

Village of Cayuga Heights Planning Board  
Meeting #79  
Tuesday, May 29, 2018  
Fire Station – 7:00 pm  
Minutes

Present: Planning Board Members Chair F. Cowett, J. Leijonhufvud, R. Segelken  
Code Enforcement Officer B. Cross, Attorney R. Marcus, Mayor L. Woodard, Clerk J.  
Walker, Deputy Clerk T. Johnson, Trustee M. McMurry, Alternate E. Quaroni  
E. Lindys, Alléchant Restaurant  
K. Michaels, TWLA  
R. Burgess, Cornell University  
T. Bael, S. Thananart, 878 Highland Road  
Members of the Public

Item 1 – Meeting called to order

- Chair F. Cowett opened the meeting at 7:03 pm.
- Chair F. Cowett appointed Alternate E. Quaroni a full voting member of the Board for the meeting.

Item 2 – April 23, 2018 Minutes

- The Board reviewed the minutes of the April 23, 2018 meeting.

**Motion:** R. Segelken

**Second:** J. Leijonhufvud

**RESOLUTION No. 253  
APPROVING MINUTES OF APRIL 23, 2018**

**RESOLVED**, that the written, reviewed and revised minutes of the April 23, 2018 meeting are hereby approved.

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

**Opposed** – None

Item 3 – Public Comment

- No members of the public wished to comment.

Item 4 – Special Use Permit – Alléchant Restaurant/Corners Community Shopping Center

- Chair F. Cowett stated that, at its April 23, 2018 meeting, the Planning Board approved a special use permit for Alléchant Restaurant in the space formerly occupied by JJ's Café, Corners Community Shopping Center; permit approval was based on the restaurant being open for breakfast and lunch only; subsequent to the April 23, 2018 permit approval, the applicant decided to request that the restaurant serve dinner on two evenings and stay open until 9:00 pm; accordingly, the applicant is seeking an amendment to the special use permit from the Planning Board, which requires a public hearing.
- Chair F. Cowett asked E. Lindys if she planned to serve dinner on any specific evenings.
- E. Lindys replied that she would like as much flexibility as possible in determining which evenings to serve dinner.
- Code Enforcement Officer B. Cross stated that, in terms of flexibility, it might be in the applicant's interest to request from the Board the ability to serve dinner on all evenings, even if she would not be serving dinner all evenings.
- E. Lindys agreed with Code Enforcement Officer B. Cross and requested an amendment to the special use permit allowing her to serve dinner on all evenings.
- The Board briefly discussed the request and agreed to consider an amendment to the special use permit allowing the applicant to serve dinner on all evenings.
- Chair F. Cowett asked if the restaurant would remain open until 9:00 pm on those evenings when dinner is served.
- E. Lindys confirmed that, on the evenings when dinner is served, the restaurant would remain open until 9:00 pm.

**Motion:** J. Leijonhufvud

**Second:** R. Segelken

#### **RESOLUTION No. 254**

#### **TO ACCEPT FOR REVIEW AN AMENDMENT TO THE SPECIAL USE PERMIT FOR THE PROPOSED ALLÉCHANT RESTAURANT AT CORNERS COMMUNITY SHOPPING CENTER**

RESOLVED, that the Planning Board accepts for review an amendment to the special use permit for the proposed Alléchant Restaurant at Corners Community Shopping Center to allow the restaurant to serve dinner on all evenings and to remain open until 9:00 pm on those evenings when dinner is served

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

**Opposed** – None

- Chair F. Cowett asked Attorney R. Marcus if the Board would need to conduct a new SEQRA review in considering the amended special use permit or if the Board could rely on SEQRA findings made previously for the special use permit approved at its April 23, 2018 meeting.
- Attorney R. Marcus replied that, should the Board make a finding that the impact of the change of hours associated with the amended special use permit would not be substantial enough to warrant a change in its previous finding that the proposed restaurant would not result in any significant adverse environmental impacts, then the Board could categorize the amended special use permit as an Unlisted action and resolve to adopt wholesale the SEQRA findings made at its April 23, 2018 meeting.
- R. Segelken asked E. Lindys when she planned to open the restaurant.
- E. Lindys replied that she planned to open the restaurant in mid-July.

**Motion:** J. Leijonhufvud

**Second:** R. Segelken

**RESOLUTION No. 255**  
**TO HOLD A PUBLIC HEARING FOR THE PROPOSED ALLÉCHANT RESTAURANT AT**  
**CORNERS COMMUNITY SHOPPING CENTER**

RESOLVED, that a public hearing will be held on June 25, 2018 at 7:10 p.m. regarding an amendment to the Special Use Permit for the proposed Alléchant Restaurant at Corners Community Shopping Center.

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

**Opposed** – None

**Item 5 – North Campus Development – Preliminary Presentation**

- K. Michaels, TWLA, introduced the project to the Board; 2000 new beds are being added, of which 1200 are for 1<sup>st</sup> year students, located near Appel Commons , and 800 are for 2<sup>nd</sup> year students, located in the current CC parking lot, as well as new dining facilities and other amenities; 2/3 of the development is located in the City of Ithaca and 1/3 in the Town of Ithaca; 3/4 of the new buildings are located in the City and 1/4 in the Town; new buildings are not located in the Village; sidewalk and grading work will occur in the Village along Jessup Road, extending into the present day CC lot and the RPCC parking lot.
- R. Burgess, Cornell University, read a letter from R. Lombardi, Cornell University, explaining the rationale for the project.
- K. Michaels stated that City zoning is U-1 which allows for 175 feet maximum height for buildings; the Sigma Alpha Mu fraternity building will be demolished; buildings will be designed for a minimum LEED Silver certification; the RPCC parking lot will

be reconfigured and enlarged; extensive bicycle storage is proposed; CC lot is at present only 50% utilized; buildings will be cooled via Lake Source Cooling; power will be provided by Cornell's Combined Heat and Power Plant; Cornell provides its own water.

- E. Quaroni asked about water provision in drought conditions.
- K. Michaels replied that water demand reducing measures implemented during last summer's drought resulted in the provision of sufficient water, but emergency water can be provided via Bolton Point; Bolton Point water is sometimes utilized when Cornell water pressure drops due to fire department testing.
- K. Michaels additionally stated that schematic designs have been completed and environmental forms associated with the project will be submitted on June 15; it is expected that the City will be lead agency for SEQRA review; the 2<sup>nd</sup> year student buildings will begin construction in 2019 and opened in 2021; the 1<sup>st</sup> year student buildings will begin construction in fall 2019 and opened in May 2022.
- Code Enforcement Officer B. Cross asked whether the traffic study associated with the project will include a parking analysis.
- K. Michaels replied that there are two traffic studies underway, one dealing with pedestrian connections, TCAT, and the greater transportation network, and one dealing specifically with car movements including parking.
- R. Segelken asked if construction traffic will be included in the studies.
- K. Michaels replied that construction traffic, including construction vehicle routes, will be included.
- E. Quaroni asked whether Cornell had considered developing the townhouses north of Jessup Road more intensively instead of using the CC parking lot for new dorms.
- R. Burgess replied that redevelopment of the Jessup Road townhouses may comprise a future opportunity, but there are no current plans to do so.
- Code Enforcement Officer B. Cross expressed concern about the five story buildings along Jessup Road abutting the Village's multiple housing zone and asked whether City of Ithaca zoning provided for a buffer or transitional zone between zoning districts with differing building height regulations.
- K. Michaels replied that she does not know the answer to that question, but stated that visual simulations will be provided to better understand the effect of building height along Jessup Road.
- Attorney R. Marcus disclosed to the Board that he has in the past represented K. Michaels, TWLA, and other members of the project team, but not in connection with this matter, and asked if the project team had been in contact with Village Fire Chief G. Tamborelle to discuss plans for first responders.
- K. Michaels replied that she has not yet contacted G. Tamborelle, but will do so soon.
- J. Leijonhufvud disclosed to the Board that she is employed by Cornell University, but her employment is unrelated to this project.
- Chair F. Cowett asked K. Michaels about future scheduling.

- K. Michaels replied that additional materials will be provided to Code Enforcement Officer B. Cross on June 15 and that the project team would like to be added to the Planning Board's agenda for its June 25<sup>th</sup> meeting to discuss them; she hopes that the Village will establish concurrence with the City of Ithaca as lead agency for SEQRA; once SEQRA is completed, and if each municipality concurs with the city's SEQRA findings, each municipality will then undertake its own site plan review.
- Code Enforcement Officer B. Cross asked about energy efficiency and the project's use of natural gas.
- K. Michaels replied that natural gas is used by Cornell's Combined Heat and Power Plant and described the energy efficiencies involved; the project will not require an upsizing of the system, but will result in an increase in the use of natural gas by the power plant.
- R. Burgess stated that the increase in the use of natural gas attributable to the project will be small relative to its overall use at the power plant.

#### Item 6 – Subdivision Review – 543 Cayuga Heights Road

- Code Enforcement Officer B. Cross, referencing a survey map provided by the applicant, discussed the project with the Board; the applicant, who lives at 878 Highland Road, purchased the parcel at 543 Cayuga Heights Road; that parcel is shown on the map as being apportioned into four subparcels, parcels A, B, C and D; parcel B is to be consolidated with the 880 Highland Road parcel via a border line adjustment; parcel D is to be consolidated with the 878 Highland Road parcel via a border line adjustment; parcels A and C represent a minor subdivision with parcel C containing the residence at 543 Cayuga Heights Road.
- Attorney R. Marcus stated that the only new parcel being created is parcel A.
- Trustee M. McMurry asked about parcel consolidation procedure.
- Code Enforcement Officer B. Cross replied that there is no formal procedure, and that consolidation occurs at the property owner's request.
- Code Enforcement Officer B. Cross stated that, according to the formulae contained in § 18.4.C.2 of the Village's Zoning Law, proposed parcels A and C are sufficiently regular in shape; the parcels also conform to minimum average width and depth requirements, setbacks associated with the existing residence are adequate, and no area variances will therefore be required.
- Code Enforcement Officer B. Cross additionally stated that the Village's Steep Slopes Natural Resource Map suggested there may be areas in parcels A and C with slopes between 15 and 25% and possibly a small area with slopes greater than 25%; the Village's Zoning Law requires Planning Board approval for building on slopes between 15 and 25% and prohibits building on slopes greater than 25%.
- Chair F. Cowett invited T. Bael, 878 Highland Road, to address the Board.

- T. Bael, 878 Highland Road, stated that he had been interested in buying additional land in the back of his property; when the 543 Cayuga Heights Road parcel was put up for sale, included in the prospectus was a plan to subdivide that parcel into four smaller parcels; he did not wish to see that parcel subdivided in that manner, believing it would harm neighborhood character, and therefore he purchased the property with the intention of consolidating portions of the 543 Cayuga Heights Road with his parcel and with his neighbor's 880 Highland Road parcel.
- J. Novarr, 876 Highland Road, commended T. Bael for purchasing 543 Cayuga Heights Road, reducing the number of buildable lots, and protecting neighborhood character.
- Chair F. Cowett stated that he had asked Code Enforcement Officer B. Cross to not approve the proposed border line adjustments in advance of the Board's May 29 meeting; the Village's Zoning Law instructs the Board to consider in subdivision review factors such as preserving and enhancing neighborhood character, compatibility with adjacent development and uses, and environmental sustainability in new development, redevelopment, and long term planning; the size of the proposed parcels A and C seems small in relation to neighborhood parcel sizes; within one eighth of a mile 543 Cayuga Heights Road, the average residential parcel size is 0.94 acres and the median parcel size is 0.77 acres; parcels A and C would therefore be substantially smaller than the median neighborhood parcel size, although the parcels at 536 and 538 Cayuga Heights Road across the road from 543 Cayuga Heights Road are similar in size to parcels A and C.
- Chair F. Cowett additionally stated that parcels B and D are of sufficient size and dimensions to be buildable lots; although these parcels are to be consolidated with 880 and 878 Highland Road respectively, and the applicant bought 543 Cayuga Heights Road to prevent its subdivision into four lots, there is nothing that would prevent the owners of those properties from seeking to subdivide them in the future, whereupon 543 Cayuga Heights Road would ultimately be subdivided into four lots; he asked the applicant if consideration had been given to drawing parcel boundaries so as to make future subdivisions more difficult.
- T. Bael replied that such consideration had not been given.
- Chair F. Cowett stated that the survey map provided by the applicant shows the sanitary sewer lateral associated with 878 Highland Road running west across parcel D to a connection with the sewer main on Cayuga Heights Road, but that, except for the electrical line associated with the existing residence at 543 Cayuga Heights Road, no other utilities are shown on the map; it is important that the Board be made aware of any other utilities on site so as to understand whether easements will be required in connection with the subdivision; he requested that, prior to the Board's June 25 meeting, the applicant provide to the Board a survey map showing all other utilities associated with the parcels on the map, and also areas of slope between 15 and 25% and areas of slope greater than 25%.

- T. Bael agreed to provide such a survey map to the Board and asked about next steps in the subdivision process.
- Chair F. Cowett replied that the Board would likely vote tonight to accept the proposed subdivision for further review; the Board would then declare itself lead agency for SEQRA, categorize the SEQRA type of action, and instruct the applicant to fill out part 1 of the SEQRA short form in advance of the Board's June 25 meeting; the Board would then schedule a public hearing for the Board's June 25 meeting.
- T. Bael requested that Code Enforcement Officer B. Cross approve the proposed border line adjustments in advance of the Board's June 25 meeting.
- Chair F. Cowett stated that the Village's Zoning Law gives the Planning Board no role in border line adjustments; however, it is possible that in the course of the subdivision review process, especially given that the Board does not yet have information about utilities or steep slopes on site, the Board might require the applicant to amend proposed parcel boundary lines as a condition of subdivision approval; he therefore suggested that the applicant might want to delay his request that Code Enforcement Officer B. Cross approve the proposed border line adjustments in advance of the Board's June 25 meeting since the border lines might need to be adjusted after the June 25 meeting, although he deferred to Code Enforcement Officer B. Cross's judgment about how best to move forward in the border line adjustment process.
- Code Enforcement Officer B. Cross stated that, if possible, it would be preferable for the applicant to wait until after the Board's June 25 meeting to request approval of any proposed border line adjustments.
- T. Bael withdrew his request that Code Enforcement Officer B. Cross approve the proposed border line adjustments in advance of the Board's June 25 meeting.

**Motion:** R. Segelken

**Second:** E. Quaroni

**RESOLUTION No. 256**  
**TO ACCEPT THE PROPOSED PROJECT AT 543 CAYUGA HEIGHTS ROAD AS A**  
**MINOR SUBDIVISION**

RESOLVED, that the Planning Board accepts the proposed project at 543 Cayuga Heights Road as a Minor Subdivision.

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

**Opposed** – None

- The Board discussed the project in relation to the State Environmental Quality Review Act (SEQRA) and whether to categorize the project as a Type 1, Type 2, or Unlisted SEQRA action.

**Motion:** J. Leijonhufvud

**Second:** E. Quaroni

**RESOLUTION No. 257**  
**SEQRA REVIEW OF THE PROPOSED MINOR SUBDIVISION AT**  
**543 CAYUGA HEIGHTS ROAD**

RESOLVED, that the Planning Board declares itself lead agency for SEQRA review of the proposed Minor Subdivision at 543 Cayuga Heights Road which the Board categorizes as an Unlisted SEQRA action and the property owner is to complete Part 1 of the Short Environmental Assessment Form.

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

**Opposed** – None

**Motion:** R. Segelken

**Second:** E. Quaroni

**RESOLUTION No. 258**  
**TO HOLD A PUBLIC HEARING ON THE PROPOSED MINOR SUBDIVISION AT**  
**543 CAYUGA HEIGHTS ROAD**

RESOLVED, that a public hearing will be held on June 25, 2018 at 7:20 p.m. regarding the site plan review for the proposed Minor Subdivision at 543 Cayuga Heights Road.

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

**Opposed** – None

Item 7 – New Business

- The next meeting of the Planning Board is scheduled for June 25, 2018.

Item 8 – Adjourn

- Meeting adjourned at 9:04 pm.