

Village of Cayuga Heights Planning Board
Special Meeting
Tuesday, August 30, 2016
Fire Hall – 7:00 pm
Minutes

Present: Planning Board Members Chair F. Cowett, J. Leijonhufvud, M. McMurry, R. Segelken, and Alternate E. Quaroni
Code Enforcement Officer B. Cross, Attorney R. Marcus
Members of the Public

Item 1 – Meeting called to order

- Chair F. Cowett opened the meeting at 7:08 pm.

Item 2 – Site Plan Review – Corners Community Medical Office Building
-- Resolution to Approve Hiring of Traffic Consultant

- The Board discussed hiring an independent traffic consultant to review the traffic study report submitted by SRF Associates for the Corners Community Medical Office Building (CCMOB) project and a proposal by Fisher Associates to provide this review.
- E. Quaroni stated her concern about parking estimates contained in the SRF Associates traffic study report and asked whether Fisher Associates would review these estimates.
- Code Enforcement Officer B. Cross confirmed that Fisher Associates would review the parking estimates and everything contained in the SRF report.
- E. Quaroni stated her concern that parking estimates made by SRF Associates are modeled and not based on observed data; she would have greater confidence in the parking estimates if they were based on observed data.
- Code Enforcement Officer B. Cross stated that the Village did not request Fisher Associates to collect observed parking data in reviewing the SRF Associates report; however, the Planning Board can ask observed parking data to be collected by Fisher if the Board believes that this should be done after considering Fisher's review.
- Chair F. Cowett agreed with E. Quaroni's concern about the limitations of modeled estimates, but stated that observed data has limitations as well; he has asked the project team to ask SRF Associates to provide to the Planning Board prior to the Board's September meeting the confidence levels of its estimates as well as the plus and minus ranges of its estimated averages; these ranges would be more informative than simply having averages.
- E. Quaroni questioned why SRF Associates estimated almost as much parking demand for weekends as it did for weekdays.

- Code Enforcement Officer B. Cross stated that a representative from Fisher Associates will attend the Planning Board's September meeting and suggested that this question should be posed to the Fisher Associates representative.
- E. Quaroni questioned the accuracy of the square footage by land use types on which SRF Associates parking estimates are based because on the Existing Site Input sheet a medical/dental office is listed with 8955 sf GLA; she did not think the dental office on site was nearly that large.
- Chair F. Cowett stated similar concerns about land use type square footage used to generate parking estimates; total square footage by land use type looks consistent with total square footage used to calculate lot coverage; however, there may be a discrepancy whereby family restaurant dining (JJ's Café) is included in the land use type square footage and fine restaurant dining (Heights Café) is not; he believes that the Urban Land Institute (ULI) suggests greater parking demand for fine restaurant dining than for family restaurant dining.
- J. Leijonhufvud suggested that Fisher Associates examine potential discrepancies in land use types associated with the shopping center.
- Code Enforcement Officer B. Cross asked Planning Board members with questions about the SRF Associates report that they would like Fisher Associates to address to email those questions to him and he will forward them to Fisher.
- R. Segelken stated that Fisher Associates should focus on verifying the conclusions made in the SRF report; he is concerned with the many errors contained in previous versions of the report and questions whether the SRF conclusions are valid.
- M. McMurry agreed with R. Segelken's questions about the SRF report; however, she also cautioned the Planning Board not to expand beyond the scope of services detailed in the Fisher Associates proposal for reasons of cost and timing.
- J. Leijonhufvud asked Code Enforcement Officer B. Cross if he possessed exact square footage figures for each shopping center tenant.
- Code Enforcement Officer B. Cross replied that he did not, but can ask shopping center owner T. Ciaschi if square footage figures can be provided; he understands the Board wishes to obtain accurate information and to have the best possible estimate of parking demand, but questioned the risk involved if the estimate is not exact.
- Chair F. Cowett acknowledged that estimates will not be exact, but stated his concern for obtaining the most accurate estimates possible; there is no apparent contingency plan should parking demand exceed estimates; unlike Inlet Island where it was possible to create an overflow parking lot for Island Health Center and Island Fitness on the other side of Route 89, he does not currently see an opportunity to create a similar lot at Community Corners; if parking demand exceeds estimates and the shopping center parking lot is filled, where will people park.
- Code Enforcement Officer B. Cross asked Attorney R. Marcus if the Planning Board needed approval by the Board of Trustees to hire a traffic consultant.

- Attorney R. Marcus replied that the Planning Board has the authority to hire a traffic consultant and to authorize the Planning Board Chair to sign the traffic consultant’s proposal; however, funds need to be available to pay the traffic consultant and he does not know whether sufficient funds are available in the Village’s budget line for the Planning Board; therefore, the Board’s hiring a traffic consultant is subject to the availability of funds and acknowledgement of this should be included in any Board resolution approving the hiring of a traffic consultant.

Motion: R. Segelken

Second: J. Leijonhufvud

**RESOLUTION No. 197
APPROVING HIRING OF TRAFFIC CONSULTANT**

RESOLVED, that the Village of Cayuga Heights Planning Board approves the hiring of Fisher Associates to review the traffic study report submitted to the Board by SRF Associates For the Corners Community Medical Office Building project, and authorizes the Planning Board Chair to sign the Fisher Associates proposal for engineering services provided that Funding in the amount of \$3,600 is available for the Planning Board to do so.

Aye votes – Chair F. Cowett, J. Leijonhufvud, M. McMurry, R. Segelken

Opposed- None

- Chair F. Cowett commenced a discussion about the Board’s SEQRA review of the Corners Community Medical Office Building project at its September meeting and the implications if the Board were to make a positive declaration of a significant adverse environmental impact; a positive declaration would require submittal of a draft environmental impact statement (DEIS) addressing possible mitigation.
- Attorney R. Marcus outlined two potential concerns regarding site plan review of this project; the first concern deals with the Board making a positive declaration in SEQRA for traffic or parking, thereby triggering a DEIS; SRF has already provided a report stating there would be no significant adverse impact to traffic or parking due to the CCMOB; a DEIS would likely require greater detail about traffic or parking such as obtaining a new traffic study or obtaining ground observation of parking; however, if the Fisher review of the SRF report concurs with SRF’s conclusion that there is no significant adverse environmental impact, what else could the Board ask for.
- E. Quaroni asked if SEQRA considers traffic to be an environmental impact as opposed to a social or economic impact.
- Attorney R. Marcus replied that SEQRA does consider traffic to be an environmental impact.

- Code Enforcement Officer B. Cross stated that there is a significant challenge to traffic impact mitigation for this project in that some intersection approaches on roads adjacent to the shopping center have received failure ratings by SRF based on existing conditions; the Planning Board cannot ask for mitigation strategies from the applicant for intersections that are already failing prior to development.
- J. Leijonhufvud asked why the worsening of traffic at an already failing intersection cannot still be significant.
- Attorney R. Marcus stated that in his opinion a community has the ability to require mitigation from an applicant for an already failing intersection.
- Code Enforcement Officer B. Cross asked what kind of incremental improvement can be made for a failing intersection.
- R. Segelken stated that Trowbridge & Wolf should be able to suggest ways to mitigate traffic since they did this for Cornell.
- M. McMurry stated that the Board should carefully consider the impacts of requesting mitigation from the applicant; the Board may ask for mitigation measures to avoid a positive declaration in SEQRA of adverse environmental impact; however, if the Board rejects as unacceptable a mitigation measure proposed by the applicant, such as a traffic light, what SEQRA action may the Board then take.
- R. Segelken asked at what point the Planning Board can ask for mitigation.
- Attorney R. Marcus replied that a basis for mitigation needs to be established, such as an expert's opinion; however, the expert opinion rendered by SRF is that there is no significant adverse impact due to the project; the Board would need Fisher to state that SRF's expert opinion is wrong and there is a significant adverse impact; but if Fisher agrees with SRF or states that the SRF has overestimated the potential for adverse impacts, there is no basis for mitigation.
- Attorney R. Marcus further stated that current zoning in the Village also considers environmental impacts in site plan review for projects in the Commercial zoning district, but that the thresholds set by local law are not the same as thresholds set in SEQRA; when the Board conducted site plan review for the proposed sorority at 520 Wyckoff Road, it did not find significant adverse effects under SEQRA, but it did find adverse effects in site plan review because local law has greater sensitivity; there is no legal liability for the Village if the Planning Board makes a negative declaration in SEQRA and a positive declaration under local law so long as the finding in local law addresses something that SEQRA does not address.
- Attorney R. Marcus outlined his second concern, the project's relationship to the Village's Comprehensive Plan; lot coverage for the shopping center already exceeds the current zoning requirement and the project proposes to exceed that requirement still further; consideration of an area variance to allow for increased lot coverage is a decision for the Village's Zoning Board of Appeals, but the Comprehensive Plan's goal of revitalizing the Community Corners area implies increased economic activity and intensity; if the Planning Board were to state that more development is unacceptable

or unwelcome at Community Corners, it would be contrary to the Comprehensive Plan and could provide a basis for legal action against the Village; the question that should be asked is what is the nature of future development; this can be argued in two ways; bringing more people to Community Corners encourages economic activity, but bringing more people to Community Corners can create traffic and parking problems; the Planning Board must decide how the project comports with guidance offered by the Comprehensive Plan.

- R. Segelken stated his agreement that site plan review should be in keeping with the Comprehensive Plan; he further stated that he was offended by comments made in the August 22 public hearing that new development in the Community Corners area should prioritize use by Village residents.
- Attorney R. Marcus stated that business in the Community Corners area already do not serve just Village residents.

Item 3 – Adjourn

- Meeting adjourned at 8:21 pm.