

Village of Cayuga Heights Planning Board
Meeting #132
Monday, September 29, 2025
Marcham Hall – 7:00 pm
Minutes

Present: Planning Board Members Chair F. Cowett, M. Johnston, J. Leijonhufvud, M. McMurry, R. Segelken
Code Enforcement Officer B. Cross (via Zoom), Attorney S.O. Shah, Alternate Member E. Quaroni, Deputy Clerk K. Perkins, Mayor L. Woodard, Fire Chief G. Tamborelle
N. Schweitzer, 515 Cayuga Heights Road
J. Salerno, 515 Cayuga Heights Road
C. Gonzalez, Brotherton Construction
J. Guo, 306 Highland Road

Item 1 – Meeting called to order

- Chair F. Cowett opened the meeting at 7:02 pm.

Item 2 – July 28, 2025 Minutes

- The Board reviewed the minutes of the July 28, 2025 meeting.

Motion: M. McMurry

Second: M. Johnston

RESOLUTION No. 442
APPROVING MINUTES OF JULY 28, 2025

RESOLVED, that the written, reviewed and revised minutes of the July 28, 2025 meeting are hereby approved.

Aye votes – F. Cowett, M. Johnston, M. McMurry

Abstained – J. Leijonhufvud, R. Segelken

Opposed – None

Item 3 – August 25, 2025 Minutes

- The Board reviewed the minutes of the August 25, 2025 meeting.

Motion: J. Leijonhufvud

Second: R. Segelken

**RESOLUTION No. 443
APPROVING MINUTES OF AUGUST 25, 2025**

RESOLVED, that the written, reviewed and revised minutes of the August 25, 2025 meeting are hereby approved.

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

Abstained – M. Johnston

Opposed – None

Item 4 – Public Comment

- No members of the public wished to comment.

Item 5 – Site Plan Review – 515 Cayuga Heights Road

- Chair F. Cowett stated that at its August 25 meeting, the Planning Board accepted for further review a preliminary plan for a new residence to be built at an unimproved lot at 515 Cayuga Heights Road; the Board declared itself lead agency for SEQRA and declared the project a Type II action meaning it did not require further SEQRA action; the Board also scheduled a public hearing for this meeting; in the interim, the applicant sought and was granted a variance by the Village’s Zoning Board of Appeals since a portion of the proposed residence would exceed the permitted 25 foot height; the variance included a recommendation to the Planning Board that the driveway to the residence be modified so as to reduce the residence’s visibility to Cayuga Heights Road and to add or keep plantings to further reduce visibility; following the ZBA meeting, C. Gonzalez, Brotherton Construction, met with the Village Forester at the site to identify high quality trees to be preserved so as to maintain the vegetative buffer along Cayuga Heights Road; dead or poor quality trees to be removed were also identified; a utility and drainage plan submitted by the applicant shows connections to electric and water utilities and the Village’s sanitary sewer system; a revised site plan also submitted by the applicant shows a modified, curved driveway providing access to Cayuga Heights Road; the driveway has been moved to the north in order to situate existing trees between it and the residence and to reduce the visibility of the residence from Cayuga Heights Road; the revised site plan additionally shows two

new features, a carport and deck at the residence's northwestern corner and a swimming pool at its southern end; the Zoning Officer's Report states that Village zoning requirements for lot coverage and yard setback limits continue to be met; all documents provided by the applicant were made publically available on the Planning Board's webpage prior to this meeting, and notice of the public hearing scheduled for this meeting was made in accordance with the Village's Zoning Law.

- The public hearing regarding the site plan for the proposed project at the 515 Cayuga Heights Road commenced at 7:08 pm.
- A. Elia, Miller Mayer, stated that he represents M. Pinnisi, 520 Cayuga Heights Road, who is attending the meeting via Zoom; he would like to address the Board after his client does so.
- M. Pinnisi stated that he owns two residences, 520 Cayuga Heights Road where he lives and 516 Cayuga Heights Road where his sister lives; both residences are located opposite 515 Cayuga Heights Road which was a vacant undeveloped parcel for a long time; he is concerned about the proposed project and in particular the height of the residence planned there; he participated in the ZBA meeting which granted a variance for building height which he opposed; he thinks the residence will be too tall and visible from his home on Cayuga Heights Road; there is a reason why the Village's Zoning Law limits roof height and the proposed residence will look like a nearly four story building with a big wall of glass on top of different sized rectangles; he also doesn't like the exposed walkout basement and would prefer if the basement grade facing west was raised to the bottom of the first floor and its egress faced north instead of west; he understands the driveway will be shifted to the north, trees along Cayuga Heights Road will be preserved, and additional trees will be planted where the gated entrance onto Cayuga Heights Road is currently located; this will help limit the proposed residence's visibility from his house, but the residence will still be visible and give the impression of a three and a half story building; he did not receive notification from the Village prior to the first Planning Board meeting discussing this project and wishes the applicants had contacted him before beginning the site review process to discuss their plans with him.
- A. Elia stated that he first has a technical point to make; he believes that adequate notice was not given for meetings and project documentation was not made publicly available sufficiently in advance of those meetings; he also questions why the site plan can be reviewed when there appears to be an unresolved question about an easement with the property owners at 120 Cayuga Park Road.
- Chair F. Cowett stated that the easement in question concerns gas, sewer, and water lines that traverse 515 Cayuga Heights Road in order to connect the residence at 120 Cayuga Park Road to utility mains located on Cayuga Heights Road; the Board will likely require as a condition of site plan approval that the project applicants sign an easement agreement with the property owners at 120 Cayuga Park Road for utility lines to traverse 515 Cayuga Heights Road before the Village's Code Enforcement

Office will issue the applicants a building permit; the Board does not anticipate any difficulty with the easement being agreed to; the parties involved have been waiting for the site plan to be finalized before doing so.

- A. Elia stated that he also has questions about landscaping and how decisions about where and what to plant will be made and if they will be made collaboratively.
- Chair F. Cowett stated that the applicant intends to sign a contract with a landscape architect dependent on site plan approval; the Board will likely require as a condition of site plan approval that, prior to the Village's Code Enforcement Officer issuing the applicants a Certificate of Occupancy, the Planning Board will need to approve a finalized landscape plan containing the species and genera of new plantings, and the number and location of such plantings; this would include any trees to be planted to reduce the visibility of the residence from Cayuga Heights Road.
- N. Schweitzer, 515 Cayuga Heights Road, stated that this is the first time he has built a house, didn't realize that he should have contacted the neighbors about the project, and would be glad to do so now; one of the reasons they chose to build a house in the neighborhood and on this site is because of how wooded the neighborhood and lot are; he would like the house to be hidden as much as possible; he did an experiment with a GoPro on a pole and found that there will be no view of the surrounding landscape from the residence location and the houses across Cayuga Heights Road can't really be seen; the residence location was chosen in part so it would be as far as possible from Cayuga Heights Road without troubling the neighbors at 120 Cayuga Park Road; the objective of the dark colored roof and siding was for the residence to blend into the surrounding woods and be as unobtrusive as possible.
- J. Leijonhufvud stated that the proposed rain garden is located near the driveway between Cayuga Heights Road and the residence location; rain garden plantings are typically low growing and will not provide much visual screening; she asked if there is other vegetation uphill from the street that will help screen the house from Cayuga Heights Road.
- C. Gonzalez, Brotherton Construction replied that the driveway curves around trees and shrubs located uphill between the residence and the street; these trees and shrubs will be effective in helping to obscure the residence.
- J. Leijonhufvud asked if these trees are deciduous or evergreen.
- Chair F. Cowett stated that the trees are mostly deciduous; there is one dead pine that will likely be removed.
- J. Leijonhufvud stated that deciduous trees do not provide as much screening in the winter as evergreens; planting some evergreen trees near the driveway between the residence and Cayuga Heights Road would provide a visual buffer in all seasons.
- C. Gonzalez agreed that planting some evergreen trees would be a good idea and will consult with the Village Forester about which tree species to plant.
- R. Segelken asked if there will be plantings near the basement.

- C. Gonzalez replied that there will be plantings post-construction along the slanted berm adjacent to the basement.
- M. Johnston asked M. Pinnisi to describe the character of the two houses he owns on Cayuga Heights Road.
- M. Pinnisi replied that the house at 516 Cayuga Heights Road is a 1960s ranch house; the house at 520 Cayuga Heights Road is brick and slate and Normandy in style.
- M. Johnston stated that the architectural character of houses in Cayuga Heights varies greatly; he believes the most distinctive character about Cayuga Heights is its verdant nature; vegetation and plantings are intrinsic to the character of the Village.
- M. Pinnisi replied that he agrees with M. Johnston; he was glad to hear N. Schweitzer state a desire for the proposed residence to be as hidden from view as possible and for it to blend into the woods, and would welcome the opportunity to discuss the project with him; however, he is still concerned about the departure from zoning standards to accommodate a residence with non-compliant building height.
- M. Johnston replied that he doesn't think the residence will be easily visible from Cayuga Heights Road and that the zoning code is intended to be flexible.
- Code Enforcement Officer B. Cross stated that he wished to respond to comments made earlier in the meeting; M. Pinnisi did not receive notification from the Village prior to the first Planning Board meeting for this project because that was an initial meeting in which the Board considered whether to accept the project for further review and the Village's Zoning Law does not require neighbor notification for that initial meeting; notification was required for the public hearings conducted at this meeting and at the ZBA meeting at which the variance was granted, and he believes that adequate notification was made by the Village for both of those meetings.
- E. Quaroni asked about the atrium and the black wood siding cladding it.
- C. Gonzalez replied that the siding is a thermally treated blackened wood; windows are large size double pane with glazing to be non-reflective.
- J. Leijonhufvud asked if consideration had been given for incorporating a special glaze or window decals to deter bird strikes on the windows since a wooded area is likely to attract birds.
- C. Gonzalez replied that modifying windows to deter bird strikes had not been considered, but that it will be.
- J. Leijonhufvud asked if the driveway will be asphalt.
- C. Gonzalez replied that gravel was being considered for the driveway.
- J. Leijonhufvud stated that if the driveway will be gravel, consideration should be given to reducing the grade in a small portion of the driveway near the entrance which is shown on the plan to be ten percent.
- C. Gonzalez replied that she will discuss with T.G. Miller reducing the driveway grade as suggested.
- E. Quaroni asked why the basement entrance is located on its west side instead of on its north side.

- C. Gonzalez replied that locating the basement entrance on its north side would have required excavating into the hill instead of working with the site’s natural grade, and preliminary excavation on the north side found bedrock two feet down.
- M. McMurry asked about the characteristics of the EPDM roof.
- C. Gonzalez replied that EPDM is a rubberized roofing material; the roof will be accessible and parquet will be laid down atop the EPMD to prevent penetration and enable plants to be located there.
- R. Segelken asked if the intention is to create a roof garden.
- C. Gonzalez replied that the intention is for vegetation to hang down from the roof to create a more natural appearance rather than to create a roof garden.

Motion: M. McMurry

Second: J. Leijonhufvud

**RESOLUTION No. 444
TO CLOSE THE PUBLIC HEARING**

RESOLVED, that the public hearing regarding the site plan for the proposed project at the 515 Cayuga Heights Road be closed.

Aye votes – Chair F. Cowett, M. Johnston, J. Leijonhufvud, M. McMurry, R. Segelken

Opposed – None

- The public hearing closed at 7:49 pm.
- Chair F. Cowett asked about the status of the easement agreement with 120 Cayuga Park Road.
- C. Gonzalez replied that the easement agreement is near to being concluded now that there is a finalized site plan.
- The Board discussed § 305-117.B of the Village’s Zoning Law, “Factors to be considered by the Planning Board in site plan review,” and made the following findings:

o Location and site of the use:

The site is located at 515 Cayuga Heights Road in the Village’s Residence zoning district. The Tompkins County property class code is 311 for residential vacant land.

o Nature and intensity of the use:

The proposed use is a four bedroom single family residence with a carport, swimming pool, one curb cut, and one driveway. The nature and intensity of this use are consistent with the Residence zoning district and with neighborhood character.

o Size and topography of the site:

The site is 0.8 acres and slopes from east to west towards Cayuga Heights Road with a grade of less than 10 percent which provides ample buildable space in compliance with the current Village Zoning Law. Lot shape is similarly compliant.

o Location of the site in respect to road access:

The site is adjacent to Cayuga Heights Road on its western property line. Access to Cayuga Heights Road will be provided by one curb cut and one driveway.

o Provisions for parking:

§ 305-90.F.1.a of the Village's Zoning Law requires that, for a one-family dwelling, two off-street parking spaces be provided. The project is a single family residence with one dwelling unit, and the carport and driveway provide at least two off-street parking spaces. Therefore, parking provisions are compliant with the Village's Zoning Law.

o Relationship of improvements and lot size to the parking area:

Improvements include a residence, carport, swimming pool, and driveway. The parking area is located to the west of the residence and consists of the carport and driveway apron which provides space for a vehicle turn-around and two exterior parking spaces if needed.

o Traffic and noise generated by the proposed use:

The proposed use is a single family residence with one dwelling unit in the Village's Residence zoning district. The site is currently a vacant lot and improvement with a single family residence will generate some increase in vehicular traffic, but this increase is likely to be slight. Similarly, the proposed use will generate some increase in noise, but this increase is also likely to be slight.

o Landscaping:

The applicant intends to maintain the existing vegetative buffer along Cayuga Heights Road as much as possible and, following construction, will replant the area where a gated entrance currently exists to further reduce the visibility of the residence from Cayuga Heights Road.

A preliminary list of native plantings for the rain garden has been provided. Plant selection will be finalized by a landscape architect who will be hired once the site plan is approved.

- *Architectural features:*

The exterior style for this home is based on Scandinavian modern design with attention to finish elements of wood and concrete-like appeal. The Grand Atrium part of the house will be clad in a black thermally treated wood siding with a matching black metal roof. The main entrance foyer will be entirely glazed and have an EPDM roof. The primary wing will be smooth stucco with an EPDM roof and parapet to facilitate a future roof deck. The undersides of any overhangs will be clad in a lighter natural tone thermally treated wood siding.

- *Location and dimension of the improvements:*

The proposed residence will be located more than 15 feet from the eastern and northern property lines, lot coverage is 6.6%, and the driveway has an average slope of approximately 4% with no grade greater than 10%. Therefore, yard setbacks, lot coverage, and driveway slope are compliant with the Village's Zoning Law. The applicant sought and received a variance from the Village's Zoning Board of Appeals for building height.

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

The project is a single family residence. Adjacent land uses are single family residences. Therefore, the proposed use is consistent with adjacent land uses and its impact on adjacent land uses is expected to be slight.

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

The site is currently a vacant, undeveloped lot. An early version of the site plan showed two intermittent streams, one along the southern property line and the other along the northern property line. Neither stream is shown on the most current USGS topographical map nor is shown in Village Natural Resources Overlay Zone mapping. The applicant has pledged to use silt socks to prevent unwanted debris and runoff from flowing to these streams. Stormwater runoff created by the residence and carport will be directed via a roof downspout system and French drains to a rain garden located west of the residence near the driveway. Calculations shall be provided to establish that the rain garden will mitigate post-construction runoff and that post-construction peak runoff will be equal or less than pre-construction peak runoff for 1, 10, and 100 year precipitation events to the greatest extent practicable.

- *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 residence will connect to existing Village water and sanitary sewer mains located on Cayuga Heights Road and to an existing overhead electrical utility line located near the lot's southern property line via a buried household service line. The proposed use of these services will not substantially impact them. The residence, carport, and driveway will add impervious surface and increase stormwater runoff on site. Proposed stormwater practices will mitigate the impact of runoff on Village stormwater management. The proposed use will not significantly impact other Village services.

- *Provisions made for reducing energy use or incorporating renewable energy systems into project design:*

The house will be entirely electric, heat pump systems will be installed, double-paned low-E glass will be utilized for all glazing, closed cell spray foam will be utilized for all insulation in conjunction with NYS Building Code, and options are being explored for a solar farm provider contract.

- *Effect on population density, if any:*

The site is currently a vacant lot and will be improved with a single family residence with one dwelling unit. Population density will be increased, but this increase will be slight and does not conflict with neighborhood character.

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

Recommendation 1.4 of the Village's current Comprehensive Plan advocates that the Village continue its historic role as a residential neighborhood. This project is consistent with that recommendation and with the health, safety, and welfare of Village residents.

- The Board discussed whether to approve, approve with conditions, or disapprove the site plan.

Motion: R. Segelken

Second: M. Johnston

RESOLUTION No. 445

**TO APPROVE WITH CONDITIONS THE SITE PLAN FOR THE PROPOSED PROJECT AT
515 CAYUGA HEIGHTS ROAD**

RESOLVED, that based upon the findings made by the Planning Board in consideration of § 305-117.B of the Village's Zoning Law, the site plan for the proposed project at 515 Cayuga Heights Road is hereby approved with the following conditions:

(1) Prior to the issuance of a building permit by the Village's Code Enforcement Officer, the applicant shall submit to the Code Enforcement Officer for approval the following:

(a) An Erosion and Sediment Control Plan applicable to construction activity; and

(b) A Stormwater Pollution Prevention Plan (SWPPP) consistent with the requirements of NYSDEC redevelopment standards; and

(c) A finalized stormwater management plan including calculations provided to establish that stormwater practices will mitigate post-construction runoff and that post-construction peak runoff will equal or be less than pre-construction peak runoff for 1, 10, and 100 year precipitation events to the greatest extent practicable; and

(d) An agreement approved by the Village Attorney and signed by the applicant that provides the parcel at 120 Cayuga Park Road an easement allowing for water, electrical, gas, and sewer lines traversing the parcel at 515 Cayuga Heights Road to connect the parcel at 120 Cayuga Park Road with utility lines and a sewer line located on Cayuga Heights Road.

(2) Prior to the issuance of a Certificate of Occupancy by the Village's Code Enforcement Officer, a finalized landscape plan containing the species and genera of new plantings, and the number and location of such plantings, including but not limited to trees to be planted in the area of the current gated entrance along Cayuga Heights Road and evergreen trees where warranted on both sides of the driveway for the purpose of providing a vegetative buffer limiting a view of the residence from Cayuga Heights Road, shall be submitted to the Planning Board for its approval, and the installation of all such plantings shall occur within one (1) calendar year of said approval.

Aye votes – Chair F. Cowett, M. Johnston, J. Leijonhufvud, M. McMurry, R. Segelken

Opposed – None

Item 5 – Site Plan Review – 306 Highland Road

- Chair F. Cowett stated the Planning Board will continue its review of the project at 306 Highland Road in the Village’s Multiple Housing zoning district which proposes to increase the footprint of an apartment building from a site plan approved by the Board in 2018; the project was accepted for review at the Board’s June 26 meeting during which the Board declared itself lead agency for SEQRA review and made a negative finding of adverse environmental impact for the project; on July 7, the Village’s Zoning Board of Appeals granted a variance sought by the applicant to increase lot coverage to 17.1%; at its July 28 meeting, the Planning Board conducted a public hearing and further reviewed the project; Board members stated concerns with the proposed increase in the building footprint including but not limited to an increase in the number of residents concurrent with a reduction in the number of parking spaces not complaint with the Village’s Zoning Law and the elimination of a dedicated no parking fire lane; the applicant and the Planning Board agreed to extend the time for the Board to render its decision on the site plan until this September 29 Board meeting so that the applicant could revise the site plan; for this meeting, the applicant has provided the Board with multiple versions of a revised site plan with a particular focus on parking options.
- Chair F. Cowett stated further that prior to this meeting he had received an email from J. Guo stating as follows: “I am writing to formally request that Mr. Shah recuses himself as the Village Attorney from the site plan review for 306 Highland Road. Mr. Shah and his partners have previously represented or consulted with me, creating a potential conflict of interest.”
- Chair F. Cowett stated further that he contacted Attorney S.O. Shah about J. Guo’s request and received an email in response as follows: “Mr. Guo was last represented by me and my firm back in 2022 regarding a landlord-tenant dispute in Ithaca City Small Claims Court. Our representation concluded over three years ago and had no relation to the pending site plan review. I see no reason to recuse myself.”
- Chair F. Cowett asked Attorney S.O. Shah if he still stands by this email.
- Attorney S.O. Shah replied that he does and sees no reason to recuse himself in connection with this site plan review.
- Chair F. Cowett asked J. Guo if he still wishes Attorney S.O. Shah to recuse himself given Attorney S.O. Shah’s email.
- J. Guo replied that he still wishes Attorney S.O. Shah to recuse himself because he has had a longtime relationship with Attorney S.O. Shah’s firm.
- Chair F. Cowett stated that a similar question arose in 2018 during a previous site plan for this project because Village Attorney R. Marcus had had a longtime relationship representing J. Guo; at that time, Village Attorney R. Marcus stated that he would be unable to advise the Planning Board about matters specific to that site plan review, but would be able to advise the Board about matters pertaining to site plan review

more general in nature; he asked J. Guo if he would agree to Attorney S.O. Shah advising the Board similarly on a more generalized basis.

- J. Guo replied that he would agree to Attorney S.O. Shah advising the Board on that basis.
- Chair F. Cowett stated concerns with the parking options proposed by J. Guo; one concern is with the width of the fire lane in those plans where it is shown; it appears to be about 12 feet wide; he consulted New York State Fire Code which states that a fire lane should be 20 feet wide in a dead end situation.
- Code Enforcement Officer B. Cross stated that Chair F. Cowett has misinterpreted NYS Fire Code; a 20 foot fire lane would not be required in the context of this project.
- Chair F. Cowett stated that Fire Chief G. Tamborelle is present at this meeting; he asked Chief G. Tamborelle how wide he would prefer a fire lane to be.
- Chief G. Tamborelle replied that a 12 foot minimum width for a fire lane would be sufficient; he does not like the site plan versions which show cars being parked right up to the steep slope to the south in what should be a fire lane, especially because the building is not protected by sprinklers nor has a central station monitored fire alarm system.
- M. Johnston asked if the distance between the parking aisles is sufficient.
- Chief G. Tamborelle replied that the distance between the parking aisles looks to be 24 feet which would be sufficient.
- Chair F. Cowett stated that the parking option which shows extending the parking area to the south by building a retaining wall and then filling in the steep slope to the south is a non-starter since the slope adjoins an intermittent stream and its grade is at least 15 to 25%; that type of improvement would be discouraged if not prohibited by the Village's Zoning Law.
- J. Leijonhufvud stated that some parking options assign smaller sized spaces to compact cars and assign larger spaces to regular sized cars in order to increase the number of parking spaces provided; she questioned whether that is workable.
- M. McMurry stated that it is unlikely that those space requirements will be observed.
- Chair F. Cowett stated that the Village's Zoning Law does not permit smaller sized spaces to accommodate compact cars; the problem in his view is that the applicant wants to increase the number of current residents from 39 to 53 at full build-out while also reducing the number of parking spaces and increasing the footprint of a previously approved addition; the site has many constraints with limited buildable area and there are limitations to the improvements that can be made to the site.
- M. Johnston asked J. Guo if he had considered creating additional parking spaces in the 25 foot wide strip of land to the north of the property boundary line.
- J. Guo replied that he has looked at many options for creating additional parking spaces.
- E. Quaroni stated that the 25 foot wide strip of land belongs to a former sorority located on Wyckoff Road.

- M. Johnston stated that on second look the grade to the easement is roughly 4 percent which would require a lot of sitework to create parking spaces.
- M. McMurry stated that she appreciates that J. Guo explored different ways to satisfy parking needs, but it doesn't work; the number of required spaces don't fit with the building expansion he has proposed nor has he stated special circumstances to justify a reduction in the parking requirements, such as an increase in transit service or the provision of additional bicycle storage.
- Code Enforcement Officer B. Cross stated that, if the number of required parking spaces won't fit any plan configuration, the Village's Zoning Law gives the applicant the right to request a 20 percent reduction in the number of parking spaces; the Planning Board also has the right to deny the applicant's request for a 20 percent reduction; if the Planning Board rejects the proposed site plan, then the project defaults back to the 2018 site plan approved by the Planning Board; the 2018 plan showed parking in front of the building entrance whereas a site plan option provided by the applicant shows green space and a rain garden which would be eliminated.
- M. McMurry asked if the 2018 site plan approved by the Planning Board is available to be viewed.
- Code Enforcement Officer B. Cross shared his screen and the 2018 site plan with the Board via Zoom.
- M. McMurry stated that she prefers the 2018 site plan to the site plan proposed in 2025; it's a better fit for the site; she therefore doesn't see the benefit to the Village in reducing the parking requirement and approving the proposed site plan.
- J. Leijonhufvud stated that the proposed 2025 site plan further increases stormwater runoff and doesn't make clear how that runoff will be mitigated.
- J. Guo stated that there is an existing grass swale to the west of the parking area for treating stormwater runoff.
- Chair F. Cowett stated that the grass swale may mitigate some of the runoff from the parking area but it is too small to mitigate runoff from any addition to the building; if the landscaped endcaps at the south end of the parking aisles shown in the 2018 site plan had been installed, curb cuts could have been made in them and they could have been used to mitigate runoff additional runoff from the parking.
- M. Johnston stated that he generally agrees that site constraints limit the ability to increase density and make further improvements to the site.
- J. Guo stated that he has provided multiple options to the Board and isn't clear what it is that the Board wants.
- Chair F. Cowett stated that the Board stated at its July meeting that it wanted a reduction in the size of the proposed building addition which the applicant decided not to do; the Board also stated that it wanted the landscaped endcaps at the south end of the parking aisles, shown in the 2018 site plan but eliminated in the 2025 site plan, to be reinstated, but the applicant did not do this; what the Planning Board did not want was for the applicant to provide to the Board multiple iterations of a parking

plan in the morning prior to tonight's Board meeting when the applicant had more than two months to revise the site plan presented to the Board in July.

- M. McMurry stated that the applicant should have settled on a single parking layout and presented that to the Board.
- Chair F. Cowett asked Board members what they wish to do; the Board can approve, approve with conditions, or disapprove the site plan; it could also request from the applicant a further extension of site plan review if a further extension would be allowed.
- Attorney S.O. Shah stated that a site plan review can be extended if a Planning Board and an applicant both agree to it; the Board should also be aware that, if a variance has been granted by a ZBA, a Planning Board disapproves a site plan, and an applicant returns at a later date with a new site plan, then that applicant would need to request a new variance from that ZBA.
- Chair F. Cowett asked for a straw poll of Board members regarding the project; Board members all stated that the site plan for this project should be disapproved.
- § 305-117.B of the Village's Zoning Law states sixteen factors to be considered by the Planning Board in conducting site plan review. The Board discussed and made the following findings for § 305-117.B:

- o *Location and site of the use:*

The site is located at 306 Highland Road in the Village's Multiple Housing Zone about one quarter mile north of Cornell University. The Tompkins County property class code is 411 for Apartment.

- o *Nature and intensity of the use:*

The building was formerly occupied by 38 members of the Tau Epsilon Phi fraternity (TEP). In 2018, the applicant received site plan approval from the Planning Board in September 2018 to convert the building into apartments with a maximum of 16 dwelling units and 48 residents. The approved site plan included an addition to the existing building of 1,142 square feet, an increase of 34%. That addition has so far not been built. The applicant has returned to the Planning Board with a proposal to increase the previously approved addition to 1,740 square feet, an additional increase of 13%. The previously approved addition and the increase to that addition now sought by the applicant would total a 51% increase to the footprint of the existing building. Moreover, while the number of dwelling units would be reduced to 15, the number of residents would increase to 53. According to the applicant, there are currently 9 functioning dwelling units housing 35 residents.

- o *Size and topography of the site:*

The site is 0.752 acres. It is relatively flat to the north and east, but there are steep slopes along the western property line and to the south along the banks of an intermittent stream. The applicant did not provide a topographic survey to the Planning Board in 2018 and has not provided one to the Board in 2025. Based on a 2011 Town of Ithaca 2 foot interval contour map derived from LiDAR data, the Board's best estimate is that the grade of the slopes along the western property line and to the south are between 15 and 25%. Therefore, a substantial portion of the site is unsuitable for improvement according to the Village's Zoning Law and the area available for construction of an addition to the existing building or for additional site improvements to be made is limited.

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

The site is adjacent to Highland Road on its eastern property line. Vehicular access to Highland Road is currently provided by one driveway and one curb cut on the building's southern side. One site plan iteration proposes a second driveway opposite the building entrance to accommodate additional parking spaces.

- o *Provisions for parking:*

§ 305-90.F.2 of the Village's Zoning Law states that, in the Multiple Housing Zone, for buildings with more than two dwelling units, 1 parking space is required for each dwelling unit and 1 additional parking space is required for every 3 dwelling units. For a building with 15 dwelling units, 20 parking spaces would be required and 1 of those spaces would need to be ADA compliant. There are currently 22 parking spaces on site, although parking space width is approximately 8 feet which is narrower than the 9 foot width required by § 305-90.H.2.a of the Zoning Law and specified in the site plan approved by the Planning Board in 2018. Multiple site plan iterations have been provided by the applicant pursuant to this site plan review, all of which have reduced the number of parking spaces in the site plan approved by the Planning Board in 2018 without stating special circumstances to justify a reduction in those parking requirements.

- o *Relationship of improvements and lot size to the parking area:*

The project is a three story addition to an existing building. The addition would extend eastward towards Highland Road, creating an L-shaped structure which would be 13% larger than the addition approved by the Planning Board in 2018 and which would extend further eastward towards Highland Road. It would result in the loss of parking spaces from the site plan approved in 2018.

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

The proposed use is an apartment building with a footprint of 5,140 square feet which includes a 1,790 square foot three story addition to the existing building. The maximum number of residents approved by the Planning Board in 2018 was 48 and, according to the applicant, the current number of residents is 35. The proposed increase in residents may generate an increase in noise, but that increase is likely to be slight. The proposed reduction in the number of parking spaces could lead to a slight reduction in area traffic.

- *Landscaping:*

The current site plan provided by the applicant shows new plantings in the 10 foot wide landscape strip between the inside edge of the sidewalk along Highland Road and the parking area. New plantings were shown in the same landscape strip in the 2018 site plan approved by the Planning Board, but were not installed, nor was a flower bed and walkway east of the building entrance and parking area. Two landscaped terminal islands shown in the 2018 site plan that clearly delineated the extent of the site's parking aisles and helped define the fire lane were never built and have been removed in the current site plan. A rain garden is shown in one plan iteration, but is removed in another to accommodate a driveway and additional parking places. The current footpath leading to the Highland Road sidewalk is not ADA compliant and none of the site plan iterations specifies an ADA compliant footpath.

- *Architectural features:*

Existing building design is early modern and reflects the 1961 reconstruction of the original structure following a fire. It is composed of Type 2 non-combustible construction which is superior in terms of fire resistance to a wood framed building. The TEP fraternity sign over the building entrance has not been removed. The building's façade consists of several different materials.

- *Location and dimension of the improvements:*

The addition to the existing building would be 13% larger than the addition approved by the Planning Board in 2018. It would extend substantially further towards Highland Road than the addition approved by the Planning Board in 2018, and slightly further to the south and north than the approved 2018 addition. Dimensions of the parking area have been reduced from the 2018 site plan and vary by the iteration of the site plans provided.

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

The project is an apartment building with multiple dwelling units. Adjacent uses are primarily residential including apartment buildings and fraternities, and the proposed use is similar to those land uses.

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

The Planning Board categorized the project as an Unlisted Action under SEQRA, conducted a SEQRA review, made a negative declaration of adverse environmental impact, and found compliance with SEQRA.

- *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 Village's Fire Chief has reviewed multiple iterations of the site plan. He does not like the iterations which removed the no parking fire lane and allowed cars to be parked right up to the steep slope in the south, especially if the building is not protected by sprinklers and a central station monitored fire alarm system is not installed, since this would impede emergency access to the south and west sides of the building if needed. A grass swale shown in the 2018 site plan to the east side of the existing building was installed following that site plan review as a stormwater practice to remediate a portion of parking lot runoff and is retained in the 2025 site plan. Increased utilization of public potable water and public wastewater treatment facilities will not substantially impact them. The project will not significantly impact other Village services.

- *Provisions made for reducing energy use or incorporating renewable energy systems into project design:*

The design will be in compliance with current New York State Energy Code Requirements.

- *Effect on population density, if any:*

The number of building residents would increase from 35 currently to 53 at full build-out, a 51% increase, but would not significantly affect the population density of the neighborhood where several apartment complexes and fraternities are already located.

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

The project proposes to increase the addition to an existing building beyond the addition approved by the Planning Board in 2018. The increase amounts to 598 square feet or 13% which may seem small, but the amount of space available for this increase is in reality quite limited due to site constraints and requires changes to the site plan approved by the Planning Board in 2018 which has yet to be fully executed. It would therefore be unwise to ask the site to accommodate additional improvement and density when its capacity to accommodate the improvement and density previously approved by the Planning Board in 2018 has yet to be demonstrated.

Motion: R. Segelken

Second: J. Leijonhufvud

**RESOLUTION No. 446
TO DISAPPROVE THE SITE PLAN FOR THE PROPOSED PROJECT AT
306 HIGHLAND ROAD**

RESOLVED, that based upon the findings made by the Planning Board in consideration of § 305-117.B of the Village's Zoning Law, the site plan for the proposed project at 306 Highland Road is disapproved for the following reasons:

- (1) Parking space numbers and dimensions are not compliant with the Village's Zoning Law, and the applicant has not stated special circumstances to justify a reduction in those parking requirements; and
- (2) The site has many constraints and it would be unwise to ask the site to accommodate additional density and improvement when the site's capacity to accommodate the additional density and improvement contained in the site plan approved by the Planning Board in 2018 has yet to be demonstrated.

Aye votes – Chair F. Cowett, M. Johnston, J. Leijonhufvud, M. McMurry, R. Segelken

Opposed – None

Item 6 – New Business

- Chair F. Cowett stated that the next regularly scheduled meeting of the Planning Board will be held on Monday October 27th, 2025 at 7:00 pm at Marcham Hall; the Board of Trustees may request that Planning Board members join the Trustees for a special meeting in connection with the proposed Upland Heights PDZ project at the start of the scheduled Trustees meeting on November 19.

Item 7 – Adjourn

- Meeting adjourned at 9:57 pm.