

Village of Cayuga Heights Planning Board
Meeting #114
Monday, July 10, 2023
Marcham Hall – 7:00 pm
Minutes

Present: Planning Board Members Chair F. Cowett, E. Quaroni, R. Segelken
Code Enforcement Officer B. Cross, Attorney R. Marcus, Deputy Clerk A. Jacot, Alternate
Member M. Johnston, Mayor L. Woodard
A. Ciaschi, Adam’s Corners Café, Corners Community Shopping Center

Item 1 – Meeting called to order

- Chair F. Cowett opened the meeting at 7:00 pm.
- Chair F. Cowett stated that that J. Leijonhufvud and M. McMurry are absent and appointed Alternate M. Johnston a full voting member of the Board for this meeting.

Item 2 – June 26, 2023 Minutes

- The Board reviewed the minutes of the June 26, 2023 meeting.

Motion: R. Segelken

Second: M. Johnston

**RESOLUTION No.
APPROVING MINUTES OF JUNE 26, 2023**

RESOLVED, that the written, reviewed and revised minutes of the June 26, 2023 meeting are hereby approved.

Aye votes – Chair F. Cowett, M. Johnston, E. Quaroni, R. Segelken

Opposed – None

Item 3 – Public Comment

- No members of the public wished to speak.

Item 4 – Special Use Permit – Adam’s Corners Café, Corners Community Shopping Center

- Chair F. Cowett stated that, at its May 22 meeting, pursuant to § 305-35.H of the Village’s Zoning Law, the Board accepted for review an application for a special use permit for Adam’s Corners Café, Corners Community Shopping Center; A. Ciaschi,

the café owner, is proposing to expand his existing dining area into an adjacent space formerly occupied by the Aikido Kokikai karate studio and increase dining capacity by 20 seats; at its June 26 meeting, the Board scheduled a public hearing regarding the special use permit application.

- The public hearing commenced at 7:02 pm.
- No members of the public wished to speak.

Motion: M. Johnston

Second: E. Quaroni

**RESOLUTION No. 387
TO CLOSE THE PUBLIC HEARING**

RESOLVED, that the public hearing regarding the special use permit for Adam’s Corners Café, Corners Community Shopping Center, be closed.

Aye votes – Chair F. Cowett, M. Johnston, E. Quaroni, R. Segelken

Opposed – None

- The public hearing was closed at 7:03 pm.
- Attorney R. Marcus asked Code Enforcement Officer B. Cross if the project property is located more than 500 feet from the Town of Ithaca boundary with Cayuga Heights and therefore is not subject to a Tompkins County GML 239 review.
- Code Enforcement Officer B. Cross replied that the project property is located more than 500 feet from the Town of Ithaca boundary and is not subject to a GML 239 review.
- The Board discussed the project in relation to the State Environmental Quality Review Act (SEQRA) which the Board categorized as an Unlisted SEQRA action at its June 26 meeting.
- Attorney R. Marcus stated that the project could instead be categorized as a Type II action pursuant to § 617.5.C.9 and § 617.5.C.18 of the Codes, Rules, and Regulations of the State of New York; § 617.5.C.9 pertains to the “construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;” § 617.5.C.18 pertains to the “reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special use permit, and the action does not meet or exceeds any of the thresholds in section 617.4 of this Part.”

- The Board discussed § 617.5.C.9 and § 617.5.C.18 in relation to the project and agreed to categorize the project as a Type II SEQRA action pursuant to § 617.5.C.18 of the Codes, Rules, and Regulations of the State of New York; no further review of adverse environmental impact is therefore required under SEQRA.

Motion: R. Segelken

Second: M. Johnston

RESOLUTION No. 388

CATEGORIZING THE SEQRA ACTION TYPE OF THE PROPOSED PROJECT AT ADAM'S CORNERS CAFÉ AT CORNERS COMMUNITY SHOPPING CENTER

RESOLVED, that the Planning Board categorizes the project at Adam's Corners Café, Corners Community Shopping Center, as a Type II SEQRA action pursuant to § 617.5.C.18 of the Codes, Rules, and Regulations of the State of New York.

Aye votes – Chair F. Cowett, M. Johnston, E. Quaroni, R. Segelken

Opposed – None

- The Board discussed § 305-128.C of the Village's Zoning Law, "Factors to be considered by the Planning Board in reviewing special use permit applications."
- The Board made the following findings for § 305-128.C of the Village's Zoning Law:

o *Location and site of the use:*

The site is located at Corners Community Shopping Center in the Village's Commercial zoning district. The Tompkins County property class code is 452 and its description is neighborhood shopping center.

o *Nature and intensity of the use:*

The proposed use is a café with a square footage less than 5,000 square feet which is a permitted use in the Village's Commercial zoning district per § 305-35.H of the Village's Zoning Law.

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

The café is located in the Corners Community Shopping Center which is bounded by Hanshaw Road to the north, East Upland Road to the west, and Pleasant Grove Road to the east. Driveway access to the shopping center via public roads consists of three driveways on East Upland Road, one driveway on Hanshaw Road, and one driveway on Pleasant Grove Road.

- *Provisions for parking:*

§ 305-90.F.4.b of the Village's Zoning Law requires a restaurant to provide one off-street parking space for every three seats. The proposed expansion of the dining area increases the number of seats to 32 and requires provision of 11 parking spaces. However, the number of spaces actually needed is likely to be less than that due to parking shared by the clients of other shopping center locations such as the medical office building, laundromat, bank, etc. Additionally, café customers include employees of Sciarabba Walker who walk over from East Upland Road and don't require parking, neither the Heights Restaurant nor Allechant is currently serving lunch, and plenty of available parking exists in the medical office building portion of the shopping center parking lot. Therefore, existing shopping center parking is adequate to meet the proposed increase in the number of café seats.

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

Traffic in the Community Corners area is a constant Village concern and the increase in the number of café seats to 32 may result in increased numbers of vehicles driving Village roads to the shopping center. However, this increase is unlikely to be significant for many of the reasons given with regard to parking demand. Similarly, any noise associated with the expansion of dining capacity can be expected to be slight due to its daytime hours of operation and the café's location in the shopping center's interior.

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

The café is located in the Village's Commercial zoning district in a neighborhood shopping center. There are several adjacent residential properties including single family homes along East Upland Road and Carriage House Apartments to the south of the shopping center parcel. There is no exterior construction associated with the expansion of dining capacity and, given the café's daytime hours of operation and location in the shopping center's interior, any impact on adjacent residential properties should be negligible.

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

The increase in the number of café seats to 32 will neither require exterior construction, entail a change in land use, nor increase impervious surface. Therefore, the project will have little impact on the environment.

- *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 café currently uses Village services such as sewer, water, and police and fire protection. The expansion in dining capacity is unlikely to impact these services nor place a significant additional burden upon them. Village infrastructure will be similarly unaffected.

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

Goal EC1 of the Village's current Comprehensive Plan advocates that the Village maintain and enhance the economic vitality of the Village and in particular its retail and commercial center in the Community Corners area. This project is consistent with that goal and with the health, safety, and welfare of Village residents.

- E. Quaroni asked A. Ciaschi, Adam's Corners Café, if there are outdoor tables used by café patrons during the summer months.
- A. Ciaschi replied that several outdoor tables are used by café patrons during the summer months.
- Code Enforcement Officer B. Cross stated that the outdoor tables in question existed prior to A. Ciaschi acquiring Hope's Place, are not dedicated for use by café patrons, and do not pertain to the proposed dining seating increase which precipitated the special use permit review.

Motion: E. Quaroni

Second: R. Segelken

RESOLUTION No. 389
TO APPROVE THE SPECIAL USE PERMIT FOR ADAM'S CORNERS CAFÉ
AT CORNERS COMMUNITY SHOPPING CENTER

RESOLVED, that, based upon the findings made by the Planning Board in consideration of § 305-128.C of the Village's Zoning Law, the special use permit for Adam's Corners Café at Corners Community Shopping Center is hereby approved.

Aye votes – Chair F. Cowett, M. Johnston, E. Quaroni, R. Segelken

Opposed – None

Item 5 – New Business

- Chair F. Cowett stated that at its June 26 meeting, the Board agreed to postpone further discussion as to whether the Village's Comprehensive Plan should be updated

until its August 28 meeting and to cancel its July 24 meeting if the Board has no business to transact at that time.

- Code Enforcement Officer B. Cross stated that that the Board may be asked to conduct site plan review at its July 24 meeting related to Kendal's tree cutting in the riparian buffer of Renwick Brook and in an adjacent area which may be delineated as a wetland.

Item 6 – Adjourn

- Meeting adjourned at 7:28 pm.