

Village of Cayuga Heights Planning Board
Meeting #124
Monday, November 25, 2024
Marcham Hall – 7:00 pm
Minutes

Present: Planning Board Members Chair F. Cowett, M. McMurry, E. Quaroni, R. Segelken
Code Enforcement Officer B. Cross
Deputy Clerk A. Jacot, Alternate Member M. Johnston, Mayor L. Woodard
R. Kawecki, Bousquet Holstein PLLC
H. Lee, Warren Real Estate
Members of the Public

Item 1 – Meeting called to order

- Chair F. Cowett opened the meeting at 7:00 pm.
- Chair F. Cowett stated that J. Leijonhufvud is absent and appointed Alternate Member M. Johnston a full voting member for the meeting; Attorney R. Marcus is absent; R. Kawecki, Bousquet Holstein PLLC, is attending the meeting via Zoom and is able to provide the Board with legal advice if needed.
- Chair F. Cowett welcomed three students from Ithaca High School who are attending the meeting as a requirement for a class.

Item 2 – October 28, 2024 Minutes

- The Board reviewed the minutes of the October 28, 2024 meeting.

Motion: R. Segelken

Second: E. Quaroni

**RESOLUTION No. 415
APPROVING MINUTES OF OCTOBER 28, 2024**

RESOLVED, that the written, reviewed and revised minutes of the October 28, 2024 meeting are hereby approved.

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

Opposed – None

Item 3 – Planning Board Meeting – December

- Chair F. Cowett stated that next meeting of the Planning Board is scheduled for Monday December 23; some Board members are unable to attend on that date, but would be able to attend a meeting on Monday December 16.
- Board members agreed to reschedule the next Board meeting from December 23 to December 16 at 7:00 pm.

Motion: M. Johnston

Second: E. Quaroni

**RESOLUTION No. 416
RESCHEDULING DECEMBER 2024 PLANNING BOARD MEETING**

RESOLVED, that the next meeting of the Cayuga Heights Planning Board shall be rescheduled from December 23, 2024 to December 16, 2024 at 7:00 pm at Marcham Hall.

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

Opposed – None

Item 4 – Public Comment

- G. Tierney, 408 Highland Road, stated that she is interested in the Quality of Life and Community Character sections of the Comprehensive Plan because they both pertain to community values; a questionnaire made available to Village residents would inform the Board about those values most important to residents and would hopefully result in greater emphasis on sustainability in the updated Comprehensive Plan as compared to the 2014 Plan.

Item 5 – Subdivision – 634 Highland Road

- Chair F. Cowett stated that an application has been submitted to subdivide the property at 634 Highland Road; H. Lee, Warren Real Estate, who is attending the meeting via Zoom, represents the applicant, Philipp Kircher, and has provided a preliminary subdivision plan with contour lines drafted by T.G. Miller; the plan shows the proposed boundaries of parcel A and Parcel B, an existing house, garage and shed on Parcel B, and the locations of an intermittent stream and sewer easement running through both parcels.
- Chair F. Cowett further stated that calculations provided by Code Enforcement Officer B. Cross to the Board establish that Parcel A has an average width of 131.66’ and an average depth of 150.75’ which is compliant with § 305-21 of the Village’s Zoning Law; Parcel B has an average width of 151.46’ and an average depth of 159.64’

which is also compliant with § 305-21; lot coverage of Parcel B is 5.3% which is less than 12% and therefore compliant with § 305-20.A of the Village's Zoning Law.

- Chair F. Cowett further stated that the existing garage on Parcel B is 9.7' from the northern lot boundary which is less than the 15' side yard setback required by § 305-19.A of the Village's Zoning Law; a 1930 drawing by Carl Crandall provided by the H. Lee shows the location of this garage existing at that time; its location therefore predates the Village's initial Zoning Law of 1953 and represents a pre-existing non-conforming zoning condition that is allowed under § 305-10 of the Village's current Zoning Law so long as it remains compliant with the subsections of § 305-10 which includes no further enlargement.
- Chair F. Cowett further stated that the overall slope of Parcel A is calculated to be approximately 8.33% with a maximum of approximately 13.33%; the subdivision plan provided by the applicant shows a buildable area for residence construction with a grade less than 25% and for a driveway with a grade less than 10%; if built upon, the slope of this area would comply with the requirements of the Village's Zoning Law.
- M. McMurry asked about shed in Parcel B shown in the subdivision plan.
- Code Enforcement Officer B. Cross replied that the shed complies with the Village's Zoning Law with respect to size, non-occupancy, and lack of a permanent foundation; it should also be at least 3 feet from the property line and, if closer, must be moved.
- Code Enforcement Officer B. Cross further stated that the final subdivision plan needs to locate and show the top of the embankment of the intermittent stream in order to define a 20 foot stream buffer; it is likely that the sewer easement is located within that buffer; the 1956 right-of-way agreement for the easement does not specify the dimension of the right-of-way's width; it only states that the Village will restrict its operation to the minimum feasible width of the right-of-way; Attorney R. Marcus has provided language for a note concerning the easement that T.G. Miller will need to include in the final subdivision plan which he will forward to H. Lee.
- M. McMurry asked if the final subdivision plan should also show the location of the intermittent stream buffer.
- Code Enforcement Officer B. Cross replied that showing the location of the stream buffer would be helpful.
- M. Johnston asked about the NYSEG easement shown in Parcel B for an above ground electric line leading from Highland Road to the existing house and whether this is typical for parcel maps.
- R. Kawecki, Bousquet Holstein PLLC, replied that this type of easement isn't always shown in a parcel map, but it should be.
- M. Johnston asked if the electrical line could possibly be extended from the house in Parcel B to any house to be built on Parcel A.
- H. Lee replied that a house built on Parcel A would more likely run its own underground electrical line in from Cayuga Park Road rather than extend the above ground line in Parcel B.

- H. Lee asked if any notes included in the final subdivision plan would constitute a deed restriction.
- R. Kawecki, Bousquet Holstein PLLC, replied that it would not.

Motion: R. Segelken

Second: M. McMurry

**RESOLUTION No. 417
TO ACCEPT THE PROPOSED PROJECT AT 634 HIGHLAND ROAD AS A
MINOR SUBDIVISION**

RESOLVED, that the Planning Board accepts the proposed project at 634 Highland Road as a minor subdivision for subdivision review.

Aye votes – Chair F. Cowett, M. Johnston, M. McMurry, 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 I, Type II, or Unlisted SEQRA action.
- Chair F. Cowett stated that the project does not meet the criteria of a Type I action, nor does it conflate with any of the Type II actions not requiring further SEQRA review contained within § 617.5.C of the Codes, Rules, and Regulations of the State of New York; therefore, the project should be categorized as an Unlisted SEQRA action requiring SEQRA review.

Motion: E. Quaroni

Second: R. Segelken

**RESOLUTION No. 418
SEQRA REVIEW OF THE PROPOSED MINOR SUBDIVISION AT
634 HIGHLAND ROAD**

RESOLVED, that the Planning Board declares itself lead agency for SEQRA review of the proposed minor subdivision at 634 Highland 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, M. Johnston, M. McMurry, E. Quaroni, R. Segelken

Opposed – None

- Chair F. Cowett stated that he would provide H. Lee with a copy of Part 1 of the Short Environmental Assessment Form for the applicant to fill out and sign.

Motion: M. Johnston

Second: M. McMurry

**RESOLUTION No. 419
TO HOLD A PUBLIC HEARING ON THE PROPOSED MINOR SUBDIVISION AT
634 HIGHLAND ROAD**

RESOLVED, that a public hearing will be held on December 16, 2024 at 7:10 pm regarding the subdivision review for the proposed minor subdivision at 634 Highland Road.

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

- Code Enforcement Officer B. Cross stated that public notice of the public hearing to be held at the Board’s December 16 meeting would go out at least ten days prior to that meeting.

Item 6 – Comprehensive Plan Update

- The Board resumed its discussion on updating the Village’s Comprehensive Plan.
- M. McMurry stated that the Board should postpone its discussion of the Quality of Life and Community Character sections of the Comprehensive Plan in the absence of J. Leijonhufvud; the Board should consider whether discussion of Comprehensive Plan sections dealing with community values should be postponed until after the Board receives feedback from Village residents via a survey about those values most important to them.
- Mayor L. Woodward stated that Survey Monkey is available to the Board to conduct a survey of Village residents.
- R. Segelken stated that Survey Monkey pertains to the mechanics of doing a survey; the Board needs to focus on the questions to be included in a survey.
- M. Johnston stated that there are many examples of surveys conducted in other municipalities, especially pertaining to sustainability; he will research the questions included in those surveys and will share those with the Board prior to its next meeting.
- The Board agreed to postpone further discussion of the Comprehensive Plan until the December 16 meeting and to focus on potential survey questions at that meeting.

Item 7 – New Business

- Chair F. Cowett stated that the next meeting of the Planning Board will be held on Monday December 16 at 7:00 pm at Marcham Hall.

Item 7 – Adjourn

- Meeting adjourned at 7:58 pm.