

**Village of Cazenovia Planning Board
Meeting Minutes
June 12, 2023**

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

Absent: Rich Huftalen, Chair.

10 Others Present: James Stokes, Village Attorney; Amanda Devlin, Recording Secretary; Thomas
Tait; Bruce Kaiser; Bobbie Cleaveland; Adrean Reed; Mike Phillips; Phil Byrnes; Dianne O’Donell;
Walt Benthall; Theresa Benthall; Patricia Stowell; Gary Stowell; Paul Barton; Kathleen Hudson;
Kim Schug; Tammy Tanner; Lori Shephard; Nancy Sellers; Scott Sellers; Paul Dolan; Suzanne
15 Munger; Matt Vredenburgh; Angel Warman; Dan Kuper; Alan Levinsohn; L. Butterworth; and Jerry
Munger.

32 people were in attendance.

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20 A. Walburger called the meeting to order at 6:58 p.m.

He asked if S. McEntee had a chance to review the minutes.

25 S. McEntee: Yes, I sent a note to Marlene and she responded thank you I will make the correction.

S. McEntee made the motion to approve the minutes as corrected by Marlene. A. McDowell
seconded. The motion carried with 4 in favor, 0 opposed.

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Dan Kuper, 25 Lakers Lane, Storage Shed

35 A. Walburger: I know all of you are here for the Burton Street Project. The Burton Street Project is
not on the agenda tonight. At the end of the meeting we can entertain some informal public
comment, but as of right now it is not an item for action for this board or authoritative discussion.

Dan, do you want to tell us what you have for us here in the file?

40 D. Kuper: I want to build a 32 ft x 40 ft shed. It will be added on to the garbage shed that is already
there.

A. Walburger: I think we have seen the whole file. We have a new site survey. Is that what this is?

45 D. Kuper: Yes, I did what Rich asked me to and Dave redid that with an actual drawing with the
building on it.

- 50 A. Walburger: In the file we also have a very short EAF. Which basically states that there is no significant environmental impact from its presence.
- A. McDowell: What are the materials?
- D. Kuper: It is going to be Smart Lap siding.
- 55 A. Walburger: It will match the hotel and the CAVAC building?
- D. Kuper: Yes.
- S. McEntee: What color is it going to be?
- 60 D. Kuper: It is going to match the hotel so it will be that cream color.
- A. Walburger: Jim, what is the next procedural step after this?
- 65 Mr. Stokes: It has to be sent to the county. They never forwarded me the application so it has not been sent yet. You can approve it subject to their recommendation which I am sure it will come back for a local determination. In order to do that you need to make SEQR findings as well because it is a SEQR action. You would still need to make a finding of a negative declaration.
- 70 A. Walburger: Do we have to motion for it because it is unlisted?
- Mr. Stokes: Yes, if someone wants to make a motion to find it an unlisted action, no other involved agency, with no adverse environmental impacts that would be appropriate.
- 75 A. Walburger: I will make that motion.
- S. McEntee: I'll second.
- A. Walburger: All in favor? The motion carried with 4 in favor, 0 opposed.
- 80 With that determined, is anyone interested in making a motion to accept the application as presented by Mr. Kuper contingent on approval for a local determination by GML.
- A. McDowell: I will make such motion to accept the application.
- 85 D. Raleigh: Second.
- A. Walburger: All in favor? The motion carried with 4 in favor, 0 opposed.
- 90 Dan, we will send it out to the county. Once they take a look at it and determine that it is in our jurisdiction you can get started.

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A. McDowell: I was just wondering; did you guys go to Sue to organize this today?

100 Thomas Tait: I did. At the Mayors direction to oversee the buffer for Evergreen, Burton, and Emick and to be put on the agenda. Sue stated I was on the agenda so it comes as a huge surprise and disappointment that no one had the courtesy to tell me or anyone else.

A. Walburger: Yeah, I am sorry for that Tom.

105 Thomas Tait: I would still like to informally discuss what we have.

A. Walburger: Absolutely, we will go through one more item and then we can have an abbreviated discussion.

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110 **Scott and Nancy Sellers, 53 Forman Street, Site Plan Review**

Matt Vredenburgh came forward as the representative.

115 A. Walburger: Number one on our agenda would be 53 Forman Street, site plan review.

120 Matt Vredenburgh: Scott and Nancy Sellers are in the back of the room and I am representing them. Currently they have a steep eroded bank, about 6 or 7 feet tall, that goes down to the water. They have trees that are leaning into the water and a bunch of honeysuckle brush, nothing of any value. Scott has to take his boat lift and manually lower his boat and dock down over that steep bank every year and to also get their kayaks down. What they would like to do is to put a grass ramp in so it is a little safer and easier to get in and out. The area over here is going to be graded and we are going to replant with the vegetation that is on the back of the Lakefront Development Guidelines. I can get the specific plants before next month. As I understand this has to go to the county, is this correct because it is with 500 feet of the county road?

125 A. Walburger: I would assume so.

130 Matt Vredenburgh: That is what Rich told me. We plan on coming back next month if we have to. There is also going to be more vegetation added to this north line for a little more privacy and swing it around here to conceal where they have their kayaks are stored. They had a problem with people stealing their kayaks so we want to make those a little less visible from the water. There a couple trees right along the shore that we are going to look to remove so we can facilitate the grading and the access. There is currently a flagstone pad right here and we are going to remove that and put a little patio over here. All the vegetation back here is remaining. There is a huge oak tree over here that we will put a small boulder wall in front of to keep from grading in that root zone. The small boulder wall will only be about 2 to 3 feet tall and about 12 feet long.

140 A. McDowell: You are not doing anything with the dock or the boat?

Matt Vredenburgh: No, those are all seasonal. He stores those up on his property in the winter time. That is were the ramp will make it a lot easier to get those up and down, as well as access for the kayaks because it is pretty unsafe right now.

145 A. Walburger: Jim, I'll ask the question, this is a private residence and we normally don't do site plan reviews on private residence.

Mr. Stokes: It might be different for the waterfront lines, let me just look it up.

150 A. Walburger: Matt I definitely appreciate you bringing in this level of detail in front of the board for us to review. While Jim looks that up are there any questions? It looks like a nice project.

Matt Vredenburg: It is all about function and safety.

155 A. Walburger: Probably because of that clause of county review we will not be able to make a final action tonight but we will take it as far as this board is able to tonight.

Matt Vredenburg: That is fine. I have also provided pdfs to the clerk (Sue) and to Rich so those are ready to go if that is what you would be sending to the county.

160 Thomas Tait: Adam, Bill (Public Works Administrator) has been having me look at trees in the immediate watershed area so it may be kicked to him for review of removal or pruning.

A. Walburger: Is that on the Village parcels Tom?

165 Thomas Tait: Correct, we just did it for the Sesslerers on Hickory Lane.

A. Walburger: Is there any issue with talking to the Tree Commission on the state of health before removal?

170 Matt Vredenburg: No, not at all. There are 2 cedars that are leaning down into the water and there is an old cherry tree that is not very healthy. There is another cedar down here and the health is in question too.

175 Mr. Stokes: I do not think we have jurisdiction. I spoke to Rich about a different matter on the waterfront but not this. To determine otherwise we can bring it back next month and send it to the county.

180 A. Walburger: Given that we have to send it to the county and we have to wait a month anyways we can just take it into consideration and table it for this evening.

Mr. Stokes: Just table it for now and if it is determined that we do not have jurisdiction then we will let you know and you are good to go.

185 A. Walburger: We will give it a review and if it has to go out then great and if not, that is great too.

Mr. Stokes: I just found it. It does require site plan approval.

190 A. Walburger: We will send it to the county, see what they have to say and file final site plan approval next month. Seeing the temperature of the board there are no problems here so far.

Thomas Tait- Informal Discussion- Burke Meadows

A. Walburger: Now we are onto the unwritten portion of the agenda. Mr. Tait go ahead.

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Thomas Tait: First of all, I want to apologize to the residents of Evergreen, Burton, and Emick. I was under the impression that we were on the agenda for tonight so I am sorry for wasting your time. We, on May 2nd, convened at the trailer on the job site with representatives of The Village of Cazenovia and Housing Visions at Kurt's request to talk about a buffer for the abutting neighbors of the construction. From that it was decided that I would communicate with Dave Cox Jr. On May 10th
200 we had a zoom call, that Rich attended, and it was decided at that time that the proper channel is to take the wishes of the residents from a buffer standpoint, whether it be physical plantings or a fence, and present it to The Village of Cazenovia Planning Board. That would be the conduit which it would be presented to Housing Visions, that was their preference. We have been spending a
205 significant amount of time going over this so it was what these impacted residents, and our neighbors could have some buffer. I contacted Sue immediately when we knew and she said you are on the agenda so again it comes as a surprise and disappointment. It wasn't an oversight, I was told to not put you on the agenda. There is some reason why and I don't know what it is. They deserve an explanation because we, I don't want to speak for the residents but, I am here because Kurt asked me
210 to be. We want to move this along so the impacted residents know what is going to occur around the buffer. This isn't something to push off until 2024 and Housing Visions loses their steam, and things promised in the trailer suddenly aren't delivered. We do not want this to be a perpetual dialog.

215 I have tonight, and I will present it if you would like, a schematic of what neighbors want a fence and what neighbors are looking for an evergreen or deciduous buffer. Then you run it up the flag pole with Housing Visions and they can come back with yes or no. It has to occur on the front end. It is not fair to them, they have all been impacted severely. I think, from a planning standpoint, they should know what the future holds. Again, we need to find out why it wasn't on the agenda because this is going to be an ongoing process for them and if it is going to be tabled, why and for how long?

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Mr. Stokes: Can I interject because I know a little bit about this? First of all, Tom, whether you are on the agenda or not is academic because you are being allowed to speak correct? So that is not an issue and let's stop talking about whether you are on the agenda or not and trying to find blame. Second of all, the way this has to work, I have discussed this thoroughly with Rich, site plan
225 approval is already granted. This board doesn't have any authority at this point to change the plan. My understanding, after talking to Rich and after you had your meeting in the field, is that it was going to be an agreement that you were going to broker with Housing Visions and then they would come back with an amendment to the plan. Once you, the neighbors, and housing visions have agreed to that the board will approve it. This board has no jurisdiction to go to Housing Visions right
230 now and say you have to change the plan.

Thomas Tait: Jim, with regards to the agenda it is just because if someone wanted to see that on the agenda and attend. In terms of what process it takes, Rich was in attendance and Rich made no reference in the zoom call or the in person meeting that you don't have jurisdiction. He nodded his
235 head and it was agreed it would come before the planning board first.

Mr. Stokes: Everyone is trying to be cooperative. I just want everyone in this room to understand that this board does not have any legal authority to force anybody to do anything at this point. It was my understanding after I spoke to Rich that you also understood that you were going to broker the

240 deal with Housing Visions and then you would bring it back and say all the parties are in agreement. If Housing Visions is in agreement with whatever the neighbors want then this board can amend the plan. It is not up to the board to force Housing Visions to do anything at this point.

245 Thomas Tait: I am a person that likes to obey the law and if I had known that that's fine but that completely contradicts what I was told as the direction to take. It was to convene the group and put their wishes on paper. Housing Visions did not want to be hearing from me or the residents. They wanted to see what we were proposing to the planning board and then the planning board would be the conduit and that is what Rich understood, he was on both calls.

250 Mr. Stokes: I want to make it clear that is where we are and that is how it is going to have to be.

Thomas Tait: So, we communicate directly with Housing Visions and the planning board is essentially out of it right?

255 Mr. Stokes: We will approve the final plan when all the parties, you; the neighbors; and Housing visions, come back and say we are all in agreement. We can not do it without Housing Visions consent. We have no legal authority to reopen that approval.

260 Thomas Tait: That was not in anyway what was expressed to me. Housing Visions and Rich need to get it so that they clearly understand. We will present our thoughts to Housing Visions. I wouldn't be here if I didn't have to be and we were told this is the channel we want to take so there is a disconnect somewhere.

265 Mr. Stokes: I am not trying to be difficult I just think it is important everybody understands from this point forward...

270 Thomas Tait: I respect you and I hear you loud and clear. It wasn't an error of me misunderstanding something it was very specifically directed. There are correspondents in writing in an email with the Mayor and Rich that stated exactly what transpired and what the next step was and there was no push back.

A. Walburger: Just a few comments tonight since we are all in understanding that we can't act at all.

275 Bruce Kaiser: Bruce Kaiser, I live at 124 Emick Lane. Observing what is going on there appears to be tremendous communication disconnect. It was supposed to be on the agenda, it wasn't on the agenda. Rich spoke to you (Mr. Stokes) after the trailer and zoom meeting, why then didn't he communicate back to us either by Thomas Tait, through email? There have been numerous emails with Rich and Kurt Wheeler, many of which I have sent, and had to beg just about to get a response. I am still waiting on a response from June 2nd. I don't understand why. I think the residents of
280 Emick, Burton, and Evergreen deserve an explanation or a step in the right direction for improved communication. It is like we keep being pushed off. What is going on? Why can't there be greater clarity and understanding so the people are all on the same page? When I was in the working world there were ways to answer questions; no, yes, no answer, just let it slide and maybe it will go away. If that's what is happening here, it is a tremendous disservice. I would hope to think that the village
285 trustees and the members of the planning board have the resident's best interest at hand, and I am sensing it's not, just because of the poor communication. As village attorney, maybe you can do something with Rich and Kurt Wheeler to get them to communicate better. We have been patient, we

290 have waited, we have asked questions and sometimes we get an answer, most times we do not. It is getting to be ridiculous. That is how I feel, I don't know about my neighbors. I just felt that I had to say that. Thank you.

295 A. Walburger: As we have heard tonight, it sounds like you have your side of the work together and now it is to be brokered with the developer. Now that that is out in the open, those are the steps that will obviously happen. It certainly is not the intention to let these things sit unattended until 2024 and beyond if possible. Right now we have no action we can take, but at least we know the direction is supposed to be.

300 Mr. Stokes: If I can just make one thing clear, if you agree on one thing with Housing Visions and it is over and above and it doesn't violate the site plan you can start planting stuff. The thought was that we would just memorialize the agreement by amending the site plan so if any question came up sometime down the line, what happened would match the site plan. If you are going to do something that is more generous to the neighbors and site plan that is fine. The site plan is a minimum when it comes to the screening and the buffering.

305 Thomas Tait: They do not have any plans to do anything till next year but they agreed that this is the time to plan for it. Now that we have what the neighbors are looking for, and now that we have clarity based on what Jim stated in terms of the proper procedure than we will copy everyone so everyone is aware of it. We will go to Housing Visions and say, contrary to what they directed us, they have a deal directly with me and see where we get with it.

310 Bruce Kaiser: Is it possible that there can be written communication to Thomas Tait indicating what is the correct procedure?

315 Thomas Tait: I am clear on it Bruce.

Bruce Kaiser: I understand that but by word of mouth is one thing but having it in writing is a little bit more affirmative and definite.

320 Thomas Tait: I am going to see that via email so there is a paper trail. We appreciate you letting us speak informally.

A. Walburger: Thank you Tom. One more comment please.

325 Walter Benthall: I am Walter Benthall of 120 Emick Lane. Just a couple of things that have been going on in the neighborhood. One of the site planning buildings is from me to Main Street. The pad is poured but they haven't started the structure yet. Is there a decibel level of tolerance for construction within the village for site construction?

330 A. Walburger: There is a village noise ordinance.

335 Walter Benthall: I just want to bring to your attention, I work from home and my office is in my backyard basically, my wife was outside with our granddaughter, who lives with us and is 4-years-old, doing some yard work. There was an altercation going on at the site. There were many explicates dropped, words beginning with f. There was an employee being irate with his construction personnel. I do not know what level it was but I think this should be brought to our attention. My

wife came in and said “Walter, where is your phone? I need to call the police:” She called and talked to Chief Hayes. Chief Hayes was very respondent, he sent an officer down and he was there within 10 minutes. He walked through the yard and talked to the individual. In the police officers’ words, he was basically uncooperative.

340 Theresa Benthall: He was disrespectful, uncooperative, and had a problem. He thought that he was in charge.

345 Walter Benthall: I said to the police officer just make sure you stop at the planning site office and make sure that is reported and I also want that reported and documented at the Village Office too. One other thing I would like to bring to your attention, because of the deforestation that is going on in my backyard. I have Gannon Pest control come to my house annually and they spray for wasps, bees, and etc. I said to the Gannon Pest Control expert I have these black ants, they are about as long as my thumb, and I haven’t seen these things in my backyard the 7 years I have lived in Cazenovia. 350 He looked up and said what is going on out back there? I said they are building. He said that is why you have the black ants, they have lost their food source. That cost me over 300 dollars, just to get dusted around my house. There is an indirect impact that people need to be on notice about. With irate construction workers and now environmental impacts with insects and rodents.

355 Theresa Benthall: My name is Theresa and I would like to comment on the employee. I wrote an email to your chair of the board, the mayor, and several others the day it happened and I asked for a response. I did not get a response until we had a water outage up at our place, due to Housing Visions. Mr. Kaiser and Mr. Butterworth commented that I had not gotten a response from the mayor or the planning board about the irate individual in our backyard for 20 minutes. There was a 360 supervisor there telling him to calm down and he said he wasn’t calming down, I so this at every job, I have to deal with these stupid and ignorant people. He did this for 20 minutes with my 4-year-old next to me and Burton Street Elementary students outside across the road. The generator was on where this individual was working and I tried to get their attention twice by yelling at them to stop cussing and swearing and throwing wood. When I emailed I said please respond and I have not 365 received a response from Mr. Huftalen, the mayor, no one. There is definitely a communication problem here. Just give us a little respect, that is all we are asking. Our lives have been upturned because of this project, in a big way, and we do not even get the common courtesy of a response and all the email was, was what happened? Please respond and let us know what is going to go on with this employee. I will not listen to that, I will call the cops every time I hear something like that 370 because we shouldn’t have to listen to that and my 4-year-old will not listen to that. A little respect and better communication are required.

A. Walburger: Thank you.

375 Bruce Kaiser: To tailgate on that, because of the water outage situation several of us got involved. Two times we went with very low water pressure that measured below 0.5 gallons per minute for an excess of 20 minutes to a half-an-hour when people are trying to get ready for work in the morning and they are not even supposed to start work until 7:00. That is probably the 5th time there has been a problem before 7:00. In an email, from me, including the mayor, Rich, Thomas Tait and a few other 380 people on June 2nd. The mayor got back to me, but he would not get back to Theresa, and he said that Rich and I would have a meeting with Ben Lockwood, who is in charge with Housing Visions and we will get back to you. That was June 2nd and today is June 12th. No word, no nothing.

385 Thomas Tait: Bill Carr has been responsive though right?

Theresa Benthall: Yes, I would like to say that he is the only one who responds. He is the only one who has the courtesy to the people in that neighborhood to respond.

390 A. Walburger: I will conclude with a statement that says it is heard by the board that a more definitive transparent response is needed and I will discuss this with the chair and I will do my part conveying this. As you can see, the chair is not in this room and the mayor is not in this room and I am simply the messenger. To not belabor this further I will call the meeting.

395 Bruce Kaiser: Will this be in the minutes though?

A. Walburger: Absolutely it will be. Hearing no further actions for this board or constructive comments 7:37 we will call the meeting to conclusion. All in favor? The motion carried with 4 in favor, 0 opposed.

400 The meeting was adjourned at 7:37 p.m.

405 Respectfully submitted,

Amanda Devlin
Substitute Recording Secretary