

Village of Cayuga Heights Planning Board
Meeting #68
Monday, November 28, 2016
Village Hall – 7:00 pm
Minutes

Present: Planning Board Members Chair F. Cowett, G. Gillespie, J. Leijonhufvud, 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
Paul Levesque, HOLT Architects
T. Votaw, Cayuga Medical Associates (CMA)
D. Herrick, T.G. Miller
T. Ciaschi, Corners Community Shopping Center
Christine Cummings, Island Health & Fitness
Members of the Public

Item 1 – Meeting called to order

- Chair F. Cowett opened the meeting at 7:02 pm.
- Chair F. Cowett appointed Alternate E. Quaroni a full voting member of the Board for the meeting.

Item 2 – October 24, 2016 Minutes

- The Board reviewed the minutes of the October 24, 2016 meeting.

Motion: R. Segelken

Second: J. Leijonhufvud

RESOLUTION No. 204
APPROVING MINUTES OF OCTOBER 24, 2016

RESOLVED, that the written, reviewed and revised minutes of the October 24, 2016 meeting are hereby approved.

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

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 reviewed the status of the project; at the Board's October meeting, the applicant agreed to extend from 62 to 63 days from the date of the closing of the public hearing at the Board's September meeting the Board's site plan review of the project to allow the design team to make changes to the project site plan prior to the Board considering a site plan review decision at its November meeting. Since the Board's October meeting, the following site plan changes have been made: a sixteen foot wide two-lane access road now connects the proposed building's parking lot to Pleasant Grove Road; an ADA compliant ramp has been added leading from the parking area east of the building to the sidewalk north of the building to facilitate pedestrian access from Pleasant Grove Road; a below-ground stormwater detention chamber has been located below a section of the new Pleasant Grove access road to account for the increase in storm water runoff due to the addition of the access road. Also since the October meeting, the design team has informed the Planning Board that upon building completion CMA may change the type of medical practice occupying the building. It was noted that professional offices, including medical practices, are a permitted use in the Commercial zoning district, and therefore no Planning Board approval for a change in the type of medical practice is required under the Village's Zoning Ordinance. If there were a change in the type of use, the Zoning Ordinance would require site plan review for the new use.
- K. Michaels, TWLA, informed the Board that an agreement to secure vehicular access between the shopping center and Carriage House Apartments is underway and that both parties are amicable to an agreement.
- R. Segelken asked if changes made to the site plan had resulted in the loss of any parking spaces.
- K. Michaels replied that there had been no loss of parking spaces due to site plan changes.
- Chair F. Cowett stated that, when he and Code Enforcement Officer B. Cross met with the design team before Thanksgiving to discuss site plan changes, he requested that movable obstructions including benches be removed from the sidewalk outside Lona Cakes and the shopping center laundromat to facilitate pedestrian passage there.
- T. Ciaschi, Corners Community Shopping Center, confirmed that these movable obstructions would be removed.

- R. Segelken stated that the Board at its October meeting had asked the design team to provide information about materials to be used in the building.
- P. Levesque, HOLT Architects, replied that the design team was not yet ready to provide the Board with information about building materials, but would do so in the future prior to construction.
- Chair F. Cowett stated that providing the Board with information about building materials prior to the issuing of a building permit could be made a condition of site plan approval.
- J. Leijonhufvud asked about signage on site and whether any thought had been given to signage besides parking and directional signage.
- T. Votaw, CMA, replied that there would be a map in the medical office building showing other services available in the shopping center.
- E. Quaroni asked whether the right hand turn only sign at the Chemung Canal Bank parking lot exit across from the Village fire house would be removed.
- K. Michaels replied that the site plan shows that this sign would be removed.
- E. Quaroni asked whether there should be a right hand turn only sign between the hours of four and six pm at the Pleasant Grove Road access road exit.
- Chair F. Cowett replied that the video provided by SRF Associates showed driver courtesy on Pleasant Grove Road facilitated left hand turns and does not yet see the need for such a sign, although one can always be added if necessary.
- Code Enforcement Officer B. Cross stated that the stop bar and stop sign on Pleasant Grove Road opposite the Pleasant Grove Road access road exit could be moved back ten feet if needed to further facilitate left hand turns.
- The Board discussed conditions for site plan approval.
- Chair F. Cowett asked Code Enforcement Officer B. Cross about drawings and documents he would need from the applicant prior to issuing a building permit.
- Code Enforcement Officer B. Cross replied that he would need an estimate of building water consumption, the purchase of sewer units from the Village, a signed NYSDEC construction stormwater notice of intent, and a signed MS4 SWPPP acceptance form.
- Chair F. Cowett stated as a possible condition the provision of a parking management plan which, besides specifying plans to police the parking lot and encourage the use of public transportation, would describe steps the applicant would take should parking demand prove greater than estimated and additional shopping center parking be required.
- E. Quaroni asked Attorney R. Marcus if it is the responsibility of the Planning Board to ensure additional parking and plan for it in advance.
- Attorney R. Marcus replied that, once the Planning Board gives site plan approval, including approval of provisions for parking, it cannot require that additional parking be provided if the need for it arises; the Board can request as a condition of approval that the applicant provide a written statement specifying steps that could be taken, but there is no enforcement mechanism to ensure those steps are taken.

- P. Levesque asked Chair F. Cowett to clarify what is being asked for in terms of contingency parking and expressed his concern that the applicant is being asked to enter into a contract for contingency parking as a condition of site plan approval.
- Chair F. Cowett replied that no contract was being requested, but that he would like to see something in writing describing how the applicant would react if contingency parking was needed, such as possible offsite locations and arrangements that could be made.
- E. Quaroni asked Attorney R. Marcus what would happen if the Planning Board stated as a condition of site plan approval satisfaction of any variance condition imposed by the Zoning Board of Appeal, an agreement for cross-parcel vehicle access between Carriage House Apartments and the shopping center could not be reached, and the ZBA subsequently withdrew its variance condition; would the Planning Board's condition remain in effect.
- Attorney R. Marcus replied that, given such a scenario, the Planning Board condition would no longer be operative.
- J. Leijonhufvud asked Attorney R. Marcus whether medical offices needed to be specifically defined as part of any approval of this project.
- Attorney R. Marcus replied that the actual language in current Village zoning applies to "professional offices" which would include not only a medical practice, but also an accounting or architectural practice; if in the future the proposed building was occupied by an accounting firm, such a change would not require Planning Board approval; if in the future the proposed building was occupied by a retail business, which is a permitted use in the Village's Commercial zoning district, this use would be a change in the use of the building, and this change would require Planning Board approval.
- J. Leijonhufvud asked what would happen if parking needs increased due to a change in the use of the building.
- Code Enforcement Officer B. Cross replied that if parking needs increased due to a change in use, this change would require Planning Board approval.
- E. Quaroni asked Code Enforcement Officer B. Cross what would happen if water needs greatly increased due to a change in the type of medical practice.
- Code Enforcement Officer B. Cross replied that, under the Village's current sewer ordinance, there is one bite at the apple; pipe capacity is sized to anticipate any type of water consumption, and any increased consumption would be captured by the water meter and paid for in subsequent water/sewer bills.
- R. Segelken asked Attorney R. Marcus whether there was change of use that would need approval by the Board of Trustees.
- Attorney R. Marcus replied that a change of use to a use permitted by existing zoning would require Planning Board approval, but that a change of use to a type of use not permitted by existing zoning would require Board of Trustee action, to permit the

new use. Code Officer Cross noted that this occurred when the fitness center was proposed.

- Chair F. Cowett noted that R. Segelken, at the Board's October meeting, suggested that measures proffered by the applicant to reduce single occupancy vehicle use might warrant inclusion as conditions of site plan approval and asked R. Segelken if he still wished to include them as conditions.
- R. Segelken replied that he no longer wished to do so and that he has confidence in the applicant's good faith to encourage reduction in single occupancy vehicle use.

Motion: R. Segelken

Second: J. Leijonhufvud

RESOLUTION No. 205

TO APPROVE WITH CONDITIONS THE SITE PLAN FOR THE PROPOSED MEDICAL OFFICE BUILDING PROJECT AT CORNERS COMMUNITY SHOPPING CENTER

RESOLVED, that, based upon the findings made by the Planning Board at its October 24, 2016 meeting, the site plan for the proposed Medical Office Building Project at Corners Community Shopping Center is hereby approved subject to the following conditions:

- (1) Prior to the issuing of a building permit by the Village's Code Enforcement Officer,
 - (a) Any condition associated with the granting of a variance for this project by the Village's Zoning Board of Appeals must be satisfied; and
 - (b) The applicant shall submit to the Planning Board for its approval the following:
 - (i) Final construction drawings, including, but not limited to, a Construction Staging Plan stating hours of construction and any other drawings or documents requested by the Village's Code Enforcement Officer, including, but not limited to, estimated water consumption, the purchase of sewer units, an NYSDEC construction stormwater notice of intent, and an MS4 SWPPP acceptance form;
 - (ii) A management plan for parking including a contingency parking plan should parking demand prove greater than estimated and additional shopping center parking be required; and
 - (iii) Information on materials to be used in building design and construction.
- (2) The right hand turn only sign at the Chemung Canal Bank parking lot exit across from the Village fire house shall be removed.
- (3) All exterior lighting shall be dark sky compliant.
- (4) All movable obstructions including benches shall be removed from the sidewalk outside Lona Cakes and the shopping center laundromat.

(5) The applicant must satisfy these conditions and obtain a building permit within three (3) years. This deadline may be extended upon mutual agreement by the Planning Board and the applicant after determining that the project remains in compliance with site plan approval and with any conditions stipulated by the Planning Board.

(6) Proposed changes to the approved site plan, whether before, during, or after construction, must be submitted to the Zoning Officer for review to determine whether the effect of the proposed changes warrants reconsideration by the Planning Board of the project's site plan approval. The Zoning Officer shall make one of the following determinations:

(a) That the changes are not a potentially significant deviation from the approved site plan and do not affect the approval status of the site plan and project; or

(b) That the changes are a potentially significant deviation from the approved site plan and require a review of the modified site plan in which case the Planning Board would determine whether a review of the modified site plan is sufficient or if a new site plan review is required.

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

Opposed- None

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 proposed minor 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 January 23, 2017 at 7:10 pm.

Motion: J. Leijonhufvud

Second: R. Segelken

RESOLUTION No. 206

TO HOLD A PUBLIC HEARING FOR THE PROPOSED MINOR SUBDIVISION AT 1010 TRIPHAMMER ROAD

RESOLVED, that a public hearing will be held on January 23, 2017 at 7:10 p.m. regarding the site plan review for the proposed minor subdivision at 1010 Triphammer Road.

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

Opposed- None

- Attorney R. Marcus updated Planning Board members on the status of the Village's Zoning Ordinance revision.
- The next meeting of the Planning Board is scheduled for January 23, 2017.

Item 6 – Adjourn

- Meeting adjourned at 8:40 pm.