

**Village of Cazenovia Planning Board  
Meeting Minutes  
December 11, 2023**

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

10 Others Present: James Stokes, Village Attorney; Marlene Westcott, Recording Secretary; Thomas Tait; Amanda Bury; Pam Barton; Eric Byers; and Kristen Byers.

5 people signed in.

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15 R. Huftalen called the meeting to order at 7:00 p.m. He asked for any changes to the minutes of November 13, 2023. R. Huftalen made the motion to approve the minutes as presented. S. McEntee seconded. The motion carried with 5 in favor, 0 opposed.

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**Kimberly White, 5-1/2 Lincklaen Street, Special Use Permit**

25 The applicant was not present.

R. Huftalen: Jim (Stokes) and I spoke about it earlier. I stated the case to Jim that I think a special use permit application would not be required because the property is in the B-1 district. He pointed out that if there were any signage, it would certainly need Historic Preservation/Architectural Committee (HPC) approval because it is in the Historic District.

30 Mr. Stokes: The sign size that you indicated that the applicant had proposed is an exempt sign because it is less than 2 square feet. Under the sign regulations that size sign would be exempt.

35 R. Huftalen: Jim was going to do some research and make a recommendation to us for State Environmental Quality Review (SEQR). I'm going to say for SEQR purposes, it is certainly an Unlisted Action. Is that right, Jim?

40 Mr. Stokes: If you were to consider that she actually needed a special use permit, which I don't believe she does. The use would be permitted as a right in the B-1 district. If someone were conducting business on the first floor or if the same person were conducting business on the second floor, but didn't actually live there at the same time, it would be permitted as a right. Site plan review would not be required because she is not proposing any activity that would either require a building permit or change the exterior of the premises. Although it wasn't clear to me whether she anticipated having people visiting the location or not, even if you did consider it a home occupation, she would be home occupation limited on the basis that she doesn't have any employees, nor does she have anyone visiting the premises on a regular basis, or any kind of customers or clients. I wish the applicant were here, but to me it seems to be no different than what any of us might do on our home computer inside our home. No different than Marlene typing up the minutes in her house. It

50 is in some sense a business activity, I guess, if she makes money from it, which is not clear to me.  
Again, if you want to consider it to be some kind of commercial or office use, it is permitted in the  
B-1 district.

R. Huftalen: If we make a finding for the record that the use is permitted as a right and as long as  
the signage is below the threshold that requires review by the HPC, we can make that finding and I  
55 would like the endorsement of the rest of the Board and I will relay that to the applicant.

S. McEntee: Do we know what color the sign is?

R. Huftalen: There is no description of the sign. If the size does not exceed the threshold, it's not an  
60 issue. We would not have any purview there in any event because it is under architectural review  
that's under the jurisdiction of the HPC.

R. Huftalen: No SEQR determination is needed. I make a motion to make that finding that it's a use  
permitted of right by virtue of being in the B-1. A condition of the finding is that the signage shall  
65 not be in excess of 2 square feet. And no further action is required.

S. McEntee: I second.

The motion carried with 5 in favor, 0 opposed.  
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Amanda Bury: What is the business? Does she live in the second-floor apartment?

R. Huftalen: This is a home office for a gardening service blog called Poison Ivy Chronicles.

75 Amanda Bury: I'm just clarifying, is it below 2 feet?

R. Huftalen: 2 square feet, so 1 foot by 2 feet.

Amanda Bury: Is there any consideration where it is on the building; against the building or on the  
80 front door? Can it be on a hanging bracket?

Mr. Stokes: The sign Code is 180-117:

***E.** The following signs are permitted in all districts without site plan approval, subject to the  
issuance of a permit by the Code Enforcement Officer:*

85 ***(1)** In lieu of a business identification sign requiring Planning Board approval, one sign, attached to  
the building, identifying any permitted nonresidential building or nonresidential use, not exceeding  
two square feet in sign area.*

***(2)** One sign identifying the name and/or occupation of a resident maintaining a permitted home  
90 occupation, not exceeding two square feet in sign area and attached to the building.*

Mr. Stokes: So the only real requirement is that it has to be attached to the building.

S. McEntee: Didn't the application say she was putting it above her mailbox?

95 R. Huftalen: Yes.

S. McEntee: My presumption is that means attached flat on the building.

100 R. Huftalen: I will relay our findings to Bill Carr (Zoning/Code Enforcement Officer). If he has any questions, he can refer them back to this Board.

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**Miscellaneous Discussion**

105 R. Huftalen: That's the only official item on the agenda. I had a couple of other things I wanted to bring up. But I'm also glad to entertain other items from the public here.

110 Tom Tait: For a point of clarification, for Silberberg, the public hearing will not be in January. The soonest would be February.

115 R. Huftalen: Right now, after the Village Board meeting last Monday night, Silberberg still has work to do. We still don't have a formal application from them. I think they are taking input that has been solicited, reviewed, and put out there. I am looking forward to seeing what they bring and how they deal with it.

Amanda Bury: It could be even longer.

120 R. Huftalen: Yes, it could be.

Tom Tait: The public needs to be involved with the Planning Board and the HPC.

125 R. Huftalen: We try to streamline the process as much as possible. Now we have all three entities. This Board has taken lead agency status for SEQR purposes. We will be coordinating the review. We need the application before we can send letters. For instance State Historic Preservation Office (SHPO) will be an involved agency. I think the sewer district, per a request from the Town, will be involved. New York State Department of Transportation (DOT) will be involved. There will be plenty of involved agencies. So it will be a coordination on our part.

130 Amanda Bury: There was a car sitting out there the other day counting cars.

R. Huftalen: I suspect they are probably taking steps to do a traffic study. That is something we advised as part of the application process.

135 Amanda Bury: What is SEQR?

140 R. Huftalen: It is the State Environmental Quality Review Act. Any site plan review or pretty much any action taken by a public agency requires SEQR review and there are a whole bunch of determinations and the applicant has to file an Environmental Assessment Form.

Amanda Bury: Does that have to do with it being an old gas station?

Mr. Stokes: That's one element. It covers a wide range.

145 A. Walburger: Not specifically because it was a gas station, but because it is a substantial change to the existing site.

R. Huftalen: The Board has received a couple of letters from the public. They will be added to the public file and will be available in the Village Office to anyone who wants to see them. A Board member, Mr. Raleigh, had a good suggestion of making sure we acknowledge the authors of the letters, so I drafted a thank you note. *Dear Mrs. Butterworth: Thank you for your recent correspondence. It has been shared with and reviewed by members of the Planning Board and will be entered into the file for the public record.* I did that for the people who take the time to submit stuff and want to make sure they know their comments are recognized. I will be sending one to Mrs. Butterworth and to Mr. Maziuk letting them know their comments are available as part of the public record.

R. Huftalen: While we are on that front, we often get a lot of people that have opinions about what we do here. Back in October we had the Bakers in to talk about their project. Mrs. Baker wrote me a note and wanted me to share it with the rest of you. *Dear members: We wish to express our thanks to you all for your service to provide a forum for the expression of concerns regarding construction at 8 Ledyard. It is most appreciated. Sincerely, Bruce and Patricia Baker.* It was very thoughtful of them. It is not often we get fan mail, so I thought I would share that.

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R. Huftalen: Is there any other business before the Board tonight? Hearing none, I make a motion to adjourn.

170 S. McEntee: I second.

The motion carried with 5 in favor, 0 opposed.

The meeting was adjourned at 7:13 p.m.

175 Respectfully submitted,

180 Marlene A. Westcott  
Recording Secretary