

Village of Cayuga Heights Planning Board
Meeting #67
Monday, October 24, 2016
Village Hall – 7:00 pm
Minutes

Present: Planning Board Members Chair F. Cowett, G. Gillespie, J. Leijonhufvud, J. Milder, R. Segelken, and Alternate E. Quaroni
Code Enforcement Officer B. Cross, Deputy Clerk A. Podufalski, Attorney R. Marcus, Trustee J. Marshall
K. Michaels, Trowbridge Wolf Michaels Landscape Architects (TWLA)
T. Covell, HOLT Architects
T. Votaw, Cayuga Medical Associates
D. Herrick, T.G. Miller
T. Ciaschi, Corners Community Shopping Center
Members of the Public

Item 1 – Meeting called to order

- Chair F. Cowett opened the meeting at 7:04 pm.

Item 2 – September 26, 2016 Minutes

- The Board reviewed the minutes of the September 26, 2016 meeting.

Motion: R. Segelken

Second: J. Leijonhufvud

RESOLUTION No. 202
APPROVING MINUTES OF SEPTEMBER 26, 2016

RESOLVED, that the written, reviewed and revised minutes of the September 26, 2016 meeting are hereby approved.

Aye votes – Chair F. Cowett, G. Gillespie, J. Leijonhufvud, J. Milder, R. Segelken
Opposed- None

Item 3 – Public Comment

- No members of the public wished to comment.

Item 4 –Site Plan Review – Corners Community Shopping Center Medical Office Building Project (CCMOB)

- G. Gillespie recused himself from review of the project as he is an employee of HOLT Architects.
- Chair F. Cowett appointed Alternate E. Quaroni a full voting member of the Board for this portion of the meeting.
- Chair F. Cowett stated that the Board will make findings for each factor contained in Article IX, Section 24, III, 1 of the Village Zoning Ordinance and then, on the basis of these findings, state their opinions about the project.
- Code Enforcement Officer B. Cross informed the Board that the Village’s Zoning Board of Appeals, at its October 19, 2016 meeting, granted the applicant’s request for two variances pertaining to distance between buildings and lot coverage percentage; the variance for lot coverage percentage included a condition that the applicant obtain an agreement with Carriage House Apartments for cross-parcel vehicle access with the shopping center; this condition would be enforced prior to the issuing of a building permit for the project.
- Chair F. Cowett further informed the Board that, should a cross-parcel access agreement with Carriage House Apartments not be obtained, the Zoning Board of Appeals would revisit the lot-coverage variance and consider approval of the variance in the absence of such an agreement.
- Code Enforcement Officer B. Cross asked whether Planning Board minutes reflected that the Board had considered whether a Section 239-m NYS General Municipal Law Review was needed for the CCMOB project and that the Board had concluded that a Section 239-m Review was not needed because the Corners Community shopping center is not within 500 feet of the Town of Ithaca.
- Attorney R. Marcus replied that the Board’s conclusion that a Section 239-m Review was not needed for the CCMOB project is contained in Planning Board minutes.
- Code Enforcement Officer B. Cross stated that, since the Board’s September 26, 2016 meeting, he had received an email from a member of the public commenting on the CCMOB project and asked whether, given that the public hearing for the project had been closed at the Board’s September 26, 2016 meeting, there was any mechanism in which these comments could be made available.
- Attorney R. Marcus replied that no such mechanism exists.
- Chair F. Cowett stated that E. Quaroni had asked him why a notice for the Board’s October 24, 2016 meeting was not advertised in the Ithaca Journal.
- Code Enforcement Officer B. Cross replied that the Village does not typically advertise regularly scheduled meetings for any Board in the Ithaca Journal unless there is a public hearing associated with a meeting.
- Deputy Clerk A. Podufalski confirmed that the regular meeting schedule, including date and times, for all Boards in the Village is published in the Ithaca Journal

following the Board of Trustees annual April organizational meeting; in addition, the date and time of the meeting of each Board is posted on the Village's website, in the Village's eNewsBlasts, and on the Village's sign board outside Marcham Hall; it is the Village's understanding that, unless a meeting date or time changes or there is a special Board meeting or there is a public hearing associated with a Board meeting, no notice of a regularly scheduled Board meeting is required to be advertised in the Ithaca Journal.

- The Board proceeded to review Article IX Section 24, III, 1, and found the following:

a. The location and site of the use.

The site is located at 903 Hanshaw Road in the Corners Community shopping center in the Village's Commercial zoning district. The shopping center is approximately one mile north of the Cornell University, one tenth of a mile west of the Town of Ithaca, and six tenths of a mile south of the Village of Lansing. Per Tompkins County, current property class is commercial and its description is neighborhood shopping center.

b. The nature and intensity of the operation involved.

The proposed operation is a new two story medical office building and the parking associated with it. The first story will be occupied by cardiology practices. The second story will be occupied by internal medicine practices. The new building replaces a one story office building with a smaller footprint currently occupied in part by a Natural Resources Conservation Services (NRCS) office. To accommodate parking for the new building, a one story building formerly occupied by a bank and now occupied by a computer repair store will also be demolished. The footprint area of the new building is a 200% increase from the footprint area of both buildings to be demolished. The applicant estimates that the new building will house 52 staff including providers and serve 300 patients per day. Because providers will be on site part time, the applicant estimates that the maximum number of staff and patients in the building at any one time will be 100. As a result of these changes, intensity of land use will increase, including increases in vehicle traffic, parking demand, and pedestrian activity on site.

c. The size and topography of the site in relation to it.

Shopping center acreage is approximately 7.2 acres. The footprint of the new building is 14,100 square feet or approximately 4.5% of the shopping center site. After accounting for the demolition of two existing buildings and construction of the new building, lot coverage in the shopping center would increase from 17.18% to 20.64%, which represents a 20.14% increase from current lot coverage as permitted by a variance previously granted by the Village's Zoning Board of Appeals, and a 37.60% increase from the 15% lot coverage permitted for the Village's commercial zoning district under current zoning. The applicant has received a variance with conditions from the Village's Zoning Board of Appeals to increase lot coverage to 20.64%. Overall shopping center slope is between 4 and 5%. The site of the new building

is relatively flat and site topography would likely pose few if any construction problems or environmental concerns.

d. The location of the site in respect to the roads giving access to it.

The shopping center is bounded by Hanshaw Road to the north, East Upland Road to the west, and Pleasant Grove Road to the east. Adjacent intersections are Hanshaw/North Triphammer/East Upland Roads and Hanshaw/Pleasant Grove Roads. NYS Route 13 is located approximately eight tenths of a mile to the north via North Triphammer Road. At present, there is cross-parcel vehicle access between the shopping center and Carriage House Apartments to the south. The applicant's site plan limits cross-parcel access with Carriage House Apartments to emergency vehicles only. Driveway access to the shopping center via public roads consists of three driveways on East Upland Road, one driveway on Hanshaw Road, and one driveway on Pleasant Grove Road. The applicant's site plan keeps open the driveway on Pleasant Grove Road to provide an exit from the Chemung Bank parking lot and access to some shops and parking located south and west of the bank. There is currently a sign at the bank parking lot exit that prohibits a left hand turn and requires vehicles to turn right and drive to the center of the shopping center. However, vehicle access from the center of the shopping center to the Pleasant Grove Road driveway will be blocked by the new building's footprint, which is larger than the footprint of the existing building, and by the parking lot south of the building. Limiting cross-parcel access with Carriage House Apartments to emergency vehicles only and blocking vehicle access from the center of the shopping center to the Pleasant Grove Road driveway changes vehicle circulation within the shopping center and access to it from adjacent streets.

e. The provisions for parking.

Article IX, Section 14 of the current Village zoning ordinance states that "Every non-residential structure, commercial, or otherwise, shall provide off-street garage or parking space sufficient to accommodate the cars of employees and the number of cars anticipated to be attracted by the facilities of such structure at any time." There are currently 285 parking spaces at the shopping center. There are also three parking spaces associated with the bank building to be demolished not included in the 285 count. A traffic study commissioned by the applicant, employing the Urban Land Institute shared parking methodology, estimated current average monthly shopping center parking demand of 171 spaces (60% of capacity) and current peak hour parking demand in December of 189 spaces (66% of capacity). The project's site plan increases shopping center parking to 298 spaces. The applicant estimates parking needs for the new building will be 100 spaces (67 for patients and 33 for employees) with a post-development average monthly shopping center parking demand of 260 spaces (87% of capacity) and a peak hour parking demand in December of 277 spaces (93% of capacity). The assumption being made by the applicant is that, based on current utilization of shopping center parking, the addition of 13 spaces will be sufficient to accommodate the increased parking

demand of 100 spaces. A peer review of the traffic study commissioned by the Planning Board criticized the applicant's traffic study for not validating modeled parking estimates by performing "parking counts over the course of a couple of representative days to estimate existing parking usage and compare that information to what the model predicted for the existing conditions." The peer review also criticized the applicant's traffic study for not taking "into consideration other people that may be parking within the plaza that do not have any business there," such as employees and clients of neighboring businesses and persons using the shopping center to "park & ride" to the Cornell campus via TCAT. Prior to its September 26 meeting, the Planning Board performed nine days of parking counts at the shopping center and made the data available to both the applicant's and the Board's traffic engineers. Based on these data, which showed an average of 141 cars parked at the shopping center during the course of nine September days at 12:30 pm, the Board's traffic engineer stated that the applicant's traffic engineer had overestimated existing parking demand and that parking capacity should not be an issue for the project. In reply to a Planning Board question as to whether any portions of shopping center parking should be considered separately from the rest of the shopping center based on the site plan, the Board's traffic engineer stated that all parking areas should be considered together as part of a shared parking lot.

The Board recognizes that both the applicant's and the Board's traffic engineers have stated that in their opinion the project would provide sufficient parking. However, the Board has concerns about the sufficiency of parking for the following reasons. First, the average of 141 cars currently parked at the shopping center at 12:30 pm incorporates data from Mondays when some shopping center stores are closed. Accounting for eight additional days of data, the average number of cars parked excluding Mondays is 146 and the average number of cars parked on Tuesdays, which appears to be the day of the week with the heaviest parking demand, is 158 with a maximum of 172. Additionally, the 141 car average does not account for variability in parking demand. Statistical analysis finds that, for a 90% confidence interval, the range of average parking demand including Mondays is between 156 and 130 spaces, and the range of average parking demand excluding Mondays is between 166 and 126 spaces.

Second, parking demand and capacity are unevenly distributed between different areas of the shopping center and at different times of the day. Average parking demand for the entire shopping center and for most parking areas is greater at 12:30 pm than at 4:30 pm except for the parking areas east and south of Island Health & Fitness where it is greater at 4:30 pm than 12:30 pm. Additionally, since the shopping center's back lot will be dedicated to medical office building parking, and the parking area east of Island Health & Fitness will see its total number of spaces reduced from 65 to 52, current sources of available parking may not be as readily available post-development and shopping center patrons may have more difficulty finding parking reasonably close to their destination. One source of available parking in the proposed site plan would be the lots associated with the bank and shops south and west of the bank near the Village firehouse. Although the Board's traffic engineer stated that all parking areas should

be considered together as part of a shared parking lot, given the proposed blockage of access from the center of the shopping center to the Pleasant Grove Road driveway, it is not realistic to assume that patrons driving into the center of the shopping center, if unable to find parking there, will either park at the bank or circle around to the Pleasant Grove driveway. If, however, patrons did circle around to Pleasant Grove Road, this would increase traffic on Hanshaw Road and Pleasant Grove Roads and at the Hanshaw/Pleasant Grove intersection which is not desirable.

Third, the shopping center's back lot, adjacent to Carriage House Apartments and slated to become dedicated medical office building parking, is currently used primarily by shopping center employees. Based on traffic counts, the average number of cars parked at 12:30 pm in the back lot is 21 with a 90% confidence level range between 22 and 19 and a maximum of 27. The Planning Board asked the project design team at several meetings whether there is a post-development plan for employee parking. No plan has been forthcoming and the assumption seems to be that employee cars will be absorbed into other shopping center parking areas. Given the typically longer duration of employee parking which can be all day and the fact that longer parking durations mean more parking is occupied per unit of time for a given number of parkers, the absorption of employee cars into other shopping center parking areas will likely result in less available parking for shopping center patrons.

Fourth, employees and clients of neighboring businesses and persons who "park & ride" to the Cornell campus routinely park vehicles in the shopping center lot. It is unclear how many parking spaces are being occupied for these purposes. The applicant has posted signs at some shopping center driveways warning against "park & ride" and CMA has promised to assist the shopping center owner in policing parking. It is unclear whether the "park & ride" signs have had or will have a deterrent effect. It is also unclear, given the shopping center's size and the number and variety of businesses, how the entire shopping center parking lot can be effectively policed. A parking management plan outlining how this would be done has not been offered.

Fifth, no provision has been made for contingency or overflow parking should post-development parking demand exceed estimates of project parking needs. Mistakes can be made in underestimating parking demand. If parking capacity was found to be insufficient, it would be helpful if vacant land was available on site to build additional parking spaces. Unfortunately, there is no apparent opportunity to build additional parking spaces at Corners Community shopping center should they be needed and, given that neighboring businesses park vehicles in the shopping center lot, there is no apparent opportunity for overflow parking on their premises.

The Board agrees with the traffic engineers who have stated that designing parking to meet peak demand periods, such as the first two weeks in December, would create excess parking capacity the rest of the time. However, it should be noted that shopping center parking data

were mostly collected in September when parking demand is approximately 90% of the peak demand in December. Additionally, excluding Mondays, the number of observed cars at 12:30 pm, if augmented by 100 cars for a medical office building, would have created parking demand that, for 50% of the days, exceeded 85% of shopping center parking capacity, the threshold stated by the applicant's traffic engineer as a target parking ratio to "produce an adequate supply cushion that minimizes motorists roaming for a parking space." The uneven distribution of available parking within the shopping center, the need to absorb employee parking from the shopping center's back lot, and the project's curtailment of access to Pleasant Grove Road further complicate the parking picture and will likely make more difficult the ability of all shopping center patrons to find parking reasonably close to their destinations. Therefore, although the traffic engineers have stated that there is sufficient post-development parking except for peak periods in December, it is also possible, if not probable, that actual parking demand may exceed the applicant's target parking ratio for days and times in months other than December. Due to the lack of available land for contingency or overflow parking, there are limited options available to mitigate such a problem if it occurs.

f. The relation of the size of the building and lot to the parking area.

The proposed medical office building footprint is 14,100 square feet and its two stories comprise 28,200 square feet of gross area. Shopping center acreage is approximately 7.2 acres and the new building's footprint is approximately 4.5% of the shopping center site. The parking area south of the building, which is intended to provide parking dedicated to building use, contains 88 spaces including two handicapped spaces and four priority spaces near the building for the mobility impaired. There are also nine spaces immediately adjacent to the building on its west including two handicapped spaces. The applicant has estimated building parking demand of 100 spaces based on the Urban Land Institute (ULI) shared use parking methodology which is based in turn on national parking data. Some municipalities estimate parking demand by land use type based on building square footage and local data. For example, Monroe County, NY, utilizing local data collected for 16 facilities located in the County, estimated peak parking demand for a medical office building to average 3.69 spaces per 1,000 square feet of gross floor area. Based on the Monroe County formula, average parking demand for the proposed medical office building would be 104 spaces, very close to the ULI based estimates. It should be noted, however, that Monroe County also estimated an upper range of parking demand for a 95% confidence interval of 4.69 spaces per 1,000 square feet which would translate into a parking demand of 132 spaces for the proposed medical office building, 32 spaces more than the demand estimated by the applicant. Although building parking demand could conceivably exceed 100 spaces, it is unlikely to approach 132 spaces given project estimates for building staff and patients.

g. Traffic and noise generated by the proposed use.

The building's medical offices, its weekday hours of operation, and its location in the shopping center's interior suggest that noise generated by the proposed use will likely not be of major concern. With respect to traffic, the applicant acknowledges that the proposed use will generate an increase in vehicular traffic both within and external to the shopping center. A traffic study commissioned by the applicant estimated the project would generate 67 vehicle trips entering and exiting the shopping center during the AM peak hour and 93 vehicle trips entering and exiting the shopping center during the PM peak hour. Following NYS DEC criteria, the number of vehicle trips generated did not comprise a "substantial" increase in traffic for SEQRA review. The traffic study also analyzed capacity levels of nearby intersections and gave several intersection approaches failing grades, but concluded the project would not result in significantly adverse traffic impacts to these intersections even though for some approaches it would increase waiting times. A peer review of the traffic study commissioned by the Planning Board found that "additional traffic due to the proposed development will further exacerbate already poor operating conditions" for the intersections with failing approaches. The NYS DEC advises that, even if an increase in traffic is not "substantial," a moderate to large project impact may occur if, due to current conditions, the adjacent roads and intersections do not have the capacity to handle that increase. It is unclear to the Board whether adjacent roads and intersections, and especially intersection approaches given failing or near failing grades by the project's traffic study, have the capacity to handle the increased traffic generated by this project. The applicant's traffic study indicates that they do and the peer review does not explicitly contradict this. The Planning Board's traffic engineer stated that the increased traffic could increase intersection waiting times during peak traffic periods by 10 to 20 seconds and that this would typically be considered a minor increase in delay. However, the Planning Board's traffic engineer also stated that a community must decide for itself on a case by case basis the type of intersection delays the community is willing to accept.

Solely for the purposes of conducting SEQRA review, which considers environmental impact but not social or economic impact, the Board found that a potential exists for some adverse environmental impact due to the increase in vehicle traffic generated by this project. However, based on the preponderance of evidence, the Board could not confirm for SEQRA that this traffic increase would rise to the level of a moderate to large adverse change beyond existing levels and therefore did not find a significant adverse environmental impact for traffic. In conducting the SEQRA review, the Board also stated that the criteria to be considered by the Planning Board under local law in evaluating traffic for site plan review are not the same criteria suggested by the NYS DEC for conducting SEQRA review. Site plan review under local law may have greater sensitivity for adverse impacts than does SEQRA.

Traffic issues in the Community Corners area have been a community concern for many years. In conducting public hearings for this project, the Board heard from members of the public who complained about current intersection waiting times and the volume of traffic on North

Triphammer Road which makes entering and exiting Spruce Road, Texas Lane, and Winthrop Drive especially difficult during peak traffic times. The medical office building project did not cause these traffic issues. The applicant has not offered to make improvements at the failing intersection approaches and the Village cannot compel the applicant to do so. The Village's Board of Trustees may decide in the future to make improvements to these intersections and on North Triphammer Road to address community concerns, but there is no guarantee when or if this will happen. The Board, therefore, should not consider the prospect of future roadway improvements in considering traffic as a factor in site plan review for this project. The applicant has proposed the following measures to reduce single occupancy vehicle use and mitigate the traffic increase generated by the project: provide bicycle racks on site for patients and employees; discuss the bus stops with TCAT to ensure the best service for patients; discuss the project with Gadabout to ensure the best service for patients; and encourage employees to use public transit, car pool and drop off. While the Board acknowledges and welcomes these proposed measures, it is unclear to the Board what if any effect these measures will have or that there are additional reasonable, feasible alternatives available to the project to mitigate the increased traffic impacts. However, it is clear from both the applicant's traffic study and the peer review of that study that, even with these measures, the project will increase the amount of traffic on adjacent streets and intersections. Additionally, the decisions contained in the site plan to block access to the Pleasant Grove Road driveway from the center of the shopping center and to limit cross-parcel access with Carriage House Apartments to emergency vehicles only would reduce options for vehicular circulation both within the shopping center and external to it and further increase traffic on adjacent streets and intersections.

h. Landscaping.

The landscaping plan is limited to the project scope which does not extend to the northern half of the shopping center. It requires the removal of several large plane trees growing in the lawn south of the office building slated for demolition and the removal of ornamental pears and other trees near the former bank office slated for demolition. It also requires the removal of several trees in the parking lot. The applicant has submitted a planting plan in which drive lanes and parking areas will be landscaped with deciduous shade trees, ornamental trees, and shrubs. The shopping center's southern boundary will be screened with deciduous and evergreen trees. Stormwater practices will be landscaped with a low mow seed mix. Trees lining the pavement adjacent to the building on its west will be planted in structural soil with flexible porous pavement at the surface.

i. Architectural features.

The proposed new building is designed to reflect the design aesthetic of existing shopping center buildings. Sloped roof forms, including gable ends facing north and south and at the main building entrance, and window dormers on the second floor are intended to be similar

to features on existing shopping center buildings. Building mass is to be reduced visually by utilizing sloped roofs and lowered eave lines. A covered walkway runs along the west face of the building from the new building entrance and leads to an existing system of covered walkways.

j. Location and dimension of buildings.

The building will be located in the interior of the shopping center and its footprint is 14,100 square feet. It is two stories high and its height would meet current zoning requirements. The distance between the building and the nearest shopping center building to the north is 21 feet which is less than current zoning requirements and for which an area variance has been granted by the Village's Zoning Board of Appeals.

k. Impact of the proposed use on adjacent land uses.

Per Tompkins County, current property class is commercial and a medical office building is a permitted commercial use in the Village's Commercial zoning district under current zoning. There are several adjacent residential properties including single family homes along East Upland Road and Carriage House Apartments to the south of the shopping center parcel. The proposed building's weekday hours of operation, location in the shopping center's interior, and the use of dark sky compliant lighting would likely reduce potential noise, privacy, and lighting conflicts with adjacent residential properties. At the same time, the project will increase traffic on adjacent streets and intersections and increase shopping center parking demand. The Planning Board's traffic engineer has characterized increased waiting times during peak traffic periods by 10 to 20 seconds as a minor increase while also stating that a community must decide for itself on a case by case basis what kind of intersection delays it is willing to accept. The Planning Board's traffic engineer has further stated that proposed parking capacity is adequate to accommodate post-development demand although the Board has concerns as stated above. Some adjacent businesses use the shopping center lot as de facto overflow parking for their employees and clients. The applicant plans to curtail this practice although it is not clear how successful this will be or, if successful, what impact it will have on those businesses. In addition, it is not clear that the proposed use will negatively impact neighborhood character to the extent that it would cause residents of adjacent single family homes to no longer wish to live there. No evidence has been presented that it would. Finally, the site plan eliminates cross-parcel vehicular access between the shopping center and Carriage House Apartments except for emergency vehicles. This cross-parcel access is currently used by apartment residents and shopping center patrons both to access the apartments from East Upland Road and bypass the Community Corners intersections. It is not clear what impact elimination of cross-parcel access except for emergency vehicles would have on Carriage House Apartments, but it would increase traffic passing through the Community Corners intersections and on Pleasant Grove Road. In considering the applicant's request for an area variance pertaining to lot coverage, the Village's Zoning Board of Appeals approved the

variance on the condition that the applicant obtain an agreement with Carriage House Apartments to allow for cross-parcel access between the two properties. There is no guarantee that such an agreement can be secured and, if not, the ZBA will revisit granting the variance.

l. Effect on the environment.

The Planning Board categorized the project as an Unlisted Action under SEQRA and conducted a SEQRA review. In its determination of significance, the Board recognized meaningful concerns with respect to the project's impact on traffic, but could not judge with certainty that the traffic impact would rise to the level of a moderate to large adverse environmental impact under SEQRA. The Board also recognized that the site plan's stormwater features would mitigate the environmental impact associated with site runoff and a slight increase in impervious surface. Accordingly, the Board made a negative declaration of adverse environmental impact for the project and compliance with SEQRA. Questions were asked in the public hearing about sustainable practices employed in the building's design and the building's reliance on fossil fuels. The project design team replied that no decision has yet been made whether to seek LEED certification nor has the building's carbon footprint been calculated.

m. Effect on infrastructure and existing Village services, including sewer, water, drainage and solid waste.

The proposed building will use approximately 3,000 gal/day of potable water and generate approximately the same amount in sewage outfall. These amounts will not significantly impact Village water or sewer services. The project would increase the amount of impervious surface on site from 69 to 70%. Some site stormwater will be directed into a linear detention basin south of the building's parking lot before entering an offsite swale and flowing ultimately into a small wetland in an adjacent parcel. The remaining site stormwater will be directed into a bioretention basin south of Island Health & Fitness before flowing into the Village's stormwater system on East Upland Road. The Village's Fire Chief approved the elimination of current cross-parcel vehicular access between the shopping center and Carriage House Apartments as long as provision was made for emergency vehicle access. For these aspects of Village infrastructure and services, the project's effect can be judged to be small and manageable. However, as noted previously, the project will increase traffic on adjacent streets and intersections and have an impact on the Village's road network. The Village's Code Enforcement Officer has stated that there are no road costs to the Village directly associated with the project, and that, irrespective of this project, the Board of Trustees may wish to consider making capital improvements to adjacent intersections and roads given the existing conditions documented in the applicant's traffic study report.

n. Any other reasonable factors that will promote the safety of the proposed use and the orderly development of the Multiple Housing or Commercial District.

With regard to the safety of the proposed use, several intersection approaches adjacent to the shopping center were given failing ratings by the applicant's traffic study. The project will increase the volume of traffic at these intersections and worsen waiting times at some, though not all, intersection approaches. The Planning Board's traffic engineer stated that driver impatience from increased intersection waiting times could increase the number of vehicle accidents, but that there is no certainty this will happen. The applicant has not offered to make improvements at the failing intersection approaches, and the Village cannot compel the applicant to do so. At the Board's request, the applicant facilitated cross-parcel access for emergency vehicles between the shopping center and Carriage House Apartments. The Board's traffic engineer recommended that turns from the Pleasant Grove Road shopping center driveway be limited to right hand turns only and that this driveway be moved further south from the Hanshaw/Pleasant Grove intersection. The Board's traffic engineer also recommended that several parking spaces in the southernmost row of parking adjacent to East Upland Road be removed to provide improved driver visibility. Sidewalks connecting the shopping center to Pleasant Grove Road and East Upland Road have been added by the applicant to the site plan at the Board's request to promote pedestrian safety within the shopping center. Finally, the proposed use will generate medical waste and radioactive waste; disposal of such waste is tightly regulated, and the Board is satisfied that the applicant would comply with these regulations.

With regard to the Commercial zoning district's orderly development, on April 9, 2007, the Planning Board gave preliminary plat approval with conditions to the Upland Estates subdivision adjacent to East Upland Road immediately south of the shopping center. The tax parcels included in the subdivision are currently zoned residential. This subdivision has not yet been built and the Board is not aware of plans to do so, although the Board is aware that the developer may in the future submit a new proposal for developing the land including a request to rezone at least some of the lots. However this land is developed, it would generate some increase in traffic on East Upland Road and on Community Corners area roads and intersections in addition to the traffic generated by this project.

o. Effect on population density, if any.

The project would not increase population or household density as it does not involve housing. The project would increase the number of people visiting the shopping center since it represents a more intensive use of the location than is currently the case.

p. Any other factors reasonably related to the health, safety and general welfare of the community.

In January 13, 2014, the Village's Board of Trustees adopted the Village's current Comprehensive Plan. In drafting the Comprehensive Plan, the Village's Planning Board recognized as its primary challenge identifying and preserving those qualities of the Village

most valued by its residents while simultaneously acknowledging and accommodating change. The proposed medical office building would bring significant change to Corners Community shopping center, the Community Corners area, and the Village of Cayuga Heights. It would provide the shopping center with a stable anchor tenant, offer medical services to Village residents, and likely increase commercial activity for shopping center businesses. At the same time, it would increase vehicle traffic within the shopping center and on adjacent streets and intersections, modify vehicular access to the shopping center, and increase shopping center parking demand. In response to SEQRA Part 1, Question 5b, "Is the proposed action consistent with the adopted comprehensive plan," the Board recognized that Objective EC1.3 of the Village's Comprehensive Plan calls for the re-invigoration of the Community Corners area as the economic and social hub of the Village. With respect to the Community Corners area, the Comprehensive Plan also recommends provision of everyday neighborhood retail services and housing as part of mixed use development, making streetscape improvements to facilitate and encourage pedestrian access, and considering the impacts of potential traffic increases due to potential redevelopment. Because a medical office building is a permitted use under current zoning in the Commercial zoning district and the Comprehensive Plan calls for re-invigoration of the Community Corners area, the Planning Board found in its SEQRA review that on balance the project was consistent with the Village's Comprehensive Plan. However, this finding does not imply a blank check for development and the Planning Board, in conducting its site plan review for this project, must carefully consider all factors reasonably related to the health, safety and general welfare of the community.

- Chair F. Cowett asked Board members whether they wished to consider a resolution to approve the Board's findings for Article IX Section 24, III, 1.
- J. Milder replied that Board members might wish to express their opinions about the project prior to considering such a resolution since the Board might wish to amend its findings for Article IX Section 24, III, 1 after hearing these opinions.
- J. Milder asked Attorney R. Marcus whether the Board's findings for Article IX Section 24, III, 1 provide the basis for the Board's decision on project site plan review and, if so, whether these findings should be more editorialized.
- Attorney R. Marcus replied that the Board's findings for Article IX Section 24, III, 1 do substantiate the Board's decision on site plan review; he stated further that the Board's findings are predominantly statements of fact, but are already somewhat editorialized in the selection of points judged to be relevant in arriving at those findings.
- Chair F. Cowett noted that, if the Board postpones a final decision on site plan review for this project until its November 28, 2016 meeting, the requirement for rendering a decision within 62 days of closing the public hearing for site plan review would not be met; he asked Attorney R. Marcus for guidance in that event.

- Attorney R. Marcus replied that, if the Board postpones a final decision on site plan review for this project until its November 28, 2016 meeting, the Board could request permission from the applicant to waive the 62 day requirement.
- R. Segelken moved to approve the Board's findings for Article IX Section 24, III, 1.
- There was no second of this motion.
- J. Leijonhufvud stated concern about inconsistency of site scope in the Board's findings for Article IX Section 24, III, 1; some findings such as parking and traffic consider the entire shopping center as the site whereas other findings consider the project scope defined by the design team as the site; in her opinion, the site is bigger than the project scope shown in plan; for example, consideration of pedestrian health and safety should apply to the entire shopping center and not just the contract limit shown in plan.
- J. Milder stated that J. Leijonhufvud's concern as it relates to amending the Board's findings for Article IX Section 24, III, 1, seems to him a technicality and he does not believe that the Board needs to make these findings more complicated.
- E. Quaroni stated that the proposed building location presents difficulties for people using the Chemung Bank ATM and drive-up teller; if the no-left turn onto Pleasant Grove Road remains in place, people using those bank lanes will have to drive south to Jessup Road in order to turn north; Board findings for Article IX Section 24, III, 1, do not mention that Chemung Bank has not offered an opinion on the site plan and asked whether this should be reflected in the Board's findings.
- After a brief discussion, the Board decided not to amend its findings for Article IX Section 24, III, 1 to state that Chemung Bank has not offered an opinion on the site plan.
- The Board proceeded to express their opinions about the project.
- R. Segelken read the following statement:

This proposed project, in its present form, is the result of a lot of hard work and deliberation by all parties involved -- not the least of whom, the residents of this village who have expressed their concerns in a series of public sessions, letters and emails and petitions; also the due diligence of the village's professional staff and appointed officials, including this board; and the developer, property owner, architects and landscape architects.

This proposed project is considerably changed – and, I believe, improved — from its initial form and scale, thanks to all the input it has received. It now meets all the environmental-quality requirements for projects of this type, and is in keeping with Village's Comprehensive Plan – in particular for providing needed services in a commercial setting, primarily for the benefit residents of the Village.

Is this project perfect? And are there some unknowns? No and probably.

One of the unknowns, the exact impact on traffic surrounding the site, is reflected in one of the conditions imposed by the Zoning Board of Appeals for improved “cross-parcel access.” The developer’s efforts to improve cross-parcel access --while potentially reducing strain on particularly busy intersections – will be evaluated when the building permit is applied for, and need not be the concern of this board.

However, I would make the developer’s own suggestions to “encourage a reduction in single occupancy vehicle use” a condition of the Planning Board’s approval of the site plan. Namely:

- 1) Provide bicycle racks on site for patients and employees.
- 2) Discuss service to and from the site with TCAT, Gadabout, FISH and other providers.
- 3) Encourage patients and employees to use public transit.

These and any other measures to reduce traffic will mutually benefit all concerned.

- J. Leijonhufvud read the following statement:

The concept of a medical office building within Community Corners has been met with opposition from some Village residents due to a perceived incompatibility of this type of service offered in this location. After careful consideration, I find that in my opinion the proposed use of the building would most likely be neutral or even beneficial to the surrounding businesses, while at the same time minimizing negative impacts as compared to other possible developments/uses on this scale. I base this on the fact that a stream of patients necessarily spread throughout daytime hours provides a more predictable and less congested traffic profile than would be expected from many other uses such as retail or restaurants. In addition, limited to no activity on weekends and evenings makes more spaces available when retail, bakery/cafe and restaurant establishments in the center may have more traffic, and higher parking needs. In addition, it is easy to imagine that 300 patients per day and 52 providers/staff would improve business for lunch establishments, retail and perhaps other existing tenants, most of whom appear to be either neutral or in support the proposal based on the letters received, and the statements made before this Board.

For all that is positive about this proposed use, the site plan for this project falls short on maximizing the potential of the project and mitigating the negative impacts inherent in any development of this scale to the surrounding community. The siting of the building breaks the parking lot into two sections and limits access through the site to the south and east to Pleasant Grove Road, creating potential confusion and problems for exiting vehicles. Limiting entry and egress from the site, forcing potential egress and reentry as part of searching for a parking spot, and funneling the anticipated increased traffic volumes straight into already failing and highly confusing intersections will create back-up, congestion, frustration, and most likely result in unsafe driving choices. This situation may in and of itself constitute and

undue imposition on the general welfare of the community. However, since this situation is paired with a lack of ADA accessible sidewalks and visible crossings within the Community Corners complex, I see the possibility of vehicular-pedestrian conflicts increasing on and adjacent to the site as a direct consequence of the proposed development. In addition, it is unclear if parking calculations may have underestimated future demand should the center find itself attracting additional business as a result of this investment. If the parking need of the site is calculated based on an anticipated pattern of patrons accessing more than one location in the center on a trip, then clearly the ability to safely and conveniently move around the site as a pedestrian is an absolute necessity of the site plan. As it stands, the plan does little to nothing to improve either safety or connectivity for pedestrians within the site. In addition, parking need calculations are based on an anticipated mode share from transit and bicycles, yet no design treatment beyond a couple of bicycle racks is shown in the site plan. Establishing clear, safe, ADA accessible, and direct pedestrian connections to adjacent transit, on Pleasant Grove Road and Triphammer/Hanshaw would make this mode share allowance more realistic. I believe that the possibility exists that with modifications to address the above concerns for the health and wellbeing of the community as well as patrons of the site I would be willing to approve this project, but as it stands I cannot.

- E. Quaroni stated that she had attended the October 19, 2016 meeting of the Village's Zoning Board of Appeals where P. Levesque of HOLT Architects had stated that the project design team had a choice of locations for the medical office building; she would have preferred to see the building at the shopping center's southern end; she realizes a lot of work has gone into the project's design and does not have the expertise to determine whether this would have been a better location; she likes the medical office building because it could revitalize the shopping center and believes traffic will increase with any development there; however, she does not like the building's current location because of its impact on shopping center circulation and therefore disapproves of the site plan at this point.
- J. Milder stated he is comfortable with building size and massing and with the site's use as a medical office building; his greatest concern is with the intersections adjacent to the shopping center; the site plan cuts off access to Pleasant Grove Road which would effectively increase the traffic impact on these intersections and create orphaned parking spaces; closure of the Pleasant Grove Road driveway from the center of the shopping center is a flaw in the site plan; he therefore disapproves the site plan, but would encourage the applicant to submit a revised site plan; he is not concerned with parking; if patrons need to drive around a bit to find parking, that is an acceptable tradeoff for reducing the amount of asphalt on site; he would like to see a management plan for parking that could be held in abeyance should the need arise; he would also like to be provided with more information on building materials; the current design seems undifferentiated; he would like to see more texture and features

of interest in building materials especially at pedestrian level that would upgrade the shopping center rather than trying to mimic it.

- J. Leijonhufvud stated she also encourages the applicant to submit a revised site plan; she would like to see a revised site plan that better reflects the statement made in the Village's Comprehensive Plan that the Community Corners area is the economic and social hub of the Village and that gives greater emphasis to the shopping center as a place where people want to come, spend some time, and sit and enjoy the site.
- J. Milder stated he would like to see some wall space provided in the building that advertises to patrons the other services provided in the shopping center.
- Chair F. Cowett read the following statement:

A medical office building is a permitted use under current zoning in the Village's Commercial zoning district. Members of the public commenting on the project have expressed preferences for other types of land use including retail and pointed to language in the Village's Comprehensive Plan calling for mixed use development including housing in the Community Corners area. To be clear, the Comprehensive Plan anticipates changes made to Village zoning and Village zoning should be revised to be consistent with the Comprehensive Plan. However, while work to revise Village zoning is in progress, this work has not been completed much less ratified by the Village's Board of Trustees and current zoning remains in effect.

Members of the public commenting on the project have suggested that land use in the shopping center should prioritize providing services to Village residents. First, a medical office building at this location would make medical services available to Village residents. Second, the Corners Community shopping center is located approximately 600 feet from the Town of Ithaca. It does not currently prioritize providing services to Village residents nor, given its geographic location, should we expect that these services can or should be prioritized for the benefit of Village residents.

Finally, some members of the public commenting on the project have emphasized their length of residency in the Village. I believe I speak for all Board members in saying that the Planning Board has valued hearing the comments made by all Village residents, whether you have lived in the Village for fifty years, twenty years, or one year. This also applies to non-Village residents including owners of shopping center businesses. We have valued hearing your comments as well.

With respect to site plan review for this project, after listening to the public, the project design team, the applicant's and Board's traffic engineers, the Village's Zoning Officer and Attorney, and other Planning Board members during the course of multiple meetings, and mindful of the findings just made by the Board under Section 24 of current Village law, I have identified what I like and what I don't like about the project and its site plan.

On the positive side, it could revitalize the Community Corners area which, in broad terms, is consistent with the Village's Comprehensive Plan. It provides a stable, anchor tenant for the Corners Community shopping center with the potential to improve the overall business climate there. It provides nearby medical services to Village residents, many of whom would be within walking distance, and therefore has the potential to increase pedestrian activity and walkability in the Village.

On the negative side, it increases vehicular traffic within Corners Community shopping center and on adjacent streets and intersections in Community Corners area. It reduces parking availability and increases shopping center parking demand with an estimated peak utilization in December of 93%. It curtails shopping center vehicular access to two Pleasant Grove Road access points.

After carefully weighing what I like about the project and site plan against what I don't like about the project and site plan, I have come to the following conclusions.

First, traffic: Nobody disputes that the project will increase vehicular traffic in the shopping center and on adjacent streets and intersections and there has been much discussion about whether this traffic increase is substantial and/or significant. Irrespective of such discussion, due in part to building size and the location of the building and its parking lot, the site plan curtails shopping center access to two Pleasant Grove Road access points which thereby restricts vehicular connectivity within the shopping center, to Carriage House Apartments, and to Pleasant Grove Road. By increasing vehicular traffic while at the same time curtailing access and restricting vehicular connectivity, the site plan concentrates vehicular traffic on remaining access points and unnecessarily increases the amount of traffic on some adjacent streets and at adjacent intersection approaches, some of which are already failing. Therefore, in my judgment, and in that specific context, the site plan creates an avoidable and unacceptable increase in traffic.

Second, parking: Nobody disputes that the project will increase shopping center parking demand. In my opinion, based on the parking data I collected and analyzed and notwithstanding the opinion of the applicant's and Board's traffic engineers, the project increases parking demand to the point where it may exceed desirable capacity ratio at times and not just for peak parking demand periods in December. Additionally, the distribution of increased parking demand and site plan changes to parking lot configuration, which were not scrutinized by the traffic engineers, will likely reduce the ability of shopping center patrons to find available parking reasonably close to their destinations. Finally, there is no apparent opportunity for contingency or overflow parking to mitigate problems with parking demand. Therefore, Article IX, Section 14 of current Village law which states "Every non-residential structure, commercial, or otherwise, shall provide off-street garage or parking space sufficient to accommodate the cars of employees and the number of cars anticipated to be attracted by

the facilities of such structure at any time,” and to be clear, the text reads “at any time” and not “on average,” has not been satisfactorily addressed by the site plan.

So, notwithstanding that the project affords benefits to the shopping center and the Village, in my judgment there are on balance too many negatives and too much uncertainty associated with the current site plan for me to be able to support the site plan in its current iteration.

- K. Michaels, TWLA, stated that she heard in the Board’s statements about the project concerns about connectivity on site; she asked the Board whether a change in the site plan that restored connectivity of the Pleasant Grove Road driveway to the center of the shopping center would be sufficient to address Board concerns.
- Chair F. Cowett replied that he has other concerns about the site plan including parking which other Board members do not seem to share; however, it does seem to him that restoring connectivity of the Pleasant Grove Road driveway to the center of the shopping center might satisfy the most prevalent concern expressed by Board members about the project site plan.
- Chair F. Cowett asked Attorney R. Marcus about the magnitude of changes to a site plan that would require resubmission of the site plan.
- Attorney R. Marcus replied that the Board has identified two areas of concern about the project site plan; the first is parking about which Chair F. Cowett seems the Board member most concerned; the second is traffic internal and external to the shopping center about which all Board members seem concerned. A revision to the site plan such as the one just discussed for the Pleasant Grove Road driveway is not in the same realm as reducing building size from three stories to two stories; therefore, the site plan would not need to be reviewed from scratch to account for the Pleasant Grove Road driveway revision; it also would not require redoing SEQRA; the Board could if needed do a supplemental SEQRA review to modify its findings; a new public hearing would probably not be required; an improved site plan could be accepted by the Board at a special Board meeting or at the Board’s regularly scheduled November meeting if the applicant agrees to an extension from 62 to 63 days from the date of the closing of the public hearing at the Board’s September meeting.
- K. Michaels asked the Board to consider granting the project site plan approval at this meeting on the condition that connectivity of the Pleasant Grove Road driveway to the center of the shopping center would be restored.
- After a brief discussion, the Board declined to grant the project conditional site plan approval at this meeting and requested submission of a revised site plan for Board consideration at its November 28, 2016 meeting.
- K. Michaels informed the Board that in her opinion a one way, one lane road connecting the Pleasant Grove Road driveway to the center of the shopping center would be feasible; its direction would lead towards the center of the shopping center and away from Pleasant Grove Road; she believes this is appropriate given the issues

documented by the traffic engineers with the proximity of the Pleasant Grove Road driveway to the Hanshaw/Pleasant Grove intersection; such a road could be 12 feet wide and there would hopefully be enough room for a sidewalk as well; however, in her opinion, a two lane road is not feasible.

- Code Enforcement Officer B. Cross stated that, after studying the site plan and conducting measurements on site, it is his professional opinion that there is sufficient room to construct a two lane road and offered to show the design team how this could be done; if existing traffic flow can be maintained, this should be explored.
- J. Milder stated that a one way road would be better than nothing, but it is hard to accept that other options should be ruled out without exploring them first.
- Chair F. Cowett asked if there was any possibility of slightly reducing building size to accommodate a two lane road connecting the Pleasant Grove Road driveway to the center of the shopping center.
- T. Covell, HOLT Architects, replied that it would be difficult to reduce building size even slightly and likened any reduction to squeezing a balloon.
- T. Votaw, Cayuga Medical Associates, asked Attorney R. Marcus if a reduction in building size would constitute a new project subject to a new site plan review.
- Attorney R. Marcus replied that a slight reduction in building size would mean less of a site impact and would not constitute a new project.
- D. Herrick, T.G. Miller, stated concern that accommodating a two lane road connecting the Pleasant Grove Road driveway to the center of the shopping center could require modifying the stormwater detention basin associated with the Village's fire house.
- Code Enforcement Officer B. Cross stated his opinion that a two lane road is feasible without requiring modification of the fire house stormwater detention basin.
- R. Segelken asked the project design team whether providing underground parking had ever been considered.
- T. Covell replied that underground parking is very expensive and would also entail a considerable loss of office space on the building's first floor.
- K. Michaels acknowledged that a two lane road connecting the Pleasant Grove Road driveway to the center of the shopping center might be feasible; she asked the Board to list in order of preference the number of road lanes with or without a sidewalk associated with any such road.
- After a brief discussion, the Board gave first preference to a two lane road with a sidewalk, second preference to a two lane road without a sidewalk, and third preference to a one lane road with a sidewalk.
- J. Leijonhufvud stated her concern about the current lack of an ADA accessible sidewalk leading from Pleasant Grove Road into the shopping center.
- After a brief discussion, the Board agreed that an ADA accessible sidewalk leading from Pleasant Grove Road into the shopping center should be included in the site plan.

- Code Enforcement Officer B. Cross asked Attorney R. Marcus whether changes made to the site plan should be reflected in the Board’s findings for Article IX Section 24, III, 1, and, if so, whether this would require re-entering the entirety of the Board’s findings into the record.
- Attorney R. Marcus replied that changes made to the site plan could be accounted for in a supplement to the Board’s findings for Article IX Section 24, III, 1, and that only these supplements would require entry into the record.
- The Board discussed changes it would like to see reflected in a revised site plan; these changes include directional signage related to other shopping center facilities, signage giving direction to drivers including signage directing drivers to Pleasant Grove Road, and additional bicycle parking facilities.
- J. Milder repeated his previously stated request for more information about building materials.
- K. Michaels stated that she would bring some building materials to the Board’s next meeting.
- J. Leijonhufvud stated that, in addition to an ADA accessible sidewalk leading from Pleasant Grove Road into the shopping center, she would like an ADA accessible sidewalk to be provided for the entire length of the pedestrian route leading into the shopping center from Hanshaw Road; at present, the sidewalk outside Lona Cakes and the laundromat contains obstructions and is not ADA accessible.
- After a brief discussion, the Board agreed that the entire length of the pedestrian route leading into the shopping center from Hanshaw Road should be made ADA accessible.

Motion: R. Segelken

Second: J. Milder

**RESOLUTION No. 203
TO ACCEPT THE ARTICLE IX SECTION 24, III, 1 FINDINGS**

RESOLVED, that the Village of Cayuga Heights Planning Board accepts the Article IX Section 24, III, 1 findings regarding the proposed Medical Office Building Project at Corners Community Shopping Center, with the understanding that these findings may be amended subject to future revisions in the project site plan

Aye votes – Chair F. Cowett, J. Leijonhufvud, J. Milder, E. Quaroni, R. Segelken

Opposed- None

- Chair F. Cowett asked T. Ciaschi, Corners Community Shopping Center, if he would agree to an extension allowing the Board to continue site plan review for the CCMOB

project 63 days from the closing of the public hearing at the Board's September 26, 2016 meeting.

- T. Ciaschi replied that he agreed to this extension.
- J. Milder stated that he will be unable to the Board's November 28, 2016 meeting.
- All other Board members stated that they would be able to attend the Board's November meeting.
- J. Milder asked the project design team if some building material information could be provided to the Board in advance of the November meeting.
- K. Michaels replied that some building material information will be made available as requested.

Item 5 – Other Business

- The Board discussed rescheduling a public hearing for the proposed minor subdivision at 1010 Triphammer Road.
- Board Resolution No. 188 had scheduled the public hearing for this subdivision on July 25, 2016 at 7:10 pm, but, at the applicant's request, the public hearing had been postponed.
- The Board agreed to reschedule the public hearing for November 28, 2016 at 7:10 pm.

Item 6 – Adjourn

- Meeting adjourned at 9:55 pm.