

Village of Cayuga Heights Planning Board
Meeting #74
Monday, July 24, 2017
Village Hall – 7:00 pm
Minutes

Present: Planning Board Members Chair F. Cowett, G. Gillespie, J. Leijonhufvud
Code Enforcement Officer B. Cross, Attorney R. Marcus, Deputy Clerk J. Walker, Mayor L. Woodward, Trustee M. McMurry, Alternate E. Quaroni
K. Michaels, Trowbridge Wolf Michaels Landscape Architects (TWLA)
T. Covell, HOLT Architects
K. Maher, HOLT Architects
T. Votaw, Cayuga Medical Associates (CMA)
T. Ciaschi, Corners Community Shopping Center
V. Benson, Our Lady of Fatima School
R. Kotaska, Our Lady of Fatima School
J. Snyder, John Snyder Architects
J. Totman, Village Green Plaza
Members of the Public

Item 1 – Meeting called to order

- Chair F. Cowett opened the meeting at 7:05 pm.
- Chair F. Cowett appointed Alternate E. Quaroni a full voting member of the Board for the meeting.

Item 2 – June 26, 2017 Minutes

- The Board reviewed the minutes of the June 26, 2017 meeting.

Motion: J. Leijonhufvud

Second: G. Gillespie

RESOLUTION No. 226
APPROVING MINUTES OF JUNE 26, 2017

RESOLVED, that the written, reviewed and revised minutes of the June 26, 2017 meeting are hereby approved.

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

Opposed – None

Item 3 – Public Comment

- No members of the public wished to comment.

Item 4 – Site Plan Review – Corners Community Medical Office Building

- G. Gillespie recused himself from review of the project as he is an employee of HOLT Architects.
- At the request of K. Michaels, the Board reviewed each condition of its November 28, 2016 site plan approval of the medical office building project.
- Condition (1)(a): Any condition associated with the granting of a variance for this project by the Village’s Zoning Board of Appeals must be satisfied.
- K. Michaels stated that T. Ciaschi spent many months trying to secure an agreement with the owners of Carriage House Apartments to guarantee open access between their property and the shopping center, but this was not successful.
- T. Ciaschi stated that one of the Carriage House owners told him that “It’s been that way [i.e. open] for fifty-two years and there’s no need to change anything.”
- T. Ciaschi further stated that he will provide a letter to the Zoning Board of Appeals in which he commits to keep open access to Carriage House Apartments from the shopping center as that is what he has control of.
- K. Michaels stated that T. Ciaschi’s letter of commitment to keep open access to Carriage House Apartments from the shopping center should satisfy the condition associated with the granting of the variance by the Zoning Board of Appeals.
- The Board discussed Condition (1)(a) and agreed to wait until after the next meeting of the Zoning Board of Appeals before making a finding as to whether this condition has been satisfied.
- Condition (1)(b)(i): The applicant shall submit to the Planning Board for its approval 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.
- K. Michaels asked whether, in order to satisfy this condition, the Board wants to see all final construction drawings prior to the issuing of a Building Permit or only a Construction Staging Plan, and whether it is acceptable to the Board if Code Enforcement Officer B. Cross signs off on the final construction drawings and the other documents specified in this condition.
- E. Quaroni asked Code Enforcement Officer B. Cross whether a change in medical practice type would result in a significant change in water consumption.
- Code Enforcement Officer B. Cross replied that there would not be a significant change.

- The Board agreed that approval of this condition may be given by Code Enforcement Officer B. Cross except for the Construction Staging Plan.
- Condition (1)(b)(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.
- The Board postponed discussion of this condition until later in the meeting.
- Condition (1)(b)(iii): Information on materials to be used in building design and construction.
- The Board postponed discussion of this condition until later in the meeting.
- Condition (2): The right hand turn only sign at the Chemung Canal Bank parking lot exit across from the Village fire house shall be removed.
- K. Michaels stated that this sign has been removed.
- The Board agreed that this condition has been satisfied.
- Condition (3): All exterior lighting shall be dark sky compliant.
- K. Michaels asked whether, in order to satisfy this condition, the Board wants to see light fixture cut sheets demonstrating dark sky compliance or whether it is acceptable to the Board if Code Enforcement Officer B. Cross signs off on the cut sheets.
- Code Enforcement Officer B. Cross stated his willingness to sign off on dark sky compliance of exterior lighting, but will first submit light fixture cut sheets to Chair F. Cowett for his input.
- The Board agreed that approval of this condition may be given by Code Enforcement Officer B. Cross.
- Condition (4): All movable obstructions including benches shall be removed from the sidewalk outside Lona Cakes and the shopping center laundromat.
- K. Michaels stated that all movable obstructions have been removed from the sidewalk outside Lona Cakes and the shopping center laundromat.
- The Board agreed that this condition has been satisfied.
- Condition (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.
- K. Michaels stated that the design team understands this condition and is not asking the Board to take any action at this time.
- The Board agreed that no action should be taken at this time.
- Condition (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.

- The Board discussed Condition (6); the Zoning Board of Appeals variance condition that “A cross-access agreement must be made between the Corners Community Shopping Center and Carriage House Apartments to allow mutual access between Corners Community Shopping Center and Carriage House Apartments and ultimately to Pleasant Grove Road for emergency and other use in a form that is acceptable to the Village’s attorney” cannot be met since Carriage House Apartments is unwilling to enter into a cross-access agreement; T. Ciaschi has offered to provide a letter of commitment to keep access open between the two properties; the Zoning Board of Appeals will meet to decide whether this letter of commitment is sufficient to satisfy the variance condition and could decide to impose a new condition; it is possible that any decision reached by the Zoning Board of Appeals will be a potentially significant deviation from the approved site plan and will require the Planning Board to decide whether a review of the modified site plan is sufficient or if a new site plan review is required.

Motion: J. Leijonhufvud

Second: E. Quaroni

RESOLUTION No. 227

CONFIRMING THAT CONDITIONS (2) AND (4) HAVE BEEN SATISFIED

RESOLVED, that the Board confirms that Conditions (2) and (4) of site plan approval for the proposed Medical Office Building Project at Corners Community Shopping Center have been satisfied by the applicant.

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

Opposed – None

Motion: E. Quaroni

Second: J. Leijonhufvud

RESOLUTION No. 228

CONFIRMING THAT APPROVAL OF CONDITIONS (1)(b)(i) AND (3) WILL BE GIVEN BY THE VILLAGE’S CODE ENFORCEMENT OFFICER

RESOLVED, that the Board confirms that, for Conditions (1)(b)(i) and (3) of site plan approval for the proposed Medical Office Building Project at Corners Community Shopping Center, approval that the conditions have been satisfied will be given by the Code Enforcement Officer except for the Construction Staging Plan.

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

Opposed – None

- The Board discussed Condition (1)(b)(ii).
- Chair F. Cowett stated that the documents provided do not constitute a parking management plan; there is no outlining of the problem with specifics; a target parking ratio of 85% for peak parking demand in December equates to a parking supply of 326 spaces, or 28 more spaces than the 298 spaces in the current site plan, but this is not stated anywhere in the documents; the plan should also describe in a coherent narrative measures proposed to increase parking space numbers and reduce parking demand which should then be referenced to the letters, memos, and meeting minutes that have been submitted to the Board.
- Chair F. Cowett further stated that, regarding the proposed measures, the offer by The Country Club of Ithaca of ten spaces for overflow parking is a great idea since the club is only a five minute walk from the shopping center and does not require paving over any green space; however, paving over the grassy knoll near the fire house to create more spaces increases stormwater runoff that has not been accounted for in the current stormwater management plan, and there is no explanation how parking spaces will be created or accessed on the lot adjacent to the shopping center owned by Mark Mecnas; the measures described in the CMA memo and meeting minutes to encourage alternative transportation by employees and patients make sense, but it would have been helpful if specific numbers had been given so as to enable the Board to gauge their probable impact.
- J. Leijonhufvud stated that CMA could make its alternative transportation policy more explicitly a directive to medical office building employees.
- E. Quaroni noted that the country club letter offering ten spaces for overflow parking includes a reference to the shopping center occasionally providing parking to the club and asked when this has occurred.
- T. Ciaschi replied that there have been special evening events when parking has been provided to the club.
- Chair F. Cowett stated that the shopping center typically does not see much parking demand in the evening and so this arrangement would work well.
- Attorney R. Marcus stated that the letter from the country club offering to provide ten spaces for overflow parking does not constitute a legal agreement.
- J. Leijonhufvud asked whether the shopping center should obtain a legal agreement from the country club for overflow parking.

- T. Ciaschi stated concern that asking the country club for a legal agreement could result in the country club withdrawing its offer, similar to what happened with the cross-access agreement with Carriage House Apartments.
- Chair F. Cowett stated that the intention of the parking management plan was not to lock the shopping center and CMA into specific measures to provide overflow parking since it is unclear whether there will be a need for overflow parking; the intention of the plan was rather to give the shopping center and CMA a head start on formulating workable strategies for overflow parking so that, should parking problems arise, they can be quickly addressed instead of the shopping center and CMA being in a position of starting from scratch.
- The Board discussed whether a legal agreement for overflow parking should be obtained from the country club and decided that obtaining such an agreement would not be necessary.
- The Board discussed what would constitute a trigger mechanism for indicating that shopping center parking is insufficient.
- Code Enforcement Officer B. Cross stated that complaints from the public or the Board of Trustees are usually the trigger mechanism indicating that some action may need to be taken.
- J. Leijonhufvud stated that cars parked along E. Upland Ave would indicate there was insufficient parking.
- Attorney R. Marcus stated that Code Enforcement Officer B. Cross may not be able to compel arrangement for overflow parking unless the Board adds language to any resolution confirming satisfaction of Condition (1)(b)(ii) which states that, if at some point in the future it is brought to the attention of the Code Enforcement Officer that there is insufficient shopping center parking, the Code Enforcement Officer may compel such arrangement.
- T. Votaw stated that, since November 2016 when the Board gave the project conditional approval, neurology has replaced cardiology as one of the building's medical practices; because neurology is less labor intensive than cardiology and has fewer patients, parking demand will be reduced for building patients and employees; in addition, internal medicine, the building's other medical practice, is not yet fully staffed with practitioners and it will likely be several years before it is fully staffed; this will further reduce parking demand at least in the short term.
- T. Votah further stated that, if it is found that there is insufficient shopping center parking, CMA will take whatever steps are necessary, including bussing in employees if needed, to free up more parking spaces.
- T. Ciaschi stated that, if more parking spaces are needed, he will find those spaces; one possibility would be to park shopping center cars at the Village fire house pursuant to an easement dating back to when the fire house was built.
- Chair F. Cowett stated his opposition to parking shopping center cars at the fire house as it could interfere with the operation of the fire house and provision of its services.

- K. Michaels stated that parking shopping center cars at the fire house should not be necessary.
- J. Leijonhufvud stated that reference to overflow parking on the Mecnas lot should be removed from any overflow parking plan since it is conditioned on “if and when he can develop his property” and there is no guarantee that this will happen.
- E. Quaroni suggested that the design team contact Gadabout and ask if Gadabout has data on how many medical patients it currently serves; these data could be helpful in better understanding the potential impact of Gadabout in reducing parking demand by medical office building patients.
- K. Michaels requested that the Board vote to confirm that Condition (1)(b)(ii) has been satisfied based on the documents submitted to the Board.
- The Board discussed K. Michael’s request, decided that Condition (1)(b)(ii) has not yet been satisfied, and asked the design team to submit documentation that more nearly resembles a plan and reflects comments made by the Board.
- The Board discussed Condition (1)(b)(iii).
- T. Covell stated that the building footprint has not changed and the building frame is basically the same with some small changes made to windows; building material types are the same, but the color of the brick to be used is now off-white rather than the gray shown previously in renderings and elevations.
- Chair F. Cowett asked about the reasons for the change in brick color.
- T. Covell replied that the off-white brick color is more appropriate for the location because it fits in better with other buildings including the Village fire house and sets the stage for the future painting of other shopping center buildings.
- T. Covell further stated that the light gray metal roof is reflective and energy saving; the Low-E windows have a slight tint, prevent heat loss, and are minimally reflective; canopies are a pre-engineered system and made of aluminum so that posts will not rust; building trim is designed to help manage stormwater runoff; the sloped roof provides some concealment of mechanical equipment located there, such as the cooling tower and air handling unit; the cooling tower may be slightly visible from the direction of Hanshaw Road, but the elevation provided makes the tower look more visually accessible than it actually will be.
- Code Enforcement Officer B. Cross stated that the cooling tower may exceed zoning requirements for building height, but cooling towers are not typically included in the calculation to see if building height meets the zoning requirement.
- E. Quaroni asked about the building’s rain gutters and whether they will be visible.
- T. Covell replied that gutters are integrated into and concealed behind the building’s fascia and are covered by the building’s trim.
- J. Leijonhufvud asked why the building does not have a red roof.
- T. Covell replied that a light gray color was selected for the roof than a red color because the design team wanted to “tone things down” and the light gray color would

blend in better with the fire house; in addition, with metal roofs, dark colors fade over time.

- E. Quaroni asked about the location of the building's condenser.
- T. Covell replied that the condenser would be located in the cooling tower.
- J. Leijonhufvud asked why the cooling tower was located on the building's north side when the building's south side might have been less visually accessible.
- T. Covell replied the building's north side was chosen for the location of the cooling tower because of interior building design; in addition, the cooling tower will not be as visually accessible as the elevation suggests because the elevation shows the building set further forward than it actually will be; because the building will be set further back than the elevation shows, the cooling tower will largely be obscured from view by the adjacent existing building.
- J. Leijonhufvud asked about grout color.
- T. Covell replied that grout color has not yet been selected, but will probably be a warm gray.
- The Board discussed whether Condition (1)(b)(iii) had been satisfied and agreed that it had.

Motion: J. Leijonhufvud

Second: E. Quaroni

RESOLUTION No. 229
CONFIRMING THAT CONDITION (1)(b)(iii) HAS BEEN SATISFIED

RESOLVED, that the Board confirms that Condition (1)(b)(iii) of site plan approval for the proposed Medical Office Building Project at Corners Community Shopping Center has been satisfied by the applicant.

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

Opposed – None

- Code Enforcement Officer B. Cross stated that he will issue a demolition permit to the shopping center in the near future; the issuing of a demolition permit should not be confused with the issuing of a building permit.
- Chair F. Cowett asked if the CCMOB design team would be appearing before the Planning Board at its next scheduled meeting in August.
- K. Michaels replied that it would.

Item 5 – Informal Presentation on Proposed Parochial School at Village Green Plaza

- G. Gillespie rejoined the Board.

- Code Enforcement Officer B. Cross stated that he had received an inquiry about converting empty office space at Village Green Plaza to a parochial school; under the Village's current zoning law, a parochial school is a permitted use in the Village's Commercial zoning district, but such a change in occupancy use would require site plan review by the Planning Board.
- Code Enforcement Officer B. Cross further stated that a completed application for site plan review has not been submitted and that the applicant will need to provide the Planning Board with additional information.
- E. Quaroni asked about the location of the office space at Village Green Plaza.
- Code Enforcement Officer B. Cross replied that the space is located in the northern portion of the Plaza in the shorter leg of the ell-shaped building; the space may be physically suitable for a school since the building has two floors and an elevator was installed recently; the applicant has also mentioned creating a play space in a wooded area in the northern portion of the parcel.
- J. Leijonhufvud asked about the maximum capacity of the space.
- J. Snyder replied that maximum capacity would be forty to fifty students per floor, or eighty to one hundred students in total.
- Chair F. Cowett asked the applicant to provide details about the school.
- V. Benson informed the Board that, with the Immaculate Conception School closing in June of 2017, there is a need for a private Catholic school providing a faith-based educational option; the goal is to open such a school with three classrooms: pre-K, K + grade 1, and grades 2 to 5; estimates are that twenty students will enroll the first year.
- Chair F. Cowett asked about the number of teachers.
- V. Benson replied that there will be three teachers.
- Code Enforcement Officer B. Cross asked about other staff.
- V. Benson replied that there will be three support staff.
- The Board asked about traffic and parking.
- J. Totman replied that there are a substantial number of spaces adjacent to the northern side of the building.
- R. Kotaska stated that multiple kids often attend school from one family and so car pool when being dropped off and picked up; standard school hours are between 7:30 am to 2:00 pm, but a high percentage of kids stay later and are picked up about 5:00 pm; drop-offs typically take place over a span of 45 minutes in the morning.
- E. Quaroni stated concerns about the possible impact on traffic in the Community Corners area, especially about 5:00 pm if eighty to one hundred students attend the school and a high percentage of kids stay until then.
- R. Kotaska replied that, notwithstanding the capacity of the space, Immaculate Conception's enrollment last year was less than sixty students and he anticipates no more than thirty students would enroll this year.

- Code Enforcement Officer B. Cross stated that, whatever the school's enrollment, the Village Green Plaza driveway is located nearly opposite the Pleasant Grove/Hanshaw intersection which gets especially busy weekdays between 4:00 and 5:00 pm.
- J. Leijonhufvud asked if the school schedule can be adjusted if necessary to reduce school related traffic at busy times in the Community Corners area.
- V. Benson replied that schedule adjustments could be made because a private school has more flexibility to adjust its schedule than does a public school.
- Code Enforcement Officer B. Cross asked about possible school bus service.
- V. Benson replied that school bus service is unlikely and not a realistic option because the school district prioritizes provision of bus service to its public schools which often results in parochial school children arriving to their school late.
- J. Snyder stated that changes need to be made to the building in order to make it code compliant and expressed concern about the time frame of site plan review; the goal is to get into the space at the beginning of the school year in September.
- Code Enforcement Officer B. Cross explained the components and timing of site plan review once he has judged an application to be complete; these include the Planning Board conducting a preliminary review of the project, holding a public hearing with at least ten days advance notice, and making a SEQRA finding.
- Attorney R. Marcus stated that the applicant should be aware that issues might be raised in a public hearing that would require additional time to resolve and thereby further lengthen the process, such as conducting a traffic study as was the case with the proposed medical office building at Corners Community shopping center.
- Code Enforcement Officer B. Cross stated that, because a complete application has not been submitted and the applicant has a substantial amount of work to do to complete an application, he does not see how site plan review could be completed prior to the beginning of the school year, given that the Planning Board's next scheduled meeting is August 28 and the following meeting is scheduled for September 25, unless the Board holds special meetings.
- V. Benson asked whether the Board would be willing to hold special meetings to speed up site plan review of this project.
- Chair F. Cowett stated the Board's willingness to work with the applicant, but noted that the ability of the Board to hold special meetings depends on the availability of Board members, some of whom will be away from Ithaca for part of August.
- Chair F. Cowett also suggested that the applicant consider the school's long term plan, given that a school attended by twenty students would likely be easier for the Board to approve than a school attended by sixty or eighty students due to factor such as increased traffic and parking as student numbers increase.
- J. Leijonhufvud stated that, were the Board to approve a school attended by twenty students, it would likely impose as a condition of approval a limitation on the number of additional students able to be enrolled subject to a revisiting of site plan approval.
- R. Kotaska asked what would be the limitation on the number of additional students.

- Chair F. Cowett replied that the Board is unable to answer that question because the applicant has not provided sufficient information about the project, such as a site plan showing the location of the drop-off entrance, parking spaces, the play area, etc.
- J. Leijonhufvud stated that the site plan should also show expected circulation on site.
- Attorney R. Marcus stated that the more data the applicant provides to the Board, the more likely that the Board will be able to act promptly and positively.
- Code Enforcement Officer B. Cross stated that the applicant should provide any information relevant to how the school will operate and that reflects the impact of additional people and cars, including times of higher occupancy and whether there will be group events.

Item 6 – Other Business

Motion: E. Quaroni

Second: G. Gillespie

RESOLUTION No. 230

TO ENTER INTO A PRIVATE ATTORNEY/CLIENT DISCUSSION

RESOLVED, that the Village of Cayuga Heights Planning Board enter into a private attorney/client discussion at 9:35 pm.

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

Opposed – None

Motion: J. Leijonhufvud

Second: E. Quaroni

RESOLUTION No. 231

TO EXIT ATTORNEY/CLIENT DISCUSSION

RESOLVED, that the Village of Cayuga Heights Planning Board exit attorney/client discussion at 9:48 pm.

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

Opposed – None

- The next meeting of the Planning Board is scheduled for August 28, 2017.

Item 7 – Adjourn

- Meeting adjourned at 9:50 pm.