

Minutes
Marcham Hall

VILLAGE OF CAYUGA HEIGHTS
BOARD OF TRUSTEES
SPECIAL MEETING

Monday, January 27, 2020
7:00 p.m.



Present: Mayor Woodard; Trustees: Biloski, Friend, Marshall, McMurry, Robinson, and Salton (arrives at 8:50 p.m.); Village Engineer Cross; Clerk Walker; Attorney Marcus; Planning Board Chair: Cowett, Members: Segelken, Quaroni, and Monroe

1. Call to Order: Mayor Woodard calls the meeting to order at 7:03 p.m.

2. Presentation by Kim Nason of PhillipsLytle LLP

K. Nason states that at the December Board of Trustees Meeting, the Board requested specific information on the following:

1. Density
2. Traffic and Parking changes
3. Wetland and Stormwater management
4. Benefits to the Community & Sustainability

•In response to those concerns, the applicant is submitting the following supplemental revised application.

K. Nason presents that summary to Board of Trustees, Village Planning Board, and the public.

December 9, 2019 Formal Submission Link:

[http://cayuga-heights.ny.us/Text%20and%20PDFs/Planning%20Board/2020/Upland%20Heights%20Rezoning%20Petition%20E-Filing_LOI%20and%20Exhibits\(4625113.1\)%20\(1\).pdf](http://cayuga-heights.ny.us/Text%20and%20PDFs/Planning%20Board/2020/Upland%20Heights%20Rezoning%20Petition%20E-Filing_LOI%20and%20Exhibits(4625113.1)%20(1).pdf)

January 24, 2020 Revised Submission Link:

http://cayuga-heights.ny.us/Text%20and%20PDFs/Planning%20Board/2020/Supplemental%20Submission%20with%20Project%20Revisions_Upland%20Heights.pdf

DECEMBER MEETING SUMMARY

The Applicant appeared at the December Meeting to discuss the Project. At that meeting, the Trustees provided feedback on the Project, expressing various concerns, and requesting additional information and clarification regarding the Application. At the conclusion of the meeting, the Trustees: (1) declared their intent to act as lead agency for purposes of a coordinated review pursuant to the State Environmental Quality Review Act (“SEQR”); (2) agreed to provide notice of such intention to all Interested and Involved agencies as required by SEQR; (3) requested that the Applicant attend a work session with the Village of Cayuga Heights Planning Board

(“**Planning Board**”) on December 23, 2019¹; (4) deemed the Application complete; and (5) scheduled a public hearing on the Application at a joint meeting of the Trustees and Planning Board for January 27, 2019.

¹ This meeting was ultimately cancelled; however, the Applicant remains willing to attend a work session with the Planning Board at their earliest convenience.

PROJECT MODIFICATIONS

In response to the comments raised at the December Meeting, several revisions to the Project have been proposed to address the Trustees’ concerns and questions. The various updates are described in detail below.

- **Parking** - As shown in **Exhibit A**, the Project features 95 parking spaces. Although this is the same number of spaces as originally proposed, the Applicant has taken various steps to reduce parking demand and vehicle reliance in the area. The Applicant will provide one dedicated parking space to each residential unit, meaning that 38 of the available spaces will be designated for residents of the condominium units. Of the 57 remaining parking spaces, 55 parking spaces will be made available to visitors patronizing the retail/commercial tenants and 2 parking spaces will be reserved for a car sharing service that may be used by building residents or the general public. *See Exhibit A*. In addition, the Applicant will install bike racks, as requested by the Trustees. Both the car sharing, and the bike racks will serve to reduce parking demand and reliance on vehicles as the primary mode of transportation to and from the Site. Further, the Applicant has arranged for the Corners Community Center to provide approximately 70 overflow parking spots on nights and weekends, when competition for parking between residents and visitors is likely to be highest. *See Exhibit E*.

-Planning Board, Chair F. Cowett asks the applicant who are they marketing to? If it is college students, they are less likely to have cars. If you are marketing an older population, one car per dwelling doesn’t work. Overflow parking at the Corners Community Shopping Center is already at 95 % capacity. In addition, the Corners Community already has an overflow parking relationship with the Country Club of Ithaca how can they offer spaces when they don’t have them. Planning Board Chair, F. Cowett states that the Village Planning Board will not be receptive of this approach.

- **Density** - As proposed in the Application, the Project sought to add 46 dwelling units—26 units in Building A and 10 units each in Building B and Building C. As revised, the Project adds 38 dwelling units, reducing the number of dwelling units associated with the Project by 8 dwelling units. *See Exhibit A*. This reduction in density was accomplished by reducing the overall size of Building B and Building C, and by expanding the size of the dwelling units in all three buildings. *See Exhibits A*. As proposed in the Application, Building A was 17,875 square feet with 26 dwelling units—16 one-bedroom units that ranged in size from 820 square feet to 1,300 square feet and 10 two-bedroom units that ranged in size from 1,100 square feet to 1,500 square feet. Buildings B and C were each 6,175 square feet in size with 10 dwelling units each—6 two-bedroom units that ranged in size from 1,100 square feet to 1,150 square feet and 4 one-bedroom units that ranged in size from 770 square feet to 880 square feet. As revised, Buildings B and C are now each 5,700 square feet in size and contain eight units, featuring two three-bedroom units, one two-bedroom units, and one one-bedroom unit on each floor. *See Exhibits A, C*. The

three-bedroom units are 1,250 square feet, the two-bedroom units' range in size from 1,000 square feet to 1,065 square feet, and the one-bedroom units' range in size from 770 square feet to 775 square feet. *See Exhibit C.* Similar revisions are planned for Building A, though such revisions will maintain Building A's footprint. *See Exhibit A.* The revised floor plans showing the expanded dwelling units will be provided to the Trustees upon completion.

-Planning Board Member A. Monroe asks if the applicant has looked at changing the parking area of building A and placing it in the 30ft setback adjacent to the parking lot at the Corners Community Center.

-Village Engineer, B. Cross states that is a good idea.

- **Wetland Impact** - As depicted in **Exhibit B**, there is a 0.6-acre wetland on-Site. The wetland is surrounded by a buffer area that, as required by Village Code § 305-60(D), is 50-foot wide. *See Exhibit B.* The total size of the buffer area is 1.02 acres. *See Exhibit A.* As proposed in the Application, the Project resulted in an impact to 0.128 acres of wetland, which is 21% of the total wetland area on Site, and 0.750 acres of wetland buffer, which is 74% of the total wetland buffer area on Site. *See Exhibits A, F.* Now, by reducing the size of Buildings B and C, the impacts to the wetland and the wetland buffer have been reduced. *See Exhibits A, F.* As revised, the Project will result in an impact to 0.099 acres of wetland, or 17% of the total wetland on Site, and 0.727 acres of wetland buffer or 71% of the total wetland buffer on Site. *See Exhibits A, F.* Having reduced the wetland impact by 0.029 acres, the total amount of wetland disturbance is less than 0.10 acres and, therefore, the United State Army Corps of Engineers does not require mitigation. Nevertheless, the Applicant is willing to voluntarily provide on-Site mitigation to offset wetland and wetland buffer impacts. *See Exhibit F.* As revised, the Project includes more specific plans for improvements to the existing on-Site wetland that will enhance the wetland's function and augment the wetland's associated ecological services. *See Exhibit F.*
- **Sustainability** - The Application initially proposed various energy efficiency measures in compliance with the Tompkins County Energy Recommendations for New Construction ("Energy Recommendations"). As originally proposed, and as detailed in **Exhibit L** to the Application, the Applicant plans to install (1) permanent appliances in the dwelling units that are Energy Star rated; (2) water fixtures in the dwelling units that meet United States Environmental Protection Agency Water Sense Requirements; (3) electrically-powered heat pump systems with electric resistance back-up; (4) solar receptive roofs and solar panels; (5) LED lighting; and (6) occupancy sensors for indoor and outdoor lighting. In addition to installing such technology, the Applicant also intends to use efficient lighting design, efficient heating and cooling plants, efficient hot water heaters, more insulation R-value than required and windows with increased thermal performance. *See Application, Exhibit L.* The Applicant has also designed the Project with efficiency in mind by avoiding unusually complex building shapes and is committed to using best practices to maximize efficiency where possible and practical. *See Application, Exhibit L.* As revised, the Application incorporates additional measures, such as the installation of electric vehicle charging stations and bike racks and accommodating car sharing services.
- **Community Benefits** - As initially proposed, the Project provided significant community benefits, including the addition of modern and efficient housing options and improvement to the Village's central retail corridor. As revised, the Project provides even greater community benefits, such as increased walkability, reduction of reliance on vehicles as the primary mode of transportation, increased opportunities for recreation, and improvements to the on-Site wetland and stormwater function. The improvements to walkability and the reduction of vehicle reliance are achieved through the installation of bike racks, the car sharing service, and sidewalks installed on the Site. The Applicant is considering investing in sidewalk improvements and making repairs to the existing sidewalk in the area surrounding the Site. *See Exhibit A.* The Applicant is also proposing electric vehicle charging. Additionally, by focusing the types of commercial tenants that will be permitted to occupy the commercial space to small

eateries, a small grocer or a larger restaurant, the Project will increase dining options in the area and expand recreation opportunities in the area. Similarly, the Project will further expand recreational opportunities in the area, by providing walking trails through the wooded portion of the Site and possibly even establishing a community event space. Finally, the enhancements and improvements proposed for the on-Site wetland will improve the wetland and stormwater function and ecological value of this resource by improving the wetland's water storage capacity and biodiversity. See **Exhibit F**.

APPLICANT RESPONSE TO TRUSTEES' COMMENTS

As a follow-up to the December Meeting, the Applicant hereby submits its response to comments made by the Trustees at the meeting. For your convenience, we have summarized how the project modifications detailed above address the Trustees' comments. The Applicant's response to the comments is provided in italics below.

- **The Trustees suggested that the Applicant present the Project to the Planning Board at this stage, given that the Project would eventually be subject to Site Plan Review and the Planning Board has authority over such review pursuant to the Code of the Village of Cayuga Heights ("Village Code") § 305-53.**

Applicant's Response: The Applicant initially agreed to appear at the Planning Board's regularly scheduled December 23, 2019 meeting; however, that meeting was later cancelled. The Applicant remains willing to appear at a meeting of the Planning Board at the Planning Board's earliest convenience. The Applicant is also available to conduct a work session with the Planning Board at the Planning Board's earliest convenience. In addition, the public hearing, scheduled for January 27, 2020, is a joint meeting of the Trustees and the Planning Board.

- **The Trustees requested that the Applicant prepare a chart summarizing the requirements for the PDZ that would be adopted in a zoning amendment.**

*Applicant's Response: At the Trustees' request, the Applicant has prepared a chart summarizing the requirements for the PDZ that it is proposing as an amendment to the Village Code. The chart is attached hereto as **Exhibit D**. The chart provides separate requirements for each building, as the Projects zoning needs are not consistent across each building. See **Exhibit D**.*

- **The Trustees stated that parking in the Community Corners area is a challenge and felt that the number of spaces proposed was insufficient to meet the parking needs of the Project.**

Applicant's Response: Pursuant to the Village Code § 305-90(F)(2), buildings with more than two dwelling units require one parking space for each dwelling unit, plus an additional space for every three dwelling units. Accordingly, the Village Code requires 49 parking spaces to service the Project's dwelling units. Additionally, Village Code § 305-90(F)(4), espouses the parking requirements for the commercial space and requires that generally, one parking space be provided for every 100 square feet of floor space. For certain types of commercial uses, Village Code § 305-90(F)(4) establishes more specific requirements. As relevant here, Village Code § 305-90(F)(4)(b) requires that parking servicing restaurants provide one parking space for every three seats and Village Code § 305-90(F)(4)(c) requires that parking servicing restaurants provide one parking space for every 200 square feet of space. Using the general parking requirements because the commercial tenants are not specifically identified, the Village Code requires 128 parking spaces to service the commercial space. See Village Code § 305-90(F)(4). However, considering the types of commercial tenants targeted by the Applicant—small eateries and a small grocer or larger restaurant not to exceed 5,000 square feet—the Village Code may require less than the 128 parking spaces identified by the general figures. See Village Code §§ 305-90(F)(4)(b), (c). Similarly, given the mixed-use nature of the Project, the Village Planning Board has the authority to permit shared parking on the Site, which could reduce the amount of parking required. See Village Code § 305-90(G). Industry standards also suggest that the Project may require less parking than the Code's general requirements

mandate. See **Exhibit A**. According to engineering standards and best practices, a development like the Project requires 3.68 parking spaces for every 1,000 square feet of commercial space. See **Exhibit A**. Using these figures, the Project requires only 47 parking spaces to service the commercial space. See **Exhibit A**.

The Project provides 95 parking spaces to service both the residential and commercial uses on-Site. See **Exhibit A**. As discussed above, the Applicant will provide one dedicated parking space for each residential unit, meaning that 38 of the 95 total spaces will be designated for residents of the condominium units. Of the 57 remaining parking spaces, 55 parking spaces will be made available to visitors patronizing the retail/commercial tenants and 2 parking spaces will be reserved for a car sharing service that may be used by building residents or the general public. See **Exhibit A**. In addition to the on-Site Parking, the Applicant has also arranged to share approximately 70 parking spaces with the Corners Community Center during nights and weekends, when demand for available parking spaces by residents and visitors is likely at its highest. See **Exhibit E**. Pursuant to this arrangement, overflow parking will be available in the parking area near the neighboring medical building and in the parking area between the medical building and Island Fitness. See **Exhibit E**.

The Project's parking arrangements are materially compliant with the Village Code's requirements and are in line with industry standards. See Village Code 305-90(F); **Exhibit A**. Furthermore, the Project implements several measures that are aimed at reducing vehicle reliance. As described more fully above, the Project provides limited resident parking, facilitates car sharing for the surrounding community, and encourages bike use, all of which have been implemented to encourage multi-modal transportation and reduce traffic congestion in the area. See **Exhibits A, E**. Considering the 95 parking spaces that are available on the Site, the approximately 70 overflow parking spaces available on nights and weekends, and the other measures that have been incorporated into the Project, it is respectfully submitted that the parking proposed is adequate to serve the Project. See **Exhibit A**. Accordingly, we respectfully submit that the parking concerns raised by the Trustees have been sufficiently addressed.

- **The Trustees stated that traffic is a significant problem in the area surrounding the Site and noted that many of the intersections are failing. The trustees requested that the Applicant provide an analysis of the Project's impact on traffic.**

Applicant's Response: The Applicant is working with SRF Associates to obtain a traffic analysis, which it will provide to the Village when the analysis is completed.

-Village Engineer B. Cross states that the Village has already completed a traffic study and could share that information before the applicant invests time and money on their own.

- **Related to its concerns about parking and traffic, the Trustees asked that the Applicant develop parameters for commercial uses that would be permitted at the Project.**

Applicant's Response: In approximately 7,790 square feet of the commercial space, the Applicant intends to target small eateries as commercial tenants. Suggested eateries that the Applicant believes would be appropriately scaled for the Project include pizza, coffee and gelato shops. See **Exhibits A, D**. In the remaining approximately 5,000 square feet, the Applicant would like to find a larger restaurant or small grocery store to occupy the space. See **Exhibits A, D**. Accordingly, at this early stage of the Project, we respectfully submit that the parameters proposed sufficiently tailor the class of commercial uses that may be permitted and further submit that the Trustees' concerns regarding commercial uses have been sufficiently addressed. These uses will be assessed further in the traffic study noted above.

- **The Trustees questioned whether 46 units is appropriate for the area. Specifically, the Trustees noted that this was nearly three times what would be permitted in the underlying zoning district.**

Additionally, the Trustees noted that the unit sizes seemed small and proposed expanding the size of the units.

*Applicant's Response: As initially proposed during Applicant's informal conversations with the Village, the Project was much larger, featuring three four-story buildings that occupied almost the entire Site. Thereafter, in line with the informal feedback on the design, the Applicant revised the Project, scaling it down to the version of the Project proposed in the Application. Now, in response to the Trustees' feedback at the December meeting, the Applicant has scaled the project back again. See **Exhibit A, C**.*

*As revised, the Project now proposes 38 dwelling units, a reduction of 8 total dwelling units from what was initially proposed. See **Exhibit C**. This reduction in density was accomplished by reducing the overall size of Building B and Building C and by expanding the size of the dwelling units in all three buildings. See **Exhibits A, C**. As proposed in the Application, Building A was 17,875 square feet with 26 dwelling units—16 one-bedroom units that ranged in size from 820 square feet to 1,300 square feet and 10 two-bedroom units that ranged in size from 1,100 square feet to 1,500 square feet. Buildings B and C were each 6,175 square feet in size with 10 dwelling units each—6 two-bedroom units that ranged in size from 1,100 square feet to 1,150 square feet and 4 one-bedroom units that ranged in size from 770 square feet to 880 square feet. As revised, Buildings B and C are now each 5,700 square feet in size and contain eight units, featuring two three-bedroom units, one two-bedroom unit, and one one-bedroom unit on each floor. See **Exhibits A, C**. The three-bedroom units are 1,250 square feet, the two-bedroom units' range in size from 1,000 square feet to 1,065 square feet, and the one-bedroom units' range in size from 770 square feet to 775 square feet. See **Exhibit C**. Similar revisions are planned for Building A, though such revisions will maintain Building A's footprint. See **Exhibit A**. The revised floor plans for Building A showing the expanded dwelling units will be provided to the Trustees upon completion.*

*Given this reduction in density, the Applicant respectfully amends its prior request for a waiver of the density requirement to permit only 20 additional dwelling units beyond what would be permitted in the underlying zone. See **Exhibits A, C**. Although this amendment reduces the Applicant's initial request by only four dwelling units, such request nevertheless reflects an overall reduction of eight units. By way of explanation, the Applicant initially sought a waiver to permit 24 additional dwelling units beyond what would be permitted in the underlying zoning district. This request was based on an interpretation of the Village Code that permitted density in the underlying zoning district—Residence District—of two dwelling units per tax parcel. See Village Code § 305-16(B). Pursuant to such interpretation, Applicant determined that a density of 22 dwelling units would be permitted in the underlying zoning district. However, in response to the Trustee's concerns, the Applicant sought clarification of how density is calculated in the underlying zoning district and further sought confirmation as to the number of lots on the Site. In subsequent communications with the Village, the Village Engineer confirmed that there are eight buildable lots on the Site and two dwelling units would be permitted on each buildable lot, for a total density of 16 dwelling units that would be permitted in the underlying zoning district. In light of the new information provided by the Village, the Applicant respectfully amends its earlier request and asks that the Trustees waive the density requirement to permit 20 additional dwelling units. See **Exhibits A, C**. Such amended waiver request reflects a reduction in the density permitted in the underlying zoning district and, most importantly reflects an overall reduction in the total number of dwelling units proposed by the Project from 46 units to 38 units. See **Exhibits A, C**.*

Accordingly, we respectfully submit that the density concerns raised by the Trustees have been sufficiently addressed and respectfully request a waiver of the density requirement to permit 20 additional dwelling units beyond what would be permitted in the underlying zone.

- **The Trustees stated that in order to justify rezoning the Site to PDZ, the Project must provide substantial benefits to the Village community.**

*Applicant's Response: The Project benefits the Village community in many ways. For one, the Project provides a new housing option for Village residents that is modern, centrally located, and sustainably-designed. Additionally, the Project improves walkability in the area by creating a true "Village Center" retail corridor and making the Community Corners area more pedestrian-friendly. To this end, the Applicant is evaluating repairs to the existing sidewalk, which will improve the condition of area sidewalks. The Project also implements various measures designed to reduce vehicle reliance in the area. In this regard, the Project will include new bike racks, which are being provided at the request of the Trustees, and will provide two parking spaces for a car sharing service. These measures taken to reduce vehicle reliance are particularly important given the ongoing traffic concerns. The Project also benefits the Village community by expanding the recreation opportunities for Village residents. With its focus on drawing small eateries to operate in the commercial space on Site, the Project will increase the dining options in the area, especially family-friendly dining options. Further, the Applicant is exploring the possibility of establishing a community or event space on Site where Village residents can gather. Likewise, the Applicant plans to install walking trails in the wooded area on the southern portion of the Site so that all Village residents can enjoy the natural beauty of the Site. The Project further stands to correct the existing drainage problem on the Site, which impacts the Site itself and the surrounding area. Lack of planning and failure to implement proper stormwater management techniques has resulted in an on-Site wetland that fails to optimally perform its wetland functions and ecological services. See **Exhibit F**. In correcting this drainage issue, the Project will also necessarily improve the wetland function for both the surrounding landowners and neighboring wildlife. See **Exhibit F**.*

Accordingly, we respectfully submit that the Trustees request for additional information regarding the community benefits associated with the Project have been sufficiently addressed.

- **The Trustees noted that they are very concerned about the potential for impacts to the wetland and wetland buffer associated with the Project. The Trustees also stated that they are sensitive to stormwater issues, particularly on the Site because a lack of stormwater planning in neighboring developments has created some issues in the area.**

*Applicant's Response: The on-Site wetland is 0.60 acres in size and runs across the center of the Site. See **Exhibit B**. A large triangular portion of the wetland occupies much of the Northern portion of the Site. See **Exhibit B**. A smaller, oblong portion of the wetland is situated on the Eastern edge of the Site, near the neighboring apartment complex. See **Exhibit B**. When the Applicant first informally presented the Project to the Village, the Project impacted almost all of the wetland, with plans to disturb approximately 0.50 acres of the 0.60-acre of wetland. See **Exhibit F**. In response to the Village's initial concerns, that impact was reduced to the 0.128 acre impact discussed in the Application. See **Exhibit F**. As proposed in the Application, such impact would result in a disturbance of approximately 21% of the on-Site wetland. See **Exhibit A**.*

*Following the December meeting, and the Trustees' continued concerns about wetland impacts, the Project was again revised, shifting buildings to the greatest extent feasible and reducing the size of Building B and Building C to decrease wetland impacts even further. See **Exhibit A**. As revised, Building A is located in the wetland buffer on the northern side of the wetland. See **Exhibit A**. Building A's parking lot is located on top of the western edge of the wetland. See **Exhibit A**. Building B, Building C, the road connecting Buildings B and C and the shared parking lots for those buildings, are all located in the wetland buffer on the southern side of the wetland. See **Exhibit A**. Although the configuration is similar to the configuration proposed in the Application, these revisions have further reduced impacts to the wetland by 0.029 acres, for a total impact of only 0.099 acres of wetland. See **Exhibits A, B, F**. Accordingly, wetland impacts have been reduced from near total destruction to an impact to only 17% of the on-Site wetland. Impacts to the 1.02 acre wetland buffer have also been reduced as a result of these revisions. See **Exhibit A, B, F**. As proposed in the Application, the Project resulted in an impact to 0.750 acres of wetland buffer, or 74% of the total wetland buffer. See **Exhibit A, B, F**. As revised, such impact has been reduced so that only 0.727 acres of the wetland, or 71% of the total buffer, are impacted by the project. See **Exhibit A, B, F**.*

*In addition to reducing the impact of the Project on the wetland and wetland buffer, the Applicant has developed more specific plans to offset these wetland and wetland buffer impacts, which will provide mitigation measures and make improvements to the on-Site wetland. See **Exhibit F**. Such improvements stand to enhance the functions and ecological services provided by the wetland, including flood flow alteration, sediment retention, and wildlife habitat. See **Exhibit F**. These plans seek to address the aspects of the wetland that are not functioning optimally and avoid disturbance to the portions of the wetland that are performing well because they have a deep organic layer and a higher diversity of wetland plant species. See **Exhibit H**.*

*The first improvement contemplated by the Applicant is to install a weir, or low dam, within the head wall of the parking lot associated with Building A. See **Exhibit H**. The wetland area nearest Building A has developed due to the lack of sufficient stormwater practices from the apartment complex that borders the Site to the east and the other developments that directly adjoin the site. See **Exhibit H**. This weir will control the water level in this wetland. See **Exhibit H**. The purpose of the weir is to change the hydroperiod of the wetland and make this area wetter by allowing the area to store additional water. See **Exhibit H**. By installing the weir, this wetland would have increased water storage capacity and would have surface water much of the time. See **Exhibit H**.*

*The existing wetland can also be improved by increasing the diversity of plant species in the wetland. See **Exhibit F**. At present, the wetland nearest Building A is dominated by common cattail, which has formed a dense monoculture. See **Exhibit F**. The wetland could be greatly improved by eliminating this monoculture and introducing more diverse plant species because wetlands with high biodiversity are more resilient and more effectively perform essential wetland functions, such as pollution control, water storage and wildlife habitat. See **Exhibit F**. One example of a plant that thrives in deep water habitats and may fare well here is *Cephalanthus occidentalis*. See **Exhibit F**. This shrub, more commonly known as buttonbush, does well in wetland habitats with fluctuating water levels. See **Exhibit F**. In addition to buttonbush, additional native wetland trees and shrub species may also be added. See **Exhibit F**. Native and locally sourced vegetation has the advantage of being adapted to the climatic conditions present in the area and will provide food for area wildlife. See **Exhibit F**.*

*Another wetland improvement that can be performed on the Site is the installation of a stormwater detention basin. See **Exhibit F**. The stormwater detention basin is required as part of the stormwater management plan and designed as a wet pond. See **Exhibit F**. Additionally, the stormwater detention basin will act as a wetland, performing important wetland functions such as sediment and toxicant retention and water storage for rain and snow melt events. See **Exhibit F**. The stormwater detention basin's water storage capacity will far exceed the minimal amount of wetland impacts associated with the Project. See **Exhibit F**. Within the wet pond and at its perimeter, native and locally sourced wetland shrubs and plants will be added. See **Exhibit F**.*

*The on-Site wetland may also be improved by planting shrubs on the eastern edge of the wetland, near the existing apartment complex that neighbors the Site. See **Exhibits A, F**. These shrubs will absorb water that flows from the neighboring development and will provide for additional uptake of stormwater drainage coming from the apartment complex. See **Exhibit F**. These shrubs will also provide cover for birds. See **Exhibit F**.*

*Another way to improve the wetland is through the use of biofilters, which would be planted with shrubs and grasses. See **Exhibit F**. Biofilters perform several important wetland functions—water storage, filtration, infiltration and nutrient uptake—and those installed on the Site may serve to replace the wetland function lost as a result of the wetland impacts that cannot be avoided. See **Exhibit F**.*

*Although there are some unavoidable impacts to the wetland associated with the Project, it is important to note that much of the wetland will remain undisturbed. Importantly, the area of the wetland that will not be disturbed as a result of the Project—the eastern-most portion of the wetland—is the portion of the area that is functioning most optimally. As compared to the portion of the wetland that will be disturbed by the Project, the remaining wetland area has a deep organic layer of soil and a higher diversity of wetland plant species, which both make for a higher-quality wetland. See **Exhibit F**.*

*Through various iterations of the project, wetland and wetland buffer impacts have been greatly reduced. See **Exhibits A, B, F**. To the extent that the Project, even as revised, still proposes some impact to the wetland and wetland buffer such impacts will be offset by the wetland and stormwater improvements that will be performed on the Site. See **Exhibits A, B, F**. These improvements will replace the wetland functions that are lost as a result of the wetland and wetland buffer impacts, such as filtration, water storage, sediment and toxicant retention, and wildlife habitat, among others. See **Exhibits A, B, F**. Accordingly, where the Project proposes only minimal loss of wetland and such loss will be sufficiently addressed through on-Site wetland improvements that will enhance the existing wetland, the Applicant respectfully submits that the Trustees' concerns regarding the impacts to the wetland and wetland buffer have been sufficiently addressed.*

-Planning Board Member A. Monroe asks where the intermittent stream starts and if the zoning restrictions are different for intermittent streams. B. Cross states that the wetland buffer exceeds the intermittent stream buffer.

-Bernie Carr, from Delta Engineering, states that there is a discrepancy from the County Map verses the NYSDEC map on intermittent streams which are defined as having a rock bed or bank and a defined channel. B. Carr believes this was formed from old grading or spoil materials from a past corners community project. Planning Board Chair F. Cowett points out that there is a 1936 aerial photograph showing a stream through the Mecnas property.

- **The Trustees asked about the Project's plans for stormwater management.**

*Applicant's Response: Lack of stormwater management practices in the surrounding development require the Site to serve a drainage and stormwater management function for the area. See **Exhibit F**. As discussed above, the Project will incorporate several improvements to the on-Site wetland that increase water storage capacity on the Site and alleviate the stormwater problems caused by the surrounding development. See **Exhibit F**. In addition to these wetland improvements, the Project will implement a stormwater management plan aimed to improve stormwater function as compared to existing conditions. See **Exhibit B**. A detailed stormwater management plan will be submitted under separate cover.*

-David Herrick of T.G. Miller and Associates states that this project will have a permanent pool (manmade wetland) which will outlet to a drainage pipe that goes under E. Upland Rd.

- **The Trustees asked the Applicant to consider implementing sustainability measures.**

*Applicant's Response: As detailed in **Exhibit L** to the Application, the Project incorporates a myriad of energy efficiency measures, including, among others, a solar-receptive roof with solar panels, LED lighting, Energy Star rated appliances, electrically-powered heat pump systems, and windows with increased thermal performance. In addition to these efficiency measures, the Project has been revised to incorporate electric vehicle charging*

stations, which will be made available for use by residents and the general public, as well as bike racks and spaces designated for a car sharing service. These revisions have been undertaken in an effort to encourage the use of transportation services that have a smaller carbon footprint. Analogously, the Project's focus on retaining small eateries and a small grocery store to fill the commercial space favors local production and sourcing of food. Accordingly, the Applicant respectfully submits that the Trustees' concerns regarding sustainability have been sufficiently addressed.

December 9, 2019 Formal Submission Link:

[http://cayuga-heights.ny.us/Text%20and%20PDFs/Planning%20Board/2020/Upland%20Heights%20Rezoning%20Petition%20E-Filing_LOI%20and%20Exhibits\(4625113.1\)%20\(1\).pdf](http://cayuga-heights.ny.us/Text%20and%20PDFs/Planning%20Board/2020/Upland%20Heights%20Rezoning%20Petition%20E-Filing_LOI%20and%20Exhibits(4625113.1)%20(1).pdf)

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-Trustee Biloski states that she would like to see viability report. K. Nason will work on developing those numbers.

-Trustees Friend and Marshall voice concerns on the overall shortage of parking spaces associated with this project.

-K. Nason states that in this application parking is calculated as 1.33 parking spaces per dwelling unit (as zoned in the multifamily zone) and that the applicant will be requesting to change that to 1 parking space per dwelling.

-Trustee Marshall states that the parking requirement for commercial floor space is 1 parking space for every 100 square feet of commercial space. The proposed commercial space for this project equals over a 128 required parking spaces.

-Mayor Woodard opens the floor for public comments.

VILLAGE OF CAYUGA HEIGHTS
Public Hearing – Upland Heights Mixed-Use Development
 January 27, 2020 – 7:00 PM – Marcham Hall

	PLEASE PRINT Name/Anonymous	Address	Do you wish to speak? Indicate Yes or No
1.	Jeffrey Rusten	319 East Upland	YES
2.	Kim Anderson	305E. Upland	YES
3.	John Bark	"	no
4.	Louise Holmes	402 E Upland	NO YES
5.	Sonia Thaler	402 E UPLAND	YES
6.	Rick Burgess	316 E Upland	Yes
7.	Beatrice Seelby	104 K'woods	NO
8.	Cathy Wynn Lewis		no
9.	Bianca Indelicato	309 E Upland	NO
10.	Ilene Lambrose	406 E Upland	Yes
11.	SUSAN BARNETT	410 Triphammer Rd	Yes
12.	Asok		No
13.	Bami Carr	270 Thompson Rd	Yes
14.	Steve Flash	204 Klinewoods Rd	Yes

	PLEASE PRINT Name/Anonymous	Address	Do you wish to speak? Indicate Yes or No
1.	Jeffrey Rusten	319 East Upland	Yes
2.	Kim Andersen	305 E. Upland	YES
3.	John Brack	"	no
4.	Louise Holmes	402 E Upland	YES
5.	Sonia Thaler	402 E UPLAND	YES
6.	Rick Burgess	316 12 Upland	Yes
7.	Beatrice Seelby	104 K'woods	NO
8.	Cheryl Wray	2 Lewis	no
9.	Bianca Indelicato	309 E Upland	NO
10.	Irene Lambrose	406 E Upland	Yes
11.	SUSAN BARNETT	410 Triphammer Rd	Yes

Mayor Woodard and Planning Board Chair, Fred Cowett read letters submitted to the Village Board.

Mayor Linda Woodard
Village of Cayuga Heights Board of Trustees
836 Hanshaw Rd
Ithaca, NY 14850

January 22, 2020

Re: Uplands Heights rezoning petition

Dear Mayor Woodard

As the owners of the property at 11 Lowell Place, we would like to comment on the above rezoning application. We are currently out of the country so will not be able to attend the January 27 meeting.

Our main concerns are the increase in traffic especially at the intersection of Upland and Hanshaw roads and the general impact of what will essentially be a small commercial mall on the residents on the other side of Upland road and on the general character of the area. The intersection is already a difficult one to negotiate and more traffic will make it even less safe. Has the applicant done market research to determine whether a mini-mall with twelve commercial businesses is viable? A two story solely residential building would be a preferable option.

One positive aspect of the application is the promised preservation as a green area of the elevated area at the south of Upland Heights' land. The Village should ensure that this area remains a green space, one of the very few in the Village and one that has unique development issues due to being part of one of the few glacial sand deposits in the general area.

Sincerely

Anita Watkins and Donald Campbell
11 Lowell Pl
Ithaca NY 14850

Good morning. I write to share my concern and misgivings regarding the newly proposed – or, the latest iteration – of Mecenass Development. Frankly, I had hoped that the project had been dropped.

I fail to understand the need for 46 condominium dwelling units and 12 spaces for commercial/retail tenants in this location. Is there a general understanding of the need for this project of which I am not aware?

The Corners area is already congested. I am anxious about the construction traffic/congestion as well as the fate of the finally freshly paved Upland Road. The increased traffic once the project is completed in the Corners area is cause for alarm. The Corners intersection of Hanshaw, Triphammer, Upland and Pleasant Grove Roads is already an entanglement. Parking for residents and additional shoppers will necessitate additional paving to which I am opposed.

I also need to add that although I am confident laws have changed since the Lowell Place development, drainage is also a concern of mine. My neighbors and I are frequently flooded. My back lawn is often quite wet or has standing water throughout the year. I have a commercial sump pump in my driveway and have worked to remediate the problem with only a slight measure of success. Certainly, maintaining as much of the wetland as is possible is also important to me.

Thank you for reading my email and sharing it with the members of the planning board.

Holly R. Tavelli
817 Triphammer Rd.
January 27, 2020

To: Mayor Linda Woodard, VCH Board of Trustees, Planning Board, Mr. Jeff Walker and Mr. Brent Cross

Re: Planned Development Zone application by Mark Mecenass

We are unable to attend the Special Board of Trustees meeting on Jan. 27, '20, due to a conflicting meeting. Please accept this letter as a statement vehemently opposing the request by Mr. Mecenass for a PDZ at the property in question, "Upland Heights", on East Upland Rd.

We live at 302 E. Upland, a home that has been in our family for two generations. Mr. Mecenass does not even live in the village. We depend on village zoning to protect us. Single-family homes, built according to existing zoning regulations, are in keeping with the inherent nature of our village and the existing R District is a proper designation in this residential setting. This project is an inappropriate change in density, use and intent. It does not provide an adequate transition from the existing commercial area to owner-occupied residences.

It will have a severely detrimental impact on the neighborhood, increasing noise and traffic on an already-problematic road, and causing extended disturbance to the neighborhood.

This proposal will create more impermeable surfaces in a location that already has many problems, and Mr. Mecenass's request is dismissive in tone regarding the need for wetland mitigation. Estimates regarding "100-year storm events" are clearly no longer accurate. Our village engineers continue to address drainage and runoff problems on our block of E. Upland Rd., and we see no viable plans from the developer to improve the situation.

We see no positive benefits to us, or the village. We are opposed to adding 46 housing units and 12 commercial spaces and granting waivers for numerous zoning requirements.

We request that you respect the point of view and feelings of the immediate neighbors over the ambitions of an outside developer and deny his application.

Carol and Ron Schmitt

302 E. Upland Rd.

Ithaca NY 14850

As a long-time village resident who has seen the village evolve over the years, I would like to make a few comments about the proposed rezoning of single-family residential parcels for intensive development just south of the Community Corners shopping center. Although I understand that the proposed development would probably make the developer a lot bigger profit than what is legal to be put there, that should not be a consideration of the village authorities. The parcels were bought with the full knowledge that they were zoned single family residential and that the land included wetlands and steep slopes that reduced the available developable area. That is why the land was not that expensive to buy. The only circumstances under which the village government should allow the developer to do something other than what is currently legal is if it delivers a benefit to the community. I believe that is what the law says.

Many people seem to be saying that it is desirable for the community to add to the commercially zoned area so that we can get a small grocery store like a Greenstar and maybe another restaurant or pub-like place for community gathering. It is true that those things would be nice. However, there is no guarantee that we would get either of these things if the area is rezoned. Recent evidence suggests that commercially zoned space that becomes available is used for offices. That is what the market seems to say. Look at the big medical building recently added at Community Corners and the empty retail further north in Lansing. So, unless the trustees are going to specify that the only things allowed in any newly granted commercial area are a restaurant and a small grocery store, I would say you should not allow more commercial. We do not really want more offices. It doesn't enhance the atmosphere as a community center or anything like that. We can all dream of an old-fashioned village with a general store and a butcher, but we can't recreate the past, unfortunately.

Regarding the residential portion, the residents on East Upland are entitled to look across the road at something that is approximately what they are legally supposed to be looking at. So, if the single-family houses that were supposed to be there would be two stories, then any replacement should be no more than two stories. If the single-family houses would have green space in front and between them, then that should be honored too. If the village is tempted to bend the rules for the benefit of the community because they believe there is a shortage of, say, townhouses, in the village, then allow those instead of single family, but be fair to the neighbors. Townhouses might be a good middle ground as a buffer between single family residential and the existing commercial area and the apartments on Pleasant Grove. So, if the existing legal layout of the whole group of parcels would fit 9 houses (considering the wetlands, steep sloped area, need for access road, etc.), then maybe allow 18 townhouses clustered on the flat area and leave the hillside undeveloped. That would

seem fair. It doesn't seem fair to the residents of East Upland to have to look across the road at a solid wall, three stories high, unbroken along almost the entire length of the road frontage, as well as a parking lot. Those people probably bought their houses hoping to have families living opposite them who would become friendly neighbors, not college students moving in and out every year and partying till dawn. If the argument is that it should serve as a transition between commercial and single family residential, then anything commercial should face the existing commercial area and the apartments behind, so it will look as much as possible like houses from the house side. The main point here, as I see it, is fairness — treating the existing neighbors fairly, while adjusting the rules for the benefit of the village (if, indeed, the trustees believe there is a benefit).

We don't want to see an office park. If the zoning is to be altered, it needs to benefit the community and not one individual. Consumer retail, restaurants, and green space would probably benefit our community the most.

The architect's rendering shows a row of trees to shield the residential from commercial...but will retail want to be shielded from the street?

The plan to share parking with Ciaschi is not a plan, it is an argument waiting to happen. Mark Mecnas needs to provide ample parking for his condo owners and retail tenants. If there is a shortage of or a disagreement over parking, Ciaschi's parking agreement may disappear.

I would like to see a conservation easement on the remaining green so that it cannot be developed in the future.

Will Mecnas rent the condos if he does not find buyers?

Public Comments:

-Village resident Curt Ashman states that he is concerned about the water that drains from a 24" drainage pipe from the applicant's property. Typically, it floods his property 3 times a year. Another concern is the traffic counts. As a homeowner, he would rather look at houses and not commercial buildings. He asks if this project follows the long-term plans of the Village.

-B. Cross states that T.G. Miller's stormwater study will address this and will have to control or diminish any drainage flows below the applicant's property.

-Village resident Sally Grubb summarizes her letter to the Boards.

I want to express my opposition to this request as it is presented to us.

First, I would like to say that I am fully in favor of increased residential building density in the Village. However, big apartment blocks are not the only way to achieve increased density.

I agree the application is very seductive. On the face of it, it offers everything the comprehensive plan calls for. However, when you read the details and look closely at the plans what is offered is much less attractive.

The following questions need to be asked and answered by both Planning Board and Trustees, as well as the developers.

Traffic

Traffic is already a problem at the Corners. We need to solve existing problems before we add significantly more cars to the mix. Just saying the project is designed for pedestrians doesn't mean they will come and not use their cars. How far has the Village got with plans to improve the many periods of heavy traffic we face daily at Community Corners?

The Retail/Commercial units

When the comprehensive plan was introduced, we were promised small retail and commercial establishments easily accessible on foot, between green spaces and outdoor sitting. What did we get – a Large Medical building and reconfigured parking spaces with no outdoor seating and awkward delivery space for Flowers by Haring and Cayuga Heights Café. This proposal does not provide pedestrian accessible retail spaces.

What commercial retail businesses do the developers anticipate coming to Community Corners? A Vietnamese nail salon perhaps. Has anyone been to Ithaca Mall recently – it is mostly empty store fronts? Does this indicate new businesses are out there looking for spaces? Do we need more retail? Triphammer Mall is already in walking distance and there are spaces there.

Parking

I find it difficult to see where all the 96 parking spaces will be and how far residents will have to walk to their cars. Where are the parking areas for Buildings B and C? The developers say there are plenty of spaces. What if every 2-bed apartment has two cars, and every 1-bed apartment as one car and two bicycles where will these all go? If all are at home on a Saturday where will retail visitors park? Somewhere else? How many times have you tried to find lunch time parking to visit Alecante or Heights Café? Too often Cornellians park here and ride the bus onto Campus. The last thing wanted is more retail parking.

Residential Units – Owner occupied or rental?

There is no indication of whether the residential units will be for sale or rent. What is the anticipate cost of these units. Who is expected to live there? They are too small for families. What storage space do these apartments have? Where are those bicycles everyone will be using to get around be stored?

For increased housing density, why didn't the developers consider Town Houses with attached garages and rear garden spaces. The present plan offers no private outdoor space. Nowhere for a kid to kick a soccer ball or ride a bike safely. No place to sit outside in the sun. No communal gathering spaces.

Wetlands

I am concerned that space is being taken from the designated wetland area. This is justified on the basis of data collected in 2018. Every year recently, weather has become more extreme with more heavy rainfalls resulting in localized flooding and heavy run off. I would be less concerned if data had been collected in 2019 which was wetter than 2018. We need less black top not more. We need more wetland not less.

Many of us now regularly cope with flooded driveways, yards and basements after heavy rain that we never experienced when we first moved into Cayuga Heights. Increased blacktop all over the Village, and heavy rains are causing major problems. Loosing even a small area of wetland is not the answer.

-Elizabeth Mount reads her letter to the Boards

Friends,

As a Village resident living at 303 E Upland Road, I am protective of our road, so beautifully repaved in 2019 after several years of waiting to hear Mr. Mecenass' new plans. I am now thinking of all the heavy trucks driving over it to build this newly proposed development, now in its (4th?) iteration.

I am also thinking of the increased paving/roofs that will be built, leading to even poorer drainage than what we experienced ever since Lowell Place was developed thirty-some years ago. Our own basement still floods, even after **many** \$\$\$ and years have passed by.

I give Mr. Mecenass credit for not giving up but can't imagine this will enhance our neighborhood as much as his own bottom line. Forty-six condos and 12 commercial spaces on a mere 6+ acres? I remember when the (previously designated) Lot #9 was set aside for serious drainage, most likely a pond. Drainage there is terrible!

I would far prefer The Mecenass Park with Pond which would enhance the whole Village.

I know a number of our neighbors feel the same way and hope you will hear from them, one way or another.

-Village resident Joy Barr states that the zoning for this parcel should stay the residential. This is a Village; we should keep it a Village, don't make it a town and eventually a city.

-Village resident David Filiberto summarizes his letter to the Boards.

My name is David Filiberto, 206 Klinewoods Road, Ithaca, NY. I am offering my support for the Upland Heights Rezoning petition for the mixed residential and commercial development proposed in the application. I was a member of the recent Zoning Review Committee for the Village update of the Zoning Ordinance of 2018 and am acquainted with the current provisions therein. As the Board is aware, the purpose of the Planned Development Zone section is to permit appropriate flexibility and encourage imaginative development within the Village planning process. The applicant seeks a PDZ as it is the method for such development supported by the Village Comprehensive Plan. Specifically, the Comprehensive Plan speaks to this type of mixed-use development regarding the area in Community Corners (Corners Community), with a priority to encourage the development of housing and commercial space to reinvigorate our Village 'Commons'. From my read of the application, the applicant proposes imaginative development within the existing height requirements and lot coverage as outlined in the current Zoning Ordinance of 2018, which would serve to increase housing stock and commercial space.

As has been well documented, there is a need for increased housing options throughout Tompkins County. The proposed housing potentially serves a growing market for those no longer desiring larger single-family homes, homeowners who wish to 'age in place' in their own residence. Lastly, the opportunity to entice and establish new commercial space, providing walkable offerings for Village residents is vigorously supported by this resident.

I encourage the Village Board of Trustees to approve the application of the Planned Development Zone as proposed in the Upland Heights application.

Sincerely,
David Filiberto

-Village resident Rob Poprawski found this project online and thinks this would be a great place for his mother-in-law to move to. He likes the idea of offering condominiums available in a small community and the ability to age in place.

-Village resident Jeff Rustin states that his property borders the applicant's project and is concerned that they will lose a lot of greenspace. His house is 30ft from the property line; if this project is approved, they will have to continue to landscape and might have to move their driveway. He would like more information on how the wetlands will be managed and maintained. Mr. Rustin asks the Board to clarify why they are taking the lead agency.

-Attorney R. Marcus states that "lead agency" is a term used under the State Environmental Review Act (SEQR).

-NYS requires a "agency" to act as "lead" to determine the environmental impact of an action.

-B. Cross states that the Village has identified four permit-issued agencies. 1. Board of Trustees 2. Planning Board, 3. NYSDEC, 4. US Army Core of Engineers. All have been notified that the Village's Board of Trustees is to act as lead agency for SEQR. This does not mean that the Village Board of Trustees or the Village Planning Board are in favor of this or any project.

-F. Cowett states that this is a notification of the interested parties when it comes to conducting SEQR, not a sign of support for the project.

-Planning Board member E. Quaroni states that there are several professionals assigned to deal with the stormwater and with the drainage on this project.

-Village resident Kim Anderson states that drainage is definitely a concern for them. Stormwater management should take into account the amount of water that enters the local watershed. She is also concerned with the layout and the parking lot locations next to the road. Kim states that there is too much light pollution coming from the Cayuga Medical Center building and more is not desirable. Kim would also like to see all the mailboxes moved to the same side as the houses are on. There is a lot of cut through traffic on E. Upland Rd.

-Village resident Louise Holmes states that her concern is the loss of the wild areas around her home.

-Village resident Sonya Thaler is very concerned about the traffic, especially at the 5 roads that intersect at Hanshaw Rd. She also states it is getting harder and harder to find retailers to fill open spaces.

- Trustee Salton arrives at 8:50 p.m.

-Mayor Woodard informs the public that a traffic study was completed by Bergmann & Associates <http://cayuga-heights.ny.us/Text%20and%20PDFs/BOT/2019/9.16.2019%20Meeting%20Minutes.pdf> The Village Board is waiting for the ability to get federal funding from the Federal Highway Transportation Bill before any proposed traffic study changes can be addressed.

-Village resident Rick Burgess states that he is in support of any effort to provide additional housing in the Village and expand the tax base. Traffic calming measures might be helpful for E. Upland Rd. He is also concerned about the viability of any commercial businesses given the state of retail.

-Village resident Ilene Lambiase reads a letter to the Boards.

I have lived in the Village since 1-974 and adjacent to the Community Corners since 1977. I've owned my home on East Upland since 1987. I never imagined that a major commercial/multi-residential development would be contemplated on East Upland. There are considerable density and traffic issues in the Corners area already. There are water and runoff issues on Upland which would likely be further exacerbated by such a development.

The lots on East Upland have always been zoned residential by design. They provided a buffer zone between the commercial development at the Corners and the existing East Upland residential zone. My house, as well as most of the others on East Upland, was built in the 1950s. The expansion of the Corners with the multi-residential development of the Carriage House Apartments did not happen until the mid-1960s.

The Upland Heights proposal claims that the buildings would be a good fit for the Corners despite the fact that at 35' they would tower over the existing structures. Nor do they mention the impact this urban-type development would have located directly in front of the residences on East Upland.

Envision a 35' high building right next to Upland Road. There is a reason for 100' setbacks and building height limits when commercial zones abut residential zones. A building as close and as tall as the one proposed would infringe on privacy even in the back yards of the homes on Upland Road.

I have further concerns regarding the type of development. Since inception the Savanna Park condominiums have had issues with non-owner-occupied units and absentee landlords. Who will mediate issues between condominium residents? Who will mediate issues with condominium residents and the Village? It is much easier to have an incompatible tenant leave than a condominium owner. Is the developer planning on maintaining the commercial space or does he plan to sell that as well? Who will manage the commercial space? Will commercial tenants have to be approved by the Board to ensure the commercial space is used in a way that is compatible with Village expectations? Basically, what I think the Board needs to know is who is going to remain responsible for ensuring all goes well once the project is completed. When you have a multitude of owners and no single responsible person or entity that can be problematic.

The developer would argue that he has made an investment in the land. When he made his fairly recent investment those lots were clearly zoned residential for 50+ years. Instead of developing as zoned he has chosen to seek a multitude of exceptions and changes to the zoning rules to build what would negatively impact those of us who made decisions to live on East Upland under the existing zoning rules.

This PDZ is a risky experiment. Once it is done, it cannot be undone. I ask that the Board carefully weigh the benefits to the developer against the negative impact on the Village residents.

-I. Lambiase states that she had asked the applicant why he didn't go forward with the plan from 8 years ago and build houses and duplexes. She states his response was that no one wanted to live that close to the Corners Community Shopping center.

-Village resident Steve Flash states that he is in support of the project. "This is a good addition to the Village, and the water problems that have occurred are not caused by the applicant". T.G. Miller and Associates is qualified to make sure that drainage issues are corrected. Parking should be based on demand. He also feels that an increase in tax revenue is a good thing.

-Village resident Susan Barrett states that she urges the Board to evaluate where there truly is a benefit to the community as a whole.

-Village resident Bea Szekely states that if you are interested in the history of the Corners Community you can learn more at: <https://www.cayugaheightshistory.org/village-history.html>

-Village resident Brian Eden states that there is a real shortage of housing in this County. Cayuga Heights needs to do its part to provide housing. He hopes the Board will find a solution that will work for everyone.

-Planning Board Member Elaine Quaroni asks Village Resident Steve Flash about parking spaces at his apartment complex in downtown Ithaca.

-Mr. Flash states that there are 16 units (8 studio and 8-2-bedroom town houses) with 8 reserved parking spaces. He states that in the city of Ithaca there is no parking requirement.

● Public comments concluded.

-Mayor Woodard states that the developer and his team will be responding to all of these comments. The next step is another reiteration and presentation to the Village Board of Trustees and Planning Board.

-Trustee Salton asks the developer, if it is possible that, based on the public comments, that they will present another modified submission. K. Nason, representing the applicant, states “yes” the applicant would like to respond to the feedback presented here tonight.

-Village resident Sonia Thaler asks K. Nason how they are planning on marketing these units. K. Nason states that the applicant still needs to determine that information.

-Planning Board member R. Segelken asks “with the concerns of retail market spaces, how do you respond to the suspicion that the only reason the applicant has commercial space in this project is to have a 3-story building?” Why not go back to just a 2-story residential unit project?” K. Nason states that the applicant understands there are struggles with retail, but that the goal of the project is a mixed-use development. Commercial space is an important component of this project.

-Planning Board Chair F. Cowett revisits Planning Board Meeting Minutes from March 28, 2016 which points out that Corners Community owner, T. Ciaschi, did not feel that commercial retail or restaurant space was viable around this area.

-B.Cross pointed out that T. Ciaschi had already had a potential tenant for all the spaces available and he was not motivated to find more tenants.

-K.Nason states that the applicant wants the project to be successful and the marketability of what type of retail to attract will be examined.

-Mayor Woodard would like to adjourn the Public Hearing until February 24th at 7:00 p.m. and set another meeting with the Board of Trustees and Planning Board.

Resolution #

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees hereby schedules a special joint meeting of the Board of Trustees with the Village Planning Board on the February 24, 2020 at 7:00 p.m.

Motion: Trustee Biloski

Second: Trustee Marshall

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

Nays: none

Abstentions: none

Motion Carried

Resolution #

BE IT RESOLVED THAT: the Village of Cayuga Heights Board of Trustees hereby continue the Public Hearing on the Upland Heights Mixed-Use Development Project at a special joint meeting of the Board of Trustees and Village Planning Board on the February 24, 2020 at 7:00 p.m.

Motion: Trustee McMurry

Second: Trustee Salton

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

Nays: none

Abstentions: none

Motion Carried

-Attorney R. Marcus states, for the record, that the article in the Ithaca Voice made reference to this project as a collaboration with Mr. Novarr, Mr. Mackesey, and Mr Mecenasa. That is not the case. The confusion arose from Mr. Mecenasa's LLC which happens to use the mailing address 109 South Quarry St. This is the same location where Novarr-Mackesey Property Management resides.

-Mr. Mecenasa acknowledges the newspaper's mistake and informs the Village Board of Trustees and Planning Board that Attorney Marcus is correct.

-Mayor Woodard adjourns the meeting at 9:35 p.m.

