Village of Cayuga Heights Planning Board
Meeting #125
Monday, December 16, 2024
Marcham Hall – 7:00 pm
Draft Minutes

Present: Planning Board Members Chair F. Cowett, J. Leijonhufvud, 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 7:03pm.
- Chair F. Cowett stated that all Board members are in attendance; Alternate Member M. Johnston is welcome to participate in the meeting, but cannot take part in any Board votes.
- 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 a student from Ithaca High School who is attending the meeting as a requirement for a class.

Item 2 – November 25, 2024 Minutes

- The Board reviewed the minutes of the November 25, 2024 meeting.

Motion: M. McMurry
Second: R. Segelken

RESOLUTION No. 420
APPROVING MINUTES OF NOVEMBER 25, 2024

RESOLVED, that the written, reviewed and revised minutes of the November 25, 2024 meeting are hereby approved.

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

Item 3 – Public Comment

- No members of the public wished to comment.

Item 4 – Subdivision Review – 634 Highland Road

- Chair F. Cowett stated that the Village has received an application to subdivide the property at 634 Highland Road in the Village's Residence Zone; H. Lee, Warren Real Estate, who is representing the applicant, appeared before the Planning Board via Zoom at its November 25 meeting; the Board accepted the project for subdivision review, declared itself lead agency for SEQRA, and scheduled both SEQRA review and a public hearing for this meeting.
- Chair F. Cowett stated further that, since the Board's November 25 meeting, the applicant has provided a revised survey map showing the location of a 20 foot buffer either side of an intermittent stream, the approximate location of a public sanitary sewer line, and a building envelope where a residence might be constructed; the survey map also contains a note pertaining to the maintenance easement associated with the sewer line and a statement that Parcel A is subject to site plan review by the Village's Planning Board for all lot improvements and any construction; the revised survey map, the applicant's responses to the questions in Part 1 of the SEQRA short form, and the Zoning Officer's Report pertaining to the proposed subdivision have been made available to the public on the Board's webpage in advance of this meeting.
- The public hearing commenced at 7:08 pm.
- J. Braddock, 117 Cayuga Park Road, which is the property adjacent to Parcel A to the north, stated concerns about construction of a residence on Parcel A and how it will impact his everyday life; his house has large windows facing south with an unobstructed view of the open space on Parcel A which would be lost with the construction of a residence; he questioned if the lot as proposed is buildable given the lack of electric, water, and gas utilities currently on Cayuga Park Road; he also asked if variances would be required for construction and about the status of the sewer line for which there is an easement.
- Code Enforcement Officer B. Cross stated that Parcel A as proposed is compliant with the Village's Zoning Law for lot size and shape, and the four sided building envelope shown on the survey map is compliant with zoning setbacks; the degree of slope within the building envelope also is compliant with zoning; if a residence is constructed within that envelope, it is unlikely that variances would be required.
- Chair F. Cowett stated that, if the lot is subdivided and construction of a residence is proposed for Parcel A, site plan review by the Planning Board would be required before any construction could take place; the site plan review process is much more intensive than subdivision review and the Planning Board typically asks many more

questions about a project in site plan review than it does in subdivision review; these questions include but are not limited to landscaping, parking, the driveway slope, and sustainable energy use; the Board is especially interested in stormwater management and asks that post-construction stormwater volume should be equal to or less than pre-construction volume to the greatest extent practicable.

- J. Braddock asked if the neighbors would be able to express concerns to the Planning Board during site plan review.
- Chair F. Cowett replied that just as subdivision review requires a public hearing, site plan review also requires one; he also stated that, while there is a sewer line located on Cayuga Park Road to which a residence on Parcel A could connect, the Planning Board is aware that electric, water, and gas utilities are not currently available to Parcel A on Cayuga park Road; the most likely solution to this issue would be for Parcel A to access electric, water, and gas utilities on Highland Road via an easement traversing Parcel B; he asked J. Braddock how his property accesses electric, water, and gas utilities.
- J. Braddock replied that his property accesses these utilities from Highland Road.
- E. Quaroni asked about the sewer line shown on the survey map and whether this is a private or public sewer line.
- Code Enforcement Officer B. Cross replied that the sewer line shown on the survey map is a public sewer line and is maintained by the Village.
- E. Quaroni asked if this public sewer line only services properties located on Highland Road.
- Code Enforcement Officer B. Cross replied that the area serviced by the public sewer line extends beyond Highland Road.
- J. Braddock expressed concern that a large black walnut tree near his property line would be removed in order to construct a residence on Parcel A
- Code Enforcement Officer B. Cross replied that there is a 15 foot side yard setback from his property line within which a structure such as a residence cannot be built; if the tree is located within that setback, it is unlikely it would need to be removed for residence construction.
- Chair F. Cowett stated that the Village's Zoning Law prohibits the removal of trees on a site prior to site plan review by the Planning Board; he asked J. Braddock to contact him should he see any trees on Parcel A being removed.
- No additional members of the public wished to speak.

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Motion: J. Leijonhufvud
Second: E. Quaroni

RESOLUTION No. 421
TO CLOSE THE PUBLIC HEARING

RESOLVED, that the public hearing regarding subdivision review for the proposed minor subdivision at 634 Highland Road be closed.

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

The public hearing was closed at 7:27 pm

- Chair F. Cowett asked Board members if there were any questions or comments about the proposed subdivision prior to SEQRA review of the project.
- Board members had no questions or comments.
- The Board discussed the project in relation to the State Environmental Quality Review Act (SEQRA) which it categorized at the November 25 meeting as an Unlisted SEQRA action.
- The Board reviewed the applicant's responses to the questions in Part 1 of the SEQRA short form.
- The Board accepted the applicant's responses to the questions in Part 1 of the SEQRA short form and made minor revisions to questions 8c and 14.

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Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information		
Name of Action or Project: Subdivision 634 Highland Road		
Project Location (describe, and attach a location map): 634 Highland Road, Village of Cayuga Heights, Ithaca, NY		
Brief Description of Proposed Action: Proposed action is a minor subdivision of an existing tax parcel		
Name of Applicant or Sponsor: Philipp Kircher	Telephone: 607-255-2068 E-Mail: philipp.kircher@gmail.com	
Address: 634 Highland Rd		
City/PO: Ithaca	State: NY	Zip Code: 14850

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☑	☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:	☑	☐

3. a. Total acreage of the site of the proposed action? 1.01 acres
   b. Total acreage to be physically disturbed? 0 acres
   c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 1.01 acres

4. Check all land uses that occur on, are adjoining or near the proposed action:

5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☑ Residential (suburban)
   ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):
   ☐ *Parkland*

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	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	☑	☐
b. Consistent with the adopted comprehensive plan?	☐	☑	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☑

	NO	YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		
If Yes, identify: _____	☑	☐

	NO	YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☑	☐
b. *Are public transportation services available at or near the site of the proposed action?*	☑	☐
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☑

	NO	YES
9. Does the proposed action meet or exceed the state energy code requirements?		
If the proposed action will exceed requirements, describe design features and technologies:		
_____ Not Applicable	☐	☐
_____		

	NO	YES
10. Will the proposed action connect to an existing public/private water supply?		
If No, describe method for providing potable water: _____	☑	☐
_____		

	NO	YES
11. Will the proposed action connect to existing wastewater utilities?		
If No, describe method for providing wastewater treatment: _____	☑	☐
_____		

	NO	YES
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	☑	☐
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☐	☑

	NO	YES
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	☑	☐
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☑	☐
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____		
_____		
_____		

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14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional
☐ Wetland ☐ Urban ☑ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Lake Sturgeon	☐	☑
16. Is the project site located in the 100-year flood plan?	☑	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources?	☑	☐
If Yes, a. Will storm water discharges flow to adjacent properties?	☐	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☐	☐
If Yes, briefly describe:		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	☑	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	☑	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	☑	☐

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: Philipp Kircher Date: 12/02/2024

Signature: Philipp Kircher dotloop verified 12/02/24 10:31 AM EST HA7H-IFGU-HCZZ-YWQR Title:

- The Board reviewed Parts II and III of the SEQRA short form.

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.
Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☑	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☑	☐
3. Will the proposed action impair the character or quality of the existing community?	☑	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☑	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☑	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☑	☐
7. Will the proposed action impact existing: a. public / private water supplies?	☑	☐
b. public / private wastewater treatment utilities?	☑	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☑	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☑	☐
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☑	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☑	☐

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Agency Use Only [If applicable]	
Project:	
Date:	

Short Environmental Assessment Form
Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☑ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Planning Board, Village of Cayuga Heights	December 16, 2024
Name of Lead Agency	Date
Frederick Cowett	Chair, Planning Board
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Frederick D Cowett	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

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Motion: R. Segelken
Second: E. Quaroni

RESOLUTION No. 422
TO DETERMINE PROPOSED ACTION WILL NOT RESULT IN AN ADVERSE ENVIRONMENTAL IMPACT

RESOLVED, that the Village of Cayuga Heights Planning Board has determined that the proposed minor subdivision at 634 Highland Road will not result in any significant adverse environmental impacts.

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

- Chair F. Cowett stated that the Village's Zoning Law instructs the Planning Board to consider in subdivision review the guidelines and standards for subdivisions, in this case a minor subdivision, as contained in § 305-123; however, before the Board proceeds the make these findings, he is informing the Board that, prior to this meeting, Code Enforcement Officer B. Cross and he consulted with Village Attorney R. Marcus about an easement traversing Parcel B to facilitate access by Parcel A to electric, water, and gas utilities from Highland Road if needed; Attorney R. Marcus advised that the Board can approve the subdivision subject to the condition that there be such an easement, but there needs to be an agreement approved by the Village Attorney and signed by the applicant providing for such an easement, and the location of the easement needs to be shown on the subdivision plat prior to the plat being signed by the Planning Board Chair; therefore, the revised subdivision map submitted to the Board by the applicant for this meeting will need to be revised further to show the location of the easement should the Board approve the subdivision subject to the easement condition.
- H. Lee, Warren Real Estate, stated that agreement for the easement is in the process of being negotiated and could not be provided to the Board for this meeting.
- The Board proceeded to make findings for § 305-123.

    - *Lot size and coverage*:

    The subdivided lots comply with setback and street frontage requirements of the Village's Zoning Law and are of a size consistent with the Residence zoning district and existing neighborhood character. In unimproved Parcel A, the survey map provided by the applicant shows a buildable area for residence construction with a maximum grade of approximately 15% and less than 25% which would comply with the Zoning Law requirements for residence construction. Finally, the buildable area

is of sufficient size to allow for residence construction in compliance with the lot coverage requirements of the Zoning Law.

- *Lot shape*:

Parcels A and B meet the requirements of the Village's Zoning Law for regularity of shape as calculated by the Village's Zoning Officer, and the side lines of both parcels are substantially at right angles to street centerlines. Therefore, lot shape is compliant with the Village's Zoning Law.

- *Lot access*:

Both parcels have adequate vehicular access to public streets, Parcel B to Highland Road and Parcel A to Cayuga Park Road. Parcel B has access to electrical, gas, and water services via utilities located on Highland Road, and to sewer service via a line that traverses Parcel B before connecting to a sewer main located on Cayuga Park Road. Parcel A can obtain sewer service via the sewer main on Cayuga Park Road, but electrical, gas, and water utilities are not located along Cayuga Park Road and electrical, gas, and water services are currently unavailable.

- *Driveways*:

Parcel B has an existing driveway connecting to Highland Road. Parcel A does not have a driveway, but there is adequate space to construct a driveway connecting to Cayuga Park Road with an average slope less than 10% which would be compliant with the Village's Zoning Law. Additionally, such a driveway can be expected to offer drivers exiting it unobstructed views of Cayuga Park Road for a distance commensurate with the speed and volume of traffic on that street.

- The Board discussed whether to approve, approve with conditions, or disapprove the proposed subdivision at 634 Highland Rd.

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Motion: M. McMurry
Second: J. Leijonhufvud

RESOLUTION No. 423
TO APPROVE WITH CONDITIONS THE PROPOSED MINOR SUBDIVISION AT 634 HIGHLAND ROAD

RESOLVED, that, based upon the findings made by the Planning Board in consideration of § 305-123 of the Village's Zoning Law, the proposed minor subdivision at 634 Highland Road is hereby approved subject to the following conditions:

(1) That prior to the Planning Board Chair signing the subdivision plat, the applicant shall provide the Village with a copy of:
(a) An agreement approved by the Village attorney, signed by the applicant, that provides Parcel A with an easement allowing water, electrical, and gas utility service lines to traverse Parcel B in order that Parcel A can connect if needed with utility lines located on Highland Road providing those services; and
(b) a revised subdivision plat that shows the location of these easements.

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

- Chair F. Cowett asked H. Lee if she has been informed by the Chair and by Code Enforcement Officer B. Cross about the process required to record a subdivision plat.
- H. Lee replied that she has been so informed.

Item 5 – Comprehensive Plan Update

- The Board resumed its discussion on updating the Village's Comprehensive Plan and considered possible questions to be included in a resident questionnaire.
- J. Leijonhufvud stated that the Comp Plan sections addressing Quality of Life and Community Character focus on things about the Village that its residents value and what they want to be improved; the cart would be put before the horse for the Board to rewrite those sections without first conducting a survey of Village residents; when the Planning Board drafted the Comp Plan back in 2014, it assumed that it knew what residents valued about the Village; the current Planning Board needs to hear from Village residents before moving forward with updating the Comp Plan.
- J. Leijonhufvud further stated that the 2021 Trumansburg Comprehensive Plan was informed by a survey of Trumansburg residents and could be a model for a Cayuga Heights survey; there are some things that are specific to Trumansburg and some

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things that aren't; it could be a nice guide for the Board so long as the survey the Board comes up with isn't too lengthy.

- The Board discussed the types of questions that could be included and how specific or open-ended questions should be.
- R. Segelken asked if Survey Monkey provides an opportunity for survey respondents to give comments.
- J. Leijonhufvud replied that Survey Monkey does make comments available; open-ended questions would make it more difficult for the Board to arrive at data-driven conclusions.
- M. Johnston discussed the memo he had submitted to Board members; it was intended to summarize why the Comp Plan is important and to spur discussion about how the survey could be structured; there is an emphasis on sustainability and how sustainability can be woven into many Comp Plan components.
- M. Johnston further stated that believes that simple questions are good and that no more than 15 questions should be included in a survey; it could also allow residents to share their information, such as names, age, etc.; this would be good data to know and could be put on the Village website, although providing that information wouldn't be mandatory for residents to complete the survey.
- J. Leijonhufvud stated that some of the questions proposed by M. Johnston are very open-ended; she would prefer more specificity; greater specificity will help to guide the Board; for example, if one of the sustainability goals is to try to minimize the use of natural gas in the village, then one possible question would be do residents believe that construction of a new residence should or should not permit the use of natural gas in that residence; this would be similar to the survey conducted by the Village concerning the use of leaf blowers which had a good response.
- The Board briefly discussed whether one long survey or a series of short surveys made better sense, and whether a series of short surveys would lead to survey fatigue.
- Mayor L. Woodward suggested the Board begin their survey with questions likely to engage residents such as why do you live here, what made you want to live here, and conversely what things don't you like about Cayuga Heights and would like to see changed.

Item 6 – New Business

- Chair F. Cowett stated that the next meeting of the Planning Board will be held on Monday January 27, 2025 at 7:00 pm at Marcham Hall.

Item 7 – Adjourn

- Meeting adjourned at 9:04 pm.

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