

Village of Cayuga Heights Planning Board
Meeting #108
Monday, February 6, 2023
Marcham Hall – 7:00 pm
Minutes

Present: Planning Board Members Chair F. Cowett, J. Leijonhufvud, R. Segelken
Code Enforcement Officer B. Cross, Attorney R. Marcus, Clerk J. Walker, Alternate Member
M. Johnston, Mayor L. Woodard
L. Schill, Cornell University Planner
T. Norman, Cornell Project Manager
J. Taliento, LaBella Associates
R. Kawecki, Bousquet Holstein PLLC

Item 1 – Meeting called to order

- Chair F. Cowett opened the meeting at 7:01 pm.
- Chair F. Cowett stated that Board Members M. McMurry and E. Quaroni are absent and appointed Alternate M. Johnston a full voting member of the Board for this meeting.
- Chair F. Cowett further stated that R. Kawecki, Bousquet Holstein PLLC, is observing the meeting via Zoom.

Item 2 – January 23, 2023 Minutes

- The Board reviewed the minutes of the January 23, 2023 meeting.

Motion: J. Leijonhufvud

Second: R. Segelken

RESOLUTION No. 368
APPROVING MINUTES OF JANUARY 23 2023

RESOLVED, that the written, reviewed and revised minutes of the January 23, 2023 meeting are hereby approved.

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

Abstained – M. Johnston

Opposed – None

Item 3 – Public Comment

No members of the public wished to speak.

Item 4 – Cornell Child Care Center – Site Plan Review

- Chair F. Cowett stated that at its December 19, 2022 meeting the Planning Board accepted for site plan review the proposed project at the Cornell Child Care Center, located at 150 Pleasant Grove Road; the project involves installation of a geothermal ground-source heat pump system to provide both heating and cooling for the Center; it also involves construction of a 20' x 35' building addition to contain the mechanical equipment associated with the wells and pumps.
- Chair F. Cowett stated further that at its January 23, 2023 meeting the Planning Board Board adjourned the public hearing for this project and scheduled this special meeting in part for the purpose of continuing the public hearing.
- The public hearing adjourned at the January 23rd meeting resumed at 7:04 pm.
- No members of the public wished to speak.

Motion: J. Leijonhufvud

Second: M. Johnston

**RESOLUTION No. 369
TO CLOSE THE PUBLIC HEARING**

RESOLVED, that the public hearing regarding the site plan for the proposed project at the Cornell Child Care Center, 150 Pleasant Grove Road, be closed.

Aye votes – Chair F. Cowett, M. Johnston, J. Leijonhufvud, R. Segelken

Opposed – None

- The public hearing closed at 7:05 pm.
- Chair F. Cowett asked if Board members had any questions or comments prior to moving to consider discussion of § 305-117.B of the Village’s Zoning Law, “Factors to be considered by the Planning Board in site plan review.”
- M. Johnston stated that he is an employee of Cornell and knows the individuals in the project team, but there is nothing in his employment that would impair or influence his judgment in reviewing this project.
- The Board discussed § 305-117.B of the Village’s Zoning Law, “Factors to be considered by the Planning Board in site plan review.”

o *Location and site of the use:*

The site is located at 150 Pleasant Grove Road in the Village's Multiple Housing zoning district. The Tompkins County property class code is 613 for College/University.

o *Nature and intensity of the use:*

The existing use of the site is a Child Care Center associated with Cornell University. The project proposes drilling 21 geothermal wells pursuant to installation of a ground-source heat pump system to provide heating and cooling for the Center and construction of a single story 700 square foot building to contain the mechanical equipment associated with that system.

o *Size and topography of the site:*

The overall parcel is 56 acres and slopes towards the west. The project site consists of a 0.1 acre well field and a 700 square foot building. The topography associated with the project site is relatively flat.

o *Location of the site in respect to road access:*

The project site is adjacent to Pleasant Grove Road to the east. Access to Pleasant Grove Road during construction will be provided by a temporary gravel driveway which will be removed when construction is completed.

o *Provisions for parking:*

The improvements associated with this project do not require any permanent increase in parking. During construction, the drill rig for the geothermal wells will be parked on the project site and all other construction related vehicles will be parked in Cornell's A parking lot.

o *Relationship of improvements and lot size to the parking area:*

Improvements include a .01 acre field containing 21 geothermal wells and a one story 700 square foot building containing mechanical equipment associated with the wells; the parking area onsite consists of the space required for the drill rig.

- *Traffic and noise generated by the proposed use:*

There will be a slight increase in traffic associated with site construction, but no permanent increase in traffic once construction is completed. Noise generated beyond the Child Care Center parcel is expected to be negligible.

- *Landscaping:*

Five trees will be removed for construction. The trees will be replaced when construction ends with comparable tree species selected by the University Landscape Architect. A split rail fence will be removed temporarily during construction and restored afterwards along with any lawn that has been disturbed.

- *Architectural features:*

The new building will be largely below grade. Its roof will be flat with guard rails along its perimeter. Mechanical equipment may be added to the roof in the future as needed.

- *Location and dimension of the improvements:*

The new building is located adjacent to and north and east of the existing Child Care Center and approximately 50 feet from the front yard property line with Pleasant Grove Road to the east. Setbacks and lot coverage are compliant with the Village's Zoning Law. The well field, which consists of 0.1 acres, is located north and west of the building and north of the Child Care Center. The municipal boundary between the Village of Cayuga Heights and the Town of Ithaca bisects the well field, and three of the field's 21 wells are located in the Town.

- *Impact of the proposed use on adjacent land uses:*

Adjacent land uses include university housing, a parking lot, a golf course, a frisbee golf course, and a Cornell University Natural Area. The proposed project improvements, which include a .01 acre well field and a one story 700 square foot building, are limited in land use extent and intensity. In addition, the building will be largely below grade and the well field will be virtually imperceptible. Therefore, the impact of the proposed use on the adjacent land uses is expected to be slight.

- *Impact of the proposed use on the environment:*

The project increases stormwater runoff due to the new building's 700 square foot roof. This increase is not substantial and will be accommodated by the stormwater management plan and practices implemented by the Child Care Center when originally built. The geothermal

ground-source pumps will be more energy efficient than the Child Care Center's current heating and cooling systems and will also reduce, if not eliminate, natural gas use onsite.

- *Impact of the proposed use on infrastructure and existing Village services, including sewer, water, stormwater management, solid waste disposal, fire protection, police protection, and road maintenance:*

The project will increase stormwater runoff, but this increase is not substantial and will be accommodated by the stormwater practices already existing onsite. There will be negligible if any impact on other Village services.

- *Provisions made for reducing energy use or incorporating renewable energy systems into project design:*

The project incorporates geothermal ground-source pumps for building heating and cooling, which will be more efficient than the current heating and cooling systems, and will also reduce, if not eliminate, natural gas use onsite.

- *Effect on population density, if any:*

The project will not increase occupancy onsite. Accordingly, there will be no effect on population density.

- *Any other factors reasonably related to the health, safety, and general welfare of Village residents and consistent with the Village's current Comprehensive Plan:*

The Village's current Comprehensive Plan advocates that the Village support improvements in environmental sustainability. This project is consistent with that goal and with the health, safety, and welfare of Village residents.

- M. Johnston stated that the Village's findings assume that the project's new systems will be more energy efficient than the Child Care Center's existing systems, and asked if Cornell will be monitoring the project so as to confirm that the new systems are in fact more energy efficient.
- L. Schill, Cornell University Planner, replied that Cornell will be working with the Child Care Center to monitor the Center's new energy systems; Cornell is interested not just in confirming that the new systems improve energy efficiency for the Center, but in considering their applicability for additional installations on campus.
- R. Segelken asked whether the well field will be landscaped to the extent that it will appear as a grassy field.

- L. Schill replied that, based on a Verizon site where a similar well field was installed, the well field will be barely perceptible, will read like a grassy field, and can be maintained to look like the larger landscape.
- J. Leijonhufvud asked if there are plans for interpretive materials at the well field site.
- L. Schill replied that there are no such plans at present because Child Care Center fencing for the children limits access to the well field.

Motion: J. Leijonhufvud

Second: R. Segelken

**RESOLUTION No. 370
TO APPROVE THE SITE PLAN OF THE PROPOSED PROJECT
AT THE CORNELL CHILD CARE CENTER**

RESOLVED, that, based upon the findings made by the Planning Board in consideration of § 305-117.B of the Village’s Zoning Law, the site plan for the proposed project at the Cornell Child Care Center, 150 Pleasant Grove Road, is hereby approved.

Aye votes – Chair F. Cowett, M. Johnston, J. Leijonhufvud, R. Segelken

Opposed – None

Item 5 – Written Procedures for Video Conferenced Meetings

- Chair F. Cowett stated that at its May 23, 2022 meeting, following a public hearing, the Planning Board authorized by resolution the use of videoconferencing for Board meetings; for Planning Board members to attend meetings via videoconferencing, in compliance with Public Officers Law (POL) § 103-a(2)(b), the Board must adopt written procedures governing member and public attendance for videoconferencing its meetings; Attorney R. Marcus has modified for use by the Planning Board a form provided by the New York State Committee on Open Government of procedures for videoconferenced meetings; a copy of these procedures has been provided to Planning Board members so that the Board can consider at this meeting the adoption of these procedures for Board meetings.

**Village of Cayuga Heights Planning Board
Procedures for Member Videoconferencing Pursuant to Public Officers Law § 103-a**

In compliance with Public Officers Law (POL) § 103-a(2)(a), the Village of Cayuga Heights Planning Board (the “Board”), following a public hearing, authorized by resolution on May 23, 2023 the use of videoconferencing as described in POL § 103-a.

The following procedures are hereby established to satisfy the requirement of POL § 103-a(2)(b) that any public body which in its discretion wishes to permit its members to participate in meetings by videoconferencing from private locations – under extraordinary circumstances – must establish written procedures governing member and public attendance.

1. Board members shall be physically present at any meeting of the Board unless such member is unable to be physically present at one of the designated public meeting locations due to extraordinary circumstances.
2. For purposes of these procedures, the term “extraordinary circumstances” includes disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member’s physical attendance at such meeting.
3. If a member is unable to be physically present at one of the designated public meeting locations and wishes to participate by videoconferencing from a private location due to extraordinary circumstances, the member must notify the Chairperson of the Planning Board no later than four (4) business days prior to the scheduled meeting in order for proper notice to the public to be given.
4. If there is a quorum of members participating at a physical location(s) open to the public, the Board may properly convene a meeting. A member who is participating from a remote location that is not open to in-person physical attendance by the public *shall not* count toward a quorum of the Board but may participate and vote if there is a quorum of members at a physical location(s) open to the public.
5. Except in the case of executive sessions conducted pursuant to POL § 105, the Board shall ensure that its members can be heard, seen, and identified while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon. This requirement shall include the use of first and last name placards physically placed in front of the members or, for members participating by videoconferencing from private locations due to extraordinary circumstances, such members must ensure that their full first and last name appears on their videoconferencing screen.
6. The minutes of the meetings involving videoconferencing based on extraordinary circumstances pursuant to POL § 103-a shall include which, if any, members participated by videoconferencing from a private location due to such extraordinary circumstances.
7. The public notice for the meeting shall inform the public: (i) that extraordinary circumstances videoconferencing will (or may) be used, (ii) where the public can view and/or participate in such meeting, (iii) where required documents and records will be

posted or available, and (iv) the physical location(s) for the meeting where the public can attend.

8. The Board shall provide that each open portion of any meeting conducted using extraordinary circumstances videoconferencing shall be recorded and such recordings posted or linked on the Board's website (<https://cayuga-heights.ny.us>) within five (5) business days following the meeting, and shall remain so available for a minimum of five years thereafter. Such recordings shall be transcribed upon request.

9. If members of the Board are authorized to participate by videoconferencing from a private location due to extraordinary circumstances, the Board shall provide the opportunity for members of the public to view such meeting by video, and to participate in proceedings by videoconference in real time where public comment or participation is authorized. The Board shall ensure that where extraordinary circumstances videoconferencing is used, it authorizes the same public participation or testimony as in person participation or testimony.

10. Open meetings of the Board conducted using extraordinary circumstances videoconferencing pursuant to the provisions of POL § 103-a shall be broadcast pursuant to the requirements of POL § 103(f) and shall utilize technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act (ADA), as amended, and corresponding guidelines. For the purposes of this guideline, "disability" shall have the meaning defined in Executive Law § 292.

11. The in-person participation requirements of POL § 103-a(2)(c) shall not apply during a state disaster emergency declared by the governor pursuant to Executive Law § 28 if the Board determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the Board to hold an in-person meeting.

12. These procedures shall be conspicuously posted on the Board's website (<https://cayuga-heights.ny.us>).

- J. Leijonhufvud asked about section 3 and whether a Board member who took ill the day of a meeting would still be able to attend the meeting and vote on resolutions via videoconferencing.
- Attorney R. Marcus replied that, in his judgment, in such a scenario a Board member could attend the meeting and vote on resolutions as long as the Board member was visible to the public via video and was identified to the public as a Board member; however, the videoconferencing rules are new and no court cases interpreting them have been decided yet.
- M. Johnston asked about section 5 and the requirement that Board members have placards with their names placed physically in front of them.

- Attorney R. Marcus stated that Board members should have these name placards; Planning Board members currently do not have such placards and the Village should provide them.

Motion: R. Segelken

Second: J. Leijonhufvud

RESOLUTION No. 371

TO APPROVE WRITTEN PROCEDURES FOR VIDEO CONFERENCED MEETINGS

RESOLVED, that the Planning Board, pursuant to Public Officers Law (POL) § 103-a(2)(b), approves written procedures for videoconferenced meetings.

Aye votes – Chair F. Cowett, M. Johnston, J. Leijonhufvud, R. Segelken

Opposed – None

Item 6 – New Business

- Chair F. Cowett stated that the Village received just prior to the meeting a revised sketch plan for a residential project at 211 North Sunset Drive for which the Planning Board gave conditional site plan approval on June 27, 2022; the proposed revisions involve the relocation of a private sewer lateral that bisects the parcel, which will in turn allow shifting the residence footprint to the south to facilitate a reduction in the grade of the driveway connecting the residence to North Sunset Drive.
- Code Enforcement Office B. Cross stated that the contractor for the project is still Starland Builders, but C. Shore has replaced R. Varn as the project manager; based on the site plan approved by the Planning Board last June, R. Varn was having trouble meeting the condition of an average driveway slope equal to or less than 15 percent due to the steepness of terrain in that part of the site; C. Shore contacted the owners of the two residences on Cayuga Heights Road who own the sewer lateral and have agreed in principle to move the sewer lateral further to the south; the residence footprint will remain the same, but the residence itself will shift to the south and the driveway will be re-configured to reduce its grade; the Board must decide whether the proposed changes to the site plan approved by the Board last June are either a minor change not requiring a new site plan review or a major change which would; in his opinion, the relocation of the sewer lateral in and of itself is a major change.
- J. Leijonhufvud stated that the revised sketch plan does not provide enough details in order for the Board to make a decision regarding the proposed changes.
- Chair F. Cowett asked about the stormwater management practices which were included in the site plan approved by the Board last June, but are not shown on the revised sketch plan.

- Code Enforcement Office B. Cross replied that C. Shore is aware of the stormwater management practices included in the approved site plan and has contacted S. Gibson, who designed them, to update those practices in the context of the proposed changes to that site plan.
- Chair F. Cowett suggested to the Board adding 211 North Sunset Drive to the agenda for the Board's next meeting, at which C. Shore can present a revised site plan that is more informative than the revised sketch plan as well as any other information that would be helpful to the Board in deciding whether the proposed changes to the site plan approved by the Board in June are minor or major.
- The Board agreed to add 211 North Sunset Drive to the agenda of the Board's next meeting.
- The Board's next meeting is scheduled for Monday, February 27, 2023 at 7:00 pm.

Item 7 – Adjourn

- Meeting adjourned at 7:43 pm.