

Village of Cayuga Heights Planning Board
Meeting #110
Monday, March 27, 2023
Marcham Hall – 7:00 pm
Minutes

Present: Planning Board Members Chair F. Cowett, J. Leijonhufvud, E. Quaroni, M. McMurry
Code Enforcement Officer B. Cross, Attorney R. Marcus, Deputy Clerk A. Jacot, Alternate Member M. Johnston, Mayor L. Woodard
C. Shore, Starland Builders
K. Fisher, property owner, 211 North Sunset Drive
S. McCloud, Attorney, Law Office of Serenna L. McCloud
R. Kawecki, Bousquet Holstein PLLC

Item 1 – Meeting called to order

- Chair F. Cowett opened the meeting at 7:03 pm.
- Chair F. Cowett stated that R. Segelken is 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 – February 27, 2023 Minutes

- The Board reviewed the minutes of the February 27, 2023 meeting.

Motion: J. Leijonhufvud

Second: E. Quaroni

**RESOLUTION No. 374
APPROVING MINUTES OF FEBRUARY 27, 2023**

RESOLVED, that the written, reviewed and revised minutes of the February 27, 2023 meeting are hereby approved.

Aye votes – Chair F. Cowett, J. Leijonhufvud, M. Johnston, 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 27 meeting, the Planning Board discussed proposed changes to a residential project at 211 North Sunset Drive for which the Planning Board gave conditional site plan approval on June 27, 2022; the proposed changes include relocating a private sewer lateral that bisects the parcel and shifting the residence footprint to facilitate a reduction in the slope 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 stated further that, at the February 27 meeting, Code Enforcement Officer B. Cross stated that he had determined that the proposed changes are significant, but that he had not yet determined whether these changes would require the Board to reconsider its site plan approval or that they would require a new site plan review; subsequent to the February 27 meeting, Code Enforcement Officer B. Cross made a determination that the proposed changes are significant enough to require the Planning Board to reconsider approval; the Board will reassess at this meeting the conditional site plan approval it gave the project on June 27, 2022.
- Chair F. Cowett stated further that, during site plan review in 2022, the Planning Board had several concerns about the project which resulted in several conditions of site plan approval; those conditions are as follows:
 - (1) Prior to the issuance of a Building Permit:
 - (a) The applicant shall provide to the Village’s Code Enforcement Officer a cross-section view or a profile of the driveway overlaid on the existing grades, showing the driveway length and its starting and ending elevations, sufficient to establish that the average driveway slope is equal to or less than 15 percent; and
 - (b) Material changes to the proposed stormwater management plan shall require approval by the Village’s Code Enforcement Officer.

- (2) The applicant shall provide the Village a copy of an agreement signed by the applicant and the users of the private sanitary sewer lateral bisecting the lot that permits the waste water line from the residence to connect to this lateral.
- (3) Prior to the issuance of a Certificate of Occupancy, a finalized landscape plan containing the species and genera of new plantings, and the number and location of such plantings, shall be submitted to the Planning Board for its approval.
- Chair F. Cowett stated further that, at the Board's February 27, 2023 meeting, Attorney R. Marcus requested the applicant to provide an agreement signed by the applicant and by the owners of the private sanitary sewer lateral bisecting the applicant's lot to permit the applicant to relocate the sewer lateral and to connect a waste water line from the applicant's residence to the lateral.
- Chair F. Cowett asked Board members if they agree that documentation provided by C. Shore, Starland Builders, establishes that the driveway slope, which exceeded 15 percent in the project's original site plan and did not comply with § 305-123.D.1 of the Village's Zoning Law, is now approximately 9 percent, which would comply with the 10 percent driveway slope approved in the 2020 subdivision review and would also satisfy Condition (1a) of the 2022 site plan approval.
- E. Quaroni stated that she would prefer that the Board not state the exact slope of the driveway, but rather that the revised slope complied with Condition (1a) of the 2022 site plan approval.
- Chair F. Cowett stated that the Board should make a finding that the driveway slope is 10 percent or less and therefore in compliance with the 2020 subdivision review.
- M. Johnston stated that he is comfortable with the mathematics provided by the applicant establishing that the driveway slope is approximately 9 percent.
- J. Leijonhufvud asked Code Enforcement Officer B. Cross if he had checked the applicant's measurements for the driveway slope.
- Code Enforcement Officer B. Cross replied that he had checked the applicant's driveway slope measurements and is comfortable with them.
- J. Leijonhufvud stated that the Condition (1a) requires a cross-section view of the driveway which has not been provided by the applicant.
- Chair F. Cowett replied that Condition (1a) states that the applicant can also satisfy this Condition by providing a profile of the driveway overlaid on the existing grades which the applicant has provided.
- Board members agreed that Condition (1a) of the 2022 site plan approval had been satisfied.

Motion: M. McMurry

Second: M. Johnston

**RESOLUTION No. 375
CONFIRMING THAT CONDITION (1a) HAS BEEN SATISFIED**

RESOLVED, that the Board confirms that Condition (1a) of site plan approval for the project at 211 North Sunset Drive has been satisfied by the applicant.

Aye votes – Chair F. Cowett, J. Leijonhufvud, M. Johnston, E. Quaroni, M. McMurry

Opposed – None

- Chair F. Cowett stated that shifting the residence footprint to facilitate the reduction in the driveway slope had resulted in a slight change to the location of the stormwater management practice; in addition, because the applicant has small children, the depth of the practice has been reduced for safety reasons, but the practice’s functionality has been maintained per S. Gibson, who consulted on its original design, by increasing its length; he asked Code Enforcement Officer B. Cross to confirm that, notwithstanding these changes, the stormwater management practice would function as originally designed and that he approved of these changes.
- Code Enforcement Officer B. Cross replied that the stormwater management practice would function as originally designed on a volumetric basis and that he approved of the changes; he will work with C. Shore to add a culvert pipe under the driveway to direct runoff from a swale north of the driveway to the stormwater practice.
- Chair F. Cowett asked Board members if they agree that the documentation provided by C. Shore and approved by Code Enforcement Officer B. Cross demonstrates that, notwithstanding the changes made to the stormwater management practice since the 2022 site plan, the practice would function as originally designed and, if so, Condition (1b) of the 2022 site plan approval would be satisfied.
- Board members agreed that the stormwater practice would function as originally designed and Condition (1b) of the 2022 site plan approval had been satisfied.

Motion: J. Leijonhufvud

Second: E. Quaroni

**RESOLUTION No. 376
CONFIRMING THAT CONDITION (1b) HAS BEEN SATISFIED**

RESOLVED, that the Board confirms that Condition (1b) of site plan approval for the project at 211 North Sunset Drive has been satisfied by the applicant.

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

- Chair F. Cowett stated that the applicant has provided to Code Enforcement Officer B. Cross an agreement signed by the applicant and by the owners of the private sanitary sewer lateral bisecting the applicant’s lot to permit the applicant to relocate the sewer lateral and to connect a waste water line from the applicant’s residence to the lateral; he asked Board members if they agree that the signed agreement satisfies Condition (2) of the 2022 site plan approval.
- J. Leijonhufvud stated that she had not read the signed agreement.
- Board members agreed that Condition (2) of the 2022 site plan approval had been satisfied.

Motion: M. Johnston

Second: M. McMurry

RESOLUTION No. 377
CONFIRMING THAT CONDITION (2) HAS BEEN SATISFIED

RESOLVED, that the Board confirms that Condition (2) of site plan approval for the project at 211 North Sunset Drive has been satisfied by the applicant.

Aye votes – Chair F. Cowett, M. Johnston, E. Quaroni, M. McMurry
Abstained – J. Leijonhufvud
Opposed – None

- Chair F. Cowett stated that a finalized landscape plan has not been provided pursuant to Condition (3), but C. Shore has stated that a plan will be submitted prior to an application for a Certificate of Occupancy; he asked Board members if they agreed that Condition (3) should remain in place pending the applicant’s provision of a finalized landscape plan.
- M. McMurry asked about a sketch plan provided by C. Shore showing tree removed to facilitate construction.
- C. Shore, Starland Builders, replied that the sketch plan only shows tree removals and is not a landscape plan.
- K. Fisher, property owner, 211 North Sunset Drive, stated that trees will be planted to replace those removed for construction; a landscape plan will be provided once the residence is finalized.
- Board members agreed that Condition (3) should remain in place.
- Chair F. Cowett asked Board members if they have any additional concerns or questions about the project.

- Board members stated that they did not have additional concerns or questions.
- Chair F. Cowett asked Board members if they agree, based upon the documents submitted by the applicant and the proceedings of this meeting, that the proposed changes to the site plan for the project at 211 North Sunset Drive do not require the Planning Board to reconsider its June 27, 2022 site plan approval with conditions for this project.
- Board members agreed that the proposed changes to the site plan for this project do not require the Planning Board to reconsider its June 27, 2022 site plan approval with conditions for this project.

Motion: E. Quaroni

Second: J. Leijonhufvud

RESOLUTION No. 378

CONFIRMING THAT THE PROPOSED SITE PLAN CHANGES DO NOT REQUIRE THE PLANNING BOARD TO RECONSIDER ITS SITE PLAN APPROVAL WITH CONDITIONS FOR THE PROJECT AT 211 NORTH SUNSET DRIVE

RESOLVED, that after review of the applicant's proposed changes to the site plan for the project at 211 North Sunset Drive, the Planning Board has determined that these proposed changes do not require the Planning Board to reconsider its June 27, 2022 site plan approval with conditions for this project, and that condition (3) shall remain in place.

Aye votes – Chair F. Cowett, J. Leijonhufvud, M. Johnston, E. Quaroni, M. McMurry

Opposed – None

Item 5 – Developer’s Conference – 509 Wyckoff Road

- Chair F. Cowett stated that a former sorority at 509 Wyckoff Road in the Village’s Multiple Housing Zone has become vacant; there is a proposal to convert the former sorority to apartments; S. McCloud, Attorney, is present to discuss with the Board the details of the proposal and to solicit feedback from the Board prior to submitting an application for a special use permit or site plan review of the project.
- S. McCloud stated that she is representing a client who plans to convert the 19 bedroom/10 bathroom sorority into a 6-unit apartment building; the client plans to work with the current building layout and does not intend to make changes to the building footprint or its structural walls; repairs will be made to the roof, fire escapes, and siding; a kitchen and HVAC unit will be added to each apartment.
- The Board asked about the number of residents in the sorority and whether there would be an increase from that number in the number of apartment residents.

- S. McCloud replied that she did not know the number of sorority residents or the number of apartment residents; the number of bedrooms for two of the apartments depends on available space for new kitchens and HVAC units.
- M. Johnston asked Attorney R. Marcus if there are limits to the number of residents in an apartment building.
- Attorney R. Marcus replied that § 305-25(B)1 of the Village's Zoning Law permits, in buildings containing three or more dwelling units, a maximum of four bedrooms per dwelling unit and up to eight unrelated occupants, but that the Board could specify the total number of residents per dwelling unit.
- Code Enforcement Officer B. Cross stated that the Uniform Building Code could limit the number of residents permitted by § 305-25(B)1 based on bedroom size since the Code requires at least 120 square feet per person for two occupants of a bedroom.
- The Board asked about the number of currently available parking spaces and whether those spaces would be adequate for the number of apartment residents.
- S. McCloud replied that she did not know the number of currently available parking spaces.
- Attorney R. Marcus stated that § 305-90(F)2 requires, for buildings with more than two dwelling units, one parking space for each dwelling unit, plus one additional parking space for every three dwelling units.
- Chair F. Cowett stated that it is premature to discuss whether the number of parking spaces is adequate without knowing the number of apartment residents.
- M. Johnston stated that the conversion of the sorority to an apartment building provides an opportunity to refresh the building's energy consumption practices and to become more energy efficient, such as converting from gas to electric and increasing insulation, and asked S. McCloud's if her client is interested in doing so.
- S. McCloud replied that she did not know if her client has plans for improving the building's energy efficiency.
- M. McMurray stated that the building's use for apartments will likely be less intensive than its use as a sorority; if site plan review is not required, what factors would trigger the Board's review for a special use permit since § 305-25(B)4(a) does not require a special use permit for an apartment building in the Multiple Housing Zone.
- Attorney R. Marcus replied that, based on § 305-25(B)4(a), an apartment building in the Multiple Housing Zone would not require a special use permit.
- J. Leijonhufvud asked S. McCloud about the anticipated demographics of apartment residents.
- S. McCloud replied that apartment residents would likely be students.
- M. Johnston asked if there will be any other exterior site improvements, such as paving the driveway or clearing vegetation.
- S. McCloud replied that additional site improvements such as those suggested by M. Johnston are not planned.

- J. Leijonhufvud stated that bicycle parking could be provided to reduce the number of parking spaces needed by apartment residents.
- Code Enforcement Officer B. Cross stated that he has informed S. McCloud about the Planning Board's process of site plan review and the number of meetings required.
- S. McCloud stated that her client wishes to proceed as quickly as possible and that she will attend the Board's next meeting on April 24, where she hopes the Board will make a decision as to whether further review of the project is required.
- M. Murray suggested to S. McCloud that she provide additional information at the Board's next meeting, such as the sorority's most recent number of occupants, in order to facilitate the Board making a decision about the project.

Item 6 – New Business

- Chair F. Cowett stated that the Village's Comprehensive Plan was adopted by the Board of Trustees in February 2014; the Comprehensive Plan recommends that the Comprehensive Plan should be reviewed and updated every ten years "to ensure it reflects the Village's needs and facilitates continued provision of services to Village residents;" the Village's Board of Trustees is interested in having the Comprehensive Plan updated; the question is how to proceed; Chair F. Cowett and M. McMurry are going to meet with Trustee P. Salton to discuss this, including the role the Planning Board might play; it would be helpful, prior to the Board's next meeting on April 24, if Board members could read the Comprehensive Plan with particular attention to its goals and recommendations; the Board can then discuss at its next meeting on April 24 the updates that should be made to the Comprehensive Plan.
- M. Murray asked Board members, after reviewing the Comprehensive Plan, to also give some thought as to whether they would like to participate in rewriting the Plan.
- The Board's next meeting is scheduled for Monday, April 24, 2023 at 7:00 pm.

Item 7 – Adjourn

- Meeting adjourned at 8:21 pm.