

Village of Cayuga Heights Planning Board
Meeting #81
Monday, July 23, 2018
Marcham Hall – 7:00 pm
Minutes

Present: Planning Board Members Chair F. Cowett, G. Gillespie, J. Leijonhufvud, R. Segelken
Code Enforcement Officer B. Cross, Deputy Clerk T. Johnson, Trustee M. McMurry,
Alternate E. Quaroni
J. Young, 211 N Sunset Drive
J. Guo, 306 Highland Road
L. Southwick, 306 Highland Road
T. Hoard, HOLT Architects
Members of the Public

Item 1 – Meeting called to order

- Chair F. Cowett opened the meeting at 7:01 pm.
- Chair F. Cowett appointed Alternate E. Quaroni a full voting member of the Board for the meeting.
- Chair F. Cowett stated that the Cornell North Campus development design team has postponed their next presentation until the Board’s August 27 meeting, and that site plan review for the proposed project at 1012 Triphammer Road has also been postponed until the Board’s August 27 meeting.

Item 2 – June 25, 2018 Minutes

- The Board reviewed the minutes of the June 25, 2018 meeting.

Motion: R. Segelken

Second: J. Leijonhufvud

RESOLUTION No. 263
APPROVING MINUTES OF JUNE 25, 2018

RESOLVED, that the written, reviewed and revised minutes of the June 25, 2018 meeting are hereby approved.

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

Opposed – None

Item 3 – Public Comment

- No members of the public wished to comment.

Item 4 – Subdivision Review – 211 N Sunset Drive

- Chair F. Cowett stated that Attorney R. Marcus has advised the Board that he represents the applicant and recuses himself from participating in the substance of the proposed subdivision, although he is able to answer generic or procedural questions.
- Chair F. Cowett further stated that the application is for a minor subdivision at an undeveloped lot which would create one additional undeveloped lot; the applicant has provided a site plan showing proposed lot boundaries, driveways, and building areas, as well as the location of a private sanitary sewer line; the original and proposed new subdivided lot contain areas of slope having a grade between 15% and 25% and having a grade in excess of 25%; in the Village's Zoning Law, § 9.5.A-B regulates improvement of areas of slope having a grade 15% and greater, § 18.4.C.1 states that in calculating minimum lot area and lot coverage areas of slope having a grade of 25% or more covering 2,000 square feet or more of contiguous area shall be excluded from such calculations, and § 18.4.D.1 states that maximum grade for any new driveway shall be 10%; the site plan provided by the applicant restricts building areas to areas of slope having a grade less than 25%, calculates lot area for areas of slope having a grade less than 25%, and shows driveways with a maximum grade less than 10%.
- Code Enforcement Officer B. Cross stated that the minor subdivision would create lots meeting the requirement in the Village's Zoning Law, § 18.4.C.2, for regularity of lot shape.
- E. Quaroni asked for clarification of § 18.4.C.1 and whether there would be sufficient building area with respect to lot coverage after subtracting areas of slope having a grade of 25% or more from lot coverage calculations.
- Chair F. Cowett replied that 85% of the north lot and 95% of the south lot have slopes less than 25% and areas of slope having a grade of 25% or more are not large, and believes there is sufficient building area to meet lot coverage requirements.
- J. Young, 211 N Sunset Drive, explained to the Board that the current lot comprises approximately one and one half acres and therefore can easily be subdivided into two buildable lots; one drawback is a private fifty year old sewer line serving residences at 600 and 604 Cayuga Heights Road which traverses the proposed south lot to connect with a sewer main located on N Sunset Drive; one Cayuga Heights Road property owner agreed with a proposal to move and upgrade the sewer line, but the other did not and so the submitted subdivision plan shows two potential building areas in the south lot both of which avoid disturbing this sewer line.

- Chair F. Cowett asked if the applicant had any plans to develop the lots or would merely seek to sell the lots pending subdivision approval.
- J. Young replied that the intention is to sell the lots and not develop them.
- Chair F. Cowett informed the Board that, as part of the subdivision application process, he and Code Enforcement Officer B. Cross had discussed with the applicant the applicant's intention to remove trees on the property to suggest potential building sites to prospective lot buyers.
- Code Enforcement Officer B. Cross stated that, while a property owner is generally entitled to remove trees except where prohibited in the Village's Zoning Law, tree removal with a subdivision application pending seemed premature and the applicant had agreed not to remove any trees to suggest potential building sites.
- G. Gillespie asked for clarification of tree removal in subdivision and site plan review.
- Chair F. Cowett stated that he and Code Enforcement Officer B. Cross believed that, with respect to subdivision and developing a vacant lot, tree removal pursuant to a proposed subdivision represented a site improvement best considered by the Planning Board in subdivision or site plan review; the Village's Zoning Law requires site plan review in developing a vacant lot which would include tree removal.
- R. Segelken asked if the applicant has obtained purchase offers for the lots contingent on subdivision approval.
- J. Young replied that he has not obtained any such contingent purchase offers.

Motion: R. Segelken

Second: J. Leijonhufvud

**RESOLUTION No. 264
TO ACCEPT THE PROPOSED PROJECT AT 211 N SUNSET DRIVE AS A
MINOR SUBDIVISION**

RESOLVED, that the Planning Board accepts the proposed project at 211 N Sunset Drive as a minor subdivision for subdivision review.

Aye votes – Chair F. Cowett, G. Gillespie, 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: R. Segelken

RESOLUTION No. 265
SEQRA REVIEW OF THE PROPOSED MINOR SUBDIVISION AT
211 N SUNSET DRIVE

RESOLVED, that the Planning Board declares itself lead agency for SEQRA review of the proposed minor subdivision at 211 N Sunset Drive 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, G. Gillespie, J. Leijonhufvud, E. Quaroni, R. Segelken

Opposed – None

Motion: J. Leijonhufvud

Second: E. Quaroni

RESOLUTION No. 266
TO HOLD A PUBLIC HEARING ON THE PROPOSED MINOR SUBDIVISION AT
211 N SUNSET DRIVE

RESOLVED, that a public hearing will be held on August 27, 2018 at 7:10 pm regarding the subdivision review for the proposed minor subdivision at 211 N Sunset Drive.

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

Opposed – None

Item 5 – Site Plan Review – 306 Highland Road

- Chair F. Cowett stated that Attorney R. Marcus has advised the Board that the applicant is a longtime client and he is unable to represent either the Village or the applicant in connection with his application to the Planning Board.
- G. Gillespie recused himself from review of the project as he is an employee of HOLT Architects which is advising the applicant.
- Code Enforcement Officer B. Cross reviewed for the Board the history of the site; the building was previously occupied by the Tau Epsilon Phi fraternity (TEP); in 2013, after a hazing incident, Cornell revoked recognition of the fraternity for four years; TEP's national chapter chose not to reestablish the Cornell chapter, and, except for one year in which it was occupied by a sorority which did no significant construction, the building has not been occupied since 2013; the applicant has signed a contract to purchase the property contingent on Planning Board site plan approval; the applicant

plans to convert the building from a fraternity into a multiple dwelling containing rental apartments.

- E. Quaroni asked about the building's existing interior layout.
- Code Enforcement Officer B. Cross replied that there is a kitchen and dining room on the building's lower floor and there are bedrooms on the upper two floors; an area variance was previously approved by the Village's Zoning Board of Appeals to allow parking within the front yard setback.
- Chair F. Cowett stated that the southern portion of the existing parking area may be within the buffer of an intermittent stream; § 9.4.D.2.a of the Village's Zoning Law allows replacement, renovation, or restoration of parking areas within an intermittent stream buffer, but not their expansion should there be plans to increase the southern portion of the existing parking area.
- L. Southwick replied that there are no plans to increase the southern portion of the existing parking area.
- Chair F. Cowett asked the applicant to confirm the number of occupants and parking spaces, existing and planned, associated with the project.
- J. Guo stated that fraternity occupancy was 38 and that project occupancy would be 36 for Phase I which would increase to 48 in Phase II; there are currently 16 parking spaces; there would be 12 parking spaces in Phase I increasing to 21 parking spaces in Phase II; when the project is completed, there will be 9 four-bedroom units and 6 two-bedroom units; the number of parking spaces provided meets the requirements of the Village's Zoning Law.
- Chair F. Cowett asked Code Enforcement Officer B. Cross to confirm that there is no street parking on Highland Road adjacent to the property.
- Code Enforcement Officer B. Cross confirmed that there is no adjacent street parking.
- Chair F. Cowett stated that after Phase II there will be 48 occupants and 21 parking spaces, including one ADA space, and asked how parking spaces will be assigned to occupants should demand exceed supply.
- J. Guo replied that he might start by assigning one space to each unit, but will not rent to a person needing a space if there are no spaces available.
- E. Quaroni asked if this is a realistic policy considering the number of prospective tenants and the limited number of parking spaces.
- J. Leijonhufvud replied that, if the property owner will not rent to a person with a car if there is no available parking space, it should not be a concern.
- Code Enforcement Officer B. Cross asked Chair F. Cowett about research he has done about parking requirements for multiple dwellings in the City and Town of Ithaca.
- Chair F. Cowett replied that the parking space requirement for multiple dwellings in the Town is virtually the same as the Village's and the City's requirement is not that much different.
- J. Leijonhufvud asked about the construction schedule for the project's Phase I and Phase II.

- L. Southwick replied that Phase 1 construction would begin by early spring with occupancy by fall 2019; Phase 2 construction would then take place and be completed in six to eight months.
- J. Leijonhufvud stated that this schedule implies that the building will be partially occupied during Phase II construction.
- L. Southwick confirmed that the building will be partially occupied during Phase II construction and stated that discussions are ongoing about how best to do this.
- J. Leijonhufvud asked about the year of the building's original construction.
- Code Enforcement Officer B. Cross replied that he cannot remember the precise date of original construction, but the building has two components built at different times; the building is Type 2 non-combustible construction which is superior in terms of fire resistance to a wood framed building.
- Chair F. Cowett asked about erosion mitigation specified in documentation submitted by the applicant to the Board.
- L. Southwick replied that there is erosion along a steep slope behind the building; stormwater currently skirts the building's southern edge and flows down the slope; erosion will be mitigated by replacing asphalt with a grass swale at the building's southeast corner and by installing large rocks and vegetation on the slope.
- Code Enforcement Officer B. Cross stated that the proposed grass swale could be developed more intensively as a stormwater feature designed to handle runoff from the parking area; runoff could be detained, with overflow being piped to an outlet located down the embankment of the adjacent intermittent stream.
- J. Leijonhufvud stated that the site plan submitted by the applicant shows a grassy area in front of the building entrance being replaced by a parking area; this is a large enough area to significantly increase runoff and the stormwater feature mentioned may not be large enough to deal with this runoff.
- Chair F. Cowett stated that the site plan and drawings submitted by the applicant are not of adequate quality nor adequately address Board concerns; for example, if there is going to be a stormwater feature onsite, the Board needs to see a drawing of the site in plan form with dimensions clearly indicated as well as calculations explaining how much stormwater will be handled.
- Code Enforcement Officer B. Cross urged the applicant to get professional support in submitting documentation to the Board.
- J. Leijonhufvud stated that Phase I and Phase II construction would increase the building's footprint and asked Code Enforcement Officer B. Cross if the increase in lot coverage would comply with the Village's Zoning Law.
- Code Enforcement Officer B. Cross stated his belief that, despite the increase in the building's footprint, the increase in lot coverage would comply with the Zoning Law; he will perform the calculations necessary to confirm this; if the increase in lot coverage did not comply with the Zoning Law, the project would require a variance from the Village's Zoning Board of Appeals.

- E. Quaroni stated that there is a row of arborvitae between the street sidewalk and the parking spaces in the front yard setback; she asked whether the language in the area variance previously approved by the Village’s Zoning Board of Appeals specified that there should be plantings between the sidewalk and the parking spaces; she further asked whether the language in the area variance contained limitation on the variance running with the property regardless of a change in property ownership.
- Code Enforcement Officer B. Cross replied that he does not remember the area variance language, but has a copy of the variance and will provide it to the Board.
- J. Leijonhufvud stated that there is an existing path leading from the street sidewalk to the building entrance which is removed in Phase II due to the proposed change in driveway location and the replacement of the grassy area by a parking area; she asked that the applicant add a path or sidewalk to the plan showing a pedestrian connection from the street sidewalk to the building entrance.
- J. Guo replied that he believes there is sufficient area in the northern portion of the lot to add a path connecting the street sidewalk to the building entrance.
- Code Enforcement Officer B. Cross stated to the Board his opinion that the relocation of the driveway entrance shown in Phase II is a substantial improvement because the existing driveway entrance intersects Highland Road at an angle and sight distances are better with the new driveway location.
- J. Guo asked the Board about documentation he needs to provide for the Board’s August 27 meeting.
- Chair F. Cowett replied that the Board needs to see professionally prepared drawings clearly showing Phase 1 and Phase II construction; he further recommended that the applicant get professional advice to address Board concerns about stormwater onsite and to meet with Code Enforcement Officer B. Cross to confirm that the increase in lot coverage will comply with the Village’s Zoning Law and not require a variance from the Village’s Zoning Board of Appeals.

Motion: R. Segelken

Second: E. Quaroni

**RESOLUTION No. 267
TO ACCEPT THE PROPOSED PROJECT AT 306 HIGHLAND ROAD FOR
SITE PLAN REVIEW**

RESOLVED, that the Planning Board accepts the proposed project at 306 Highland Road for site plan review.

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. 268
SEQRA REVIEW OF THE PROPOSED PROJECT AT
306 HIGHLAND ROAD

RESOLVED, that the Planning Board declares itself lead agency for SEQRA review of the proposed project at 306 Highland 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: E. Quaroni

Second: R. Segelken

- The Board discussed whether, given the need for professional prepared drawings and confirmation that the project will not require a variance from the Village’s Zoning Board of Appeals for lot coverage as well as Board concerns about stormwater, a public hearing should be scheduled for the Board’s August 27 meeting.
- Code Enforcement Officer B. Cross recommended that the Board schedule the public hearing for the Board’s August 27 meeting; if professionally prepared drawings are not forthcoming, Board concerns about stormwater are not addressed, or the project requires a variance from the Village’s Zoning Board of Appeals for lot coverage, the public hearing can be cancelled.

RESOLUTION No. 269
TO HOLD A PUBLIC HEARING ON THE PROPOSED PROJECT AT
306 HIGHLAND ROAD

RESOLVED, that a public hearing will be held on August 27, 2018 at 7:20 pm regarding site plan review for the proposed project at 306 Highland Road.

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

Opposed – None

Item 6 – New Business

- Trustee M. McMurry briefly discussed with the Planning Board proceedings from the recent meeting of the Village’s Board of Trustees concerning parking enforcement in the Village’s public street right-of-way and an amendment to the Village’s Zoning Law concerning the keeping of chicken hens.
- The next meeting of the Planning Board is scheduled for August 27, 2018.

Item 7 – Adjourn

- Meeting adjourned at 9:04 pm.