

Village of Cayuga Heights Planning Board
Meeting #85
Thursday, February 28, 2019
Marcham Hall – 7:00 pm
Minutes

Present: Planning Board Members Chair F. Cowett, G. Gillespie, J. Leijonhufvud, E. Quaroni
R. Segelken
Code Enforcement Officer B. Cross, Attorney R. Marcus, Deputy Clerk P. Rich, Trustee M.
McMurry
V. Villagonzalo (property owner), D. Burns (contractor), 103 Berkshire Rd
K. Michaels, Trowbridge Wolf Michaels Landscape Architects (TWMLA)
Members of the Public

Item 1 – Meeting called to order

- Chair F. Cowett opened the meeting at 7:02 pm.

Item 2 – October 22, 2018 Minutes

- The Board reviewed the minutes of the October 22, 2018 meeting.

Motion: R. Segelken

Second: J. Leijonhufvud

RESOLUTION No. 287
APPROVING MINUTES OF OCTOBER 22, 2018

RESOLVED, that the written, reviewed and revised minutes of the October 22, 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 – Site Plan Review – 103 Berkshire Road

- Chair F. Cowett reviewed the history of this project; 103 Berkshire Rd was subdivided from 105 Berkshire Rd in November 2015; due to road frontage for the resulting 105 Berkshire Rd lot not meeting zoning requirements, a variance was sought from and granted by the Village's ZBA; the terms of the variance included that (1) the width at the road for the resulting 105 Berkshire Rd lot be no less than 38 feet and both lots share the existing curb cut and the existing driveway as much as possible and (2) the 103 Berkshire Rd lot could only be used by at most two unrelated occupants or a single family with no unrelated occupants; in granting the variance request, the ZBA expressed concern with stormwater runoff should the subdivided lot be improved and requested that the Planning Board address this concern in its consideration of subdivision approval; in approving the subdivision in November 2015, the Planning Board imposed conditions that (1) post-construction stormwater runoff must equal or be less than pre-construction stormwater runoff, subject to approval of a stormwater management plan by the Village's Stormwater Management Officer prior to any construction as a condition of issuing a building permit and (2) existing healthy trees with a DBH (diameter at breast height) of six inches or more whose trunks were located within the twenty-five foot front yard setback should not be removed without the approval of the Village Forester, subject to the procedures and penalties pertaining to street tree protection described in Local Law 2 of 2013, Street Tree and Shrub Protection and Planting.
- Chair F. Cowett stated that the applicant has submitted a professionally drafted site plan and drawings showing existing conditions and a demolition plan, an erosion and sediment control plan, a layout and utility plan, a grading and drainage plan, and details for a silt fence, tracking pad, and tree protection; the site plan shows that both lots share the existing curb cut on Berkshire Road and the existing driveway as much as possible and, in his opinion, this condition of the ZBA's variance has been satisfied; the grading and drainage plan shows consideration of stormwater management such as disconnected roof drainage with downspouts daylighting to splash blocks and then directed to lawn areas; it would be helpful to the Planning Board if the applicant could provide a plan with calculations showing that post-construction stormwater runoff will equal or be less than pre-construction stormwater runoff; the existing conditions and demolition plan shows trees and their DBH located in the front yard setback, and the erosion and sediment control plan shows those trees which will be protected during construction; however, photos taken by the Chair of the site in 2015 strongly suggest that some trees in the front yard setback with a DBH of six inches or more have been removed without the approval of the Village Forester.
- Code Enforcement Officer B. Cross confirmed that some unauthorized tree clearing was done in the front yard setback although he does not know how many trees were removed; the site plan submitted to the Board shows a building footprint that slightly

exceeds the zoning regulation for lot coverage and the footprint will be amended to bring lot coverage into compliance; front, side, and rear setbacks are compliant with zoning; utilities are available and locations shown in the layout and utility plan are generally correct; the sanitary lateral location of may need to be tweaked to avoid requiring a pump, but this should not pose a problem.

- Chair F. Cowett asked the applicant to provide calculations establishing that post-construction stormwater runoff will equal or be less than pre-construction stormwater runoff prior to the Board's next meeting.
- D. Burns replied that these calculations will be provided and stated that some trees may have been removed in error from the front yard setback, but that these trees were dead or diseased per the arborist who removed them.
- Chair F. Cowett replied that the quantity and quality of any trees removed from the front yard setback cannot be verified at this point and vegetation may also have been removed without permission from the Village's right-of-way along Berkshire Road; the reasons for not removing trees in the front yard setback as well as vegetation in the right-of-way was the Board's desire to preserve a vegetative buffer between the subdivided parcel and neighboring properties and also to address the ZBA's concern about stormwater runoff; he suggested the applicant plant new trees thirty feet on center adjacent to Berkshire Road to restore the buffer.
- D. Burns asked if a planting plan showing new trees to be planted as well as any additional vegetation to be planted would work for the Board.
- Chair F. Cowett replied that providing such a plan would be helpful.

Motion: J. Leijonhufvud

Second: R. Segelken

RESOLUTION No. 288
TO ACCEPT THE PROPOSED PROJECT AT 103 BERKSHIRE ROAD FOR
SITE PLAN REVIEW

RESOLVED, that the Planning Board accepts the proposed project at 103 Berkshire Road for site plan 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: E. Quaroni
Second: J. Leijonhufvud

RESOLUTION No. 289
SEQRA REVIEW OF THE PROPOSED PROJECT AT
103 BERKSHIRE ROAD

RESOLVED, that the Planning Board declares itself lead agency for SEQRA review of the proposed project at 103 Berkshire 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, G. Gillespie, J. Leijonhufvud, E. Quaroni, R. Segelken
Opposed – None

Motion: R. Segelken
Second: E. Quaroni

RESOLUTION No. 290
TO HOLD A PUBLIC HEARING ON THE PROPOSED PROJECT AT
103 BERKSHIRE ROAD

RESOLVED, that a public hearing will be held on March 25, 2019 at 7:10 pm regarding site plan review for the proposed project at 103 Berkshire Road.

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

Item 5 – Site Plan Review – North Campus Residential Expansion (NCRE)

- Chair F. Cowett stated that Board member G. Gillespie works for HOLT Architects, Welliver is the construction company associated with this project, HOLT has worked with Welliver, Cornell University, and Trowbridge Wolf Michaels on other projects but not on this project, and there is nothing in G. Gillespie’s professional relationship with Welliver, Cornell, or Trowbridge Wolf Michaels that would impair or influence his judgment in reviewing this project.
- Chair F. Cowett stated further that Attorney R. Marcus has also worked with Trowbridge Wolf Michaels, but not on this project and is able to represent and advise the Village on this project; additionally, several members of the Board have worked in the past or are currently working at Cornell, but there is nothing in their past or present employment that constitutes a conflict of interest nor influences their judgment in reviewing this project.

- Chair F. Cowett reviewed the history of this project from the perspective of the Village Planning Board; the design team introduced the project to the Board at its May 25, 2018 meeting; at its August 27, 2018 meeting, the Board passed a resolution concurring with the City of Ithaca's Planning and Development Board request that the City Board act as lead agency for SEQRA review of the NCRE project; this resolution gave the City Board the authority to conduct and conclude SEQRA and precluded the Village Planning Board undertaking its own SEQRA review in the event that it disagreed with the City Board's conclusions and determination; the Village Planning Board communicated to the City Board concerns about the project, primarily related to traffic and parking, which the City Board considered during the SEQRA review process; while the City Board worked to complete the SEQRA review, the Village Board, at its September 24, 2018 meeting, discussed with the design team and its traffic consultant Board concerns about traffic, parking, building height along Jessup Road, and pedestrian safety; on December 18, 2018, the City Board issued a negative declaration of environmental significance for the project which concluded the SEQRA review process; and now at this meeting, the design team is submitting the project to the Board for site plan review.
- K. Michaels reviewed for the Board the objectives of the NCRE project and then discussed that portion of the project site located within Cayuga Heights; contractor office structures will be located on the tennis and basketball courts north of Jessup Road, and will remain for the three year duration of the project; truck deliveries will be routed from Route 13 south onto N Triphammer Rd, east onto Hanshaw Rd and south onto Pleasant Grove Rd before entering the southern end of A lot for staging on Northcross Rd north of Jessup Road; contractor parking will be located on a grassy area north of A lot and adjacent to Tompkins County's Unique Natural Area 104 (UNA-104) and the Cornell child care center.
- Chair F. Cowett asked how many contractor parking spaces there will be.
- K. Michaels replied that there will be 260 contractor parking spaces; contractor parking will be located no closer than five feet from the tree canopy associated with UNA-104 and will not impinge on the UNA; the grassy area is used as temporary parking for special events such as move-in day and reunion weekend.
- Chair F. Cowett requested that a map showing the precise location of contractor parking be provided to the Board.
- The Board asked whether equipment vehicles would be parked in contractor parking.
- K. Michaels replied that contractor parking spaces will only be used for project worker vehicles.
- The Board asked about the underground pipe extending from the wetland area east of the grassy area and running under the grassy area and the intramural fields towards Triphammer Rd.
- K. Michaels replied that the pipe is 48" in diameter and will not be impacted by contractor parking; the parking area will contain a temporary impervious surface with

striped spaces and can be plowed when there is snow; there will also be erosion and sediment controls as well as construction fencing; the grassy area will be restored at the completion of the project.

- J. Leijonhufvud asked about soil compaction due to contractor parking.
- K. Michaels replied that the grassy area will be decompacted if necessary.
- Code Enforcement Officer B. Cross informed the Board about discussions with the project design team to mitigate stormwater runoff from the contractor parking area; stormwater controls have yet to be defined; one idea would be to install stormwater controls for A lot which currently has no stormwater management to offset runoff from the contractor parking area; this would be advantageous in the long term since contractor parking is temporary, unlike A lot parking.
- K. Michaels stated that contractor offices will consist of 10 to 12 trailers and some parking in the grassy area north of the tennis courts as well as adjacent to Northcross Rd; the grassy area will have the same temporary impervious surface as the contractor parking area and will be similarly restored at project completion; the design team requests that the Planning Board authorize installation of the contractor offices at the Board's meeting tonight without holding a public hearing in order to expedite the project schedule.
- Attorney R. Marcus replied that, because installation of the contractor offices physically impacts property located within the Village, a public hearing to include consideration of such impact must be held prior to the authorization requested and the Planning Board is unable to authorize installation of the contractor offices at tonight's meeting.
- Chair F. Cowett asked whether truck deliveries and also trucks hauling excavated soil from the site could be rerouted via Warren Rd rather than N Triphammer Rd so as to minimize project traffic impact in the Community Corners area, especially during peak traffic times in the AM and PM; statistics contained in the project's traffic study show that vehicle waiting times are less at the Pleasant Grove/Hanhaw intersection than at the N Triphammer/E Upland/Hanshaw intersections; traffic impact could also be reduced by limiting project truck traffic in peak AM and PM traffic hours.
- K. Michaels replied that rerouting trucks via Warren Rd might be a possibility; truck deliveries are estimated to be 10 to 20 per day with 5 deliveries during peak traffic hours; also, truck traffic during the three year project timeframe will vary with most truck traffic occurring during the middle of the timeframe; finally, the Village may not have the authority to regulate truck traffic moving through certain intersections at particular hours of the day.
- Attorney R. Marcus replied that the Village does have such authority and it would not be unreasonable for the Planning Board to impose in site plan review some limit on the number of trucks moving through the Community Corners intersections since these are not just any intersections, but intersections with traffic related issues as found in the project's traffic study.

- Code Enforcement Officer B. Cross agreed with Attorney R. Marcus regarding the Village’s authority to regulate truck traffic and stated that municipalities sometimes enter into road use agreements pursuant to a project since municipal roads may not be designed to withstand project truck traffic; Tompkins County has a road preservation law that temporarily regulates truck traffic associated with a project if the intensity of such traffic would materially damage county roads.
- Code Enforcement Officer B. Cross further stated that he does not believe the turning radius traveling west on Hanshaw Rd and onto Pleasant Grove Rd will accommodate tractor-trailers or dump trucks.
- R. Segelken asked whether trucks could be required to have a flagman.
- K. Michaels replied that it is a project contractual requirement for a tractor-trailer to have a flagman; a software program called AutoTURN will be utilized to analyze the turning radius at the Hanshaw/Pleasant Grove intersection.
- J. Leijonhufvud suggested that the Village might want to demand compensation if truck traffic associated with the project damages Village roads.
- Code Enforcement Officer B. Cross suggested a prohibition on trucks using jake brakes because of brake noise.
- Attorney R. Marcus replied that he has seen some municipalities adopt such a prohibition, but that this typically occurs where there is a significant downhill road component.
- Chair F. Cowett stated that the Village’s Zoning Law requires Dark Sky compliant external lighting fixtures in residential zoning districts; project documents specify the use of fixture shielding which is Dark Sky compliant, but also the use of fixture lamps with 3500 CCT, whereas the International Dark-Sky Association (IDA) states that lamps should have a 3000 CCT maximum.
- K. Michaels replied that Cornell’s exterior lamp standard is 3500 CCT because this lamp requires less energy than a 3000 CCT lamp and research about the benefits of a 3000 CCT maximum lamp versus a 3500 CCT lamp has not yielded conclusive results.

Motion: R. Segelken

Second: G. Gillespie

**RESOLUTION No. 291
TO ACCEPT THE NORTH CAMPUS RESIDENTIAL EXPANSION PROJECT
FOR SITE PLAN REVIEW**

RESOLVED, that the Planning Board accepts the North Campus Residential Expansion Project for site plan review.

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

Opposed – None

- Chair F. Cowett stated for the record that the Board will not schedule a SEQRA review of this project due to its August 27, 2018 resolution of concurrence with the City of Ithaca's Planning and Development Board request that the City Board act as lead agency for SEQRA review of the project which precludes the Village Planning Board undertaking its own SEQRA review.

Motion: J. Leijonhufvud

Second: E. Quaroni

**RESOLUTION No. 292
TO HOLD A PUBLIC HEARING ON THE
NORTH CAMPUS RESIDENTIAL EXPANSION PROJECT**

RESOLVED, that a public hearing will be held on March 25, 2019 at 7:20 pm regarding site plan review for the North Campus Residential Expansion Project.

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

Opposed – None

Item 6 – New Business

- Code Enforcement Officer B. Cross updated the Board about two projects; first, the subdivided lot at 213 N Sunset Dr will likely be sold and the Board can expect to be asked to conduct site plan review for this parcel sometime in 2019; second, the parcels owned by M. Mecenat adjacent to E Upland Rd and Corners Community Shopping Center, formerly called Upland Estates and now called Upland Heights, are being considered by the Village's Board of Trustees for a Planned Development Zone (PDZ); if a PDZ is approved by the Trustees, any project associated with the PDZ will then be submitted to the Planning Board for site plan review.
- The next meeting of the Planning Board is scheduled for March 25, 2019.

Item 7 – Adjourn

- Meeting adjourned at 9:34 pm.