

**Village of Cazenovia Planning Board
Work Session Minutes
February 24, 2020**

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

Absent: Steve McEntee, Zach Young.

Others Present: James Stokes, Village Attorney; R. Shain Emerson; Jeff Davis; Pete Karpinski; Ed
10 Keplinger; Lisa Wennberg; Stephie Jabbs-Maurer; Phil Byrnes; Nate Hickey; Colby Clark; Ben
Lockwood; David Cox; Mike Wright; Jody Reynolds; Suzanne M. Hartt; Jasmeen Barnes; Sarah
Webster; David Pollock; Jordan Pollock; Marjie Tormey; Charles Andrews; Kenyon Craig; Anne
Ferguson; Suzanne Munger; Jerry Munger; H. Baird Hansen; Michael Roets; Ginny Krumsiek;
15 Howard Krumsiek; Bob Ridler; Bob Feldmeier; Johana McKenna; Kelly Sweet; and a few others
who did not sign in. A total of approximately 50 people were in attendance.

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20 R. Huftalen called the meeting to order at 7:03 and introduced the Board.

R. Huftalen asked for any changes to the minutes of February 10, 2020. There were none noted.
R. Huftalen made the motion to approve the minutes as submitted. D. Raleigh seconded. The
motion carried with 4 in favor, 0 opposed.

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30 R. Huftalen: With both projects tonight, we will continue to accept written public comment. We
have been receiving plenty of comment and want to make sure we have that in time for the members
to digest. We would ask that any further comment subsequent to tonight’s hearings be submitted
before the end of business next Monday so that the Planning Board can have it, deliberate, and take
any further steps with that.

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

R. Huftalen: We are in receipt of a modified application from Passero Associates on behalf of the
project developers of The Landing at Burke Meadows. Everybody has received a copy of those. At
our last meeting, we discussed this. We held a public hearing. We closed the public hearing.
Tonight, we are going to allow the Board members to deliberate and ask questions. At this point, I
40 would like to have Mr. Cox refresh our memories about the modifications we asked for and what
you are presenting here for us.

45 David Cox: I’m David Cox with Passero Associates, the civil engineer for the project. And all of
you people not for me, I’ll be quick for you. One of the things we did is we changed the angle on
this road coming down slightly to help the Munger property to reduce the amount of headlights. If
you were to extend a headlight beam, we were able to move it 26 feet farther from the house. I
would consider that a win. So that was successful. The senior building, we did shift that down the
5 feet that I mentioned before. That allowed enough room to get the sidewalk in. We provided that

50 sidewalk all the way to the Emick Lane property. So we got sidewalk all the way through down to
Burton. With shifting the building down, we also shifted the right-of-way down 5 feet as well. So
the road is more centered. It is not completely centered, but it is more centered over the
right-of-way. Before, we had a circular turnaround here, right on the dedicated road. It was
requested to have that removed. So we have relocated that interior to one of the project entrances so
that you could come into the project, drop off right here, and then continue back or go park. So that
55 is a nice amenity there. We have removed all of the sanitary manholes from the paved areas as Bill
Carr (Public Works Administrator) suggested. We added a hydrant down at Burton Street
intersection, which Bill Carr requested. And we added some additional landscaping here along
Emick Lane just to try to beef up that buffer as much as we could. Then we corrected some of that
landscaping here, behind this first building, that we discussed prior. That sums up all the changes.

60 R. Huftalen: Thank you, David. At this point, I would like to ask members of the Board if they
have any questions in regard to the modifications that have been made here.

65 A. McDowell: You said you are adding more trees? Are you cutting down a lot?

David Cox: We didn't cut down any more than we had proposed before. We are just adding more
screening to it.

70 A. McDowell: How about behind Mrs. Holland's house?

David Cox: That was what we had proposed before. We just had an error in our landscaping table.
So we corrected that. But the same number of trees and everything in that area.

75 A. McDowell: The same height?

David Cox: Yup.

80 R. Huftalen: Mr. Cox, one of the questions I had was with regard to the placement of the sidewalk.
I was under the understanding that the sidewalk was going to be extending from Emick Lane on the
west side of Emick Lane. I don't know if I misunderstood that. I just want to make sure we've got
everybody on the same page in terms of connecting sidewalks or creating crosswalks.

85 David Cox: I can put it on either side. I think what we had talked about before was that the
proposed sidewalk would be on this side of Emick Lane (east). We were thinking it would come
down here. But it could easily cross over this way. You tell us what you want and we will put it on
whatever side you want. It is not an issue for us either way.

R. Huftalen: That may require a little clarification from Bill Carr.

90 D. Raleigh: Is there any way to characterize what the entrance is going to look like with signage,
etc? I know you have shown some good pictures. But that is one thing I don't think you had in your
portfolio.

95 David Cox: It will be a divided entrance, so it will have a good 8-foot wide landscaped median. The
project sign will be right there in that landscaped median. It goes for maybe 60 feet or so. And then
it goes back into the combined lane. There will be street trees on either side of that center median.

Then there are also street trees on both sides of that road. It will be a heavily landscaped, nice entrance.

100 R. Huftalen: I noted that you got those trees identified. Can you describe your rationale for your choices, especially for the buffer area next to the Holland house? There is a PG3 identified. This was part of the discussion last time.

105 David Cox: We put in spruce coniferous. We wanted something that is going to provide a buffer year around. That is why we did not go with any deciduous trees. When you are looking at a buffer, it is nice to have a variety of different trees. When it just looks like one species, it can just look a little bland. So we would like to mix it up with some different species.

110 R. Huftalen: Other comments or questions?

A. Walburger: On the entrance, looking at the latest plan set, there is a fixture pole in the island, right? I want to make sure I'm looking at the right symbol on the drawing.

115 David Cox: I think we had all the light poles on the outside. I don't think we had one in there, but I'm just going to confirm. Yes, we did. You are correct. Yes, we did have one in the middle.

120 R. Huftalen: I don't think I have a paper copy of it, David, but in addition to the photometrics, you have a typical dark sky post top picture, but we will be looking for catalog cuts on those. Maybe you have provided them already.

David Cox: I did provide those. But I can provide them again.

125 R. Huftalen: These fixtures are quite in line. I think they are very agreeable to the Board. I just want to be sure we have the appropriate catalog cuts for Bill Carr.

Mr. Stokes: Does that include the poles as well?

130 R. Huftalen: And the poles. Any other questions from the Board? (None heard.) As I said, we will continue to welcome input from the public. The plan sets are available for viewing in the Village Office. I think there are even digital copies that we could provide or email. At this point, we will be looking at considering any further public comment until next Monday and then making a determination as we go forward. Jim, is there anything else?

135 D. Raleigh: Rich, you said next Monday. Do you mean the second Monday?

R. Huftalen: Next Monday will be one week prior to our regularly scheduled March Planning Board meeting. Just like we like our applicants to give us time to look at comments, we want to make sure that we have time to digest any comments from the public on the latest plan set. Thank you, David.

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Rocale, LLC, Meier’s Creek (Brewery), 33 Rippleton Rd., Site Plan Review & Architectural Review

145 R. Huftalen: This is a proposal to redevelop the former Empire Brewing site. As I stated earlier, the
applicants have filed their application. We held a public hearing. We closed the public hearing at
our last meeting. We will continue to accept written public comment up through next Monday. At
this point, I would like to have the applicant present any changes since the last plan. There has also
150 been a meeting with the neighbors. Maybe you could review some of the outcome of the meeting
with the neighbors. We have not completed Part II of the EAF (Environmental Assessment Form).
So I intend to go through the EAF Part II with the rest of the Board. We are not necessarily going to
make a determination tonight. But we will get questions on the record. I would like to review some
of the input we have had with the rest of the Board members and get their input. But to start it off,
155 maybe you could have a representative discuss some of the changes that have been made since we
were last here together.

Lisa Wennberg: I was just going to go through the letter that we prepared. After the last public
hearing, Colby from Feldmeier had a meeting with some of the neighbors. We have a list of
concerns that they brought up. One of the concerns was that people were driving very quickly down
160 the road and not stopping when they got to the edge. So we have added a stop sign and a stop bar at
the entrance to Rippleton Road so people see they are supposed to stop before they pull out into
traffic. Then along the roadway, we added two removable speed bumps. They are removable to
allow plowing during the winter without tearing up the asphalt pavement. Delivery times were a
concern as well. We are limiting deliveries to 8 a.m. to 5 p.m. Monday through Friday and Saturday
165 mornings only 9 a.m. to noon. The neighbors to the south had concerns about people wandering
onto their property and noise, so we have added two berms. We relocated the one 6-foot fence that
was near the service area and we have actually put it on top of the berm. It is a solid wood fence
6 feet high. The berm is about 3 feet high. Then we have added evergreen plantings in both areas to
help both with screening and noise mitigation and light pollution. We have also added a split rail
170 fence along the side here, 200 linear feet, to keep people from wandering in the back area onto the
two adjacent properties. We will have farm practices in this area to discourage people from
wandering over in that area. I guess the compressor motor on one of the compressors up front was
very loud, so they are having that looked at to either have it serviced to mitigate the noise or to have
it replaced. Events were a concern. We have actually defined events. Any events will be operated
175 in compliance with the underlying conditions of our approval and the Village Code, including, but
not limited to, occupancy, parking, hours of operation, noise ordinance, and bus parking/idling.
With any events that happen in the facility, we are still going to maintain the occupancy of the
building. It won’t go over 380 patrons, which is what we are asking for. The bus parking, we have
actually provided in this area, this is large enough for a couple of buses to park. I have it shown by
180 dashed lines. There will actually be a policy in place that any buses that show up at the facility will
have to come in before 4 p.m. And they won’t be allowed to idle their buses. That will be a
stipulation before buses are even allowed to come to the facility. Site lighting was also a concern. I
know originally we had taken out the new lighting. We are leaving the bollard lighting as it is
because everybody seems to be happy with that. We have also limited the lighting in the back in the
185 service area. There will be building lighting for the staff to come in safely and leave safely. But we
have limited the actual lighting of the parking lot to these areas to try to keep light from spilling onto
the adjacent properties. All of the lighting will have timers on them. I think we decided it was going
to be one hour after closing that the lights will be dimmed. I know we had mentioned putting in a
playground here. There were concerns about noise, so we have eliminated the playground. That
190 won’t be an option. Our facility occupancy at 380 is maximum occupancy for this building. But

195 that is only going to occur when the events area in the basement would be occupied at maximum capacity, which is 80 people. A lot of events get 20-25 people. You would also have to have the entire patio and the three season room running. The three season room is not going to run all year long. You can only have people out there for so long, for so many months of the year. The same thing with the patio. It's limited. So 380 is not an everyday occurrence. We just wanted to stress that.

200 Jeff Davis: On the occupancy item, just a couple of points. The room in the basement was used prior for an event space. More of the goal here is to bring it up to Code and continue to use it in that manner. On the restaurant side, I think the previous approval was about 212. There was more seating in there than that. The changes on the inside of the restaurant, which are being proposed as part of this, a change in the layout, shows they can get, with that change, 262 occupancy in there. That is probably what it was operating at anyway. The three seasons room, actually, the patio did not have an occupancy previously designated by the Town or Village or anybody. That is kind of
205 where the change in occupancy comes from. There is really no expansion of the building per se. They are still using the exact same spaces within the building. The basement area that was being used prior, they are bringing that up to Code. It was not up to Code. The same first-level floor area where you walked in there, recognizing the fact that the seating that was in there was more than 212. With the changes in layout, it will accommodate more. Because of the three seasons room, it
210 requires an occupancy designation for that area where the patio did not have one.

Lisa Wennberg: I could just add to that. I know last time the question was asked: How much bigger is this area going to be? The square footage has actually gone down a little bit between the two rooms. But because they are combined, we are adding less than 1,000 square feet of
215 impervious—like 800 square feet. If you include this area in the overall grand scheme of things, it's a very minimal increase in the actual square footage.

R. Huftalen: Lisa, can you amplify that? When you say you are adding less than 1,000 square feet of impervious and the overall footprint is . . .
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Lisa Wennberg: The only part that was changing was this one area. That was it.

Mr. Stokes: But you are not including the parking?

225 Lisa Wennberg: For the building. Not for the paved surfaces. All of the paved surface impervious is included in the SWPPP (Stormwater Pollution Prevention Plan) report.

R. Huftalen: Just off the top of your head, that brings the total building envelope . . .

230 Ed Keplinger: I know we are adding 1,400 square feet for the three season room.

Lisa Wennberg: I have for the three season room, we are increasing by 1,545 square feet. But then the patio is smaller. That's why we are only increasing, really, by 800 square feet in the back there for building.
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Unknown audience member: Excuse me. I have just heard three different numbers: 800, 1,400, and 1,500 for increased spaces.

R. Huftalen: Please clarify that.

240 Lisa Wennberg: I had it written down. I was just estimating what we thought it was. 1,545 square feet is the three season room. This was the canopy before. The original canopy area was 1,400. Basically, a very minimal increase. That was the canopy area, which will now be enclosed, which is almost identical.

245 R. Huftalen: You are proposing square footage in addition to that in Phase II, the impervious outdoor patio space?

250 Lisa Wennberg: Correct. Because these two items are the Phase II portion. Phase I there is no . . .

R. Huftalen: Again, the three season enclosure plus the impervious outdoor patio seating area, that's all Phase II?

255 Lisa Wennberg: That's all Phase II.

R. Huftalen: And the increased square footage that is going to contribute to the overall site?

Lisa Wennberg: 817 exactly. That's what I came up with.

260 R. Huftalen: Thank you.

265 Lisa Wennberg: I know we originally had, on the last plan, we had 195 parking spaces. We still have 195. But due to some estimates we have gotten in, our grass pavers have been revised to gravel. However, these areas are basically only going to be used in an overflow condition. They will come off the area in the back for most days when they don't need it. During large events, they will have a parking attendant so we can make sure people are parking in the designated areas where they should be parking on the site.

270 R. Huftalen: What was the consideration to go from grass pavers to gravel?

275 Lisa Wennberg: We added a lot of buffering on the south property line—the berm and the fencing and the trees. So the grass pavers were a tradeoff. They are a little more expensive, so we put the money onto the berm side for mitigation between the properties and changed the grass pavers to the gravel. We did provide all the cut sheets for the updated photometrics that included just what we were going to be revising for the parking.

A. McDowell: Other than the patio, is there going to be other outside seating beyond the patio?

280 Lisa Wennberg: Not as far as I know.

Jeff Davis: No.

285 Lisa Wennberg: We did provide an updated EAF and the application form, which we basically just specified what the events would entail.

290 Jeff Davis: On the EAF . . . I wouldn't be doing my job if I didn't mention it. Again, this is really looking at the incremental changes between what was there and approved versus what is proposed now. So for the public that's here to understand that for the SEQR (State Environmental Quality Review) review, we have an approved use that's there—the brewery, the restaurant. The project that is being reviewed from the SEQR standpoint are these proposed changes that we just went over—the increase in parking, the change in layout and occupancy, the Phase I and Phase II discussion, not necessarily the entire use, which has already been approved.

295 R. Huftalen: Thanks for that point of clarification. At this point, I would like to offer the opportunity for any of the Board members to raise concerns. I have a list of concerns that have been shared with you all from various members of the public. I would like to get those on the record and discuss them and give everybody here the opportunity to bring up their issues first. Anybody care to address the applicant?

300 A. McDowell: I happen to have been on the Board in 2013. We spent a lot of time working on this. One point I would like to bring up is that we were told that Mr. Katleski would like visitors to have something to eat during their visit to the brewery, such as bread and pizza. That was written in the minutes. That was what we were told at that time. I know in 2018 the State changed the regulations, allowing food and beverages as a restaurant. But I'm wondering, what are we held by? What we
305 agreed on in 2013? Or because the State allows it now, are we going to allow it?

Mr. Stokes: Rich, I would suggest letting the applicant address the question. Then, if need be, we can have an attorney/client discussion.

310 Jeff Davis: I will go back to the last meeting we had that the approval we had was for restaurant use with a brewery. I wasn't here in 2013. I know there was a lot of discussion. There were meetings and things said. But the approval that was granted, and I think you referenced a 2015 final approval or final site plan approval. I know there was SEQR done earlier, etc. But I believe the final approval was for the brewery and restaurant use. That is the use that is defined.

315 A. McDowell: I have the minutes. The uses shall be associated with a farm brewery. That was said in the minutes. Because it seems the whole deal is changing from a farm brewery to a restaurant and that concerns me because in 2013 it was approved as a farm brewery.

320 Jeff Davis: I don't know that I agree with that designation. I believe it was approved as a brewery and a restaurant. Again, I defer to the approval that the Planning Board actually issued and the language of the final approval of the Planning Board.

325 R. Huftalen: Clearly, the uses were enumerated, which included a restaurant and a brewery. That was very clear.

A. McDowell: In 2013, the restaurant was secondary to complement the farm products.

330 R. Huftalen: I have a copy of the approval resolution. Certainly, there were a lot of discussions in the minutes. I think Adam was part of that Board also. We were deliberating through the hours of the night discussing various uses that should be allowed, which included light industrial because there is a light industrial component of the brewery. A restaurant was certainly contemplated, discussed, and written into the approval resolution.

335 Mr. Stokes: Rich, I think it would be worthwhile, not right now, but let's get through the rest of this discussion and then we can briefly adjourn and I can render some legal advice to the Board. I think it will help clarify some things.

340 A. McDowell: I appreciate all that you have done for the neighbors. I think that is really, really important.

D. Raleigh: The neighbors to the west, have they been addressed? I know they were concerned about light and sound. I haven't heard anything on that to this point.

345 Lisa Wennberg: It wasn't actually in the letter, but yes. When Colby met with the neighbors, there were discussions. We kind of have to wait. They said they were going to wait until spring and actually go and look at this area to figure out where the noise is traveling. There were discussions about possibly putting a berm in this area also to mitigate to the west. But they didn't feel they could actually do that at this point because there is no tree coverage right now. Phase II is not
350 happening right away. They will have time before this expansion happens to address the neighbors to the west. So that was discussed with them. They did discuss unnecessary lighting off the back of the building. I believe there are—or there were—floodlights on the back. There was a lot of light spillage. They did talk about taking the floodlights off. We are providing some low lighting with bollards in the back, but no light poles. Nothing major back there to help mitigate as well.

355 R. Huftalen: Again, we have these catalog cuts of the bollards. But those bollards are just for areas around the building, not necessarily for . . .

360 Lisa Wennberg: Yes. The bollard lighting actually is in the front here, basically where you would be walking up to the front of the building. Then we have four of them out here in the patio area. The edge of the patio area is actually seat wall and there is a certain height to that. And then the bollard lights are like 3-1/2 feet or 4 feet high. It is a low level lighting. More for ambiance.

365 Jeff Davis: As was discussed at the last meeting, and I think was commented here, the goal of all of the lighting modifications, as well as the changes to the plan, ensure compliance with the sound Code and ensure compliance with the light Code. How it was being operated before, we can only hope to try to take that in and improve it by removing the floodlights, keeping the more low lighting, getting it more in compliance with the light policy. And then the changes that we have done in terms of berming and our commitment to complying with the Village sound ordinance at the property lines
370 keeps us in compliance with the Code.

A. McDowell: What is the timeframe for Phase I and Phase II?

375 Nate Hickey: Phase II we are looking to start winter, end of 2020 beginning of 2021 is the timeframe for Phase II.

R. Huftalen: Just to be clear, your application includes all phases? You are seeking approval for everything with this application?

380 Jeff Davis: Correct. And we need to because we can't have a SEQR segmentation issue. This is part of a global project. We are identifying that it will be built in phases. Phase I being the

immediate need that is needed to open, to bring the facility into Code compliance, identify some of the immediate operational changes. And then Phase II will be done in the winter of next year. The immediate ones are needed to reopen now with the new brand and design.

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R. Huftalen: Jim, I want to make sure I'm saying this right. For members of the Board, as we go through the SEQR questions, we have Phase I and Phase II, but for our purposes, the impacts we are going to be considering include all of the phases?

390 Mr. Stokes: Correct.

A. McDowell: I do want to ask. It says the brewery will hold special events from time to time. That's a pretty innocuous statement. What does "from time to time" mean?

395 Jeff Davis: During its normal operations. Normal hours of operation, it may have event. It is difficult to define what an event is. You could have a birthday party and that could be an event. You could have 25 people. You could have a small wedding. But the intent is that you have to operate within the occupancy. You have to operate within the parking that we've laid out. You operate within your normal operations, but it may be an event. There could be an event that is
400 happening in the basement for a birthday party or retirement party. There could be normal operations up on the main floor. But the goal is to operate within all the parameters of the conditions of approval and the requirements of the Village Code.

405 A. McDowell: So you don't foresee having the occupancy of 300 people more than once a month?

Jeff Davis: As was stated at the beginning, that occupancy is a full room of 80 people in the basement and everything happening up at the top. I would say that would be . . . I'm sure they would love to say that would happen more often than not just for business purposes. It's probably more than likely, as you stated, less often.

410 D. Raleigh: How would you guys characterize the restaurant facility? I know with Empire, it was a counter service. You go and you order. It was fairly limited to what they had—as far as sandwiches, some specials. They ran out of a lot of stuff. But just the way it was handled, can you characterize how you are going to foresee the restaurant being operated? Is it traditional? Is it going
415 to have breakfast, lunch, dinner?

Peter Karpinski: I'll speak to that. It's going to be walk-in. We are not going to take reservations. First-come, first served seating. But once you get seated you will be greeted by a server and given full service. Different than it was in the past. It was more of a fast, casual environment where you
420 walked up to a counter, you ordered, you got a ticket number, you sat down, and they brought you your food. So it will be a fuller service experience.

D. Raleigh: Will you have breakfast, lunch, dinner?

425 Peter Karpinski: We are not going to have breakfast. We have not fully defined the menu yet. We will serve food during the open, published operating hours. It will be, most likely, kind of an all-day menu, or maybe a lunch menu that shifts into a dinner menu. It will be very similar to, I think, what was there in the past. What we are trying to do is utilize the existing equipment that is there—the pizza oven, the smoker that is outside, and the range that is on the line currently.

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A. McDowell: I'm just wondering. What will this be advertised as? Brewery/restaurant? How is it going to be promoted?

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Jeff Davis: The name is Meier's Creek Brewing Company. So it will be advertised as Meier's Creek Brewing Company.

A. Walburger: What is the currently proposed and long-term staffing level for this?

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Nate Hickey: The first year, we are looking at 22 and by year two, 30.

A. McDowell: That was the same for Empire, correct?

Nate Hickey: Yes.

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R. Huftalen: As I stated, we have gotten a number of emails in from various members of the public. Ms. Anne Ferguson wrote in talking about her sentiment that the application should not be allowed to use the PDD zone for establishment of a major restaurant and events venue and that it did not meet the intent of the zoning at the time. I would like to get input on that from the rest of the Board members.

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A. McDowell: I know one of the things that we consider is the compatibility of a PDD with the neighborhood. I don't know what I think about that.

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A. Walburger: I know Critz Farms puts a couple of hundred cars in their fields quite frequently.

A. McDowell: That's not in the Village.

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A. Walburger: It is a stretch to say that is not in the neighborhood. I have to point that out. It is not in the Village, but it is a stretch to say that is not in the neighborhood.

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R. Huftalen: One of the questions, I think, that was raised was when we referenced a restaurant, it was in association with a farm brewery. These uses are allowed. It is awfully difficult to say, where is the emphasis on one part of the operation or another? Could you add a little color to your intent in terms of how this restaurant relates to a farm brewery? You had discussed about maintaining agricultural fields.

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Nate Hickey: Up front, we are still going to maintain the hops field. We are going to contract with a local hops grower that is going to help us maintain the hops field. We are looking to bring those into full bloom. Out back, as we mentioned, we are going to look at farming practices out back. And we are hoping to grow barley. We will see if soil tests prove that being a suitable crop for there. We will look to incorporate some type of agriculture back there that facilitates into the brewing process. And incorporating the lavender out front and the honey out back as well. We are still flushing that out. But definitely the hops trellises out front, we are looking to really make those flourish and come back to their fullest extent.

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R. Huftalen: Another thoughtful email we received was from Sarah Webster about the history of the application for the brewery and the relationship of what the local approvals are to the State

480 approvals. As Anne stated, agricultural laws have changed a little bit. One of the challenges for us
as a Planning Board is when we approve a use to try to determine the impact of what that use is
going to be. So when someone comes in and says they are going to have a tasting menu and we
approve a restaurant, it is hard to define what a tasting menu is. One of the things I appreciate about
your application . . . We have a challenge in enforcing . . . Part of the reason why the project is
under such scrutiny, I think, is because enforcement is difficult. We have enforcement issues across
485 the board in the Village. I think we are looking for solutions. Your event definition or things that
will help us as a Planning Board incorporate in our decision making and is going to be enforceable.
I appreciate those things that have been brought forward. I would like to get comments from any of
the other Board members on that type of stuff. As we know, we have enforcement challenges.

490 D. Raleigh: I remember there was something brought up about a truck parked there as storage. It
was hard to enforce that particular thing. They said they would move it, which could mean they
could put it in the stall next to it. It was hard to enforce that particular thing. If we could make it
easier to police.

495 R. Huftalen: That is a fair point in the difficulty we have in trying to determine how to structure the
outlines and what we are looking for as a Planning Board.

500 A. Walburger: Just that clarity in the entirety of the intent of operations at this point so we know
what we should be lining out for future enforcement is really important. I think the issue with the
past was lack of what the intent was. We appreciate that that can be more forthcoming in this
go-round and we can know exactly what your long-term vision is for the property so it can be held in
505 compliance with our statutes.

510 Jeff Davis: Again, from the whole design team and the Feldmeier team, I think that's our goal.
They acquired the property through bankruptcy and they are in an effort to try to bring it to an
operational situation where it can continue. But recognizing the fact that there were many things in
the prior operation that they had nothing to do with as to how it was being run, whether it was issues
on the sewer side or coming in compliance, and Code compliance issues as to how it was being
operated. Quite frankly, anybody else could have bought the thing and turned the switch, turned it
right back over and started operating it. They have recognized the fact that there are some things
515 here to make it operate better and be a better neighbor in the community and address these Code
compliance issues. So identifying clearly, yes, there is a room in the basement and this is how it was
being used and this is how we intend to use it, and this is the occupancy of that room. That is one of
the examples, for instance.

515 R. Huftalen: I think one of the things, this may be a comment for Mr. Clark, I'm not sure if the rest
of the Board members heard this or not, but if there were no site plan changes, I'm not sure what
jurisdiction we would we have. If you were coming forward with this application . . .

520 Jeff Davis: That's the point I just made. If we weren't making any site plan changes and somebody
else bought this thing and said, *Okay we are going to operate it and we are not going to do anything.*
We are not even going to change the sign. They could be operating today in the exact same manner
it was being operated. I think what you are seeing here is an investment in the property to make it
operate better and in compliance with the Code. Nobody needed to do this. They are doing it the
right way. They are recognizing the fact there was not enough parking at the facility for the use that
525 was there. They are identifying how it is going to be used. They are streamlining the operations in a

manner that addresses those concerns, addressing concerns to the south for the neighbors as to how it actually was operating. That probably wasn't potentially thought of at the time, but now it can be addressed, whether it be a berm, a fence, and landscaping for sound, or a split rail fence to make sure people stay within the property. A simple thing as floodlighting. Everybody thought it would be a great idea to have floodlights out on the outdoor patio until the people on the west side said they could see the floodlights. So, remove the floodlights and address those things. A cap on the patio. It defines an area where people go. Those types of things. All of those things are incremental, small changes to the overall operations that address the many concerns that have been raised. All good concerns, but really address the Code compliance.

535 R. Huftalen: Kind of circling back. I have a number of detailed emails from Ms. Reynolds and some other neighbors outlining some of the problems they have dealt with in the past. As we talk about the scope of this project relative to what actually existed here, in a few minutes we are going to go over the SEQR form. We made a SEQR approval based on projections in 2013. As the plant operated, we had difficulty enforcing or bringing that operation into compliance. That is a challenge we are going to try to remedy in this case. You can understand the reason why this room is full is because there are a lot of people who are concerned about those issues. When you said the maximum occupancy was probably exceeded prior, we totally recognize that and understand that. At the same time, from a SEQR point of view, and I'm sure this is something we will confer with our counsel about, what we approved before relative to what was happening. How that squares with having a mechanism to ensure that type of violation of the intent of what we passed is addressed. I'm not sure if anybody else shares that sentiment or can say it more clearly.

550 A. McDowell: Well said.

R. Huftalen: Jim, I don't know if it's best to confer or proceed on with the EAF.

555 Mr. Stokes: If you have addressed all of the comments, we can adjourn very briefly so I can address your questions from a legal prospective. I just want to make one clarification. The downstairs room, will that be used only for what you call special events or would there be regular table seating, say on a busy Friday or Saturday night?

Nate Hickey: Our intention is to use it for events.

560 Mr. Stokes: Is it possible it could be used for regular table seating?

Nate Hickey: No.

565 Mr. Stokes: I just want to make sure I heard you correctly earlier. You said there would be no table seating on the expanded patio area outside the three season room? Is that what you said?

Nate Hickey: There are tables out there.

570 Mr. Stokes: In the occupancy count, how many did you include for that?

Lisa Wennberg: I'm pretty sure I have that one written down. It says 70.

A. McDowell: Is that included in the occupancy?

575 Lisa Wennberg: I think they were trying to estimate the maximum that you could fit. This is Phase II, so we are trying to make sure that we have gotten the maximum amount that could possibly happen.

580 R. Huftalen: At this point, I would like to adjourn for a few minutes to confer with counsel and get some clarification. I make a motion to adjourn to executive session with counsel.

A. Walburger: Second. (The motion carried with 4 in favor, 0 opposed at 7:57 p.m.)

R. Huftalen reconvened the meeting at 8:16 p.m.

585 R. Huftalen: One of the big challenges we have as we go into looking at answering the questions on Part II of the full EAF, we are tasked with measuring the impacts and stating the impacts as this application presents. We will consider the impacts of the whole project—Phase I and Phase II—so that is real clear. One of the challenges, as we consider these impacts, is if there are mechanisms
590 whereby we are able to achieve enforcement or do things that will enable us to ensure that the impacts are able to be mitigated. For instance, if table service is going to occur, could we limit table service to being indoors, or different types of ways that we could structure a resolution. Obviously, we don't want to run into the same problem where we said, *yes, this is restaurant use*. Then we don't have any mechanism for saying, *limited restaurant means this*. How do you decide what a full
595 service restaurant looks like? We appreciate the description of how you intend to operate and appreciate your definition of what events are and remain in compliance. I'm not sure what your thoughts are with regard to things like limited table service. How do we mitigate certain impacts like creating another split rail fence boundary for patrons to stay within. At the same time recognize that the outdoor component of the brewery is a major feature that the developer wants to utilize.

600 A. McDowell: First of all, I really have been impressed with what you have done to help, especially the neighbor on the south, which makes me think that serving out on the patio would not be such a bad idea as long as noise ordinances are fulfilled and if there is ever a problem that it would stop. It is very threatening to neighbors to have that. I don't have a problem with that. The split rail fences,
605 I think, would really be helpful for the neighbors on the west.

D. Raleigh: That is something you guys said you would study more. Because that is something, whether it be a berm, or fencing, or more vegetation. I understand the three season room. In Cazenovia, I know, myself, I do enjoy a lot of the restaurants we have in town to be able to sit
610 outside, like on the lawn of the Brae Loch and the Brewster. It is an important thing, but we do have to be sensitive to what we have. I know you have talked with the neighbors, which is great. That, to me, is what this is all about. If everybody just talks and says this is what really bothers me or doesn't bother me. I think that is where we can move this forward in a positive way. That is where I'm coming from.

615 A. Walburger: I think that's all well said. My view on this is that the concerns are pretty succinct. There are traffic concerns. There are lighting concerns. There are noise concerns. The EAF is structured to have us deal with those in turn. We will do our best to put a box around those concerns and see what the resolution mechanisms can be. With that being said, Rich, I think it's probably a
620 good time to go over the definitions of what the magnitudes are considered to be.

R. Huftalen: Lisa has a point of clarification from prior.

625 Lisa Wennberg: We just wanted to clarify our occupancy number. The 380 that we stated on the
EAF and the application, that is the maximum occupancy. We have calculated in the Phase II areas,
the basement area, the three season room, the patio area. We have actually calculated it using a
square footage number. That is the maximum that can possibly be there. That is not to say that that
is actually what will be designed. Anything that will be designed, the maximum will be the number
that we've stated. When the design comes out, it could possibly be less than that, but it could not be
630 more than that. We just wanted to make that clarification.

Jeff Davis: For calculating occupancy, you use a square footage. You divide by 15. You define
your occupancy by your space—the size of your room. This room has a space that is so big. You
say, *how is it going to be?* And you come up with an occupancy number. That is standard. There
635 were, maybe, some questions: *How is seating going to be arranged?* It's not that we actually sat down
and said each seat is going to be in this location and this is how many people you can get into a
space. It is by taking the square footage of the room and then doing the math. That's how
occupancy was calculated here. Just for clarification.

640 Mr. Stokes: Just to be clear, it does or does not include the 70 seats of the outdoor patio in Phase II?

Lisa Wennberg: It does. All of the numbers are included—Phase I and Phase II.

645 Jeff Davis: The outdoor three seasons room occupancy, you do the math. You divide by 15 and you
come up with the number of spaces that could theoretically be in there for seating for a purpose. It is
based off of doing that calculation.

650 R. Huftalen: Getting to the patio configuration, how does outdoor activity factor into your
occupancy? Is that 0 occupancy? Outside the three season room, the extended patio?

Lisa Wennberg: The patio area, yes. The intention was to have seating and we have calculated that
as part of . . . Like I said, that whole area is actually a seat wall. So, physically, without climbing
over it, you are not off the patio. It is like a defined space. Did that answer your question?

655 R. Huftalen: Yes. We are going to proceed through the FEAF (Full Environmental Assessment
Form). We may get to questions that we don't arrive at consensus. We will not be making any
determination tonight. We won't be making a SEQR determination tonight. If there are things that
we don't have all the information we feel like we need to make a decision, we will punt and address
those issues at our next meeting. For members of the Board and members of the public, I want to
660 review how we measure impacts. Just a brief summary, in Part II, we have to make a determination
whether it be "no, or small impact" or "moderate to large impact." If you want further definition,
I'm glad to read all of these. Moderate impact is the threshold for checking the second box.
Everybody has a copy of the EAF in front of them. Moderate impacts are impacts that are moderate
in magnitude and have more impact on environmental resources. Moderate impacts can also occur
665 when the impact affects a larger part of the parcel or even extending to a small area beyond the
parcel. Moderate impacts may either be isolated only in one location or regional in a larger area.
They are generally longer lasting, duration measuring weeks or several months, are often reversible
and can be more readily addressed through mitigation measures and project changes. The resources
affected have broader local or regional concern and are often activities or resources that are

670 regulated or protected by some local, state, or national agency. Again, this is from the EAF
Handbook from the Department of Environmental Conservation (DEC). As we go through the
questionnaire, I will ask to get your thoughts. If we can arrive at a conclusion, we will mark it down.
If we can't, we will save it for when we have further information.

675 **1. Impact on Land**

The proposed action may involve construction on or physical alteration of the land surface of the proposed site. (See Part 1. D.1) R. Huftalen: Yes, it will. [All Board members agreed.]

680 a. *The proposed action may involve construction on land where depth to water table is less than 3 feet. R. Huftalen: No or small impact. [All Board members agreed.]*

b. *The proposed action may involve construction on slopes of 15% or greater. R. Huftalen: No. [All Board members agreed.]*

685 c. *The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of the existing ground surface. R. Huftalen: No. [All Board members agreed.]*

690 d. *The proposed action may involve the excavation and removal of more than 1,000 tons of natural material. R. Huftalen: No. [All Board members agreed.]*

695 e. *The proposed action may involve construction that continues for more than one year or in multiple phases. R. Huftalen: That may be a small impact, given the fact that the second phase is not likely to be completed within a year. Small impact. [All Board members agreed.]*

f. *The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides). R. Huftalen: No or small impact. [All Board members agreed.]*

700 g. *The proposed action is, or may be, located within a Coastal Erosion hazard area. R. Huftalen: No. [All Board members agreed.]*

705 **2. Impact on Geological Features**

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g). R. Huftalen: No. [All Board members agreed.]

710 **3. Impact on Surface Water**

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h). R. Huftalen: No. [All Board members agreed.]

715 **4. Impact on Groundwater**

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t). R. Huftalen: No. [All Board members agreed.]

5. Impact on Flooding

720 *The proposed action may result in development on lands subject to flooding. (See Part 1. E.2).*
R. Huftalen: No. [All Board members agreed.]

6. Impacts on Air

725 *The proposed action may include a state regulated air emission source. (See Part 1. D.2.f, D.2.h, D.2.g).* R. Huftalen: No. [All Board members agreed.]

7. Impact on Plants and Animals

730 *The proposed action may result in a loss of flora or fauna. (See Part 1. E.2.m-q).* R. Huftalen:
No. [All Board members agreed.]

8. Impact on Agricultural Resources

735 *The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.).*
R. Huftalen: The soils are going to be the same. The change relative to the current use is not
going to change. I would say the answer is no. [All Board members agreed.]

9. Impact on Aesthetic Resources

740 *The land uses of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (See Part 1. E.1.a., E.1.b., E.3.h.).* R. Huftalen: Clearly “no.” [All Board members agreed.]

10. Impact on Historic and Archeological Resources

745 *The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e., f. and g.).* R. Huftalen: We have a SHPO (State Historic Preservation Office) letter as part of our SEQR (State Environmental Quality Review) documentation. It is adjacent to the State park. I’m going to say the answer is “yes” on that. [All Board members agreed.]

750 *a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historical Places.* R. Huftalen: We will call that a small impact. It is clearly contiguous to Lorenzo. This use is, obviously, not changing its proximity to Lorenzo. [All Board members agreed.]

755 *b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.* R. Huftalen: No or small impact. [All Board members agreed.]

760 *c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory.* R. Huftalen: No or small impact. [All Board members agreed.]

765 R. Huftalen: If any of the above are answered moderate to large impact, continue with the following questions. None of the above were moderate to large impact.

11. Impact on Open Space and Recreation

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (Part 1. C.2.c., E.1.c., E.2.q.). R. Huftalen: No. [All Board members agreed.]

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12. Impact on Critical Environmental Area

The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d.). R. Huftalen: No impact. [All Board members agreed.]

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13. Impact on Transportation

The proposed action may result in a change to existing transportation systems. (See Part 1. D.2.j.). R. Huftalen: I would say “no.” However, if you look at the clarifying questions.

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a. Projected traffic increase may exceed capacity of existing road network. R. Huftalen: Clearly not. [All Board members agreed.]

b. The proposed action may result in the construction of paved parking area for 500 or more vehicles. R. Huftalen: Clearly not. [All Board members agreed.]

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c. The proposed action will degrade existing transit access. R. Huftalen: No. [All Board members agreed.]

d. The proposed action will degrade existing pedestrian or bicycle accommodations. R. Huftalen: No. [All Board members agreed.]

790

e. The proposed action may alter the present pattern of movement of people or goods. R. Huftalen: No or small impact. [All Board members agreed.]

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14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy. (See Part 1. D.2.k.). R. Huftalen: Relative to existing, no. Again, even if there is any doubt, the clarifying questions are as follows:

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a. The proposed action will require a new, or an upgrade to an existing, substation. R. Huftalen: No. [All Board members agreed.]

b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use. R. Huftalen: No. [All Board members agreed.]

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c. The proposed action may utilize more than 2,500 MWhrs per year of electricity. R. Huftalen: No. [All Board members agreed.]

810

d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed. R. Huftalen: No. [All Board members agreed.]

R. Huftalen: Even if we answered yes, I think it’s clear those are “no or small impact.”

815 **15. Impact on Noise, Odor, and Light**

The proposed action may result in an increase in noise, odors, or outdoor lighting. (See Part 1. D.2.m., n., and o.). R. Huftalen: If anything, I think that mitigation steps that are in place here will reduce those. If we answer “yes,” we can look at the follow up clarifying questions.

820 a. *The proposed action may produce sound above noise levels established by local regulation.* R. Huftalen: Clearly, we are making that part of the mitigations. A. Walburger: It is a limiting factor. R. Huftalen: It goes to our point about enforcement.

825 b. *The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.* R. Huftalen: No. [All Board members agreed.]

c. *The proposed action may result in routine odors for more than one hour per day.* R. Huftalen: Do we want to table that question?

830 d. *The proposed action may result in light shining onto adjoining properties.* R. Huftalen: Clearly, the photometric plan does not allow for light shining onto adjoining properties. It does not mean light is not visible from adjoining properties. It means it doesn’t shine onto it. A. Walburger: That is correct. [All Board members agreed.]

835 e. *The proposed action may result in lighting creating sky-glow brighter than existing area conditions.* R. Huftalen: Again, we have the catalog cuts. We have the dark sky compliance. The answer is “no.” [All Board members agreed.]

840 **16. Impact on Human Health**

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1. D.2.q., E.1.d., f., g., and h). A. Walburger: Let’s just say “no” for this whole category. [All Board members agreed.]

845 **17. Consistency with Community Plans**

The proposed action is not consistent with adopted land use plans. (See Part 1. C.1., C.2 and C.3). R. Huftalen: This was a robust discussion when we passed the PDD. I don’t have the excerpts of that in hand right now, but as an active participant in that discussion, I would like to revisit those before answering this. A. Walburger: That would be fine. I just want to point out that the use is not changing. If it comported before, it comports now. That’s my opinion. R. Huftalen: Fair enough. You are right. I can’t disagree with that in the least. D. Raleigh: I agree. A. McDowell: I agree. R. Huftalen: The proposed answer is “no.” I believe everybody here agrees that this proposed action is not inconsistent with the adopted land use plans. The answer is “no.” It is a double negative.

855 **18. Consistency with Community Character**
The proposed action is inconsistent with existing community character. (See Part 1. C.2, C.3, D.2, E.3). R. Huftalen: Once again, Adam, based on your logic. A. Walburger: For edification, go down the clarifying questions. It will result in the same answer.

860

- a. *The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.* R. Huftalen: No. [All Board members agreed.]
- 865 b. *The proposed action may create a demand for additional community services (e.g., schools, police and fire.).* R. Huftalen: No. [All Board members agreed.]
- c. *The proposed action may displace affordable or low income housing in an area where there is a shortage of such housing.* R. Huftalen: No. [All Board members agreed.]
- 870 d. *The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.* R. Huftalen: No. [All Board members agreed.]
- e. *The proposed action is inconsistent with the predominant architectural scale and character.* R. Huftalen: No. [All Board members agreed.]
- 875 f. *The proposed action is inconsistent with the character of the existing natural landscape.* R. Huftalen: No. [All Board members agreed.]

880 R. Huftalen: That concludes the 18 questions on the FEAF. We will refrain from making a determination tonight. But I think we have a lot of the project covered here. After reviewing the SEQR forms, after our discussion coming out of the consultation with our attorney, are there any other questions for the applicant at this point from members of the Board? Anything from the applicant in response to any of the issues that have been raised?

885 A. McDowell: I talked about the outdoor seating on the patio. I would hope that the noise, the sound, doesn't have a bad effect on the neighbors. It is going to be very important because it will be enforced.

890 R. Huftalen: Another suggestion I neglected to bring up had to do with traffic. I know Bill Carr, Public Works Administrator, and the Village Engineer have looked over the plan. I'm not sure if this proposal has been brought to the applicant or not, but there were some suggestions made about looping the exit to create another means of egress. I raise that because it was raised by members of the public in emails to us so that there would be an exit going out near the southern portion of the boundary.

895 Ed Keplinger: There are wetlands. There is a low area. Then it brings traffic down to the southern property line.

900 R. Huftalen: I wanted to raise the point and get any other members' comments on that.

Ed Keplinger: It would also have impacts on the hops field and the screening we are proposing for the south property.

905 R. Huftalen: Again, part of the challenge we feel we have as a Board is trying to identify ways to mitigate concerns of the neighbors and recognize your right to operate a restaurant and your rights granted by the resolution that is in place. We will continue to look for solutions to those. Over the course of the next week, I anticipate we will get more input from the public based on the discussion tonight. Anything else to discuss, Jim? Anything else from the members of the Board? If there is

910 nothing else at this time, I'm going to make a motion to adjourn. We will reconvene at our regularly scheduled March Planning Board meeting at 7:00 p.m. Thanks, everybody, for being here tonight. We look forward to your input. I make a motion to adjourn.

A. Walburger: Second.

915 R. Huftalen: All in favor? [All Board members said, "aye."] The motion carried with 4 in favor, 0 opposed.

The meeting was adjourned at 8:44 p.m.

920 Respectfully submitted,

925 Marlene A. Westcott
Recording Secretary