

Village of Cayuga Heights Planning Board  
Meeting #109  
Monday, February 27, 2023  
Marcham Hall – 7:00 pm  
Minutes

Present: Planning Board Members Chair F. Cowett, J. Leijonhufvud, E. Quaroni, M. McMurry, R. Segelken  
Code Enforcement Officer B. Cross, Attorney R. Marcus, Deputy Clerk A. Jacot, Alternate Member M. Johnston, Mayor L. Woodard  
C. Shore, Starland Builders  
R. Kawecki, Bousquet Holstein PLLC  
Members of the Public

Item 1 – Meeting called to order

- Chair F. Cowett opened the meeting at 7:03 pm.
- Chair F. Cowett stated that all Planning Board members are present; Alternate M. Johnston is welcome to sit with the Board and participate in the meeting, but cannot take part in any votes.
- Chair F. Cowett further stated that R. Kawecki, Bousquet Holstein PLLC, is observing the meeting via Zoom.

Item 2 – February 6, 2023 Minutes

- The Board reviewed the minutes of the February 6, 2023 meeting.

**Motion:** J. Leijonhufvud

**Second:** R. Segelken

**RESOLUTION No. 372  
APPROVING MINUTES OF FEBRUARY 6, 2023**

**RESOLVED**, that the written, reviewed and revised minutes of the February 6, 2023 meeting are hereby approved.

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

**Abstained** – E. Quaroni, M. McMurry

**Opposed** – None

### Item 3 – Public Comment

No members of the public wished to speak.

### Item 4 – Site Plan Review – 211 North Sunset Drive

- Chair F. Cowett stated that, at its February 6<sup>th</sup> special meeting, the Planning Board learned that the Village had 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 include 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; § 305-118(I) of the Village’s Zoning Law, Changes to Approved Site Plan, states that:
  - Proposed changes to an approved site plan 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 site plan. The Zoning Officer shall make one of the following determinations:
    - (1) That the changes are not significant and do not affect the approval of the site plan;
    - (2) That the changes are significant and require the Planning Board to reconsider its site plan approval; or
    - (3) That the changes are significant and require the applicant to submit a new site plan application for the Planning Board to undertake a new site plan review.
- Chair F. Cowett further stated that the Board agreed to add 211 North Sunset Drive to the agenda for this meeting so that C. Shore, who has replaced R. Varn as the project manager, could present a revised site plan showing proposed revisions as well as any other documents that would be helpful in determining whether the proposed changes to the previously approved site plan are significant enough to require the Board to reconsider its previous site plan approval.
- Chair F. Cowett asked Code Enforcement Officer B. Cross about his review of the proposed changes to the project’s site plan.
- Code Enforcement Officer B. Cross replied that the proposed changes are significant, but he has not made a determination as to whether these changes require the Board to reconsider its site plan approval or that they require a new site plan review.
- Code Enforcement Officer B. Cross further stated that C. Shore had emailed him a zipped file containing a revised site plan and additional documents at 6:19 pm this evening which he had forwarded to Chair F. Cowett at 6:49 pm.
- Chair F. Cowett stated that neither he nor any Board member has been able to review the revised site plan and the additional documents prior to the meeting.
- C. Shore, Starland Builders, stated that he had brought paper copies of the revised site plan and documents to the meeting.

- Chair F. Cowett stated that a condition of site plan approval was documentation establishing an average driveway slope equal to or less than 15 percent.
- C. Shore stated that he had contacted the owners of the private sewer lateral bisecting the lot and secured an agreement in principle to move the lateral to the south; this in turn allowed the footprint of the residence to be moved to the southwest to facilitate a driveway with less slope, and the driveway shown in the site plan is less than 15 percent and closer to 10 percent; thought had been given to “flipping” the residence and moving the garage to its south side, but that is no longer being considered; moving the residence also reduced the project’s reliance on retaining walls; M. Palmer of Elwyn & Palmer Consulting Engineers has advised the project on engineering the retaining walls and the foundation.
- E. Quaroni asked how far the residence is set back from the property line; this distance is not shown on the site plan.
- C. Shore replied that the residence is approximately 90 feet from the road.
- E. Quaroni stated that the driveway slope cannot be confirmed from the site plan.
- C. Shore stated that the site plan shows the residence elevation, a contour line where the driveway intersects the road, and a scale to calculate driveway length.
- J. Leijonhufvud stated the driveway is curved and the scale provides only an estimate of driveway length; this is not sufficiently accurate.
- Chair F. Cowett stated that another condition of site plan approval was that material changes to the proposed stormwater management plan required approval by the Village’s Code Enforcement Officer; the revised site plan shows that the stormwater management practice shown in the original site plan still exists, but its positioning and size have changed slightly.
- C. Shore stated that S. Gibson, who had consulted on stormwater management for the project, has revised the stormwater plan.
- Chair F. Cowett stated that another condition of site plan approval was an agreement signed by the applicant and the owners of the private sanitary sewer lateral bisecting the lot to permit connecting a waste water line from the residence to the lateral; he asked if the residence still intends to connect to the sewer lateral and, if so, whether an agreement has been obtained.
- C. Shore stated that the residence still intends to connect to the sewer lateral, but that he was told by a lawyer for the owners of the sewer lateral that a signed agreement is not needed.
- Chair F. Cowett asked Attorney R. Marcus if there is a need for a signed agreement.
- Attorney R. Marcus stated that a signed agreement is necessary.
- C. Shore stated that he would obtain a signed agreement.
- Chair F. Cowett asked the Board, based on the documentation provided by C. Shore, and given that Code Enforcement Officer B. Cross has determined that the proposed changes to the site plan are significant, whether the proposed changes to the site plan

require the Board to reconsider its prior site plan approval or require a new site plan review.

- M. McMurry stated that, according to § 305-118(I) of the Village's Zoning Law, the question as to whether the Board should reconsider its site plan approval or conduct a new site plan review is for Code Enforcement Officer B. Cross to determine.
- Chair F. Cowett asked Attorney R. Marcus if the Board's correct role in § 305-118(I) is to advise Code Enforcement Officer B. Cross about the significance of the proposed site plan changes, should he request that advice, and, if Code Enforcement Officer B. Cross determines that the Board should reconsider its site plan approval, the Board would then need to decide whether or not to reconsider its site plan approval.
- Attorney R. Marcus replied that Chair F. Cowett has accurately stated the Board's role with respect to § 305-118(I); if Code Enforcement Officer B. Cross determines that the Board should conduct a new site plan review, a public hearing would be required; if Code Enforcement Officer B. Cross determines that the Board should reconsider its site plan approval, the Board would then make findings at its next Board meeting as to whether or not to reconsider its site plan approval.
- Attorney R. Marcus stated further that, because Code Enforcement Officer B. Cross has not yet made a determination, he advises the Board to schedule at this meeting a public hearing for the Board's next meeting in case Code Enforcement Officer B. Cross determines a new site plan review should be conducted; the public hearing can be cancelled in advance of the Board's next meeting should Code Enforcement Officer B. Cross determine a new site plan review is not required.
- Chair F. Cowett asked C. Shore and Code Enforcement Officer B. Cross to meet in advance of the Board's next meeting and resolve any issues raised by the Board at this meeting; for example, the Board needs to be provided with the beginning and ending elevations of the driveway and also the driveway's length in order for the driveway slope to be calculated accurately; if the Board does not receive accurate information, it is unable to make reasoned, informed judgments about the project.
- Code Enforcement Officer B. Cross replied that he would meet with C. Shore in advance of the Board's next meeting, make a determination about the significance of the proposed site plan changes at least 10 days prior to it, and issue a report on the project.
- E. Quaroni asked if there is a living space above the residence's garage.
- C. Shore replied that there is.

**Motion:** M. McMurry  
**Second:** J. Leijonhufvud

**RESOLUTION No. 373**  
**TO HOLD A PUBLIC HEARING ON THE PROPOSED PROJECT AT**  
**211 NORTH SUNSET DRIVE**

**RESOLVED**, that a public hearing will be held at Marcham Hall on Monday, March 27, 2023 at 7:10 pm regarding site plan review for the proposed project at the 211 North Sunset Drive.

**Aye votes** – Chair F. Cowett, J. Leijonhufvud, M. McMurry, E. Quaroni, R. Segelken  
**Opposed** – None

- K. Edmondson, 205 N. Sunset Drive, stated concern about stormwater runoff created by the project.
- Chair F. Cowett stated that the project, at the Planning Board’s request, had included a stormwater management practice; post-development stormwater runoff for five and ten year storms would be equal to or less than pre-development runoff and would be reduced to the greatest extent practicable for 100 year storms.
- K. Edmondson Code stated concern with the adequacy of the drainage swale along North Sunset Drive following project development.
- Officer B. Cross stated that, if the drainage swale proves to be inadequate, the Village’s Department of Public Works will take measures to correct this.

Item 5 – New Business

- The Board’s next meeting is scheduled for Monday, March 27, 2023 at 7:00 pm.

Item 6 – Adjourn

- Meeting adjourned at 7:51 pm.