

# VILLAGE OF MARCELLUS PLANNING BOARD

**Peter Chapman, Chair**  
**Theresa LaMarre**  
**Gabriel Lutwin**  
**Richelle Schettine**  
**Jill Bristol**  
**Hugh White**

Mayor: John Curtin  
Village Clerk: Charnley Abbott  
Code Official: Bill Reagan

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November 16, 2022

**PRESENT:** Chair Peter Chapman, Planning Board Members Theresa LaMarre, Gabe Lutwin, Richelle Schettine, Jill Bristol and Hugh White, Code Official Bill Reagan, Mayor John Curtin, Trustees Tim Manahan and Jack Murphy, Village Clerk Charnley Abbott, ZBA Members Maribeth Rayfield, Chad Clark and Kay Kershaw

See List.

**Absent:** None

**Pledge of Allegiance**

Chairman Chapman called the meeting of the Village of Marcellus Planning Board to order at 7:00 pm and began with introductions.

Chairman Chapman asked for a motion to approve the minutes from the April 20, 2022 meeting of the Village of Marcellus Planning Board. The motion was made by Hugh White, seconded by Richelle Schettine. All members voted aye and the meeting was opened.

Chairman Chapman stated that the purpose of the meeting was to discuss the controversy surrounding the color selection of the building at 14-18 West Main Street, owned by Kay Kershaw, and to present an opportunity for the Planning board and Village Board and others to comment and provide feedback on the concern.

Chairman Chapman stated that on Thursday, November 10<sup>th</sup>, Theresa LaMarre and himself were able to sit down and have a conversation with Kay. They expressed their disappointment in the color choice and let her know that there had been a fair amount of public outcry, from residents and business owners alike. Chairman Chapman stated that they did not meet to discuss what is "pretty" but rather what "fits" with our small downtown. Chairman Chapman noted that there are guidelines included in the Code of the Village of Marcellus regarding the aesthetic of Main Street. They also discussed the objective of the Main Street Grant Project, which is to improve Village aesthetic and to improve the community as a whole, and that it is hard to see how her color choice does any of these things. Ms. Kershaw expressed her difference of opinion during the conversation, believing the building stands

out and will add to the Village's beauty once the job is completed. Chairman Chapman stated that the conversation was constructive and respectful.

Chairman Chapman opened the floor to the Planning Board. Jill Bristol stated that she has read through the Code and agrees that the color does not fit with the other buildings in the Village and would like to see a more neutral color that fits better with the surroundings.

Chairman Chapman then opened the floor to public comment. Ken Tyminski, owner of Senshi Martial Arts Academy voiced his opinion in favor of the color, stating that other buildings have had bad paint colors in the past and over time they fade and blend in. Mr. Tyminski asked what kind of precedent will be set if business owners complain about a color, and does that mean that business owners will dictate what other business owners can do.

Lisa Bardou, Senshi Martial Arts, stated that their business is located in the building, and they do not have signage. Ms. Bardou stated that she personally likes the color, feels that Main Street needed to be brightened up, and that 14-18 West Main isn't done yet and will look attractive when it is complete. Ms. Bardou also stated that in her opinion, a neutral color palette is boring and the bright color was needed. Ms. Bardou also questioned what precedent would be set if other people get to decide what is done with buildings just because some are unhappy with it.

Chairman Chapman noted that the Village of Marcellus has never intended to have a tight grip on what people can and can not do with their property. He stated that in the past, Main Street property owners have worked with the Planning Board regarding paint colors and changes to property located in the Village Center to ensure that they will fit in with the aesthetic of the Village. Chairman Chapman stated that the Village Board and the Planning Board will begin the process to amend the Code to require that the Planning Board has approval of paint colors and façade changes to commercial properties in the Village center in the future.

Chairman Chapman opened the floor to those not in favor of the paint color. Excerpts from emails received from members of the community were read aloud.

Theresa Greenfield, 4 First St, presented photographs to the Board taken from inside her home of her view of the building. She stated that it does not fit in with the Village, and she feels that it was a selfish choice of color and not in the best interest of the community.

Maribeth Rayfield, 3 First St, added that color choice is subjective, yet property owners have a responsibility to the community to make choices that are beneficial to the Village as a whole to maintain the environment that has taken a lot of hard work to achieve and maintain. Ms. Rayfield felt that the color choice for this high-profile building located in the heart of town is not in harmony with the Village. Ms. Rayfield stated that as a member of the Zoning Board of Appeals, decisions are made based on what is best for the entire community as well as how other residents and business owners may be negatively impacted. Ms. Rayfield

feels that the same consideration should be taken in regards to paint colors of buildings that can have an impact on the community as a whole.

Anne Temple, owner of Annabelle Design Company, stated that she paints for a living, and she loves fun colors on small pieces of furniture. When painting a large item, Ms. Temple stated that bold bright colors are not chosen because those items do not appeal to the general customer and are hard to sell. She stated that she commends Ms. Kershaw's love of color, however, in her opinion 14-18 West Main is too big of a building for such a bright color and does not fit in with the buildings next to it.

Lisa Mayers, 1 First St, stated that she is not in favor of the color and does not feel that it fits in well with the aesthetic of the Village.

Chairman Chapman then turned the floor over to the Village Clerk to read an email in support of the choice of color and Ms. Kershaw. At that time in the meeting, there was no knowledge of other emails in favor of the color choice.

Chairman Chapman opened the floor to Ms. Kershaw. Ms. Kershaw stated that the building is not done and will look better when it is complete in the Spring.

Chairman Chapman opened the floor to the Village Board. Mayor Curtin explained that the "Design Guidelines" were added to the Village Code and intended to provide an example of the types of design and character that were desired for the Village under the existing code. In particular, the guidelines were intended to increase the village center appearance and visual quality as well as preserve the historic character and design patterns of the Village Center. The Board thought that appropriate design elements and materials would improve the streetscape in the Village Center and the Board did not want to be too restrictive as is the case in other communities. It felt that property owners in the Village Center would agree that appearance and visual quality, as well as historic character and design patterns mattered, and that they would help to maintain Marcellus' visual character and promote compatibility with their neighbors as well as continuity with the past.

Mayor Curtin stated that such is not the case with the property at 14-18 West Main, the color of which building is not subtle, but intense, glaring and loud rather than unobtrusive and soft in appearance. The building is now very conspicuous, exposed, and noticeable. As one person noted, it looks like the bottom of a swimming pool, and it does not fit in at all with its neighbors. Other comments received at the Village Hall call the color an embarrassment and completely out of place, that it makes the Village look like a joke, a laughing stock, an eyesore, that it is perfect for Latin America or Cuba.

Mayor Curtin stated that what should be encouraged in the Village Center are colors that are classic and traditional in appearance, ones that are neutral, timeless, of earth tones, over non-traditional, bright or neon colors. Mayor Curtin stated that because there is no such requirement in the Village Code at present, the Board of Trustees, in conjunction with the Village Planning Board, will begin to resolve the situation so that similar controversies do not occur in the future.

Mayor Curtin also noted that the property owner, as part of the Main Street Grant project, made application to have the building painted. A cost estimate was submitted for \$15,680.87, 75% of which was understood to be reimbursed to the property owner, provided the project was completed to the satisfaction of the Village. For the Village to reimburse the property owner for a project that is clearly not in the interest of the Village, is like getting slapped in the face and then paying for having it done, turning the other cheek, and waiting for another slap.

CEO Reagan stated that at the present time the design guidelines that are included in the code are not legally enforceable, therefore there the Code Official could not issue a stop work order before the painting was finished. He also stated that this situation is not unique to the Village of Marcellus, that the Village of Liverpool had a situation very similar to this one and since has made their design guidelines mandatory and an enforceable part of their code.

Chairman Chapman stated that the Village Planning Board and the Village Board of Trustees will begin to draft an amendment to the Code which will make design guidelines for properties located in the Village Center mandatory.

Sondra Bromka, 36 South Street, stated that she is both an artist and a historian. She stated that historically, colors were chosen from what can be made from the earth, and that bright blue is not a color that can be made naturally, therefore, does not fit in with a historical, natural aesthetic.

Chairman Chapman stated that the Planning Board will continue discussion regarding the paint color choices in the Village Center. He also stated that everyone in the room that is passionate about this issue is here because they all love Marcellus and want to find a solution for the greater good.

Chairman Chapman then announced to those in attendance that there will be a discussion meeting held at the Marcellus Free Library on November 30, 2022 regarding proposed changes to the project narrative for the Tefft Meadows development located at 8 Paul St.

Chairman Chapman asked for a motion to close the meeting The motion made by Richelle Schettine and was seconded by Hugh White. All members voted aye, and the meeting was closed at 7:42 pm.

Respectfully Submitted by,

A handwritten signature in black ink, appearing to read 'C. Abbott', with a long horizontal flourish extending to the right.

Charnley Abbott, Village Clerk