menu tasting room, having bread, and occasional pizzas. That’s what was approved. And look what it has become. And you’re asking the community to accept that as just, *well, it evolved.* And now we’re trying to retrofit it into compliance. And that’s not right. I’m saying that if the restaurant component is that important, then how many barrels a week are we pushing? Can you make a profit with 20,000 barrels a week or whatever the statistic was? Or Dave was trying to push, ultimately, for 60,000 barrels. If you can’t make it profitable at 20,000 barrels, so maybe you shouldn’t be doing this here. Because we never approved this site for a restaurant. And you know it. I have the minutes from 2013 here. You know it. And that’s what’s being asked of you tonight.

R. Huftalen: Any further comments? Any further comments from the Board?

A. McDowell: I forgot to mention this. It says you’re planning on having two special events per month.

Lisa Wennberg: That was estimated. Yes.

Jeff Davis: That’s just an estimate. We’re not focusing on events.

A. McDowell: What is that? Weddings?

Jeff Davis: No. We’re not focusing on weddings.

A. McDowell: Because I know that was a big deal. Well, it’s been a big deal in the Town of Cazenovia and it was a big deal with the Planning Board that that was not going to be in the . . . That wasn’t something that was approved. I’m sure. I was on the Board then and I’m sure special events were not.

Colby Clark: I’m Colby Clark, Feldmeier Equipment. I’ve sat here and I’ve listened. And I can understand everybody’s concerns. My one question is if we’ve maintained and we’re within compliance of the Village ordinances, where’s the issue?

R. Huftalen: I’d just like to correct something. The approval resolution that the Planning Board passed in 2013 specifically included restaurant as a use. It’s in the resolution.

Mike Wright: Well, it wasn’t supposed to be.

R. Huftalen: I’m just stating the facts. It’s in the resolution. A restaurant use was contemplated. It was debated. And it was allowed. That was a part of the approval resolution. And so I just want to get that clarified. When somebody says a restaurant was not approved for use, if that was the case, then we would have enforcement measures.

Colby Clark: I mean 70 decibels is a restaurant, right? We are in compliance, which is what we want to do. We want to be part of the community. We are in compliance, which I think we’ve shown. We’re putting forth every effort we can do. Where’s the issue now?

Jasmeen Barnes: Updated hours of operation?

R. Huftalen: The hours of operation proposed are the same as the ones that were approved for the original brewery. That’s what the proposal is. Again, our job as the Planning Board now is to consider this application, take in all the input. And again, I’m sorry, Anne, I’m just trying to clarify what’s actually written in the resolution. I very much appreciate everybody’s input here. And I just also want to make sure that we get the facts as they were written.

Jody Reynolds: I realize you guys are walking into this. I’m not blaming Feldmeier. Actually, I’d like to say many of the things that Feldmeier is proposing are excellent. But we are, unfortunately, on the receiving end. So it’s not so good for us. After the groundbreaking for Empire, when the previous owner announced that he was going to have a restaurant that would compete with other businesses, Mike and I came to the Planning Board and we sat with you guys after a Planning Board meeting and we asked you specifically, *was a full-service restaurant approved for the site?* And you told us you did not approve it. And that’s what you told us. You couldn’t enforce a lot of these things because a lot of the things that were agreed to were not included, unfortunately, in the resolution. And by the time we discovered it, it was too late to do anything about it. But your sense of the whole thing was that it was to be a limited tasting room menu. It was not to compete with other restaurants. Thank you.

Bob Ridler: My name is Bob Ridler. I have a question about the definition of events. Excuse my voice. An event may be you bringing your children for a birthday party there versus a 250‑ to 300‑person wedding event. So to say there will be two events per week or per month is pretty vague and I think needs some sort of clarification. I happen to be on the Town Planning Board and I’m familiar with the impact of events on neighbors in the community. And we deal with that all the time. And I think it’s important for the folks who live in the neighborhood to understand what they face in terms of an event, particularly with the noise and the traffic that’s generated by the spike in activity during an event.

Mike Wright: Occupancy needs to be ironed out. With previous incarnations, occupancy was 111. We have, many times, gone over and counted over 200 cars on that property. Not including help. So the average of two people per car, some have one, some have five, that is way over the occupancy limit. We have asked before and never got a straight answer about who enforces occupancy.

Colby Clark: That being said, that’s not a Feldmeier issue. We are trying to make it correct. We are trying to enforce the occupancy that the building holds, right. It’s our goal to make sure that we are within compliance.

Mike Wright: How much do you project it being?

Unknown male voice: How many tables and chairs do you have?

R. Huftalen: Our calculations, our Village Engineer’s calculations, with total build­‑out, there would be 380 total.

Jody Reynolds: Oh my God!

Mike Wright: Jesus!

R. Huftalen: As far as how enforcement is conducted, we have a Code Enforcement Officer. He’s got access to law enforcement and that’s how Code enforcement occurs.

Colby Clark: But again, we’re going to operate within the rules and regulations of the Town and the operating agreement. We’ve done everything that we said we’re going to do thus far.

Jeff Davis: If I could add on to that and maybe try to wrap up some of the discussion here. This is a use that is allowed. I think that we focused in on the restaurant. But what exists there now and what is proposed there now is an allowed use on the property per the regulations. We’ve put forth in front of the Board a site plan application for review that we believe addresses the prior operational issues under the criteria that the site plan has. So we are looking at improving the parking situation from what is there now to address better vehicular access and circulation pedestrian access. The lighting plan has been put forth. It has been reviewed and commented on by CACC and adopted their criteria. Improved signage to address concerns on Route 13 of the lack of visibility and addressing some of the issues that existed there during the prior operation. We’ve worked to improve and address the water and sewer and worked with the Town for the permit process. We have listened to comments on addressing landscaping. We have done some stuff to the south for fencing. I’m sure, perhaps, we can add to or extend it. I saw a comment from one of the neighbors to the south saying perhaps the fence should be extended a little bit to better line up with their house versus where the parking is. Those are things that we can further address on the plan to address the comments. But bringing it back to what we’re here for this evening we believe this plan that we’ve presented here meets the criteria and we’re not proposing a new use. It is an allowed use. We are working within the restrictions of the PDD and the use that was allowed at that time by this Board. The business that was there before failed. And Feldmeier has taken that over and their goal is, obviously, not to have it fail. This is part of one of the things that is changing, some of the operational things that existed at the site to make sure that this facility can continue to operate in the community and run for its lifetime. And with these operational changes, Feldmeier believes that they can do that. So that’s why we’re here. And we hope that we’ve listened to the comments. I certainly think there have been some very good comments raised. And we believe that those changes that we are introducing are going to address those comments and concerns by the neighbors as to how it was previously run and operated to improve the situation overall. That’s our goal. Thank you.

Jody Reynolds: Could we just be told what type of . . .  Since we are the ones who are going to live next to the hedgerow fence if this is approved, we would just kind of like to know what the plan is at some point. Not necessarily tonight. But we would like to know the height and the composition of the architectural fence. And because we’re the ones impacted by it, it would be nice if we could possibly be spoken to about the length of the fence, etc. Because if you live next to a brewery, you live next to a brewery. If you live next to a restaurant, you live next to a restaurant. A buffer doesn’t change that. I’m sorry, I wish it did, believe me. And I’m sorry to be rude.

R. Huftalen: I appreciate your comments, Ms. Reynolds. I know in the past, we tried to accommodate and get you together with the prior owners to help design. And I’m sure this Board would continue to want your input as we look at modifying the designs that have been proposed.

Ed Keplinger: What we’re proposing is a wood fence along the service area. We would be more than happy to meet with you to work out the location of the fencing or what other landscaping would be necessary to provide adequate buffering for you.

R. Huftalen: I know I’m not the only member of the Board that thinks more landscaping would be appropriate there. And, again, trying to accommodate and mitigate the impacts.

Sarah Webster: I’m Sarah Webster. I just have a couple of questions. Empire was under START‑UP NY and all sorts of things where they received tax incentives. Will this facility be given tax incentives or are they paying their due for the community and especially with the water usage? Because now I know the Village is charging for water. That’s one question. The other thing is unintended consequences. When the winery went in and developed their issues with the neighbors, I do believe I heard that many of the neighbors, and quite a few, requested that their assessments be reduced to the tune of almost 20%. And the unintended consequence is that perhaps some of the neighbors in this area and, who knows, this could go into old farms, whatever is happening that you may end up with a tax situation where people will then request that their . . . The tax base will go down. I just wanted to point those two things out.

Jeff Davis: I can comment on the first question, I believe. The second question, again, it’s an existing use that’s there. The first question: This sale was through bankruptcy. So as part of that bankruptcy sale, the prior incentives from Madison County IDA (Industrial Development Agency) are part of that sale, the lease, etc. This is a Madison County IDA project. And so there is an application that is before Madison County IDA that is part of this transition over from ownership, as well as the additions that are being contemplated here. So that PILOT (payment in lieu of taxes agreement) that exists now will continue. For instance, on the tax side, special taxes, special district taxes, those things are done at the Village level or the Town level for water district, etc. Those are separate and apart from a PILOT payment and those are paid on the normal course. But the existing real property tax PILOT side of things, the payment in lieu of taxes, that’s what that stands for, that is part of an application before Madison County IDA.

Colby Clark: So it’s fair to say that everything right now is being done out of Feldmeier Equipment’s pocket, that we did not receive START-UP NY benefits or any benefits that were given to Empire Brewery. So what we’re doing is we’re going to reapply and we’ll see what we get.

R. Huftalen: And there will certainly be public hearings as part of that process. The opportunity to comment, that’s Madison County and beyond the purview of this Board. I can tell you they are an industrial water user and they will have to pay their bills to keep the water on.

Anne Ferguson: Just one other comment and question. The applicant spoke about the lighting plans. And I think that the resolution should be very specific about night sky compliance, and downward facing lighting must be complied with. Right now, the lights from the facility can be seen from the lake and from Route 20. And that cannot be compliant with existing Code. We’ve got to make certain it is compliant going forward. Put it in the resolution.

Colby Clark: We can do a lighting plan. We can show exactly how many lumens.

R. Huftalen: We have photometrics on site right now as part of the engineering review. Our dark sky plan calls for no light spillage over the boundary of the property. That doesn’t mean that you can’t necessarily *see* lights from outside the boundary. But light can’t project past the boundary of the property. Again, it’s an enforcement issue. It’s something that we continue to grapple with throughout the Village. And dark sky issues are near and dear to my heart, I can assure you that.

Jasmeen Barnes: Just to confirm, the prior occupancy was 100 and some?

R. Huftalen: Their SEQR (State Environmental Quality Review) occupancy was 213, which was clearly exceeded as Mr. Wright noted on many occasions. If there are no other comments from the public, I’m going to make a motion to close the public hearing and . . .

Jody Reynolds: Could the next resolution, or whatever happens here at the end of this process, please reflect the agreements made in these hearings? And please be specific so that they can enforce the agreements that were made with the developer. Because that was one of the things that happened last time.

R. Huftalen: We have an expert on the Village staff here that drafts our resolutions. And he does so with his years of experience as a land use attorney and understands what’s possible and what’s not possible. And this Planning Board will confer with our counsel and do our best to . . . Believe me, we are here because we want the interests of the community served. We will use the tools we can to effectuate that in this process. Thanks, Ms. Reynolds. I’m making a motion to close the public hearing and I’m open to debate before calling for a second.

A. Walburger: There doesn’t seem to be much more forthcoming.

D. Raleigh: Agreed.

A. McDowell: I second.

R. Huftalen: I have a second. All in favor? (The motion carried with 5 in favor, 0 opposed.) Okay, thanks, the public hearing is closed.

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**Housing Visions, The Landing at Burke Meadows, Site Plan Review**

R. Huftalen: We have a representative from Housing Visions to talk about the site plan review for The Landing at Burke Meadows. Mr. Cox has made his way in from Rochester this evening. The engineers representing Housing Visions had extensive back and forth with the Village Engineer (John Dunkle) and the Public Works Administrator (Bill Carr). A number of issues had been raised toward the end of January and now Mr. Cox is here. If you wouldn’t mind, David, to address some of those issues that were raised and some modifications that were made to address some of Mr. Dunkle’s comments and changes, that would be appreciated.

David Cox: A lot of Mr. Dunkle’s comments were very technical on the SWPPP (Stormwater Pollution Prevention Plan)—calculation type stuff. But I’ll go through the plan changes. And this was Bill Carr and John Dunkle. One of them was the emergency access road around the proposed senior building to have 360‑degree emergency access. Before, we had that as 12 feet and he has requested it to be 20 feet. So we have increased the width of that. John Dunkle wanted a profile sheet of the road showing all the grades and everything, so we’ve provided that for him. He wanted some notes on the grading plan. It got brought up about a stop sign here at Emick Lane, right here at this tee, so we put a stop sign there. And I know some people from the public also requested that. He wanted some additional details on our sanitary sewer connection. He wanted an additional fire hydrant down here with Burton Street and our proposed road. We added that one. Some utility notes. He wanted the water mains to be Class 52. We made that change. We added a micropool that he asked for. Some drainage calculation stuff. And that was pretty much it from the original comment letter. And then he responded back and I just got it today with a couple of additional questions. One was that we had originally kept this proposed road farther to the south. We didn’t center it in the right‑of‑way to preserve as many trees here as possible. His recommendation, though, as the Village Engineer, is saying the road should go in the center of the right‑of‑way. Obviously, we can make that change if the Board wants us to make that change. We don’t have an issue with that. We are just doing that to try to preserve as many trees as possible. One of the other things he recommended was getting rid of this turnaround. I’m assuming that since the road is looped, having this turnaround is not necessary and doesn’t need to be there. So there’s no issue. We can remove that if the Village does not want that. And then he just brought up sidewalks. Sidewalks are going to be continued to Emick Lane. And my response was that currently, Emick Lane does not have sidewalks, so it would just be a sidewalk to nowhere. So we were not proposing any sidewalks to Emick Lane and not trying to introduce any pedestrian traffic into Emick Lane. And those were his three remaining comments that he brought up.

R. Huftalen: Thanks, David. The placement of the sewer manhole covers was an issue.

David Cox: Oh, yeah. So we’ll just move those. The comment was that Bill Carr didn’t want the sanitary sewer manhole covers in the pavement. So we will shift those to be on the outside of the pavement areas. We can do that. That’s not a problem.

R. Huftalen: I did not have time to check the resolution for Emick Lane with regard to sidewalks.

Mr. Stokes: There are supposed to be sidewalks. I don’t remember if it was one side or both.

R. Huftalen: I know we haven’t made any approvals without sidewalks since I’ve been on the Board. And so that would be something we would look at. I don’t think the road has been dedicated to the Village yet up there. And that’s part of the dedication process. Emick Lane will have to have the sidewalks installed and up to Village Code.

David Cox: We can extend sidewalks to the property line.

A. McDowell: So you would have sidewalks then?

David Cox: If the Board is requesting that, we can add the sidewalks to the property line here.

A. McDowell: We would be, right?

R. Huftalen: Yes, yes.

S. McEntee: I would be for it.

R. Huftalen: Any further comments on the dialogue between our engineers or any aspects of the plan from the members of the Board for Mr. Cox?

S. McEntee: Sorry if I missed it—the distance of the building to the road. Did you address that?

David Cox: That was where if we move the road back to the center of the right‑of‑way, that will increase that distance.

R. Huftalen: The constraint there is if you do that you think you may be forced to reduce some buffer on the southern side?

David Cox: It’s not a lot. I think it would shift the road 8 feet. So it’s 8 additional feet of that buffer.

R. Huftalen: And we don’t know if those are mature trees within that 8 feet. I guess it depends on what type of buffer exists there. If it’s just hawthorn trees, I think that would be important to our determination as to what would be preferred.

Anne McDowell: I know the neighbors would not like to lose much of their screening.

S. McEntee: So moving the street to the center of the right‑of‑way impacts some of the buffer?

David Cox: Yes. Some of this right here.

S. McEntee: Do we know how much of the buffer?

David Cox: About 8 feet.

Ben Lockwood: Just looking at Google Maps, it looks like there are some decent mature trees as it comes right out of the hammerhead. I would like to keep more buffer.

A. McDowell: Yes. What was the reason again?

R. Huftalen: John Dunkle’s comment was that it was within 5 feet of the building. Is that correct?

David Cox: Yes. And most streets are centered in the right‑of‑way. That’s just typical design.

R. Huftalen: Any possibility of the footprint of the building shifting a little bit?

David Cox: We could shift it a little bit farther to the south. There is a little bit of a hedgerow here between the cemetery. So it’s a balancing act a little bit there. And on this side, there is this wetland here that we’re trying not to disturb at all. So, we’re trying not to go any farther this way.

R. Huftalen: Okay. Any questions?

A. Walburger: I’m just looking at the Google Maps photo, Rich. That’s a pretty substantial stand of trees there.

A. McDowell: I’d hate to see them lose that buffer. I really would.

S. McEntee: How about to the south, Adam?

A. Walburger: That is mostly deciduous trees. They look like they have a little bit of height to them.

David Cox: Most of the trees are relatively tall in this area. They are pretty mature.

S. McEntee: The tenants to the south won’t make much noise.

D. Raleigh: That’s what I just thinking.

R. Huftalen: So let’s get some input from the public. Absent any further comments from the Board members, I’d open it up to the members of the public.

Diane Webb: I just have a question about the depth of the green buffer on the top there. How far in feet, in yards, in miles?

David Cox: Let me get a scale on it so I can get it right. It ranges a little bit from 20 to 30 feet, in that range. A little bit here (pointing to the plan), it has actually been cleared onto our property a little bit, that’s where it’s only 20. But here, where there are trees all the way to the property line, it’s 30 feet.

Diane Webb: 30 feet. I didn’t realize there was a road that connected this development to Emick Lane. Is that new?

David Cox: That has been there for a long time.

Diane O’Donnell: I just have a question on the swale. Last time we were here there was discussion on the buffer behind the Holland property. And there was a concern and now with the dry pond and the infiltration basin on the opposite side. Over on that side, we are losing the vegetation for the two townhomes by the Holland property. You have mentioned a swale that would have been where \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ the property is to the Holland property to alleviate some of that drainage?

David Cox: Yes. There’s a proposed swale here that will prevent drainage from going toward the Holland property.

Diane O’Donnell: And how deep is that swale?

David Cox: I think it’s around 18 inches to 2 feet. In that ballpark.

Diane O’Donnell: The dry pond on Burton Street, is there going to be any sort of buffer between the road and the dry pond?

David Cox: There is a berm.

Diane O’Donnell: Any sort of vegetation or landscaping? Or is it just going to be open?

David Cox: It was planned to just be grass.

R. Huftalen: Mr. Cox, on this grading drawing, can you give me a little indication of this swale you are talking about?

David Cox: It is at 1224.

R. Huftalen: The property line elevation is going to be higher?

David Cox: Correct.

Diane O’Donnell: So the Burke Meadows property is going to be at a higher elevation than the Holland property? An 18‑inch swale is going to be sufficient to handle the water that is going to come down through there \_\_\_\_\_\_\_\_\_\_\_\_\_\_ townhomes?

David Cox: Yes.

Diane O’Donnell: So it won’t go into the Holland property?

David Cox: Correct.

R. Huftalen: Part of the stormwater management plan needs to address that. Our Village Engineer, John Dunkle, wants to make sure any construction here is going to allow for further runoff from the property and adjacent properties.

Diane O’Donnell: That’s what I was concerned with. I knew there was a swale. I wasn’t sure what the depth was and what is going to be there compared to what’s there now. You will see the water flow a lot heavier and go right into her property and actually partially into the Barton property. So is the swale going to go around Holland and Martin or just Holland?

David Cox: There’s a swale all along Barton and Holland.

Diane O’Donnell: Okay, so if I’m looking at the drawing, is the swale going to go all the way to the end of Barton to where the second townhome is toward you?

David Cox: Yes, all the way up in here.

A. Walburger: Yes, it wraps all the way around the corner and goes from 237. It has 7 feet of drop across there.

R. Huftalen: So the construction drawings here, I’ll point this out. This is what we’re talking about, Steve.

A. Walburger: So it looks like when they come in and they grade, they’re going to pull this away right there and mound it up.

R. Huftalen: Yeah. And then we’ve got landscaping going in there, too, along the swale.

A. Walburger: Again, it cannot be worse than pre‑existing conditions. That’s not allowed by the SWPPP.

Diane O’Donnell: I know coming down by the road, the entrance and the exit, I know that the dry pond is to the right of the entrance. And on the other side in between the Holland garage and the exit, is there any sort of berm or swale there to help the water going toward the Munger property and across the street? Or is there going to be a big ditch there?

David Cox: The road is actually lower than this property. So the garage will be up higher than the road. So the water will not flow toward the Holland property.

Diane O’Donnell: I’m talking across the street. Is there a catch basin right there?

David Cox: Yes, there is a low point right here. The road comes down toward Burton and then there’s a low point and goes back up to Burton. And then there are catch basins there to prevent water from going onto Burton.

Bob Ridler: A question on the roadway, the right‑of‑way and all that. I guess the purpose of my question is asking the impact of shifting the road one way or another. Does that include the sidewalks? You said it would have an impact of 8 feet on the existing buffer. Are there sidewalks on both sides of the street?

David Cox: It would just be on one side.

Bob Ridler: And the estimated impact that you suggested, did that include a sidewalk?

David Cox: Yes, the sidewalk will most likely be on the south side.

Bob Ridler: I guess it is up to the Board to decide whether you want to shift it up into the north side, which would reduce that buffer versus doing something that would reduce the buffer on the south side? Is that the option?

David Cox: Right.

R. Huftalen: There’s an existing sidewalk that goes up to the building on the south side of the road. I guess that would be a good question as to whether the preference of the Board or the neighborhood would be to have that sidewalk on the north side of that road and then subsequently on the western side of the connection to Emick Lane. I’m not sure if we’ve got drawings of where the proposed . . . You obviously want to be on the same side of the road as the Emick Lane sidewalk is.

Phil Byrnes: I live on Emick Lane. I know we’ve been promised a sidewalk and it will happen. The last time I spoke to anybody as to where it would go, it would typically be going on our north side of the road which would come down and end or potentially cross the street and then bring it down. I don’t know. I know you said Dunkle had suggested a stop sign. One stop sign here (pointing to the plan)? Did he suggest having a second stop sign coming off Emick into The Landing so that you’re not going to have through traffic on one side and stop on the other?

R. Huftalen: Just so I’m clear, Phil, you’re proposing a second stop sign?

Phil Byrnes: Well, I’m just curious. You’re going to have a tee. So if someone is coming down Emick, if he doesn’t have a stop sign to turn, somebody coming up from Burton will stop. But where will that stop sign be? I mean, if it’s back here. I’m just curious if it would be two stop signs or one.

R. Huftalen: I think between the engineer and the Village Board, who does traffic control signals, I think we can make a suggestion. That is something to consider to coordinate between John and Bill or whatever it is you can do.

Phil Byrnes: And will we have speed limits posted?

R. Huftalen: Presumably will. Again, that’s Village Board governed.

Jerry Munger: Rich, while we’re talking about the driveway, as it’s proposed right now, as I understand it, it is directly opposite of our house. I know the concern about the curve and traffic coming around the curve. Is there any possibility that the driveway could be shifted 8 to 10 feet to the south? Even that would help.

R. Huftalen: It’s sure something we would be willing to entertain as a Board. I know that there was heavy concern on the part of the other neighbors about the proximity to the bend in the road and the vision there.

Jerry Munger: I think it has moved, if I remember from the original proposal, it has moved quite a bit to the north to get away from that bend. It seems to me that if it were shifted even 8 or 10 feet, I think that would help our situation.

R. Huftalen: Mr. Cox, have you got any thoughts on the feasibility of that?

David Cox: One of the ideas that we could do is, instead of making it perpendicular, make it a little bit not perpendicular. And then at least when the cars come and stop to look, the headlights are not shining at the house, they’re shining more toward the school. So we could make that change. As opposed to it coming in perpendicular. His house is right here. If we shift it a little bit, just for those headlights, it will help a little bit.

A. Walburger: Jerry, is your concern backing out of the drive area there?

Jerry Munger: Mostly our concern is the headlights shining directly into those two front windows. We opened up between those two rooms. So that it would go all the way through.

A. Walburger: Yes, understood.

Suzanne Munger: I’ve got a couple of small issues. But that would only help when the cars are stopped, but they’d still be directed toward our house if they’re coming down the hill.

David Cox: One of the things that would be good is, since this is coming down, the headlights would be directed mostly toward the ground and not at your house.

Suzanne Munger: Our house is lower than . . . We spend quite a bit of time out there. Cars coming down the hill . . .. I know what you’re saying. But you still see the light, even if it’s not directly in your face. You still see the lights.

David Cox: I’ll just show you this. It might help a little bit. Here’s the profile. So when the road is coming down like this, the headlights are really shooting into the ground here. Your house is over here. So it’s not really until they hit this bottom and start to come up that the headlights are shining more at your house. At this point, when the car is starting to come back up, we could help that. That was my main thought there.

Suzanne Munger: I understand what you’re saying, but the impact will not be fully felt until the road is built. But if you’re sitting in the sitting area and there are cars coming down the hill at night, if the lights are directed down, there are still going to be lights that we are going to see outside our windows.

David Cox: Yes, you still will see some lights.

Suzanne Munger: With the consideration you have done, you have gone quite a few feet to the north. We’re asking to comeback maybe, as Jerry says, 8 or 10 feet to the south to just take the headlights out of our line of sight.

David Cox: I’ll take a look at this alignment and plot your house on here and see if I can tweak the road a little bit to help it.

Suzanne Munger: And I have another question about the buffer. Those are old trees. I should know because I live there. Is it a requirement that it be in the center of the right‑of‑way? Is it a suggestion?

David Cox: It’s not a requirement.

Suzanne Munger: I’d like to save the trees.

David Cox: I’m perfectly fine with that. That was just the Village Engineer’s comment.

Suzanne Munger: I’m just raising the issue that there’s no compelling safety or legal issue to move it just because most times it is on the right‑of‑way. I would suggest leaving it where it is and save the trees because that’s protection for everybody, especially the people on Emick Lane.

S. McEntee: I would be in agreement, given the speed you’re approaching a curve. I know he’s concerned. Standard practice would be to have it farther away from the building. But it’s a low speed area.

Suzanne Munger: It should be.

Mr. Stokes: I’ll just add that it’s not just because that’s standard. 5 feet is not very far from a building for snow removal, particularly. So there is concern about damaging the building. Of course, snow removal and other street maintenance operations. I’m just pointing it out. It’s not just because it is normally in the center.

Suzanne Munger: I couldn’t hear the last part of your remark. 5 feet from a building is close?

Mr. Stokes: Yes, particularly for snow removal and other street maintenance. So there is a concern about the building.

Suzanne Munger: Well, I didn’t think about that. But I hear you. But I would love to save the trees.

David Cox: But to address that, we could probably shift this building 5 feet to help with that building proximity issue.

Suzanne Munger: That would be great. I’m glad to hear about the catch basins. The soil just percs water.

Diane O’Donnell: As far as the dry pond, what is the depth of that? Will it be graded?

R. Huftalen: The bottom contour is 1210.

David Cox: This end of the pond is about 5 feet deep, but then as you get closer to this, it’s closer to 9 feet.

Diane O’Donnell: I’m just asking because you’re across from an elementary school. It’s wide open. There is no buffer to sort of keep the kids from being curious and going into the dry pond.

David Cox: It’s a gentle slope. You can walk down it.

Diane O’Donnell: I’m just saying as far as having all the kids there and the foot traffic, is there a possibility or is it in some sort of plan to have a sort of a buffer, or structure, or something to sort of block that temptation?

David Cox: There hasn’t been up until this point, no.

Diane O’Donnell: I’m just thinking of the kids. Kids are curious. And you don’t have just kids. You have teenagers, sports events, you have practices. Kids will be kids.

Suzanne Munger: And it’s going to be filled with water sometimes.

David Cox: When it’s raining. Correct.

Suzanne Munger: Kids will walk by when it’s raining, too.

S. McEntee: Is there going to be a sidewalk on that side of Burton Street?

David Cox: There’s only a sidewalk on the other side of Burton.

Don Ferlow: I’m going to put my CACC hat on. We have not had a chance to review the latest plans. So in essence, I’m shooting from the hip. If I’m correct, you made a statement that the engineer asked you to remove the drop‑off circle.

David Cox: Yes.

Don Ferlow: This is a senior residence, right? People don’t necessarily all need to drive a car and come through the parking lot to pick somebody up. There’s no place, really, without parking in or pulling in front of the handicapped parking spaces to get somebody. So I would assume that it would be important, not necessarily to have that big of a turnaround, but to have a place for drop off or pick up of somebody because that’s functioning with the people that are in the building.

David Cox: Right. If we did remove this, we would most likely have some type of drop‑off area down here (pointing to the plan). Being a senior building, we absolutely need a drop‑off for sure.

Don Ferlow: Okay, so you’re on the same wavelength I am. Because if you do remove that drop‑off, that will give you an opportunity where you go in and have a new place to carry that out into the parking lot a little farther, perhaps increasing that island that’s at the end there. So people don’t have to walk through cars to get to it. So that gives you an opportunity in the design aspect of it. All right. The lady mentioned the swale over on the angle line in that area. Would it be smart to have a catch basin in the parking lot at that corner, and you’re running a couple of hundred feet in that swale before you reach there, to have an inlet that goes into that catch basin? So you don’t necessarily put all the water along that property line.

David Cox: Yeah, we can do that.

Don Ferlow: It’s just my standpoint. Your planting plan. Fat Alberts, do you know what they are? They are very nice trees. They are blue spruce trees. But they are fat. And you have them between the emergency drive and the building wall. And that means as they grow, they are going to be squeezed from both sides because they do get really wide in time. And you want them to grow. So perhaps they should drop over to the other side. The grading right now is shown almost to the cemetery line. And there’s not much on the south side of the cemetery line that has any trees in it. So you might want to consider looking at that a little bit more, to putting some more deciduous trees in there or something along the face of that building. I always feel that the people that are doing this commercial stuff now are really thoughtful, like Aldi, and the facility over in Fayetteville. The parking spaces are a little wider to allow people to maneuver. And so if you could, in the drop‑off removal thing, if you could widen them a few inches, maybe 9 feet 5 inches, rather than 9 feet, it would be helpful for the seniors to work through it. The dry pond. Yeah, it will fill with water at times. But what is it going to be? Mowed?

David Cox: Yes, grass.

Don Ferlow: That went out 25-30 years ago, literally. Because, in essence, that’s something that isn’t done anymore—just to have a grass hole. Because what happens in the spring of the year if it gets the rains that we normally get in April, you’re going to have difficulty mowing it and it becomes kind of a mud hole. So you might want to consider a type of planting. Not heavy planting. But not necessarily mowed grass for that area, to have some more character. It is the entrance to your facility and it shouldn’t just be a dry hole of mowed grass. We don’t play football in it I’m sure. So my feeling would be just give that a little thought as you work on it of how you set that into the landscape that makes it interesting. And it doesn’t have to be formal. It can be quite wild. It’ll work the same way. It’s engineeringly okay, but just visually kind of weak, particularly the way you’ve got it. So quick comments. That’s about it.

D. Raleigh: Don, what are some options that you’ve seen that people have done to enhance a dry pond?

Don Ferlow: Well, they would plant the fringes with little Gray Stem Dogwoods or something like that. Or you would use a taller grass material that you don’t mow. There are a lot of more field grass type things. There’s a guy by the name of Larry Weaner who is an expert at doing these naturalistic systems. And he just creates them so that they look like they’ve been there and *oh, gee, there’s water in it today.* It’s not focused to having stormwater runoff parking in it for a while and then dropping back down. And if it gets a good shot of water, it’s going to be wet for a number of days. So it doesn’t have to be totally planted. You get a mosaic out of it. And Dunkle is buying into those now. John has talked about stormwater management being more like rain gardens. So I’m sure you can get him on board.

R. Huftalen: Don, a couple of questions for you. The Fat Alberts you were talking about on the opposite side of the emergency access roadway. Could you clarify what you were saying?

Don Ferlow: Well, if they took the Fat Alberts, which have been between the emergency access and the building, and just dropped them over to the other side. They would be planted along the cemetery edge.

R. Huftalen: Those are Milky Way Dogwood, I think, according to this drawing sheet.

David Cox: I’m pretty sure that’s what he is referring to. That’s something that makes sense.

Don Ferlow: Now wait a minute. I’m looking at the planting plan. And there are six . . .

David Cox: Oh, I’m sorry. He’s got an older plan. I gave him a slightly older plan.

R. Huftalen: I think they’ve incorporated your suggestion already, Don.

Don Ferlow: Oh! Done!

R. Huftalen: David, I did have a question though. PG, what species does that refer to? You’ve got the Fat Alberts, but then I couldn’t find the key for the buffer to the Holland property.

David Cox: It looks like it did not get added to the plant list is what happened on there. It’s a different type of evergreen.

Diane O’Donnell: Thank you, Rich. That was my next question was about the buffer to the Holland property. Because right now she’s got an open view. And she lives in her back entrance. And so she’ll see the backside of the townhomes with the back patios without the storage. So I’m wondering what type of buffering there will be? Is it going to be a more dense buffer?

David Cox: Yes, evergreen trees.

R. Huftalen: We know there’s a tradeoff of how quickly trees establish themselves and grow versus what the caliper size is. I know some of us had Mrs. Holland (for our teacher). We’d probably prefer to get a quicker buffer and maybe even just to have a fuller, denser buffer sooner rather than wait for a smaller caliper tree to mature.

David Cox: We are suggesting a minimum height of 5-6 feet, in that range, at planting, as a minimum.

R. Huftalen: Any other questions or comments? Any further questions or comments from the Board?

A. McDowell: I just wanted to say that I know the neighbors would appreciate a nice entrance. Whatever you can do. Talk to Don and make it very visually appealing.

David Cox: Right.

R. Huftalen: I’ll make a motion to close the public hearing.

S. McEntee: Second.

R. Huftalen: All in favor? (The motion carried with 5 in favor, 0 opposed.)

R. Huftalen: I do think we’ve got a number of details that I think Marlene certainly got captured in the minutes. I’ve got captured notes here. We are going to have a special meeting on February 24. Maybe we can look at some revisions by that time if you’re going to incorporate those and show up before our next regularly scheduled Planning Board meeting. That will give us time to take a look and make further comments.

David Cox: Absolutely.

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R. Huftalen: Is there any other business to be brought before the Board? If there is no other business, I’ll make a motion to adjourn the meeting.

A. McDowell: Second.

R. Huftalen: All in favor? (The motion carried with 5 in favor, 0 opposed.)

The meeting was adjourned at 8:49 p.m.

Respectfully submitted,

*DRAFT UNTIL APPROVED*

Marlene A. Westcott

Recording Secretary