

Present: Mayor Woodard; Trustees: Biloski, Friend, Marshall, McMurry, Robinson, and Salton; Chief of Police: Steinmetz; Superintendent of Public Works Cross; Clerk & Treasurer Mangione; Attorney Marcus.

Call to Order: Mayor Woodard calls the meeting to order at 7:04 p.m.

Clerk & Treasurer Mangione states each member of the public can speak for 3 minutes with a 30 second remaining warning. It was 3-4 years ago the Zoning Review Committee (ZRC) started meeting twice a month to discuss the Village Zoning. Tonight, is the first of several Public Hearing on completing the new Proposed Zoning Law.

- 1. Public Hearing:** Mayor Woodard opens the Public Hearing - Proposed Local Law (PLL) establishing sewer rates, to be applied in accordance with Local Law 2 of 2017 of the Village of Cayuga Heights. The PLL is a neutral revenue increase in sewer rates, because we are changing the minimum consumption that we charge for, from 10,000 gallons to 5,000 gallons. A decrease in cost to most residences.

Section I. PURPOSE

The purpose of this Local Law is to establish annual sewer rates of \$2.39/1000 gallons consumed for inside users and a rate of \$3.59/1000 gallons used for outside users, as defined in articles XII, Sewer Rents, of the Village of Cayuga Heights Articles.

Section II. AUTHORITY

This Local Law is enacted pursuant to the grant of powers of local governments provided for in (i) Section 10 of the Municipal Home Rule Law to adopt and amend local laws not inconsistent with the provisions of the New York State Constitution or not inconsistent with any general law relating to its property, affairs, government or other subjects provided for in said Section 10 of the Municipal Home Rule Law, (ii) General Municipal Law Article 14-F, (iii) General Municipal Law Sections 451 and 452, and (iv) Village Law Article 14.

Section III. ESTABLISHMENT OF SEWER RATES

As of January 1, 2018, annual sewer rates shall be established at a rate of \$2.39/1000 gallons used for treatment of waste water originating from properties located within the Village and a rate of \$3.59/1000 gallons used for treatment of waste water originating from properties located outside of the Village.

Section IV. SUPERSEDING EFFECT

All Local Laws, resolutions, rules, regulations and other enactments of the Village of Cayuga Heights in conflict with the provisions of this Local Law are hereby superseded to the extent necessary to give this Local Law full force and effect.

Section V. VALIDITY

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

Section VI. EFFECTIVE DATE

This Local Law shall be effective immediately upon filing in the office of the New York State Secretary of State, except that it shall be effective from the date of its service as against a person served with a copy thereof, certified by the Village Clerk, and showing the date of its passage and entry in the Minutes of the Village Board of Trustees.

There are no questions from the public.
Mayor Woodard closes the Public Hearing.

Attorney Marcus informs the Board of Trustees that under SEQR this is a Type II exemption under section 6175c #20 – routine maintenance.

Resolution #

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees approves Proposed Local Law establishing sewer rates, to be applied in accordance with Local Law 2 of 2017 of the Village of Cayuga Heights. The purpose of this Local Law is to establish annual sewer rates of from \$2.15 to \$2.39/1000 gallons consumed for inside users and a rate of \$3.32 to \$3.59/1000 gallons used for outside users, as defined in articles XII, Sewer Rents, of the Village of Cayuga Heights Articles

Motion: Trustee Marshall
Second: Trustee Robinson
Ayes: Mayor Woodard, Trustees: Biloski, Friend, Marshall, McMurry, Robinson, and Salton
Abstentions: None
Motion carried

3. Emergency Road Repair Declaration: Due to the rain storm from last night, Highland Road Culvert pipe collapsed and requires closing the road for emergency repair.

Resolution #

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees recognizes the public emergency rising out of a unforeseen occurrence on public property, (Highland Rd. Culvert) and to enter into a contract to make the emergency repairs.

Trustee Salton would like all engineering options investigated before continuing with a contractor on this emergency road damage. Superintendent of Public Works Cross informed the Board that repair money will be funded out of Street Capital Improvement projects. Mayor Woodard informed the Board, instead of 25-year storm, the new classification will be a 50-year storm.?

Motion: Trustee Robinson
Second: Trustee McMurry
Discussion: none
Ayes: Mayor Woodard, Trustees Biloski, Friend, Marshall, McMurry, Robinson, and Salton
Nays: none
Abstentions:

Resolution #

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees authorizes Mayor Woodard enter into a contract of emergency basis with a contractor to perform emergency repairs to the Culvert on Highland Rd.

Motion: Trustee Salton
Second: Trustee Biloski
Discussion: none
Ayes: Mayor Woodard, Trustees Biloski, Friend, Marshall, McMurry, Robinson, and Salton
Abstentions:
Motion carried

2. Public Hearing: Mayor Woodard opens the Public Hearing on proposed Local Law to replace all Zoning Laws and ordinances with a revised & rewritten Zoning Ordinance.
Mayor Woodard publicly thanked the Zoning Review Committee: PBA Chair, Fred Cowett, former Mayor Kate Supron, Kirk Siegel, David Filiberto, Elaine Quaroni, Superintendent of Public Works Brent Cross, and Trustee Melony McMurry.

Clerk and Treasurer J. Mangione reads a letter from *A. Wittink* on Chickens: Submitted Letter.

Village of Cayuga Heights
Trustees
Marcham Hall
836 Hanshaw Road
Ithaca, NY 14850

Dear Village of Cayuga Heights Trustees:

As a resident of the Village of Cayuga Heights, I am writing to share my thoughts and opinions about the Board's potential action on chickens, as it pertains to updating the residential zoning rules, Section 5.3.D. We currently have 5 hens, in a very nice, large chicken coop. We have had chickens for just over a year, and I have to say my whole family (and neighbors) have very much enjoyed the experience. Not only are they quite amusing to watch, but the fresh daily eggs and the alternative to composting that they provide, (they eat many of our scraps) has been a wonderful addition to our family. While I am grateful that you are entertaining the idea of allowing residents to have chickens, there are a few items in the proposed rules that I find concerning.

First, I think having a setback of 25' from any property line is much too large of a distance. Many properties in Cayuga Heights are not very large, and in order to be able to accommodate this new rule, it would mean having a chicken coop in the middle of someone's backyard. We have run electricity to our coop to provide a way to ensure the water does not freeze in the winter. It is much more practical to run electricity along the perimeter than right in the middle of it. Compost is typically on the side of someone's yard, not the middle, and it does not seem practical to have a chicken coop in the middle of a yard.

Second, I am very concerned with the section that says the chickens cannot have free-range access. One of the beauties of chickens is that they love to eat ticks – we have seen almost no ticks on our dog or children since we got chickens. They are not out all the time; but whenever it is possible, I do try and let them have a few hours each day when they can graze in our yard, and I am home. It has been incredibly wonderful to see how much they enjoy this time outside. I think it would be inhumane if they are not provided this opportunity. They also are very easy to get back into their coop as we got our chickens as just day-old chicks and they have imprinted on me. The minute I go outside, they warmly greet me, and follow me right back to their coop. I don't see what problems this would cause for anyone else. They stay on our property and keep quite close to their coop.

Sincerely,

Alicia Wittink
Resident

Melissa Pollack: Emailed last week to the Board. She is in-favor of short term rentals and is rents short term. She suggested the ZRC consider a special use permit. As written now it's too specific to fit the trends.

Rosemarie Parker: Concerned about environmental issues around the yard. Off-street parking on the lawn is an issue for those who have no other options. The language on brush piles, why? Cutting and removing vegetation. She doesn't see the common-sense exceptions in the draft.

Trustee M. Friend arrives at 7:25 p.m.

David Kline: Thanked the committee. Is very much in favor of restrictions on short term rentals. Commercial rentals should not intrude into residential neighborhoods. He also supports the idea to reduce the number of unrelated occupants in 1–2 family dwellings. The sections on stream maintenance is hard to read and understand. Lawn maintenance and front yard activities should have some sort of restrictions. Residential neighborhoods are not agriculture zones, he is not sure about chickens. Invisible fencing should be considered in the regulations.

Ilene Lambiase: letter submitted:

DRAFT

To: Cayuga Heights Board of Trustees,
Re: Proposed Changes in the Commercial Zoning Boundaries Contained in the Revised Zoning Ordinance
At: Public Hearing October 30, 2017

I received the eNewsBlast on Friday, October 27 announcing the Public Hearing on the Revised Zoning Ordinance. One line in the announcement caught my eye: "The boundaries of the commercial and the multiple housing districts have been altered slightly". One of the "slight" changes being proposed is changing the zoning for the two lots opposite 404 and 406 East Upland Road from residential to commercial zoning. The board may see moving a line on a zoning map $\frac{1}{2}$ " as "slight" but as the owner of 406 East Upland Road, I view this change as profound and significantly detrimental to my property.

When I purchased my home 30 years ago I was very concerned about the potential development of the vacant land across from my house. My realtor assured me that the lots on East Upland Road were zoned residential deliberately to provide a buffer for the existing residential houses on Upland Road. She would know. Peg Kimball was directly involved in the development of the Carriage House Apartments in the mid 1960s. The thinking at the time was that the existing houses on Upland were built in the 1950s and the lots would provide a buffer between the residential and the commercial/multiple housing development. The lots could be developed as residential but the new buyers would be aware of the existing commercial/multiple housing neighbors.

I note that in the succeeding 50+ years no one has chosen to develop residential housing on those lots even though Cayuga Heights is a very desirable place to live. I believe this to be in no small part because there is a lack of interest in a residential home in such close proximity to the existing commercial neighbors. Yet the Board is considering moving the commercial line so that it would be right next to the existing residences on East Upland.

The argument that the current owner of those lots would be able to put the land to better use if the lots were re-zoned commercial is irrelevant. The current owner bought the land many years after I bought my home and would have clearly understood at the time of purchase the limitation on the commercial zoning vs. the residential zoning. His land development plan should not have required a zoning change for success.

Additionally, the plan to add a major medical facility at the Corners will significantly increase density and traffic in the existing commercial zone which would certainly support the argument that a buffer between the houses on East Upland and the Corners will be even more important.

As I am sitting at my desk looking across from my house toward the Corners I see a lot with trees and grass, an effective buffer from the commercial ventures beyond. What will I be looking at in the future if the Board moves forward with this zoning change...a McDonalds?...a parking lot? I would have no complaint if a residential home were built which complies with the existing zoning requirements.

I ask the Board these questions:

What need is being met by this change to justify the corresponding harm to the residents on Upland Road?

How does this change support the purported intent of the Zoning Law with specific emphasis on these aspects: "D. Maintain and protect the value of property" and "E. Ensure the compatibility between land uses and protect existing land uses from intrusions by inharmonious or harmful land uses"?

Hlene Lambiase
406 East Upland Road

Eric Bopp: He will defer to the end to speak

Jeff Sauer: The neighborhood falls into the re-zoning from multi-housing to residential, which is good. Allowing non-conforming use in this area is more like "spot zoning"

Ron Bors: Against chickens and his concerns were address to the Board in September 2017. The comprehensive plan does not allow for any agricultural zones. He would like the Board to reference the Village of Trumansburg for guidance on chickens.

Susan Barnett: B & B issue, how will it be policed, 14-day enforcement, please listen to the residence of the village and not the multi-billion-dollar companies who make profits from our villagers.

David Filiberto: Disagrees with the 14-day rule, and the new changes should be less restrictive, the changes infringe on the property owner rights. Is not in favor of chickens in the village. He also not in-favor of investors buying houses and renting them out.

Kate Supron: Thanked the Board of Trustees, Planning Board and the public. She reminded the public, it is not permitted to have short term rentals in the village, the draft is a compromise. She bought her house in a residential neighborhood to live there, not a property to generate income. "I bought a house I could afford, so the idea of renting out my home for supplemental income does not make sense". She supports chickens with the current restrictions.

Carol Schiffman: Supports the changes of number of unrelated people per household. Changes to the nature of the neighborhood is one of the cost when you don't control rental properties. Invisible fence set back should be included and researched for the new Zoning Draft.

Margery Brodhead: Will speak later.

Marian VanLoan: 26-year resident, thinks short term rentals don't belong in the Village. Has seen the Air B&B effect on neighborhoods. accept the 14-day rule.

Jane Segelken: Has an accessory apartment and rely on the income from that to stay in their home. long term rental is much easier. If the board acts on the restrictions of rentals it will force out the older / long term residences who cannot afford to live in the Village out.

Connie Kintner: Has had chicken for 10 years now. They eat lots of ticks, and fertilize the lawn. They have never gotten out and would love to educate anyone who wants to learn about chickens.

Hickory Lee: In favor of chickens in the village

Anita Graf: Landowner of property in Ithaca, not the Village. Owns rental property and is interested in understanding how the Village is planning on handling short term rentals. She against limiting short term rentals.

Jeff Milder: Is against the current restrictions on short term rentals. Advises for owner occupied rentals and calls for revisions. Rentals come in a variety of forms, Air B & B is just one mechanism for renting. He is against non-owner-occupied rentals. He will give more comments in writing.

Linda Kohen: Against restriction on short term rentals, occupancy and home occupation. There is no issue with residences who run short term rentals now. Over the past several months the Mayor and Board has refused to listen to our comments.

John Grant: Bought his home with the understanding of the income potential on accessory apartments. Recommends laws to control rentals and allow them.

There are no code regulations currently enforceable with regards to rental property.

Casey Carr: 25-year resident, she can't afford to stay in her home without the extra income from rentals.

Alicia Fontaine: Would like to Board to consider the definition of stream set back and the steep slope aspects.

Dooley Keifer: There are no site plan review for single family homes. With the environmental changes (rain fall) in our area, the Board might want to consider. Solar access should not have restriction.

Rick Burgess: New to the Village, and the family was excited to have chickens.

Eric Bopp: He supports of short term rentals.

Margery Broadhead: She supports short term rentals. Not in favor of non-owner-occupied rentals.

Steve Gordan: Supports short term rentals, owner occupied. Boundary line drawn could harm his property value. A solution is to make the whole street residential.

Eric Pritz: Supports short term owner occupied rentals. Fills an income need for most. Most rentals are on the weekends.

Beatrice Szekely: 40-year resident and as the Village Historian stated: This is the 3rd Zoning law to be passed since incorporation in 1925.

Brian Eden: Supports Community Shared Solar, front yard should be allowed. Stream setbacks should be discussed and site-plan review should be conducted for all projects. He is ok with chickens in the Village.

Katherine Gale: Enjoyed hearing the different opinions from all in attendance.

Kate Seamon: Realtor in Ithaca, she receives weekly inquiries on properties in the Village and what are the rental opportunities.

Resolution #

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees is lead agency for SEQR review for the proposed local law to replace all zoning laws and ordinances with a revised rewritten zoning ordinance.

Motion: Trustee Salton

Second: Trustee Biloski

Discussion: none

Ayes: Mayor Woodard, Trustees Biloski, Friend, Marshall, McMurry, Robinson, and Salton

Nays: none

Abstentions:

Motion carried

Mayor Woodard adjourns the Public Hearing at 9:55 p.m.

Motion: Trustee Friend

Second: Trustee Biloski

Discussion: none

Ayes: Mayor Woodard, Trustees Biloski, Friend, Marshall, McMurry, Robinson, and Salton

Nays: none

Abstentions:

Motion carried

DRAFT