

**Village of Cazenovia Planning Board
Meeting Minutes (In Person and via Zoom)
May 10, 2021**

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

Others Present: James Stokes, Village Attorney; Marlene Westcott; Matt Vredenburg; Nate Hickey.

10 9 people were in physical attendance and 0 people were in virtual attendance for a total of 9 people.

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15 R. Huftalen called the meeting to order at 7:00 p.m.

R. Huftalen asked for any changes to the minutes of March 8, 2021. Hearing none, he made the motion to approve the minutes as presented. A. Walburger seconded. The motion carried 5 in favor, 0 opposed.

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Meier’s Creek Brewery, 33 Rippleton Rd, Patio

25 R. Huftalen: I had a meeting with Colby Clark and Mr. Feldmeier and we discussed the plans the overall general direction that the brewery wants to head and not in a lot of detail. I would ask Nate and Matt to reiterate that a little bit. For starters, I would like to have you guys introduce the project to us and let us know what you have planned. I have spoken with Colby at our informal discussion and we talked about how we will set a public hearing and we will have to refer this to Madison County Planning Department, so tonight won’t be our last discussion about the project. We will lay
30 some good groundwork for a good conversation next month. I will turn it over to Nate and Matt.

Matt Vredenburg: The project consists of two things. It consists of the addition of a new patio at the rear of the brewery. If you are familiar with the area, there is a basement door, a door to the lower level and two retaining walls on either side. The patio is going to be nestled right in there
35 between the two hills. It is going to have a fire pit and a walkway to the brewery basement door. It is going to connect to the existing walkway that leads out to the parking lot and there is a set of stairs that go up toward the rear covered porch area. The second thing is we are going to add some additional lighting for safety and security reasons in the employee parking lot. We are proposing two poles to match the existing one pole in terms of the height, character, style, and manufacturer.
40 That’s it in a nutshell.

Nate Hickey: It’s as simple as that. You guys talked about music in the other meeting. That is something we would like to explore, outdoor music and the possibility of putting up tents for special events. The patio leads out from the cellar basement space. We are going to use this as a beer
45 garden-ish space. We are renovating the cellar and putting in a bar space, which we have a building permit for. There is going to be an additional space that comes off of that. We are primarily looking to use it for private events. With COVID, everybody is looking for an outdoor space for those private events. We have gotten a lot of inquiries for that. So it’s going to be what we are looking to

50 do down there. When we don't have events, it will be open to the general public the same hours that the brewery is open, which is a 9:00 closing. We are not looking to be a late night place. That's not our game. We just want to keep it in the normal operating hours we are in right now.

S. McEntee: What are the operating hours?

55 Nate Hickey: 9:00 Friday and Saturday. 8:30 Wednesday, Thursday, and Sunday right now.

R. Huftalen: In reviewing our approval resolution back in 2013, we talked about lighting and operating hours and tried to influence that with our approval resolution. We had 10:00 p.m. Sunday through Thursday and 11:00 p.m. on Fridays and Saturdays. When we were talking with Colby and
60 Mr. Feldmeier, that was one of the things that was encouraging to us in terms of a positive step toward limiting impact to the neighborhood. That's great that you guys have established that. That is something important going forward to avoid the kind of issues we have had in the past. That is super. That is one big thing that helped move us in that positive direction. One of the things I had spoken with Mr. Clark and Mr. Feldmeier about was the parking and how that was a potential issue
65 and one of the things we would need to address in a site plan. Jim, correct me if I'm wrong, but to set the scene the way I view this, when we first made this approval back in 2012-2013, it was a State Environmental Quality Review (SEQR) Type I action and the Village Board did the SEQR findings for us. There was a 13-page resolution that has the SEQR findings. We added onto that in 2013 with some conditions. So that is what you are operating under now. Pre-COVID, we had some
70 meetings and the proposals we had for you were not going to work for you. That was another good part of the meeting with Mr. Clark and Mr. Feldmeier was trying to get on the same page and move forward so that we can do something that is going to be constructive for you guys. We obviously value your presence in the community a lot and don't want to hinder you, but at the same time we have an obligation to make sure we can uphold these prior SEQR findings and make sure we are in a
75 position to defend what we approve here. These two resolutions, the Village Board's resolution and the Planning Board's resolution, I think everybody on the Planning Board has a copy. These are like the rules of the road right now. As we go forward and get site plan review underway, this is going to be a modification of a Type I SEQR determination. This project where SEQR was approved is a Type I. We need to make sure the impacts aren't going beyond what was originally passed. It looks
80 like a great concept. You can clearly see why, as a business, this would be a good project and attractive to customers of a beer garden. It looks like a good enterprise. The things that I think are of concern to us that we addressed in these initial resolutions back in 2012 and 2013 would be trying to mitigate the noise and light to the neighbors. It looks to me like those are pretty manageable. We understand that you also have a project with the Town right now on a neighboring property.

85 Matt Vredenburg: That has been approved, which adds 16 more parking spots for employees.

R. Huftalen: The thing that I think is important for us to take a look at is that Mr. Clark and Mr. Feldmeier both raised the issue of parking. They want to figure out how they can do it. For us
90 as a Planning Board, we need to look at it by the numbers. What is the capacity? What does the Code call for? What is our ability in this Planned Development (PD) to reduce the amount of parking? We want to limit the amount of impervious surface. We don't want to mandate a ton of parking. At the same time, we need to recognize what it will do to your occupancy and how that will affect the parking counts. The other would be figuring out the noise mitigation. What if you have
95 an acoustic guitar out there? I think that is clearly in the intent of what we would like you guys to have. Then how do we craft that and put language around that doesn't unduly constrain you and at

100 the same time mitigates impacts to the neighbors. That is my kind of thinking. I think that is consistent with what we talked about with Mr. Clark and Mr. Feldmeier. I just wanted to get that out there and in the minutes for you all that weren't at that meeting and then open it up to questions and comments. Jim, do you have anything to add?

105 Mr. Stokes: I think you framed the issues pretty well. I will add just a technical point. Now that has been approved by the Town and we haven't seen the resolution or any conditions yet, I think it would be appropriate and certainly helpful to have an overall site plan that shows the adjoining parcel and the connection. Something in head tells me that the employee parking is intended to be overflow parking and 16 spaces on the Town parcel are now going to be employee parking.

Matt Vredenburg: That is correct. Only employees.

110 Mr. Stokes: All that should be labeled and shown on a single plan.

Matt Vredenburg: That's a great point. And we should add that connection to this plan while we are here.

115 Mr. Stokes: It would be helpful to see how the two sites work together, which I know they are intended to do.

120 R. Huftalen: The potential is always there when we get into a public hearing that someone else is going to be looking at these. In the site plan application for parking spaces, lot coverage, etc., "unchanged" was listed and I think there are at least some minor modifications to those requirements. There is a little addition of impervious surface. There is a little addition of, I presume, parking spaces.

125 Matt Vredenburg: I have run the numbers. The parking from what was designed to what is there now, it looks like there may have been a little area that was added for parking to the left of the front door as you are facing the entrance. I added those in and recalculated the numbers. One possible solution, and I haven't talked to Nate about it yet, is the service area and loading dock area. If you go there during the day, there are people parked along the back side. There might be an opportunity to share parking. It's not an area of parking during the day because of trucks coming. But at night
130 when there are patrons there and there aren't trucks, they might be able to add parking to the southern-most portion of the existing asphalt. So parking numbers could be increased without adding impervious surface. There are ways to do that.

135 D. Raleigh: In the new firepit area, is there going to be other lighting around down there?

Matt Vredenburg: Yes. We talked about having bollards. Not the same as the ones along the driveway as you come in. Those are a little more vehicular scale. These would be more pedestrian scale, small, about 4 inches in diameter, all downlit. Basically just lighting the surface and not putting light into anyone's eyes or out into the air.

140 S. McEntee: Have you considered the back impervious surface, what will be the new patio area?

Matt Vredenburg: Yes. I calculated about 3,200 square feet additional of impervious because of the patio, the walkway, and the connecting stairs. I ran some really quick numbers for impervious.

145 Before this patio addition it was 10.5%. After it was about 10.84%. But I will revise it again when we add in the little connector to the Town parcel.

R. Huftalen: It is clearly well under the threshold of 20% of the total lot area specified in our approval resolution in 2013.

150 Matt Vredenburg: The patio sits right in a swale that leads right down to the bioretention area and a small detention basin in the back, which was oversized when it was designed. It can accommodate the additional impervious. It is right there, so no grading needs to happen to get the water to where it needs to go.

155 A. Walburger: I am looking at the plan set. There is a photo with a Bobcat and cut-out grading already underway. So this is a little bit underway. Understanding that on your plan, specifically, the dark gray brick inlay is all the new work? The white is existing?

160 Matt Vredenburg: That's correct. I don't know when that was put in. But I counted that as part of the existing impervious.

A. Walburger: Understood. There are callouts for bringing this out with plantings. That is going to be a key part of funneling noise and keeping things in that bowl. We will definitely be interested in those aspects. I'm assuming that primary items that go out here are more seats, right? More tables and chairs?

165 Nate Hickey: It's not going to be full service because of where the kitchen is. Even the cellar space that we are redoing is only going to be charcuterie board, pretzel area. When we do private events, then we bring more of a full service aspect to it. But daily operations when we are open to the general public, it is just going to be more of a beer garden, appetizers, and beverages.

175 S. McEntee: You said you will still accommodate folks that are reserving that area for gatherings and parties. Will you have furniture on the patio? Tables and chairs?

Nate Hickey: Yes, we will have furniture on the patio. I'm not quite sure what that looks like yet. It could be tables, chairs, and couches. It's more relaxed.

A. Walburger: Besides the fire pit, no permanent fixtures out there? No built-in anything?

180 Nate Hickey: No.

R. Huftalen: I haven't looked back. Do you know off the top of your head, Matt, the number of parking spaces relative to the occupancy now? I presume the occupancy increased when the basement approvals were permitted? How do you treat a patio in terms of occupancy capacity?

185 Matt Vredenburg: Typically it is treated as a dedicated space, treated like any other dedicated space with tables and chairs, in my experience. So it is the same calculation applied to a restaurant seating area.

190 R. Huftalen: It came up again in our informal discussion. You have your normal course of business and then you have those beautiful days in July where everybody is there. I know it is a concern to

195 you all, too. How do you manage all of that—all the excess cars? It’s a good problem to have. But
it is definitely something we will want to consider. I know you guys are going to want to consider it.
That is something think would be good for us to have the numbers as we are making a
determination. It is clear we’ve got to have our homework done on that front.

200 A. Walburger: I’m a stickler for these things. On the site plan review application, you are obviously
increasing the lot coverage somewhat. It does say unchanged. You should get those things squared
away.

Matt Vredenburg: The application was a little vague. I can provide all of those numbers.

205 R. Huftalen: I think we all agree in concept. It is a good project for the brewery and the Village.
And then it comes to how to put it in a resolution so it doesn’t get attacked by somebody who is not
in favor of it and that we have done our due diligence to say we aren’t increasing the impact by this
marginal addition to the project. That is where some of the things, like operating hours, were very
welcome. If we could get that into a condition of the approval, that would go a long way, for me and
I’m not speaking for any other members of the Board, toward saying this is limiting the impact. It is
210 clearly not going to be 11:30 at night, strike up the band for the bride to head out or something like
that. Those are the types of problems that got the Town and Oweria in court. That is what we are
trying to avoid. At one point we talked about decibel measures at the lot line. Maybe there are tools
we can use. I feel like we should have a dialog. What do the rest of the members of the Board say
about what we want to have in place to protect ourselves and make sure we are doing our due
215 diligence? A guy on a guitar out there sounds awesome. How do we distinguish that? In the past,
the brewery was supposed to have a limited menu restaurant. Then the next thing we knew it was a
full service restaurant and everybody was up in arms. It is difficult to come up with the things that
do not unduly constrain the operation, but also create those protections we need. I’m repeating
myself that the 9:00 closing time is beautiful. For me, that might be enough. I’m only speaking for
220 myself. There is a Village noise ordinance in place. There are other things that have been done on
other projects. It would be good to get that discussion going sooner rather than later. I know you
would like to get this project approved and done sooner rather than later. If we walk into our next
meeting and there are a bunch of problems with the public’s point of view or it’s unsettled as to what
the scope of the project might be, then it is more likely to be drawn out than if we could get some of
225 those parking counts, get some of those proposed conditions tossed around and be able to firm up the
project.

Mr. Stokes: I agree the physical changes that are proposed are great. They look terrific. But I also
want to emphasize the elephant in the room, which is the events and outdoor noise. When the
230 original approvals were done, there was a very thorough SEQR analysis. There was a report done by
Paul Sack and Associates about noise generation. However, at that point, there was no mention
made by the applicant of any kind of outdoor events or outdoor music. So it didn’t address outdoor
music at all. It addressed the noise coming from the chillers and the operation itself. The
application doesn’t reference outdoor events. The application just references the physical
235 improvements. If there could be submitted, sooner rather than later, a supplement. It could just be a
typewritten statement describing what the applicant is looking for in terms of outdoor events. I
know there was a separate email that the Board may not have seen. It came from somebody from
Meiers Creek. There is some kind of outdoor event that you want to hold on June 5 with live music.
We didn’t get any details as to what that is. I agree with Rich. I think with appropriate analysis and
240 discussion, we could come up with some conditions that, hopefully, everybody can live with. From

our prospective, the Board's prospective, in terms of doing its due diligence, it would be helpful to have that statement. When we send this to the County, right now we are going to have some documentation of the physical changes, but really nothing to describe what the request is for outdoor events, which really weren't anticipated at the time of the original approval. If you could put that together and submit it, as well as putting it in writing any proposed end times, such as the 9:00 time, or whatever it is. I realize trees take time to plant and grow, so maybe that's not the answer, but any kind of sound attenuation that could be built into the plan to help mitigate that. A more thoroughly detailed explanation of what it is you are looking for would be very helpful.

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250 Nate Hickey: I think you guys think of events as weddings, etc. As a brewery, we are looking to do more special events as well, such as can releases or Oktoberfest, which are more brewery-specific events that you would see at most breweries. These would be during the day and would mostly end by 6:00 p.m. We are not going deep into the night or anything like that. That would be something we are definitely interested in doing and that was part of the email about the 5th. That was one of those events we would be looking to do and different private events as well.

260 Mr. Stokes: What type of music are you anticipating on the 5th? I think it was when the distillery or Red Barn was going through, they set up a DJ or something and they took sound measurements. It might be an opportunity on the 5th to take some sound measurements and it would provide some additional information for the Board.

265 R. Huftalen: This issue has been wrestled with a little bit more since 2012 and 2013 by the Town, especially, so there is some precedent as to how to deal with this. I think we will be better prepared this time around to get something that works.

Matt Vredenburg: You mentioned a supporting narrative and we talked about adding the connector. I'm assuming you want to have all of that on the plan or in the package before you send it to the County.

270 Mr. Stokes: That would be better. Sending them something preliminarily to start the 30-day clock and letting them know I will supplement it, so the sooner you can have that, the better.

275 Matt Vredenburg: The next Planning Board meeting is June 14, so in theory if we get this updated and get the narrative together, if we got it in before Thursday, we could get it all in at one time and you wouldn't have to supplement that information.

Mr. Stokes: Fine with me.

280 R. Huftalen: Because you are on the municipal boundary, anything we review there needs County approval. They have 30 days or we get a default judgment if they go beyond 30 days. They will put in some advisory comments that the Board will take seriously. And then they will most likely return it for local determination for us to deal with.

285 Matt Vredenburg: What we don't want to do is not give them 30 days because then the Planning Board can't make a ruling until that 30 days expires and that pushes it to July. Not that it will be approved in June, but it could be.

290 R. Huftalen: Without that, we definitely can't. With that, there is a possibility. I will set a public hearing for 7:00 p.m. on June 14. We will get it noticed and put signs out front to alert everybody. Like Jim said, it looks great. We love to hear that business is going well.

295 Nate Hickey: We get good feedback. One of my questions is: Where are you from? There are a lot of people from Caz, Skaneateles, Florida, and many other places. It has been a good reception. We are going to keep on going and being part of this community.

300 R. Huftalen: As Jim was saying, having some kind of narrative that is a descriptor will be helpful for us to consider. Even if you had some suggestions and said, "Hey, if this condition read something like this, we would be agreeable to it." That would be helpful for us to consider. That 9:00 closing hour is very influential to me. I'm not here to take a poll, but I see these guys nodding their heads as well. That keeps it from turning into question marks.

305 R. Huftalen: Is there anything else? Any other discussion before the Board? Absent any other discussion, I will make a motion to adjourn the meeting.

A. Walburger: Second.

The motion carried with 5 in favor, 0 opposed. The meeting was adjourned at 7:35 p.m.

310 Respectfully submitted,

Marlene A. Westcott
Recording Secretary